



Lori E. Lightfoot
Mayor

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

David O. Brown
Superintendent of Police

February 28, 2022

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

RE: Superintendent's Partial Concurrence with COPA's proposed finding and penalties
Complaint Register Number: #2018-1092619
Police Officer Chris Sloniec #5328 and Police Officer Maria Kuc #15413

Dear Chief Administrator:

After a careful review of the recommendation made by the Investigator in this matter the Chicago Police Department (CPD) concurs with the finding of COPA related to Officer Troche-Vargas #6430 (Officer Troche-Vargas) but does not concur with one of COPA's findings and has an alternate penalty recommendation for Police Officer Chris Sloniec #5328 (Officer Sloniec) and Police Officer Maria Kuc #15413 (Officer Kuc). Sergeant Daniel Rosenthal retired on August 21, 2021, therefore no evaluation of COPA's recommendations relating to him are required to be reviewed. As a preliminary matter, the Department has found the listed case has a date discrepancy. Given the importance of dates when dealing with COPA cases as listed under MCC 2-78-130, CPD wants to ensure this discrepancy is properly documented. First, the date the Summary Report and Recommendation were approved and the date the case was closed at COPA in CMS do not match. As set forth under MCC 2-78-130(a)(i), "If the Chief Administrator issues a recommendation of discipline, or other, non-disciplinary remedial action with regard to one or more members of the Police Department, the Superintendent shall respond to such recommendation within 60 days." Therefore, in order to ensure CPD is abiding by the set forth time frame, it is crucial there be only one date in all COPA documentation. For example, Case #2018-1092619 was approved and signed at COPA on November 29, 2021. However, the CMS system shows the case was closed at COPA on November 30, 2021. The due date and extension thereof is based off the date was closed in CMS which is when the Department receives access to the report, recommendation and file.

Facts

On February 15, 2018 at 5:18 pm, off duty Officer Troche-Vargas was driving to report for duty. Officer Troche-Vargas was traveling in his personal vehicle westbound on the 5300 block of W. Altgeld Street. At this time Officer Troche-Vargas encountered a bicyclist (██████████, 14 years old) who was riding his bicycle in the middle of the street obstructing the normal flow of traffic. Officer Troche-Vargas found a place to go around the bicyclist and passed him on the left driving his vehicle in front of him. As Officer Troche-Vargas was passing the bicyclist, he believed the bicyclist was in possession of a firearm and kicked his vehicle. Officer Troche-Vargas, shortly thereafter utilized the brakes of his vehicle, causing the bicyclist to rear end his vehicle.

Officer Troche-Vargas gave conflicting statements as to why he braked sharply. [REDACTED] landed twisted on his bicycle, against the trunk, and had trouble dismounting his bicycle after the impact of the traffic accident.

After the traffic accident, Officer Troche-Vargas exited his vehicle and a subsequent physical altercation occurred between Officer Troche-Vargas and [REDACTED]. [REDACTED] and Officer Troche-Vargas ended up on the parkway, near the curb, on the ground which was full of ice and snow. [REDACTED] was on top of Officer Troche-Vargas. Officer Troche-Vargas requested the assistance of an unknown citizen to help him get up. Officer Troche-Vargas was able to flip [REDACTED] over to where he was on top of [REDACTED]. Officer Troche-Vargas and Rolando A. eventually stood up and separated. The bicyclist, [REDACTED] made the first call to 911, with Officer Troche-Vargas calling shortly after requesting a supervisor to respond. It should be noted that Officer Troche-Vargas stated he was struck in the face with a visible injury that was not apparent in the Evidence Technician photographs. The Chicago Fire Department responded and treated [REDACTED] for injuries he sustained and subsequently transported him to the hospital.

Officer Sloniec and Officer Kuc were assigned and responded at 5:37p.m. The responding Officers were met by Officer Troche-Vargas and [REDACTED] who was accompanied by an adult male. There were other potential adult witnesses at the scene that were not identified or interviewed. There are conflicting statements from Officer Troche-Vargas and the subject [REDACTED] as to the physical confrontation that occurred and the reasons why it occurred. Sergeant Daniel Rosenthal (Sergeant Rosenthal) responded and assumed control and responsibility for this investigation.

The subject, [REDACTED] was arrested for assault as a result of this incident.

Superintendent's Penalty Analysis Officer Sloniec

CPD concurs with the sustained finding that Officer Sloniec: (1) failing to operate his BWC in accordance with provisions of CPD Special Order S03-14, *Body Worn Cameras*. (2) failing to conduct a thorough and accurate preliminary investigation of an incident as required by the provisions of CPD General Order G04-01, Preliminary Investigations (effective October 15, 2017) and/or the provisions of CPD Special Order S04-07-03, Preliminary Investigations – Traffic Crashes (effective November 30, 2017).

CPD does not concur with the sustained finding of Officer Sloniec (3) making one more false, misleading, inaccurate and/or incomplete statements in the CPD Original Incident Case Report (RD# [REDACTED] completed in connection with a traffic crash between [REDACTED] and Officer Jose Troche-Vargas and the proposed penalty of a 90-day employment suspension.

Allegations 1 and 2

CPD concurs with the sustained finding that Police Officer Sloniec failed to operate his BWC in accordance with provisions of CPD Special Order S03-14, *Body Worn Cameras* *Body Worn Cameras* however, the penalty of a 90-day employment suspension is too severe and is not supported by recommendations made by COPA in other cases. The standard penalty for late activation or early termination is a 5-day employment suspension. In COPA's Summary Report of Investigation for Log No. 2019-0004600, COPA recommended a 5-day employment suspension for Officer Jose Villa #14319 for failure to submit an ISR and failure to timely activate BWC.

CPD concurs with the sustained finding that Police Officer Sloniec failed to conduct a thorough and accurate preliminary investigation of an incident as required by the provisions of CPD General Order G04-01, Preliminary Investigations (effective October 15, 2017) and/or the provisions of CPD Special Order S04-07-03, Preliminary Investigations – Traffic Crashes (effective November 30, 2017), however the penalty of a 90-day employment suspension is too severe and is not supported by recommendations made by COPA in other cases. In COPA's Summary Report of Investigation for Log No. 2018-1088766, COPA recommended a 15-day suspension for Officer Shane Richardson #18421 for failure to conduct a preliminary investigation in a domestic incident, interview the parties separately and failure to provide a domestic incident notice.

Allegation 3

CPD does not concur with the sustained finding that Police Officer Sloniec (3) making one more false, misleading, inaccurate and/or incomplete statements in the CPD Original Incident Case Report (RD# [REDACTED]) completed in connection with a traffic crash between [REDACTED] and Officer Troche-Vargas and the proposed penalty of a 90-day employment suspension. In this case, Officer Sloniec failed to conduct a proper preliminary investigation, but was following superior orders. There was a TRR investigation which must be conducted by a supervisor. According to CPD General Order *Incidents requiring the completion of a Tactical Response Report*, the supervisor is responsible for ensuring that known available witnesses are identified and interviewed, to the extent reasonably possible, and that the required information, including the witness personal information and statement is recorded on the TRR¹. The reviewing supervisor in a TRR will identify the witnesses for the assigned investigative personnel who will be responsible for conducting interviews or obtaining statements². Sergeant Rosenthal did not identify the witnesses to the preliminary investigators as the order requires. According to the general order, identifying and ensuring witness information is documented is the ultimate responsibility of the supervisor assigned to complete the TRR investigation. Sergeant Rosenthal did not document the names of the witness therefore, it is not the responsibility of the preliminary investigator completing the General Offense Case Report to document the names of witnesses in an incident that involved the completion of a TRR. Officer Sloniec was deferring to superior orders.

Superintendent's Penalty Analysis Officer Kuc

CPD concurs with the sustained finding that Officer Kuc: (1) failing to conduct a thorough and accurate preliminary investigation of an incident as required by the provisions of CPD General Order G04-01, Preliminary Investigations (effective October 15, 2017) and/or the provisions of CPD Special Order S04-07-03, Preliminary Investigations – Traffic Crashes (effective November 30, 2017).

CPD does not concur with the sustained finding of Officer Kuc (2) making one more false, misleading, inaccurate and/or incomplete statements in the Illinois Traffic Crash Report (RD# [REDACTED]) completed in connection with a traffic crash between [REDACTED] and Officer Troche-Vargas and the proposed penalty of a 60-day employment suspension.

Allegation 1

CPD concurs with the sustained finding that Officer Kuc failed to conduct a thorough and accurate preliminary investigation of an incident as required by the provisions of CPD General Order G04-01,

¹ G09-02-02, Section V.B.1

² G09-02-02, Section V.B.1.b.

Preliminary Investigations (effective October 15, 2017) and/or the provisions of CPD Special Order S04-07-03, Preliminary Investigations – Traffic Crashes (effective November 30, 2017), however the penalty of a 60-day employment suspension is too severe and is not supported by recommendations made by COPA in other cases. In COPA's Summary Report of Investigation for Log No. 2018-1088766, COPA recommended a 15-day suspension for Officer Shane Richardson #18421 for failure to conduct a preliminary investigation in a domestic incident, interview the parties separately and failure to provide a domestic incident notice.

Allegation 2

CPD does not concur with the sustained finding that Officer Kuc (3) making one more false, misleading, inaccurate and/or incomplete statements in the CPD Original Incident Case Report (RD# [REDACTED]) completed in connection with a traffic crash between [REDACTED] and Officer Troche-Vargas and the proposed penalty of a 60-day employment suspension. In this case, Officer Kuc failed to conduct a proper preliminary investigation, but was following superior orders. There was a TRR investigation which must be conducted by a supervisor. According to CPD General Order *Incidents requiring the completion of a Tactical Response Report*, the supervisor is responsible for ensuring that known available witnesses are identified and interviewed, to the extent reasonably possible, and that the required information, including the witness personal information and statement is recorded on the TRR³. The reviewing supervisor in a TRR will identify the witnesses for the assigned investigative personnel who will be responsible for conducting interviews or obtaining statements⁴. Sergeant Rosenthal did not identify the witnesses to the preliminary investigators as the order requires. According to the general order, identifying and ensuring witness information is documented is the ultimate responsibility of the supervisor assigned to complete the TRR investigation. Sergeant Rosenthal did not document the names of the witness and therefore it is not the responsibility of the preliminary investigator completing the Illinois Traffic Crash Report to document the names of witnesses in an incident that involved the completion of a TRR. Officer Kuc was deferring to superior orders. Additionally, Officer Kuc was a Probationary Police Officer at the time of this incident and deferring to not only her supervisor but her partner, a senior officer.

Conclusion

For the foregoing reasons, CPD recommends a penalty for Police Officer Sloniec of a 30-day employment suspension and a penalty for Police Officer Kuc of a 15-day employment suspension. CPD looks forward to discussing this matter with you pursuant to MCC-2-78-130(a)(iii).

[REDACTED]

David O. Brown
Superintendent of Police
Chicago Police Department

³ G09-02-02, Section V.B.1

⁴ G09-02-02, Section V.B.1.b.