

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date / Time / Location of Incident One:	September 17, 2017 / 4:12 p.m. / 5758 W. Corcoran Place, Chicago, IL 60638
Date / Time / Location of Incident Two:	September 17, 2017 / 11:59 pm / 5555 W. Grand Avenue, Chicago, Illinois, 60639 (025th District Station)
Date / Time of COPA Notification:	January 4, 2018 / 12:46 p.m.

Officer Demond Sykes observed [REDACTED] riding a bicycle and failing to stop at two stop signs. Once Officer Sykes stopped [REDACTED] she refused his instructions to step off her bicycle and walk to the front of his Department vehicle. Officer Doyle then arrested [REDACTED] for resisting/obstructing a peace officer and failing to stop at a stop sign.

After her arrest, [REDACTED] was processed and fingerprinted at the 015th District Station. She was then transported to the 025th District Station, because the 015th District Station does not have female lock facilities. Upon the arrestee’s arrival at the 025th District Station, Officer Christina Pena, assigned to the station desk, informed the transporting officers that the arrestee’s fingerprints had cleared, that they should stand by, and they should return the arrestee to the 015th District Station. Moments later, Officer Pena presented the arrestee with documents for her to sign. In the presence of the Station Supervisor, Sgt. Jacalyn Doyle, [REDACTED] then informed Officer Pena that the address written on the document was not current. In response, and in the presence of the Sgt. Doyle, Officer Pena directed the transporting officers to depart without her, leaving [REDACTED] to find her own return transportation to the 015th District Station where her bicycle and other personal effects had been inventoried.

II. INVOLVED PARTIES

Involved Member #1:	Demond J Sykes; Star #13871, Employee ID # [REDACTED] Date of appointment: May 18, 2006; Rank: Police Officer; Unit 015; Male; Black.
Involved Member #2	Christina L. Pena; Star #10868, Employee ID # [REDACTED]; Date of appointment: September 27, 2004; Rank: Police Officer; Unit 025; Female; Hispanic.
Involved Member #3	Jacalyn M. Doyle; Star #1018; Employee ID # [REDACTED]; Date of appointment: November 17, 1986; Rank: Sergeant; Unit 025; Female; White.
Involved Individual #1:	[REDACTED] Female; White.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Sykes	1. On September 17, 2017, at approximately 4:12 p.m., at or near 5758 W Corcoran Place, Chicago, Illinois, the accused arrested the Complainant without having probable cause to believe that the Complainant had committed a criminal offense.	Close Hold. ¹
Officer Pena	1 At or shortly 11:59 p.m. on September 17, 2017, at 5555 W. Grand Avenue, Chicago, Illinois, after the Complainant had been transported to the 025th District for processing, and while you were serving as 025th District desk personnel, you maltreated the Complainant after the Complainant had informed you that her address, as listed on a form of bail bond document that you had prepared was not correct, in that, rather than voiding that form and preparing a corrected one, you then took steps to punish the Complainant by unjustifiably informing transporting officers that the Complainant was not ready for release and by further informing those transporting officers that they should depart without the Complainant, thereby interfering with the Complainant's return transportation to the 015th District where her personal effects had been inventoried and where her family members believed her to be in custody.	Unfounded.
Sergeant Doyle	1. At approximately 12:01 a.m. on September 18, 2017, at 5555 W. Grand Avenue, Chicago, Illinois, after the Complainant had been transported to the 025th District Station for processing, while you were serving as 025th District Station Supervisor, you observed a subordinate under your direct supervision maltreat the Complainant by unjustifiably informing transporting officers that the Complainant was not ready for release and by informing those transporting officers that they should depart without the Complainant, and you failed to intervene, thereby causing interference with the Complainant's return transportation to the 015th District Station where her personal effects had been inventoried and where her family members believed her to be in custody.	Unfounded.

¹ Upon review of Officer Sykes statements, COPA has determined that additional allegations are warranted. However, on April 29, 2022, Officer Sykes was arrested for an unrelated incident that resulted in Officer Sykes being placed in a no-pay status with CPD. See 2022-1772.

IV. INVESTIGATION

A. Digital Evidence

Body Worn Camera Footage captured by Officer Sykes depicts the subject incident.² That footage shows that the incident had a duration of approximately 12 minutes and 9 seconds: The footage shows that Officer Sykes verbally engaged ██████ adjacent to a curb, and that the two of them participated in a conversation. In the conversation, Officer Sykes asked ██████ to exit her bicycle and to step to the front hood of his vehicle. ██████ refused, stating that Officer Sykes did not have probable cause.³ ██████ raised a cell phone, apparently recording. Officer Sykes then told ██████ that she needed to stop because he was about to place her under arrest, stating that he was serious.⁴ ██████ asked why she was being stopped.⁵ Officer Sykes responded by stating that she failed to stop at stop signs and directed her to step off her bike.⁶ ██████ stepped off the bike. Officer Sykes asked her to step over. ██████ stating that Officer Sykes did not have probable cause.⁷ Officer Sykes then placed ██████ arrest.

Officer Sykes tells ██████ to stop resisting, and, after a brief struggle, Officer Sykes is able to place ██████ in handcuffs.⁸ Sgt. Anthony Nicpon arrives and makes apparent attempts to de-escalate, telling ██████ among other things, that she doesn't have the right to resist.

Several minutes elapse, with Sgt. Nicpon continuing in apparent attempts at de-escalation. Sgt. Nicpon told ██████ that his observations of her actions were not acceptable and that she was required to comply with the orders.⁹ ██████ continues to protest the enforcement action while asserting that Officer Sykes had no grounds to stop her or enforce traffic violations because she was on a bicycle.¹⁰ Sgt. Nicpon then tells Officer Sykes that he'll handle things, and Officer Sykes steps away, back to his own vehicle. Officer Sykes then loads the bicycle into the vehicle.

Body Worn Camera Footage captured by a transporting officer depicts the incident that took place at the 025th District Station just prior to midnight on the evening of September 17, 2017.¹¹

In pertinent part, that video shows that transporting officers entered the 025th District Station with ██████ and present ██████ to Officer Pena at the 025th District Desk immediately upon their arrival. Sgt. Doyle can be seen behind the desk near Officer Pena. Officer Pena asks ██████

²Att. 28, file Sykes AXON_Body_2_Video_2017-09-17_1606_cr1088016.

³ *Id.*, from 02:17 to 02:30.

⁴ *Id.*, at 02:33.

⁵ *Id.*, at 03:00.

⁶ *Id.*, at 03:14.

⁷ *Id.*, at 03:32.

⁸ Officer Sykes informed ██████ several times that she must comply with his orders and allowed him to handcuff her, or she will be subjected to force. *Id.*, 03:38 to 04:12.

⁹ *Id.*, at 07:50.

¹⁰ Additionally, during the encounter ██████ remarks several times that because the incident is occurring in an area of the City with a high level of violent crime, Officer Sykes should focus his attention elsewhere. Further, she asserts that because she is the parent of three children and financially supports her spouse, she should be extending a courtesy and not arrested.

¹¹Att. 44, files Scott – AXON_Body_2_Video_2017-09-17_2340., the relevant portions begin at 14:30.

the required screening questions and if she will be able to attend court the following day. Officer Pena then informs Officer Scott that he can take her to the lockup. After about a minute later as the officer wait for paperwork to print, Officer Pena turns to Officer Scott and informs him that [REDACTED] fingerprints cleared and that [REDACTED] is to be returned to the 015th District to complete the arrest process.

[REDACTED] then asks Officer Scott if he can take her handcuffs off. Officer Scott informs [REDACTED] that she must remain in handcuffs until all her paperwork is complete. Officer Pena also requests for [REDACTED] to be patient while she completes the paperwork. Officer Scott then escorts [REDACTED] to a row of chairs nearby. As they are walking away a female can be heard stating: "If she gives you a hard time, we can bond her out here and she can walk home."¹² Officer Scott explains the arrest process works and that she is not having to follow the usual process because the speed of which her fingerprints cleared while explained that since her fingerprints cleared quickly that once she is released he will transport her back to the 015th District Station.¹³

Several minutes elapse and Officer Scott learns that Officer Pena has completed the paperwork for [REDACTED] to sign. Officer Scott returns with [REDACTED] to the desk, where Officer Pena is waiting, standing behind the desk. Sgt. Doyle is seated only a few feet behind where Officer Pena is standing. Officer Pena requests that [REDACTED] sign the paperwork while Officer Scott removes [REDACTED] handcuffs. [REDACTED] reviews the document and informs Officer Pena that it lists the incorrect address. Officer Pena informs [REDACTED] that the address is what was listed on her arrest paperwork and that she needs to sign the form. [REDACTED] still did not sign the form. Officer Pena then informs Officer Scott that he can leave the station without [REDACTED] Officer Pena again tries to have [REDACTED] sign the document and [REDACTED] again begins to explain the reasons she is not signing the form. Officer Scott the steps away while [REDACTED] exchanges inaudible words with Sgt. Doyle. Officer Pena then tells Officer Scott that they do not need to wait any longer and they can leave the station. Officer Scott then departs the station.

B. Interviews

Sergeant Anthony C. Nicpon gave an **Audio Recorded Statement** on February 14, 2018.¹⁴ Sgt. Nicpon stated that he observed the traffic stop at issue from a distance, and that he approached when he observed that Officer Sykes was making an arrest. He explained that he attempted to de-escalate the encounter. He stated that he was making attempts at de-escalation when he was talking with [REDACTED] adjacent to the transport vehicle, as shown on video, and that he did not then ask, direct, or signal Officer Sykes to approach. Sgt. Nicpon stated that he could think of no legitimate law enforcement purpose that was served by Officer Sykes's actions in approaching [REDACTED] at that time or in Officer Sykes' statement to [REDACTED] made as Sgt. Nicpon was attempting to de-escalate.

Police Officer Christina Pena gave an **Audio Recorded Statement** on August 3, 2018.¹⁵ Officer Pena denied having any memory of the events depicted in the footage, and she denied that

¹² Officer Pena identified this voice as belonging to Sgt. Doyle. *Id.*, at 17:13.

¹³ *Id.*, from 17:39 to 18:21.

¹⁴ Att. 34.

¹⁵ Atts. 50 and 58.

the footage refreshed her recollection of the events.¹⁶ Officer Pena stated that at the time of the events depicted female arrestee transport from the 015th District Station to the 025th District Station for holding were supposed to be returned to the 015th District upon their fingerprints clearing for release, depending upon circumstances.¹⁷ Officer Pena stated that 025th District Station personnel would bond out and release such an arrestee if family members were waiting for her there.¹⁸

In viewing the footage during her statement, Officer Pena stated that it is Sgt. Doyle whose voice can be heard using the words, “hard time,” which Officer Pena understood to mean that Sgt. Doyle intended to return the transporting officers back to the 015th District Station without [REDACTED].¹⁹ Officer Pena confirmed that the footage depicts [REDACTED] informing her that the address written on the bonding documents presented to her by Officer Pena was incorrect.²⁰ Officer Pena also confirmed that the video depicts her directing transporting officers to leave without [REDACTED] stating, “guys don’t worry about it she can get herself home.”²¹ Officer Pena stated that, based on the video, she believes that she was acting at the direction of Sgt. Doyle when she did so.²² Officer Pena denied that the footage showed that she treated [REDACTED] discourteously.

Sergeant Jacalyn Doyle gave an **Audio Recorded Statement** on August 29, 2018.²³ Sgt. Doyle denied having any memory of the events depicted in the footage, and she denied that the footage refreshed her recollection of the events. Sgt. Doyle confirmed that she recognized herself and Officer Pena in the footage. Sgt. Doyle confirmed that, based on the footage, she would have been within hearing distance of the conversation between Officer Pena and [REDACTED] that is depicted at the end of the footage. Sgt. Doyle stated that she had difficulty understanding the audio that accompanied the footage, contending that the audio was of poor quality. Sgt. Doyle denied that she recognized her voice as saying the words “hard time” or the words “walk back to fifteen.”

Sgt. Doyle also confirmed that she was the 025th District’s assigned District Station Supervisor at the time of the events depicted. Sgt. Doyle also confirmed that such an assignment had been commonplace for her at the time depicted, going back as far as 2000. Sgt. Doyle confirmed that the 015th District Station does not have a lockup facility for female arrestees, and that, therefore, CPD practice was that females who are arrested in the 015th District are transported to the 025th District Station for holding after having been photographed and fingerprinted in the 015th District Station. Pursuant to that practice, female arrestees whose fingerprints clear prior to the time that they arrive at the 025th District Station and who are eligible for bond are bonded out and released at the 025th District Station upon their arrival. Sgt. Doyle stated that she was aware of instances when female arrestees would be transported back to the 015th District Station “out of courtesy.” Sgt. Doyle confirmed that if an arrestee informs a bonding officer that the address written on bond documents presented to her are incorrect, then the bonding officer should either

¹⁶Att. 58, pgs. 26 and 27.

¹⁷*Id.*, pg. 12 to 15.

¹⁸*Id.*, pgs. 14 and 15.

¹⁹*Id.*, pgs. 21 and 22.

²⁰*Id.*, pg. 19.

²¹*Id.*, pgs. 17 and 18.

²²*Id.*, pg. 18.

²³Atts. 53, 54 and 59.

void the bonding documents and prepare new documents, or she should line out the incorrect information and replace it with the correct information.

V. LEGAL STANDARD

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

1. Sustained - where it is determined, by a preponderance of the evidence, that the allegation in fact occurred;²⁴
2. Unfounded - where it is determined, by clear and convincing evidence, that an allegation is not supported by the facts;²⁵
3. Exonerated - where it is determined, by clear and convincing evidence, that the conduct described in the allegation occurred, but it is lawful and proper; or
4. Not Sustained - where there is insufficient evidence to sustain, unfound or exonerate the allegations.

VI. ANALYSIS AND CONCLUSION²⁶

a. Sgt. Doyle and Officer Pena

COPA finds that the allegations against Sgt. Doyle and Officer Pena, that they maltreated ██████ by allowing a transport van to leave without her, are **unfounded**. Here, Department members were not obligated to provide return transportation for ██████ to the 015th District Station. In fact, evidence indicates that any offer of transportation was solely discretionary and merely an unwritten practice by the Department. As such Sgt. Doyle and Officer Pena were permitted to decide if ██████ should be transported to the station.²⁷

²⁴ **Preponderance of evidence** is described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005).

²⁵ **Clear and convincing evidence** is described a more that preponderance of the evidence but lower than beyond-a-reasonable doubt required to convict a person of a criminal offense. Clear and Convincing is described as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable” there was no misconduct. *See People v. Coan*, 2016 IL App (2d) 151036 (2016).

²⁶ Since COPA determined that Officer Sykes’s actions warranted additional allegations, COPA will not analyze Officer Sykes’s conduct until the additional allegations are served.

²⁷ Even if Sgt. Doyle and Officer Pena were not permitted to make this determination, Officer Pena’s decision was consistent with the directions issued by Sgt Doyle that ██████ be released at the 025th District Station and navigate her own way home.

Approved:



Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date 12/28/2022