

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF CHARGES FILED AGAINST )**  
**SERGEANT DENNIS GRABER, )** **No. 22 PB 3008**  
**STAR No. 1389, DEPARTMENT OF POLICE, )**  
**CITY OF CHICAGO, )**  
**RESPONDENT. )** **(CR No. 2019-2625)**

**FINDINGS AND DECISION**

On September 6, 2022, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Dennis Graber, Star No. 1389 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“Department” or “CPD”) for violating CPD’s Rules of Conduct.

A hearing on the charges against Respondent took place before Hearing Officer April M. Perry on February 7, February 14, and March 7, 2023. Following this evidentiary hearing, the members of the Police Board read and reviewed the record of the proceedings, including the Hearing Officer’s Report and the Superintendent’s response to this report (Respondent did not file a response), and viewed the video recording of the entire evidentiary hearing. The Hearing Officer made an oral report to and conferred with the Board before it rendered its findings and decision.

During the proceedings of this case, from the filing of charges through the evidentiary hearing, the Hearing Officer made rulings and entered orders. None of the Hearing Officer’s rulings and orders is overruled or reversed.

**POLICE BOARD FINDINGS**

As a result of its hearing on the charges, the Police Board finds and determines that:

1. Respondent was at all times mentioned herein employed as a sergeant of police by the

Department of Police of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges Respondent appeared and was represented by legal counsel.

### **Introduction**

4. On July 11, 2019, Respondent was called to the scene of a domestic incident involving Stephanie Sykes and her husband, Chicago Police Officer Charles Sykes. As a result of Respondent's interactions with the Sykes family on July 11, the Superintendent has filed three charges against Respondent. Respondent has been charged in Specification No. 1 with failing to completely record all of Respondent's law-enforcement-related activities on his Body Worn Camera (BWC) in violation of Chicago Police Department Rules 2, 3, and 6. Respondent is charged in Specification No. 2 with failing to follow proper protocols given that a claim of intoxication had been made regarding Officer Sykes and with allowing Officer Sykes to drive while intoxicated in violation of Rules 2, 3, 6, and 10. Finally Respondent is charged in Specification No. 3 with falsely claiming to the Civilian Office of Police Accountability (COPA) that Respondent did not suspect Officer Sykes had been intoxicated that night, in violation of Rules 2, 3, 10, 11, and 14.

### **Summary of the Facts**

5. On July 11, 2019, Stephanie Sykes came home from work at around 6:30 or 7:00 p.m. to find her husband, Police Officer Charles Sykes, entertaining family members. It was clear to Mrs. Sykes that her husband and the other guests had been drinking before she had come home.

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Officer Sykes went to bed before Mrs. Sykes, and when she came to bed later the two got into a heated argument. Ultimately, Officer Sykes left the house. Mrs. Sykes called 911 at approximately 10 p.m., reporting that her husband was a police officer who had attacked her and that she needed a police response immediately. During further questioning from the dispatcher, Mrs. Sykes responded that her husband had been drinking.

The first officers who responded to the Sykes home on July 11 were a Field Training Officer and his two Probationary Police Officers. Following protocol that requires a supervisor to be present when an incident involves a Chicago police officer, they called Respondent to the scene.

Respondent arrived at the Sykes home at around the same time that Officer Sykes was returning in Officer Sykes's personal vehicle. Having been a Sergeant for only fourteen months by this point, Respondent had not previously responded to the scene of an incident involving another CPD officer, although he had received training on this topic. Respondent activated his BWC when he arrived, and first met inside the Sykes home with Mrs. Sykes while Officer Sykes remained outside.

Mrs. Sykes informed Respondent that her husband had a drinking issue and that he had been drunk that night "as usual." She further told Respondent that her husband had gone to sleep, and that she had awakened him when she went to lay down and the two had "a scuffle" during which her husband jumped on her and she defended herself. Mrs. Sykes emphasized that she did not want her husband to lose his job, but he had a drinking problem and this was not their first issue because of it. Respondent informed Mrs. Sykes that Officer Sykes would be arrested based upon the information Mrs. Sykes provided. Respondent further told Mrs. Sykes that Officer Sykes would be in trouble, but not lose his job, and that Respondent would contact the Employee

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Assistance Program and the Department would encourage Officer Sykes to get counseling.

Respondent told Mrs. Sykes that if she signed a complaint, Respondent would then do what he needed to do.

After speaking with Mrs. Sykes, Respondent went outside to talk to Officer Sykes. Officer Sykes denied having touched his wife and instead alleged that his wife had started the fight and he left the house to avoid a conflict. Respondent told Officer Sykes that Officer Sykes would be placed into custody based upon Mrs. Sykes's allegations. Officer Sykes continued to deny any abuse of his wife and told Respondent that the problem with his wife could be worked out if Officer Sykes was just allowed to talk to her. Respondent told Officer Sykes that Respondent had to make some phone calls and see what he could do.

Following this conversation with Officer Sykes, Respondent turned off his BWC and called the Lieutenant on duty. According to Respondent's testimony, during his conversation with the Lieutenant, the Lieutenant instructed Respondent to make sure that Mrs. Sykes would sign a complaint against her husband, given that each party involved in the fight had a different explanation for how it had started and what it had entailed. Respondent acknowledged at the hearing that Respondent told the Lieutenant only about the domestic violence incident and not that Mrs. Sykes had also reported her husband's drinking problem and use of alcohol.

Following Respondent's conversation with the Lieutenant, Respondent went back inside the Sykes home to again speak with Mrs. Sykes, turning his BWC back on. Respondent explained to Mrs. Sykes that if she was adamant about her husband being arrested, Officer Sykes would take a breathalyzer and be in some trouble, but he would not lose his job. Respondent further told Mrs. Sykes that maybe after Officer Sykes "sobers up...he'll have a different outlook." Mrs. Sykes asked if Respondent could just take Officer Sykes somewhere to talk to

him, but Respondent told her that his only option was to arrest Officer Sykes. After having spoken to Respondent the second time, Mrs. Sykes was no longer willing to sign a complaint against her husband.

With Mrs. Sykes no longer cooperating with the filing of charges, Respondent decided he needed to call his Lieutenant back to determine what he should do next, and again turned off his BWC. While his BWC was off, Respondent spoke for the second time to Officer Sykes, a conversation that was recorded in part on FTO Kissack's BWC. During this conversation with Officer Sykes, Respondent told Officer Sykes that he would not be arrested that night, but that Respondent would still be initiating a CR against Officer Sykes. Respondent further explained that if Officer Sykes had been arrested, he would have to be taken into custody, IAD [CPD Internal Affairs] would have to come to the scene, and Officer Sykes would have to submit to a breathalyzer. During this conversation, Officer Sykes agreed to leave his marital home for the night.

Respondent reactivated his BWC as Respondent was escorting Officer Sykes back into the Sykes home to collect some belongings that Officer Sykes needed. Respondent followed Officer Sykes throughout the house, including down a set of stairs where Officer Sykes retrieved his clothes and watch and other items. Officer Sykes then left the house, got into his personal vehicle, and left the scene.

For the third time, Respondent deactivated his BWC when Officer Sykes was leaving the house and then turned it back on when Respondent went to again speak with Mrs. Sykes. During this interaction, Respondent provided Mrs. Sykes with the phone number for EAP, gave her information about how to get an order of protection, and told her she could change her mind about filing charges against her husband. He further told Mrs. Sykes that if she had injuries, he

would not have had a choice about arresting Officer Sykes, and Mrs. Sykes responded that she wasn't going to show Respondent any injuries.

Following the incident at the Sykes home, Respondent initiated a CR against Officer Sykes and participated in an interview with COPA. During that interview, Respondent told COPA that Officer Sykes did not show signs of alcohol impairment on July 11.

### **Charges Against the Respondent**

6. Sergeant Dennis Graber, Star No. 1389, is **guilty** of violating Rules 2, 3, and 6 in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 1:

On or about July 11, 2019, at approximately 10:10 p.m., while at or near the location of [xxx] West 85<sup>th</sup> Street in Chicago, Sergeant Graber failed to completely record all of his law-enforcement-related activities on his body-worn camera while responding to a domestic incident involving Chicago Police Officer Charles Sykes. Sergeant Graber thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals; and
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying CPD Special Order S03-14.

Respondent acknowledged at the hearing that he turned off his BWC on three separate occasions while at the Sykes home on July 11. As a result, Respondent's two discussions with his Lieutenant and one of his discussions with Officer Sykes were not recorded on Respondent's BWC. Respondent testified that the first two times he turned off his BWC, he did so because he was not sure at the time whether the conversations with his Lieutenant should have been recorded. With respect to the third time he turned off his BWC, Respondent acknowledged at the hearing that he "probably jumped the gun" in deactivating the BWC prior to his last conversation

with Mrs. Sykes. Respondent further admitted that he now recognizes that turning off his BWC was not consistent with Special Order S03-14, which states that BWCs should not be deactivated until “the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity.” We agree with Respondent’s assessment that he violated Special Order S03-14, and therefore find Respondent guilty of the charges in Specification No. 1.

7. Sergeant Dennis Graber, Star No. 1389, is **guilty** of violating Rules 2, 3, 6, and 10 in that the Superintendent proved by a preponderance of the evidence certain of the following charges set forth in Specification No. 2:

On or about July 11, 2019, at approximately 10:10 p.m., while at or near the location of [xxx] West 85<sup>th</sup> Street in Chicago, while responding to a domestic incident, Sergeant Graber failed to report Stephanie Sykes’s allegation that Charles Sykes was intoxicated, or words to that effect, to the district station supervisor, Crime Prevention and Information Center (“CPIC”), and/or the Department; and/or Sergeant Graber allowed Officer Sykes to operate a motor vehicle when Sergeant Graber had previously made statements that indicated that Sergeant Graber suspected and/or believed Officer Sykes was intoxicated. Sergeant Graber thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department’s efforts to implement its policy or accomplish its goals;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying Special Order S08-01-02; and
- d. Rule 10, which prohibits inattention to duty.

Respondent acknowledged at the hearing that he did not properly follow the Special Order relating to allegations of intoxication against CPD Officers. Special Order S08-01-10 states as follows:

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Whenever a sworn member or reporting party makes an allegation against a Department member relating to impairment, both on or off duty, that does not involve a vehicle, the procedures outlined below will be followed:

- a. The responsible command or supervisory member will:
  - (1) Make an immediate notification to the station supervision in the district and CPIC;
  - (2) Immediately respond to the scene of the incident and ensure adherence to applicable Department policies and procedures;
  - (3) Obtain a signed sworn affidavit from the reporting party if available;
  - (4) Obtain a Log Number and prepare an initiation report describing the impairment;
  - (5) Ensure that a To-From-Subject Report is obtained from each member having knowledge of the circumstances surrounding the incident prior to the end of his or her tour of duty;
  - (6) Continue the criminal investigation, if applicable, and coordinate with the BIA call-out supervisor who will conduct the administrative phase of the investigation.

Respondent testified that he did not follow the appropriate procedure for reports of officer intoxication because he believed on July 11 that he needed probable cause to support a charge of intoxication. Respondent acknowledged at the hearing that he understands now that pursuant to S08-01-10, he should have followed the above six steps based solely on Mrs. Sykes's allegations of her husband having been drunk. Respondent further acknowledged that he did not follow steps 1, 3, 5, or 6. With respect to number 2, Respondent stated that he followed it to the best of his ability, but also agreed that he did not follow proper procedures with respect to BWCs. With respect to number 4, Respondent did prepare a log number, but admittedly did not note the claim of intoxication within the report.

Because Respondent did not follow CPD rules relating to officer intoxication as set forth in S08-01-10, we find Respondent guilty of the charges in Specification No. 2. We note, however, that because we do not find Respondent made statements that would necessarily reflect that he "suspected and/or believed Officer Sykes was intoxicated" (*see* pages 10-12 below), we



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do not find Respondent guilty of the charge that “Sergeant Graber allowed Officer Sykes to operate a motor vehicle when Sergeant Graber had previously made statements that indicated that Sergeant Graber suspected and/or believed Officer Sykes was intoxicated.” We find only that Respondent “failed to report Stephanie Sykes’s allegation that Charles Sykes was intoxicated, or words to that effect, to the district station supervisor, Crime Prevention and Information Center (“CPIC”), and/or the Department.”

8. Sergeant Dennis Graber, Star No. 1389, is **not guilty** of violating Rules 2, 3, 10, 11, and 14 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 3:

On or about March 5, 2020, at approximately 8:30 a.m., while at or near the location of 1615 West Chicago Avenue in Chicago, during an interview with the Civilian Office of Police Accountability (“COPA”), Sergeant Graber provided a false, misleading, incomplete, and/or inaccurate statement to COPA when he stated that on July 11, 2019, while responding to a domestic incident, he did not suspect Officer Sykes was intoxicated, or stated words to that effect, although on July 11, 2019, Sergeant Graber had made one or more statements indicating that he suspected and/or believed Officer Sykes was intoxicated. Sergeant Graber thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department’s efforts to implement its policy or accomplish its goals;
- c. Rule 10, which prohibits inattention to duty;
- d. Rule 11, which prohibits incompetency or inefficiency in the performance of duty;  
and
- e. Rule 14, which prohibits making a false report, written or oral.

We do not believe that the Superintendent has met his burden of proving by a preponderance of the evidence either that Respondent suspected and/or believed that Officer

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Sykes was intoxicated on July 11 when Respondent arrived, or that Respondent purposefully misled COPA when denying that he believed Officer Sykes had been intoxicated.

We have closely reviewed all of the BWC recordings of Officer Sykes and see no signs of Officer Sykes being intoxicated when Respondent was with him. Officer Sykes had no issues communicating with Respondent and showed no signs of impaired speech while talking with Respondent extensively about the allegations against him, including asking “what’s the basis on the log number?” Nor did Officer Sykes show any signs of impaired movement or trouble with his balance or gait – including when he walked throughout his dark home and down a steep staircase that had pairs of shoes stored on several of the steps. Officer Sykes competently gathered all of the belongings he would need for work the next day, folded his clothes, put on his watch, and turned off the light switches as he left the room. Simply put: Officer Sykes’ demeanor and behavior did not show signs of intoxication in the presence of Respondent.

Moreover, the Superintendent did not present a single witness who testified at the hearing that they believed Officer Sykes was intoxicated at the time Respondent was on the scene. The only witness who testified that Officer Sykes had been drinking at all was Mrs. Sykes, whose testimony is of extremely limited value given her significant memory problems by the time of her testimony. Moreover, even according to Mrs. Sykes’s timeline, hours had passed since Officer Sykes’s last drink prior to 6:30 p.m. and Respondent’s arrival after 10 p.m. And Mrs. Sykes herself denied that Officer Sykes was inebriated by the time Respondent arrived on the scene. For these reasons, we find that the Superintendent has not met his burden of proving by a preponderance of the evidence that Respondent believed Officer Sykes to have been intoxicated and thereafter lied to COPA about this belief.

We agree with the dissent that Officer Sykes made statements to both Officer Sykes and Mrs. Sykes that could be interpreted as indicating that Respondent believed Officer Sykes to have been intoxicated. However, that is not the only possible interpretation for Respondent's statements, nor is it the interpretation that we find most likely under these facts. Domestic violence incidents are notoriously difficult for police officers to handle. The victim is often conflicted about having contacted law enforcement and worried about the collateral consequences of an arrest. The victim's story is often unsupported by physical evidence and differs starkly from the offender's story. Emotions and tempers are frequently high when both the victim and offender are on the scene, and a significant part of law enforcement's job is to de-escalate the situation so additional violence does not occur. All of these factors were present in this case.

With all of this in mind, we believe that Respondent was doing the best he could to respond to Mrs. Sykes's worries, which focused more on Officer Sykes's chronic alcoholism than what had occurred earlier on July 11. We further believe that Respondent was likely telling both Officer Sykes and Mrs. Sykes whatever he believed would best de-escalate their tension, regardless of whether he necessarily believed either of their stories to be true. For example, when talking with Mrs. Sykes about what would happen when Officer Sykes "sobers up," we believe Respondent was crediting her account of Respondent's alcoholism and discussing with her what the best path would be to put Officer Sykes on a path to sobriety. When talking with Officer Sykes about the possible consequence of his actions, Respondent was trying to encourage Officer Sykes to calm down and leave the scene because things would be far worse if Mrs. Sykes decided to sign a complaint: Officer Sykes would be arrested, have IAD [CPD Internal Affairs] come to the scene, and be asked to take a breathalyzer. Officers frequently make statements to

witnesses and offenders to elicit a particular response without necessarily believing what they are saying. This is a common way to build rapport and trust, and we credit Respondent's testimony that this is what he was trying to accomplish on July 11. For these reasons, we believe Respondent's testimony that he was trying to convey to Officer Sykes not that he would not "pass" the breathalyzer, but "get past" the situation, and we do not conclude from these statements that Respondent believed Officer Sykes to be drunk.

One final point that we find significant: Respondent testified at the hearing that he grew up in a home with an alcoholic father. From this experience, Respondent explained that he gained a nuanced understanding of the ways alcoholism can affect families and how long it can take to solve the problems that alcoholism causes. To the extent that the dissenting Board members believe that Respondent was trying to conceal Officer Sykes' intoxication by not arresting him, we believe that Respondent's behavior is more consistent with someone who is trying to help the entire family with a problem that is much more complex than a single arrest will address, especially when the victim is already showing reluctance to cooperate. Moreover, if Respondent were truly attempting to cover up Officer Sykes' misconduct, Respondent would never have filed the CR against Officer Sykes that ended up resulting in these charges against Respondent.

Respondent's actions on July 11 may not have been perfect, and his words may have been inartful, but we do not believe that his mistakes include an attempt to deceive COPA. For those reasons, we find Respondent not guilty of the charges in Specification No. 3.

#### **Disciplinary Action**

9. The Board has considered the facts and circumstances of the conduct of which it has found Respondent guilty and the evidence he presented in mitigation.

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Respondent offered in mitigation the testimony of two witnesses. One of his former partners, Officer Kyle Gleeson, testified that Respondent had been pivotal to his development as an officer, with a “people first,” “community first,” and “dignity first” approach to dealing with incidents. Respondent’s significant other, Jenny Quinlan, testified that Respondent is a loving, trustworthy, and hardworking man who takes good care of their blended family.

Respondent also presented his complimentary and disciplinary histories as evidence in mitigation. Respondent is a highly-decorated officer—since his appointment to the CPD in 2002, he has earned a total of 286 awards, including 1 Life Saving Award, 14 Department Commendations, 1 Special Commendation, 222 Honorable Mentions, 2 Police Officer of the Month Awards, and 4 Problem Solving Awards. There are no sustained complaints on his disciplinary history report.

After considering thoroughly Respondent’s evidence in mitigation, the Board finds that his accomplishments and the positive evaluations of him do not fully mitigate the seriousness of his misconduct.

Respondent violated the requirements of the CPD Special Order on body-worn cameras and was inattentive to duty when he turned off his BWC several times. This failure impeded the Department’s efforts to achieve its goals of improving the quality and reliability of investigations and increasing transparency. Transparency is especially important when one CPD member is called upon to investigate the actions of another CPD member. Respondent did not record two of his conversations with his lieutenant, one of his conversations with Officer Sykes, and portions of his last interaction with Mrs. Sykes, thereby casting suspicion as to whether Respondent was treating a fellow officer with favoritism. This suspicion is compounded by Respondent’s failure to follow the requirements of the special order for dealing with intoxicated persons. The public

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has a right to expect, and CPD rules require, that officers in Respondent's position apply the law fairly, regardless of whether an involved party is fellow CPD officer. Respondent's misconduct on July 11 brought discredit upon the CPD, thereby undermining public confidence in the judgment of its officers and the Department's mission. Effective law enforcement depends upon a high degree of cooperation between the police department and the public it serves. Conduct such as Respondent's erodes the public's trust of and confidence in police officers, thereby impeding the Department's efforts to achieve the important goal of reducing crime.

Respondent's conduct warrants significant disciplinary action. Taking into account all the evidence, including the evidence in mitigation, the Board finds that a suspension without pay of sixty (60) days is appropriate discipline in this case.

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**POLICE BOARD DECISION**

The members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of the proceedings, viewed the video recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following votes.

By votes of 9 in favor (Ghian Foreman, Paula Wolff, Steven Block, Aja Carr-Favors, Mareil  Cusack, Nanette Doorley, Michael Eaddy, Jorge Montes, and Andreas Safakas) to 0 opposed, the Board finds Respondent **guilty** of the charges in Specification Nos. 1 and 2, as set forth in Section Nos. 6 and 7 above.

By a vote of 5 in favor (Block, Carr-Favors, Cusack, Doorley, and Safakas) to 4 opposed (Foreman, Wolff, Eaddy, and Montes), the Board finds Respondent **not guilty** of the charges in Specification No. 3, as set forth in Section No. 8 above.

As a result of the foregoing and for the reasons set forth in Section No. 9 above, the Board, by a vote of 5 in favor (Block, Carr-Favors, Cusack, Doorley, and Safakas) to 4 opposed (Foreman, Wolff, Eaddy, and Montes), hereby determines that cause exists for suspending Respondent from his position with the Department of Police and from the services of the City of Chicago for a period of sixty (60) days.

**NOW THEREFORE, IT IS HEREBY ORDERED** that Sergeant Dennis Graber, Star No. 1389, as a result of having been found guilty of charges in Police Board Case No. 22 PB 3008, be and hereby is suspended without pay from his position as a sergeant with the Department of Police and from the services of the City of Chicago, for a period of sixty days (60) days, from September 14, 2022, (the date he was suspended upon the filing of charges) up to

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and including November 13, 2022.

**IT IS FURTHER ORDERED** that Respondent be and hereby is restored to his position as a sergeant and to the services of the City of Chicago, with all rights and benefits, effective November 14, 2022.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20<sup>th</sup> DAY OF JULY, 2023.

Attested by:

/s/ STEVEN BLOCK  
Board Member

/s/ MAREILÉ CUSACK  
Board Member

/s/ MAX A. CAPRONI  
Executive Director



**DISSENT**

We concur with the majority's findings that Respondent is guilty of the charges in Specification Nos. 1 and 2, but respectfully dissent from the majority's findings with respect to Specification No. 3 and decision regarding discipline.

At issue in Specification No. 3 is whether Respondent believed Officer Sykes to be intoxicated on July 11 and purposefully lied about that intoxication to COPA at the time of his interview approximately eight months later. Based upon a review of the BWC recordings and our assessment of Respondent's credibility, we conclude that Respondent believed Officer Sykes to be intoxicated on July 11. We further find that Respondent intentionally falsely denied this belief during his COPA interview.

First, we find Respondent's contemporaneous statements to Officer Sykes and Mrs. Sykes to be compelling evidence of Respondent's belief as to Officer Sykes' intoxication. Although the parties do not agree on the words spoken by Respondent, our conclusion after reviewing Officer Kissack's BWC recording is that while Respondent was talking to Officer Sykes the second time, Respondent told Officer Sykes "whatever condition you're in...if I have to lock you up...IAD's [Internal Affairs Division's] coming out and you're going to blow [take a breathalyzer test] and you're not going to pass it," to which Officer Sykes responded, "I know." During this same conversation, Respondent told Officer Sykes "you can't stay here tonight, you've got to go somewhere else until you sober up." Respondent's statements that Officer Sykes would not pass a breathalyzer and that he needed to "sober up" provide compelling evidence that Respondent believed Officer Sykes to be intoxicated. Moreover, these statements are consistent with his earlier statement to Mrs. Sykes that maybe after Officer Sykes "sobers up...he'll have a different outlook." We do not credit Respondent's claim that he was referring to

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Officer Sykes generally living a sober lifestyle – the common definition of “sober up” is to recover from the immediate condition of intoxication, and that’s what we believe Respondent meant on July 11.

Second, our review of Officer Sykes’ behavior on the BWC provides additional support for the conclusion that Officer Sykes was intoxicated. Although Respondent correctly points out that Officer Sykes was not falling down, slurring his words, or otherwise obviously incapacitated, there are other more subtle signs of intoxication with Officer Sykes’ talking over Respondent in a loud volume and Officer Sykes’ attempts to befriend and make conversation with Respondent about co-workers whom they may both know. Based upon our review of the BWC, Officer Sykes was showing signs consistent with alcohol intoxication.

Furthermore, we believe Respondent intentionally concealed Officer Sykes’ intoxication in an effort to protect Officer Sykes from arrest. We do not believe it was inadvertent that Respondent told Officer Sykes that he would not pass a breathalyzer and needed to sober up during the time that Respondent had his BWC turned off. We do not believe it was inadvertent that after telling Mrs. Sykes that what was “supposed to” happen was for Officer Sykes to be arrested and taken to jail, instead Respondent allowed Officer Sykes to drive away without any further investigation of his intoxication. We further do not believe it was inadvertent that, though Special Order S08-01-10 lists six separate tasks to complete when a claim of officer intoxication is made, Respondent did not complete any of them. And finally, we do not believe it was inadvertent that Respondent did not so much as mention Mrs. Sykes’ allegation of intoxication to his Lieutenant during the two times he spoke with the Lieutenant, despite the fact that Officer Sykes’ alcohol use was a major focus of Respondent’s discussions with Mrs. Sykes.

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Rather, we believe that all of these things taken together demonstrate Respondent was intentionally attempting to conceal Officer Sykes' intoxication on July 11.

We further conclude that Respondent continued to attempt to cover-up Officer Sykes's intoxication when Respondent repeatedly denied during his March 2020 COPA interview that Respondent was intoxicated on July 11. By this point, Respondent's denials served the dual purpose of protecting Officer Sykes and also protecting Respondent who clearly had violated CPD rules by failing to address Officer Sykes' intoxication on July 11. For these reasons, we find Respondent guilty of the charges in Specification No. 3 and would impose more severe discipline than the majority.

The statement in the Majority decision that the Respondent's attempts to address alcoholism in a nuanced way because of this family history of alcoholism seems to suggest that the minority does not understand the underlying motivation for the Respondent's behavior. We believe that the underlying motivation should not take priority over the Departments rules, which are the reason this case is before us. The rules exist to inform officers who are charged with enforcing them about what behavior is detrimental to the operation and the reputation of the Chicago Police Department. The underlying motivation of an officer charged with enforcing the rules does not give them license not to enforce the rules. We also do not agree with the idea that the fact that Respondent filed a CR is evidence that he was not trying to cover up his conduct. In fact, the opposite could be true: he filed the CR because he knew that Sykes was drunk and violated important Department rules and that others on the scene had witnessed the incident.

GHIAN FOREMAN  
PAULA WOLFF  
MICHAEL EADDY  
JORGE MONTES

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THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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FRED L. WALLER  
Interim Superintendent of Police