

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 5, 2019
Time of Incident:	Approximately 5:30 pm
Location of Incident:	5362 W. Madison Street
Date of COPA Notification:	March 6, 2019
Time of COPA Notification:	Approximately 2:18 pm

Officer Demond Sykes stopped the vehicle driven by Complainant [REDACTED] for standing in a zone reserved for CTA buses. After notifying the Complainant of why he stopped him, Officer Sykes spent over 20 minutes researching the Transportation Network Provider law, prolonging the stop. He issued Mr. [REDACTED] a citation. Upon reviewing all available evidence, COPA finds that the Complainant’s actions did not give Officer Sykes reasonable suspicion to stop Mr. [REDACTED] or justification to issue him a citation, and that the stop took an unreasonably long time.

II. INVOLVED PARTIES

Involved Officer #1:	Demond J. Sykes Star #13871 / Employee # [REDACTED] Date of Appointment: December 18, 2006 PO / District 015 DOB: [REDACTED], 1976 Male / Black
Involved Officer #2:	Hichem Bouakli Star #3697 / Employee # [REDACTED] Date of Appointment: January 16, 2018 PO / District 015 DOB: [REDACTED], 1993 Male / White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1966 Male / Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Sykes	<p>It is alleged that, on March 5, 2019, around 5:30 pm, near 5362 W Madison Street, Officer Sykes:</p> <ol style="list-style-type: none"> <li data-bbox="581 459 1073 564">1. Improperly seized Complainant by conducting a traffic stop without justification, in violation of Rule 1; <li data-bbox="581 611 1130 716">2. Prolonged Complainant’s traffic stop beyond the time reasonably required, in violation of Rules 1 and 11; and <li data-bbox="581 762 1130 861">3. Improperly issued a citation to Complainant for standing in a bus stop, in violation of Rule 11. 	<p>SUSTAINED/ Suspension – 4 days</p> <p>SUSTAINED/ Suspension – 3 days</p> <p>SUSTAINED/ Suspension – 2 days</p>

IV. APPLICABLE RULES AND LAWS

Rules – the following acts are prohibited:

1. Rule 1: Violation of any law or ordinance.
2. Rule 11: Incompetency or inefficiency in the performance of duty.

Federal Laws

1. Fourth Amendment to the United States Constitution

Municipal and State Laws

1. Municipal Code of Chicago, Ch. 9-64-100: Parking prohibited – Fire hydrants, firelanes, and various locations.
2. Municipal Code of Chicago, Ch. 9-64-140: Common-carrier vehicle stops and stands.
3. 625 ILCS 5/11-1303: Stopping, standing or parking prohibited in specified places.

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V. INVESTIGATION¹

a. Interviews

i. ██████████ – Complainant

COPA interviewed Mr. ██████████ on March 6, 2019. Mr. ██████████ stated that on March 5, around 5 pm, he was driving his vehicle westbound as a rideshare provider and he had a passenger. Mr. ██████████ passenger was going to three different spots: a bank, the location of the incident, and her home. Mr. ██████████ stopped by the curb just west of the bus stop sign to drop his passenger off, on Madison St. just east of Long Ave. He is a Pace bus driver and he knows that the bus stop sign forms the boundary of the bus stop, so that he was not actually stopped at the bus stop. Immediately after the passenger got out, Mr. ██████████ heard a single siren sound and looked in his mirror to see a police car behind him with the emergency lights on. Mr. ██████████ pulled out as he was about to do anyway, thinking that the officers just wanted him to move. As Mr. ██████████ was driving, he realized the officers were trying to curb him so he stopped just west of Long Ave.

An officer, who COPA has identified as Officer Demond Sykes, came up to the driver's side and, after informing Mr. ██████████ that he was being recorded, he informed Mr. ██████████ that the traffic stop was due to parking in a bus stop and within fifteen feet of a fire hydrant. Officer Sykes took Mr. ██████████ license and insurance and went back to the squad car. When the passenger returned to the vehicle, Officer Sykes went back to Mr. ██████████ vehicle and asked her if she was a passenger. When she confirmed that she was a passenger, Officer Sykes informed her that Mr. ██████████ was being detained but that she was free to go if she wanted. Officer Sykes then returned to the squad vehicle.

Mr. ██████████ ended up waiting in his car for 25-35 minutes. During that time, Mr. ██████████ was getting agitated and called his wife to let her know what was going on. When Officer Sykes returned, he gave Mr. ██████████ an Administrative Notice of Ordinance Violation (ANOV). Officer Sykes explained to Mr. ██████████ that he had been a police officer for 13 years and that he knows the law. Officer Sykes explained to Mr. ██████████ that instead of issuing him two tickets, he would only give him one. Officer Sykes also informed Mr. ██████████ that Mr. ██████████ may go to court at 400 W. Superior if he would like to challenge the ticket.

After the interaction was complete, Mr. ██████████ went to the police station and they informed him that he may file a complaint with COPA. Mr. ██████████ then went home, called COPA, and came in for the interview the following day. He estimated that the traffic stop took 30-45 minutes in total. Mr. ██████████ has decals indicating that he is a rideshare driver on both the front and back windshields of his car.

ii. Officer Demond Sykes – Accused Officer

COPA interviewed Officer Demond Sykes on June 17, 2019. Officer Sykes denied all the allegations. Factually speaking, his statements matched with Mr. ██████████ description of the

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

incident with a few added details. Officer Sykes stated that he was driving eastbound when he first observed Mr. [REDACTED] vehicle standing in the westbound bus stop. Officer Sykes activated his lights, made a U-turn, and relocated his vehicle directly behind Mr. [REDACTED] vehicle.

Officer Sykes stated he had two reasons for stopping Mr. [REDACTED] (1) Mr. [REDACTED] vehicle was standing within 15 feet of a fire hydrant, and (2) it was standing at a CTA bus stop. Officer Sykes stated that the basis for these stops were violations of the Municipal Code of Chicago (MCC), Sections 9-64-140(b) and 9-64-100. According to Officer Sykes, those codes prohibit parking and standing at a CTA bus stop or within 15 feet of a fire hydrant, respectively. Officer Sykes came to the interview with a printout of MCC 9-64-140(b) and, with counsel's assistance, he pulled up MCC 9-64-100 on a mobile phone during the interview.

COPA asked Officer Sykes whether either of those municipal code provisions made exceptions for vehicles dropping off passengers. Officer Sykes recited MCC 9-64-140(b), stating that the code allows for an exception for "a vehicle engaged in the expeditious loading or unloading of passengers when such standing does not interfere with any bus." But, Officer Sykes argued, this exception did not apply: "[I]f you look at the time on the ANOV ticket, it was March the 5th, 2019 at 5:21 p.m. So let's talk about that. We can go anywhere in the City of Chicago, 5:21 p.m. is what? Rush hour. A bus did pass and could not get into that bus stand. [Mr. [REDACTED] did interfere with the CTA bus actually being able to relocate into the bus stand."²

Officer Sykes further stated that he did not prolong the traffic stop beyond the time reasonably required. Officer Sykes stated that only 26 minutes elapsed from the time he stopped Mr. [REDACTED] to the time he returned to the vehicle with the ANOV. Officer Sykes had not had too much experience with giving citations related to the Transportation Network Provider law, so he made some calls to other officers to make sure that he was writing the ticket correctly. The stop, according to Officer Sykes, was prolonged beyond those 26 minutes because Mr. [REDACTED] was interacting with Officer Sykes. Officer Sykes stated that Mr. [REDACTED] was angry and that he treated the stop like a "judicial proceeding." Officer Sykes insisted that the citation he gave to Mr. [REDACTED] was proper because he was in violation of the MCC.

iii. Officer Hichem Bouakli – Witness Officer

COPA interviewed Officer Hichem Bouakli on May 6, 2019. Officer Bouakli rarely worked with Officer Sykes and described Officer Sykes as professional when dealing with civilians during the six to eight traffic stops they conducted together. According to Officer Bouakli, Officer Sykes has a tendency to conduct long traffic stops and often mentions that he is a long-term veteran officer. Officer Bouakli characterized the stop of Mr. [REDACTED] as being of above-average length, as their stops average 5-20 minutes, longer if issuing an ANOV. Officer Bouakli did not recall incidents when Officer Sykes mistreated civilians.

² Att. 31, 22:1-12.

b. Digital Evidence

COPA reviewed video evidence consisting of In-Car Camera (“Dashcam”)³ footage and Body-Worn Camera (“BWC”)⁴ footage. COPA also reviewed Police Observation Device (“POD”) videos, but they did not capture the interaction.

The Dashcam video starts at 5:16 pm⁵. The video indicates that the police car is driving west on Madison Avenue. At 5:17:02, the camera shows a vehicle, now known to have been driven by Mr. ██████ pulling to the side with its hazard lights on. At 5:17:14, about five seconds after the car came to a complete stop, a passenger opens the back door on the passenger side of the car and exits, while the police car is pulling to the side behind the stopped car. As the passenger and her baby are exiting the car, seven seconds after opening the back door, the vehicle activates its lights. The stopped car moves immediately, after which the police car activates the siren sound and Mr. ██████ stops in the street, with approximately half of the car in the bike lane, and half of it in the northern driving lane of Madison Street.

Between 5:18 and 5:21, Officer Sykes explains to Mr. ██████ the reasons for the stop and that the stop is being audio-visually recorded. Officer Sykes explains that he stopped Mr. ██████ because he is not allowed to “park or stand” within 15 feet of a fire hydrant, and because there is also a CTA bus stand there. When Mr. ██████ attempts to explain that he was just dropping someone off, Officer Sykes indicates that he is merely “establishing probable cause.” Officer Sykes requests Mr. ██████ license and insurance card and, as he is seemingly retrieving them, the passenger and her infant return and enter the car at 5:19:36. Officer Sykes asks the passenger whether Mr. ██████ is her driver and she confirms it. Officer Sykes informs the passenger that everything is being recorded and tells her that the child should be in a safety seat. He explains, “Only thing I do is enforce what the what? What the law says. You see what I’m saying? So don’t think I’m picking on you. I just know the law like the back of my hand.” At 5:20:34, a westbound CTA bus drives by both cars. At 5:21, Officer Sykes and his partner return to the police car.

Upon return to the car, Officer Sykes says, “Okay, now, this is that new one that the guy was just telling me about. For...he should get a[n] ANOV because he is a ... TNP, Transportation Network Provider.” At 5:21:48, another westbound CTA bus passes by. At 5:23:36, Officer Sykes returns to Mr. ██████ vehicle to explain to the passenger that only Mr. ██████ is being detained and that she may leave if she so wishes. The officers return to the squad car at 5:24:45.

After returning to the squad car, Officer Sykes calls one fellow officer, unsuccessfully attempts to call another, seemingly looks up the municipal code (seen on BWC), and seemingly texts someone (BWC).

The officers return to Mr. ██████ car at 5:43:52, and Officer Sykes immediately explains the delay: “Okay, sir, so basically sometimes our computers run fast sometimes they run slow, I’m sure you probably have a computer at home and you already know how that works, okay? So that’s what the delay was right there.”

³ Att. 14.

⁴ Atts. 13 (Officer Bouakli BWC) and 17 (Officer Sykes BWC).

⁵ This time may not accurately reflect the actual time—it represents the timestamp on the Dashcam video.

On BWC, Officer Sykes explains to Mr. [REDACTED] that one citation for stopping at a bus stand is being issued. Mr. [REDACTED] complains that he was kept there for 40 minutes and that he was simply dropping off the passenger and her baby by the curb instead of doing it in the middle of the street. Officer Sykes and Mr. [REDACTED] talk back and forth, with Mr. [REDACTED] insisting that he did nothing wrong, and Officer Sykes insisting that he will not let Mr. [REDACTED] go until he explains the ANOV to him fully. Mr. [REDACTED] complains that Officer Sykes is doing too much.

At some point, Officer Sykes explains that Mr. [REDACTED] can only drop off and pick up passengers at “specific locations” and “certain designated locations.” Officer Sykes indicates that he knows the law like the “back of his hands,” stating multiple times that he knows the laws, but that he gave Mr. [REDACTED] a courtesy by only issuing one citation.

When Mr. [REDACTED] questions the legitimacy of the citation, Officer Sykes responds, “You’re not gonna win this, I’m by the book on this. I’m telling you what the law says and my function is simply enforcing what the law says. ... So you not gonna be able to get nothing on me about doing nothing illegal.” Officer Sykes goes through the entire ANOV, saying what it stands for, where his star number is, where the event number is and that it means that they communicated with their dispatch (“by two ways, either through the radio, or through the computer”), the entire narrative, what an Administrative Law Judge is/does, and more.

c. Documentary Evidence

Documentary evidence in this case consists of an Administrative Notice of Ordinance Violation (P00545093616).⁶ The notice enumerates one count of a violation of MCC 9-115-250(c)⁷, stating that it occurred at 5:21 pm at 5362 W. Madison St. In the description, Officer Sykes wrote that he observed Mr. [REDACTED] vehicle standing at a bus stop “while letting a paying passenger out of the vehicle,” in violation of MCC 9-64-140(b).

Additionally, Officer Sykes brought with him a printout of the disposition of the ANOV issued to Mr. [REDACTED]. Officer Sykes stated that, despite the findings, he had gotten confirmation from city attorneys that he had written the ANOV correctly when he went to 400 W. Superior to ask them.

<u>Finding</u>	<u>NOV#</u>	<u>Count(s)</u>	<u>Municipal Code Violated</u>	<u>Penalties</u>
City non-suit	P005450936	1	0000 - Non-matching violation received from external system	\$0.00

⁶ Att. 7.

⁷ MCC 9-115-250, titled “Enforcement – Rules and regulations,” states in part, “(c) The commissioner is authorized to enforce this chapter, and to adopt rules and regulations for the proper administration and enforcement of this chapter.”

VI. LEGAL STANDARD

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 the conduct occurred and violated Department policy.⁸ 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.

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.⁹ 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."¹⁰

VII. ANALYSIS

COPA sustains all the allegations against Officer Sykes. First, Officer Sykes could not articulate reasonable suspicion to believe that Mr. [REDACTED] was committing a violation. Second, Officer Sykes prolonged the stop when he decided to research the law and make phone calls, later telling Mr. [REDACTED] that the delay was caused by a slow computer. Third, Officer Sykes improperly issued a citation to Mr. [REDACTED] because not only did Mr. [REDACTED] not violate any parts of the code, Officer Sykes knew or should have known that a violation did not occur.

a. Officer Sykes lacked reasonable suspicion to stop Mr. [REDACTED]

⁸ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (explaining that a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

⁹ See, e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

¹⁰ *Id.* at ¶ 28.

The first allegation is that Officer Sykes improperly seized Mr. [REDACTED] by unjustifiably stopping him. “As a general matter, the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation occurred.”¹¹ The Illinois Supreme Court has further elaborated that reasonable, articulable suspicion “will suffice for purposes of the fourth amendment irrespective of whether the stop is supported by probable cause.”¹² Officer Sykes insists that Mr. [REDACTED] was in fact violating two separate provisions of the Municipal Code of Chicago (MCC), which gave the officer probable cause to stop Mr. [REDACTED]. Even if Officer Sykes did not have probable cause to stop Mr. [REDACTED] the stop will be judged valid so long as Officer Sykes could articulate reasonable suspicion for an investigatory stop.¹³ COPA finds that Officer Sykes did not have reasonable articulable suspicion or probable cause to stop Mr. [REDACTED].

i. Officer Sykes lacked reasonable suspicion to believe that Mr. [REDACTED] violated MCC 9-64-140.

The MCC makes it unlawful “to stand or park a vehicle” at a bus stop.¹⁴ Standing is the stopping of a car except when it is stopped “temporarily for the purpose of and while actually engaged in receiving or discharging passengers,” so long as the driver is in the immediate vicinity of the car to move if it necessary.¹⁵ The code also states that the provision “shall not apply to a vehicle engaged in the expeditious loading or unloading of passengers when such standing does not interfere with any bus”¹⁶

Officer Sykes made two assertions to justify the inapplicability of that expeditious-unloading exemption. First, he claimed that he originally witnessed the vehicle standing in the bus stop when the officer was driving eastbound, then made a U-turn and caught up with Mr. [REDACTED] while he was still stopped at the bus stop. The Dashcam belies Officer Sykes’ recollection. The video shows that Officer Sykes was driving behind Mr. [REDACTED] when Mr. [REDACTED] first pulled into the bus stop. And it also shows that Mr. [REDACTED] passenger began to exit the vehicle about 5 seconds after it came to a complete stop.

Officer Sykes’ second claim also diminishes the reliability of his statements. When Officer Sykes was specifically presented with the expeditious-unloading exemption in the interview, he stated that a bus did attempt to enter the bus stop but could not because of Mr. [REDACTED] car. However, no bus appears in the Dashcam video until approximately 3 minutes after Mr. [REDACTED] had brought his car to a complete stop. By that time, the passenger had gotten off, Mr. [REDACTED] had moved with his vehicle, Officer Sykes had stopped the vehicle, Mr. [REDACTED] had presented his license and insurance, and, ironically, the passenger had returned to the back seat of the car.

Officer Sykes made two assertions to explain why Mr. [REDACTED] was violating the provision of the Municipal Code of Chicago. Both assertions were not accurate.¹⁷ Had either of those

¹¹ *Illinois v. McDonough*, 239 Ill. 2d 260, 267 (2010) (quoting *Whren v. United States*, 517 U.S. 806, 810 (1996)).

¹² *People v. Hackette*, 2012 IL 111781 at *6 (Ill. 2012)

¹³ *Id.*

¹⁴ MCC Ch. 9-64-140(b).

¹⁵ MCC 9-4-010.

¹⁶ MCC Ch. 9-64-140(b).

¹⁷ An officer on a traffic mission is not expected to remember every happening during every stop down to the minute, which is why video evidence can be critical in determining whether misconduct occurred.

assertions been true, Officer Sykes would have been justified in stopping Mr. [REDACTED]. However, considering that the passenger started to exit about 5 seconds after the car came to a complete stop, Mr. [REDACTED] was “engaged in the expeditious” unloading of a passenger by any reasonable definition, which the MCC allows. Accordingly, not only did Officer Sykes not have reasonable suspicion to stop Mr. [REDACTED] Officer Sykes knew or should have known for a fact that Mr. [REDACTED] was not committing a traffic violation because he was not “standing” at a bus stop.

ii. Officer Sykes lacked reasonable suspicion to believe that Mr. [REDACTED] violated MCC 9-64-100.

The MCC makes it “unlawful to park any vehicle . . . within 15 feet of a fire hydrant.”¹⁸ Officer Sykes claimed in his interview that the code prohibited both parking and standing, but that is in fact not the case. Parking is defined in the code as “the standing of an unoccupied vehicle otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.”¹⁹ As discussed above, Mr. [REDACTED] was engaged in unloading a passenger, and he was present in his car, which means that the car was not “parked.” Accordingly, Officer Sykes knew or should have known that Mr. [REDACTED] was in fact not violating this provision of the Code.

iii. Officer Sykes lacked probable cause to believe that Mr. [REDACTED] violated state law.

COPA asked Officer Sykes whether there were any other reasons to stop Mr. [REDACTED] bringing up specifically that he also mentioned state law when speaking to the driver. Officer Sykes insisted that he listed *the* two reasons for stopping Mr. [REDACTED]. However, because “subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis,”²⁰ COPA will analyze whether “a reasonable officer in the same circumstances *could have stopped*” the car.²¹ State law prohibits stopping, standing, or parking within 15 feet of a hydrant “except momentarily to pick up or discharge passengers.”²² Standing is defined as the halting of a car “otherwise than when temporarily and actually engaged in receiving or discharging passengers.”²³ As discussed above, Officer Sykes saw Mr. [REDACTED] car pull in and immediately drop off a passenger. Accordingly, no reasonable officer would have stopped Mr. [REDACTED] car because he was momentarily allowing a passenger to exit.

Because Officer Sykes lacked probable cause or reasonable suspicion to believe that Mr. [REDACTED] was violating any local, state, or federal law, the second allegation is sustained.

b. Officer Sykes prolonged Mr. [REDACTED] stop beyond the time reasonably required.

¹⁸ MCC 9-64-100(a).

¹⁹ MCC 9-4-010.

²⁰ *Whren v. United States*, 517 U.S. 806, 813 (1996).

²¹ *See id.*, 517 U.S. at 809 (emphasis in original).

²² 625 ILCS 5/11-1303(a)(2).

²³ 625 ILCS 5/1-194; *see also* 625 ILCS 5/1-156 (also exempting cars “temporarily and actually engaged in loading or unloading . . . passengers” from the definition of parking).

Authority to seize a person in a traffic stop “ends when tasks tied to the traffic infraction are—or reasonably should have been—completed.”²⁴ Therefore, a traffic stop “can become unlawful if it is prolonged beyond the time reasonably required to complete” the mission of issuing a citation.²⁵ Determining whether the length of a stop was reasonable is a factual inquiry into what the officer actually did and how that compares to what police in general do.²⁶ If an officer can complete the stop “expeditiously,” then that becomes the reasonable length of the stop, and “a traffic stop prolonged beyond that point is unlawful.”²⁷ By the same token, if a stop is based on reasonable suspicion, its duration must be brief.²⁸ Whatever the reason for the stop, “the scope of the detention must be carefully tailored to its underlying justification.”²⁹

Officer Sykes pulled Mr. ██████ over and spoke to him for five minutes. Aside from a minute where he returned to Mr. ██████ car to inform the passenger that she was not detained, Officer Sykes spent over 20 minutes in the squad car. He called one person, attempted to call another, and looked up laws. And after returning to Mr. ██████ car, the conversation took approximately another 12 minutes. All in all, the stop lasted almost 40 minutes.

Officer Sykes explains that the stop would have taken about 30 minutes if the driver had not made remarks and asked questions. That argument is not persuasive. First, 30 minutes to give a simple citation for standing in a bus stop is too long. Second, spending over 20 minutes in the car essentially researching the law and calling people for help is unreasonable. Officer Sykes could have easily written a ticket like he had many times before; instead, he spent extra time chasing down a new law he had heard about from a colleague. In fact, Officer Sykes obviously appreciated that the stop was too lengthy; upon returning to Mr. ██████ car, Officer Sykes stated that the computer was slow to justify the protracted length of the stop. Third, Officer Sykes was a full participant in the conversation with Mr. ██████ often repeating himself multiple times and taking long pauses. During several moments, he would talk at length without interruption.

Officer Sykes prolonged the stop in two ways, first by spending too much time conducting legal research in his car, then by arguing with Mr. ██████

And because the stop was too long even if Officer Sykes had probable cause to stop Mr. ██████ it was certainly too long for a stop based on reasonable suspicion.³⁰ There were no articulable facts that warranted the stop in the first place, as discussed above, and no facts were uncovered during the stop that gave rise to such reasonable suspicion. The second allegation is sustained.

c. Officer Sykes improperly issued Mr. ██████ a citation.

²⁴ *Rodriguez v. United States*, 135 S. Ct. 1609, 1614 (2015).

²⁵ *Illinois v. Caballes*, 125 S. Ct. 834, 834 (2005).

²⁶ *Rodriguez*, 135 S. Ct. at 1616.

²⁷ *Id.* (internal quotation marks, citations, and brackets omitted).

²⁸ *See, e.g., Hackette*, 2012 IL 111781 at *6.

²⁹ *Rodriguez*, 135 S. Ct. at 1614.

³⁰ *See, e.g., Hackette*, 2012 IL 111781 at *6 (“A police officer may conduct a brief, investigatory stop of a person where the officer can point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant the intrusion.”).

The question of whether Officer Sykes properly issued a citation to Mr. ██████ rests in large part on the factual analysis above regarding whether probable cause existed to stop Mr. ██████. As discussed above, Mr. ██████ did not in fact run afoul of any local or state provisions that prohibit parking or standing in front of a bus stop or fire hydrant, and Officer Sykes knew or should have known that. Accordingly, Officer Sykes issued the citation in error, and the third allegation is sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Sykes

i. Complimentary and Disciplinary History

Officer Sykes' complimentary history consists of 24 honorable mentions, two complimentary letters, and one department commendation, among others. Officer Sykes' publishable disciplinary history consists of a sustained finding for a domestic disturbance, the penalty for which was reduced from a 1-day suspension to a written reprimand after grievance.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

The first allegation is that Officer Sykes stopped the Complainant without justification. Officer Sykes is a long-term veteran of the Chicago Police Department and he is expected to have a better understanding of when to conduct traffic stops based on his experience. Additionally, Officer Sykes had a PPO with him, who is supposed to be learning the correct way of doing things, and Officer Sykes refused to take responsibility for his actions. But Officer Sykes' actions are mitigated by the fact that recognizing that Mr. ██████ vehicle was not in fact "standing" at the bus stop required a somewhat nuanced reading of the ordinance. Balancing the aggravating and mitigating factors in this case, COPA finds appropriate a recommendation of a 4-day suspension for the first allegation.

2. Allegation No. 2

The second allegation is that Officer Sykes prolonged the traffic stop beyond reasonably necessary. The reasonable length of the stop would depend on whether it was based on reasonable suspicion (the stop would have to be brief) or probable cause (enough time to carry out the mission of issuing a warning or traffic citation). By either standard, the stop took too long, and that was mainly due to Officer Sykes spending time researching the law in his vehicle. Some of the aggravating factors from Allegation No. 1 above apply: length of service, presence of a PPO, and lack of remorse. However, Mr. ██████ also did contribute to the delay by arguing with Officer Sykes. Additionally, the fact that Officer Sykes was attempting to learn more about an ordinance he had just heard about to make sure he issues the right citation also mitigates his actions. Balancing the aggravating and mitigating factors in this case, COPA finds appropriate the recommendation of a 3-day suspension for the first allegation.

3. Allegation No. 3

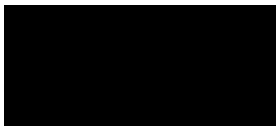
The third allegation is that Officer Sykes issued a citation without justification. The same aggravating and mitigating factors from Allegation No. 1 above apply. One additional mitigating factor is that a ticket can always be contested and that Officer Sykes clearly explained to Complainant that he may not argue about the ticket during the stop, but that he may contest it at a hearing. COPA finds that a 2-day suspension is appropriate for this allegation.

IX. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Sykes	It is alleged that, on March 5, 2019, around 5:30 pm, near 5362 W Madison Street, Officer Sykes: <ol style="list-style-type: none"> 1. Improperly seized Complainant by conducting a traffic stop without justification, in violation of Rule 1; 2. Prolonged Complainant’s traffic stop beyond the time reasonably required, in violation of Rules 1 and 11; and 3. Improperly issued a citation to Complainant for standing in a bus stop, in violation of Rule 11. 	<p>SUSTAINED/ Suspension – 4 days</p> <p>SUSTAINED/ Suspension – 3 days</p> <p>SUSTAINED/ Suspension – 2 days</p>

Approved:



Andrea Kersten
Deputy Chief Administrator – Chief Investigator

January 28, 2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	IV
Investigator:	Tamer Y. Abouzeid
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten