



Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown
Superintendent of Police

September 23, 2021

Andrea Kersten
Interim Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, IL 60622

RE: Superintendent's Non-Concurrence with COPA's proposed penalty
Log Number #2020-0000573
Sergeant Philip Banaszkiwicz, Star #1696

Dear Interim Chief Administrator:

The Chicago Police Department (CPD) concurs with the sustained investigative findings; however, CPD respectfully does not concur with the proposed penalty of a one-hundred-eighty-day (180-day) suspension for Sergeant Philip Banaszkiwicz, Star #1776. CPD believes a thirty-day (30-day) suspension is an appropriate penalty. According to the Municipal Code of Chicago, MCC 2-78-130, the Superintendent provides the following comments when there is a disagreement as to the proposed penalty.

COPA sustained four allegations against Sergeant Banaszkiwicz in that he:

1. failed to file an initiation report after receiving allegations of misconduct,
2. failed to ensure a case report was completed,
3. attempted to dissuade an individual from reporting an allegation of misconduct and/or criminal conduct, and
4. failed to fully capture an incident on a body-worn camera.

On February 2, 2020, [REDACTED], along with his [REDACTED], requested a supervisor. Sergeant Banaszkiwicz responded and met them in the parking lot of a Starbucks. It was explained the [REDACTED] had left and gone to his [REDACTED]'s home after an argument with [REDACTED] upset him. His [REDACTED] is [REDACTED] Officer Oswaldo Maldonado. During Officer Maldonado's statement to COPA, he stated he has known the 14-year-old for eleven years and has been [REDACTED] for seven years. When the minor arrived at their home, Officer Maldonado noticed his [REDACTED]'s emotional state and asked what was wrong. After his [REDACTED] refused to talk, Officer Maldonado stopped him from leaving. The minor indicated to [REDACTED] that Officer Maldonado pushed him into the tub and threatened to strike him if he left. It should be noted that COPA did not sustain any allegations against Officer Maldonado.

Upon arrival at the Starbucks, Sgt. Banaszkiwicz did not activate his BWC; however, he activated his BWC upon arriving at the residence. While on the scene, Sgt. Banaszkiwicz had [REDACTED] Officer Maldonado, and [REDACTED] talk about the incident. [REDACTED] initially refused to talk and insisted

on filing charges. Sgt. Banasziewicz explained other potential charges, including consequences if the allegations asserted by the 14-year-old [REDACTED] turned out to be false, and the possibility of DCFS custody. After that, [REDACTED] agreed to not file a report and Sgt. Banasziewicz left the scene.

Sgt. Banasziewicz admitted that one motivation for doing so was to convince [REDACTED] to mediate the situation. The situation involved a 14-year-old, who after having disagreement with [REDACTED], sprinted to [REDACTED]'s home, and upon seeing his emotional state; Officer Maldonado tried talking with his [REDACTED] to determine what happened. The 14-year-old declined, Officer Maldonado insisted that his [REDACTED] talk to him, however, apparently y he pushed too hard, because the 14-year-old fled back to [REDACTED]'s house making allegations Officer Maldonado. COPA determined the allegations were not supported by the evidence. [REDACTED] filed a complaint with COPA the following day.

CPD believes the penalty recommendation should take into consideration the patience and empathy Sergeant Banasziewicz displayed as well as the considerable amount of time that he took to provide supportive information during an emotional family situation. Sergeant Banasziewicz tried repair the anxiety of the family situation, have the parties decide together what the best approach, hopefully, cause changes in their relationships.

Sergeant Banasziewicz has an exceptional complimentary history: he has received one hundred and nine (109) total awards, including seventy-six (76) Honorable Mentions, three (3) Life-Saving Awards, and seventeen (17) complimentary letters with no reported disciplinary history.

When evaluating penalty recommendations for members, CPD not only considers all the evidence but also reviews the member's actions within the totality of the circumstances. For Sergeant Banasziewicz, CPD proposes a penalty of a thirty-day (30-day) suspension.

Sincerely,

[REDACTED]

David O. Brown
Superintendent of Police
Chicago Police Department