



Log # 2021-0005079

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 28, 2021, the Civilian Office of Police Accountability (COPA) received a Chicago Police Department (CPD) Bureau of Internal Affairs (BIA) generated complaint from Sergeant Joe Holt (Sergeant Holt) reporting alleged misconduct by two members of CPD. Sergeant Holt alleged that on December 25, 2021, at approximately 1:00 a.m., Sergeant Michael Trobiani and Sergeant Greg Schmit, at University of Illinois Chicago (UIC) Emergency Room, failed to separate two members who had, immediately prior to arriving at the ER, been involved in a firearms discharge incident.² Upon review of the evidence, COPA served allegations that Sergeant Trobiani and Sergeant Schmit violated G03-06 by failing to separate officers involved in a firearms discharge incident. Following its investigation, COPA reached sustained findings regarding the allegations.³

II. SUMMARY OF EVIDENCE⁴

On the evening of December 24, 2021, Officer Jonathan Carroll and Officer Bogdan Kalynyuk were involved in a firearms discharge incident in the 012th District.⁵ Both officers requested to go to the hospital and were transported to the UIC Emergency Room by separate ambulance. In his own vehicle, Sergeant Trobiani followed the two ambulances to the hospital, arriving at approximately 11:00 p.m. or 11:30 p.m.⁶ Sergeant Schmit next arrived to secure the involved officers' body worn cameras and he observed the officers standing "shoulder to shoulder" outside the hospital, near the ambulance bay, in conversation with an FOP representative. Sgt. Trobiani was standing nearby, approximately 10-15 feet away.⁷

Later, at approximately 1:00 a.m., Sergeant Holt arrived at the hospital's Emergency Room area to administer standard mandatory drug and alcohol testing of the officers involved in the shooting. There, he observed the two officers sitting adjacent to one another, with Sergeants Schmit and Trobiani standing within 10-15 feet away. Sergeant Holt instructed Sergeants Schmit

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² The firearm discharge is being investigated under COPA Log 2021-0005077.

³ One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including the involved sergeants' statements, involved officers' statements, and police reports.

⁵ Att. 17, Original Case Incident Report JE488201.

⁶ Att. 9, page 13, line 8

⁷ Att. 7, page 21, line 9

and Trobiani, as well as hospital staff, to keep the officers separated.⁸ In a statement to COPA, Sgt. Schmit estimated that, in all, he personally observed the two officers remaining together for approximately 45 minutes to an hour.⁹

During his statement, Sergeant Trobiani told investigators he had not been aware of his duty to keep the officers separate from each other until Sergeant Holt arrived on scene and informed him of that duty.¹⁰ Sergeant Schmit stated in his interview that this was the first officer involved shooting that he had ever been involved with in any capacity.¹¹

III. ALLEGATIONS

Sergeant Michael Trobiani and Sergeant Greg Schmit:

1. Violating G03-06 by failing to separate officers involved in a firearms discharge incident.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

V. ANALYSIS¹²

COPA finds that Sergeants Michael Trobiani and Greg Schmit failed to separate officers involved in a firearms discharge incident, in violation of G03-06. General order G03-06 states that reviewing supervisors from the district will ensure the involved and witness members remain separate from each other, including being transported separately from the scene, and monitored to avoid any contact or communication with any other involved members.¹³ Based on the statements of Sergeant Holt, Sergeant Trobiani, and Sergeant Schmit, the two Accused Sergeants were present during substantial periods of time observing Officers Carroll and Kalynyuk standing “shoulder to shoulder” outside of the hospital in conversation with an FOP representative, and when located directly adjacent to each other while in the ER, still speaking with the FOP representative. Sergeant Trobiani was directed by Deputy Papaioannou to escort the officers to the hospital; thus, he bore the responsibilities of a reviewing supervisor to keep the officers separate. When Sergeant Schmit joined Sergeant Trobiani at the hospital, he assumed the same responsibilities over the subordinate involved officers. The record is clear by the observations of BIA Sergeant Holt and the Accused Sergeants’ admissions that they did not keep the involved officers separated at the hospital. As such, Sergeants Trobiani and Schmit failed to comply with the requirements of G03-06, in violation Rules 2, 3, 5, 6, and 10 of the Rules and Regulations of the Chicago Police Department. As a result, COPA finds the allegations are **sustained**.

⁸ Att. 1, BIA Initiation Report

⁹ Att. 7, page 21, line 9

¹⁰ Att. 9, page 15, line 15

¹¹ Att. 10, page 11, line 22

¹² For a definition of COPA’s findings and standards of proof, *see* Appendix B.

¹³ Att. 12, G03-06VII(C)(2)

VI. DISCIPLINARY RECOMMENDATION

a. Sergeant Michael Trobiani

i. Complimentary and Disciplinary History¹⁴

Sergeant Trobiani has received a total of 117 awards, including 87 honorable mentions, 14 Emblem of Recognition – Physical Fitness, five complimentary letters, four Attendance Recognition Awards, two Crime Reduction Awards, one Department Commendation, one Honorable Mention Ribbon Award, one NATO Summit Service Award, one Presidential Election Deployment Award, and one Unit Meritorious Performance Award. His disciplinary history includes one 2022 reprimand for a failure to perform assigned tasks.

ii. Recommended Discipline

COPA has found that Sergeant Michael Trobiani violated Rules 2, 3, 5, 6, and 10 by failing to separate two Police Officers involved in a shooting incident. Considering the serious nature of this misconduct, combined with Sergeant Trobiani's complimentary and disciplinary history, COPA recommends a **5-day suspension**.

b. Sergeant Greg Schmit

i. Complimentary and Disciplinary History¹⁵

Sergeant Schmit has received a total of 60 awards, including 44 honorable mentions, six complimentary letters, one Crime Reduction Ribbon, two Crime Reduction Awards, three department commendations, one NATO Summit Service Award, one Presidential Election Deployment Award, one Unit Meritorious Performance Award and one Other Award. Sergeant Schmit has not received any sustained disciplinary history in the past five years. He has no prior disciplinary history.

ii. Recommended Discipline

COPA has found that Sergeant Greg Schmit violated Rules 2, 3, 5, 6, and 10 by failing to separate two Police Officers involved in a shooting incident. Considering the serious nature of this misconduct, combined with Sergeant Schmit's complimentary and disciplinary history, COPA recommends a **5-day suspension**.

¹⁴ Att. 16.

¹⁵ Att. 16.

Approved:



[Sharday Jackson](#) 
Deputy Chief Administrator – Chief Investigator

May 30, 2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	December 25, 2021/1:00 a.m./University of Illinois Hospital/1740 W. Taylor Street, Chicago, Illinois
Date/Time of COPA Notification:	December 28, 2021/10:20 a.m.
Accused Member #1:	Greg Schmit, star #1086, employee ID # [REDACTED], Date of Appointment: October 28, 2002, Unit of Assignment: 012 male, white
Accused Member #2:	Michael Trobiani, star #2587, employee ID # [REDACTED], Date of Appointment: April 26, 2004, Unit of Assignment: 012, male, white
Involved Member #3:	Jonathan Carroll, star #13397, employee ID # [REDACTED], Date of Appointment: February 16, 2017, Unit of Assignment: 012, male, white
Involved Member #4:	Bogdan Kalynyuk, star #7932, employee ID # [REDACTED], Date of Appointment: July 17, 2017, Unit of Assignment: 012, male, white
Reporting Party	Sergeant Joe Holt, Chicago Police Department, BIA

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- Rules and Regulations of the Chicago Police Department: Regulations Establishing the Duties of Members effective 16 April 2015 to present.
- G03-06VII(C)(2): Firearm Discharge and Officer-Involved Death Incident Response and Investigation effective 15 April 2021 to present.

Appendix B

Definition of COPA’s Findings and Standards of Proof

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.¹⁶ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”¹⁷

¹⁶ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

¹⁷ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation