



Brandon Johnson
Mayor

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

Larry B. Snelling
Superintendent

October 31, 2024

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability (COPA)
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Superintendent's Non-Concurrence with Penalty Recommendation
Complaint Log No. 2023-0000922
Officer Michael Baciu, Star No. 7528

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number investigation, the Chicago Police Department (Department) does not concur with the recommended penalty recommendation as it pertains to Officer Michael Baciu, Star No. 728. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a penalty of a suspension of 7 to 10 days after concluding that he:

1. Stopped and Searched an unknown juvenile without justification.

The Department does concur with the sustained finding for the single allegation as it is supported by the evidence and meets the burden of proof. However, the Department recommends a 2-day suspension as a more appropriate penalty along with refresher training on 4th Amendment Search & Seizure and the Investigatory Stop System with an emphasis on Reasonable Articulate Suspicion for both a stop and a pat-down.

Officer Baciu admitted to the conduct but believed he was justified. He stated that he stopped the individual because the individual had a suspicious bulge in his pocket, the individual looked at the police and then immediately looked away and that there had recently been a homicide in the area. The Department agrees with COPA that the justification provided by Officer Baciu was insufficient to detain or pat-down an individual. But there is no indication that Officer Baciu did this act with malice or any other improper motive. If the purpose of discipline is to correct errant behavior, then the Department believes that a lesser suspension with re-training will be more beneficial to the member and to the Department.

Further, the Department's recommendation is consistent with the principal of progressive discipline. Officer Baciu has two previous instances of failure to complete an Investigatory Stop Report and both

instances resulted in a Reprimand. COPA references a 5-day suspension as being previous discipline for "initiating an unjustified stop of an individual." SRI at page 9. However, that previous discipline was for two counts of entering inaccurate information on an official report (an Inventory form and an arrest report) and for citing a person with the wrong traffic violation.

The Department looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii).

Sincerely,



Larry B. Snelling
Superintendent
Chicago Police Department