

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date/Time of Incident:	July 11, 2019 at approximately 10:00 p.m.
Location of Incident:	██████████ Chicago, IL
Date/Time of COPA Notification:	July 12, 2019 at 12:38 a.m.

On July 11, 2019 at approximately 10:20 p.m., ██████████ called 911 for police assistance and reported her husband, Officer Charles Sykes, attacked her and was under the influence of alcohol. In response to the call, multiple CPD members arrived at the scene. According to the Initiation Report authored by Sergeant Dennis Graber, ██████████ reported that she and Officer Sykes were engaged in a verbal altercation that turned physical in that she was pushed to the ground. Ultimately, Officer Sykes spoke with Sgt. Graber who later allowed him to leave the residence for the night. No arrest was made. COPA was unable to obtain the cooperation of ██████████ Therefore, COPA obtained an Affidavit Override from the Chicago Police Department in order to proceed with this investigation. As the investigation proceeded, COPA also determined that there were multiple allegations against Sgt. Graber related to his actions at the scene and his statement to COPA.

**II. INVOLVED PARTIES**

Involved Member #1	Charles Sykes, Star# 14658, Employee# ██████████ Date of Appointment: October 30, 2006, Rank: Police Officer Unit of Assignment 116, DOB: ██████████ 1976, Gender: Male, Race: Black
Involved Member #2:	Dennis Graber, Star# 1389, Employee# ██████████ Date of Appointment: December 2, 2002, Rank: Sergeant Unit of Assignment 008, DOB: ██████████ 1976 Gender: Male, Race: White
Involved Individual #1:	██████████ DOB: ██████████ 1968, Gender: Female, Race: Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Charles Sykes	1. It is alleged that on or about July 11, 2019 at the location of [REDACTED] Chicago, IL, the accused was intoxicated while off-duty in violation of Rule 15.	SUSTAINED / 30-day Suspension and Alcohol Treatment
	2. It is alleged that on or about July 11, 2019 at the location of [REDACTED] Chicago, IL, the accused pulled [REDACTED] by her hair in violation of Rule 9.	NOT SUSTAINED
	3. It is alleged that on or about July 11, 2019 at the location of [REDACTED] Chicago, IL, the accused pushed [REDACTED] to the ground in violation of Rule 9.	NOT SUSTAINED
	4. It is alleged that on or about July 11, 2019 at the location of [REDACTED] Chicago, IL, the accused attempted to obstruct [REDACTED] from calling for emergency assistance in violation of Rule 2.	NOT SUSTAINED
	5. It is alleged that on or about July 11, 2019 at the location of [REDACTED] Chicago, IL, the accused used his position for personal gain and/or influence in violation of Rules 2 & 4.	SUSTAINED / 30-day Suspension
Sergeant Dennis Graber	1. It is alleged that on or about July 11, 2019 at or near the location of [REDACTED] Chicago, IL at approximately 10:10 p.m. the accused failed to record/capture the entire incident with his Body Worn Camera device during a service call in violation of Rule 6.	SUSTAINED
	2. It is alleged that on or about July 11, 2019 at or near the location of [REDACTED] Chicago, IL at approximately 10:10 p.m. the accused failed to protect/preserve evidence of a domestic related incident in violation of Rules 3 & 6.	NOT SUSTAINED

3. It is alleged that on or about July 11, 2019 at or near the location of [REDACTED] [REDACTED] Chicago, IL at approximately 10:10 p.m. the accused suspected PO Charles Sykes was intoxicated and failed to report it to the Department in violation of Rule 3, 6, & 22.	SUSTAINED / Separation
4. It is alleged that on or about July 11, 2019 at or near the location of [REDACTED] [REDACTED] Chicago, IL at approximately 10:10 p.m. the accused suspected PO Charles Sykes was intoxicated and allowed him to operate a motor vehicle in violation of Rules 3 & 10.	SUSTAINED / Separation
5. It is alleged that on or about July 11, 2019 at or near the location of [REDACTED] [REDACTED] Chicago, IL at approximately 10:10 p.m. the accused failed to take proper action against PO Charles Sykes in that he failed to ensure/effectuate the arrest of PO Sykes for his involvement in a domestic related incident in violation of Rules 3 & 6.	NOT SUSTAINED
6. It is alleged that on or about July 11, 2019 at or near the location of [REDACTED] [REDACTED] Chicago, IL at approximately 10:10 p.m. the accused failed to provide adequate police service in his interaction with involved parties in violation of Rule 3 & 6.	NOT SUSTAINED
7. It is alleged that on or about July 11, 2019 at or near the location of [REDACTED] [REDACTED] Chicago, IL at approximately 10:10 p.m. the accused gave an opinion as to the penalty of PO Charles Sykes in violation of Rule 44.	NOT SUSTAINED
8. On or about March 5, 2020, at approximately 8:30 a.m., at the COPA offices, located at 1615 W. Chicago Avenue, Chicago IL, you provided false, misleading, incomplete, and/or inaccurate statements to COPA relative to your	SUSTAINED / Separation

knowledge of Charles Sykes alleged intoxication on or about July 11, 2019, at or near the location of [REDACTED] Chicago, IL at approximately 10:00 p.m. in violation of Rules 10, 11, and 14.
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#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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Rule 2- Any action or conduct which impeded 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 4- Any conduct or action taken to use the official position for personal gain or influence.

Rule 5- Failure to Perform any duty.

Rule 6- Disobedience of an order or directive, whether written or oral.

Rule 9- Engaging in an unjustified verbal or physical altercation with any person, while on or off duty.

Rule 10: Inattention to duty.

Rule 11: Incompetency or inefficiency in the performance of duty.

Rule 14: Making a false report, written, or oral.

Rule 15: Intoxication on or off duty.

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders, or directives of the Department.

Rule 44: Giving an opinion as to fine or penalty.

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##### Special/General Order

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1. Special Order 03-14 Body Worn Camera – effective April 30, 2018
2. General Order 04-04- Domestic Incidents – effective December 28, 2012
3. Special Order 08-01-02- Special Situations Involving Allegations of Misconduct – effective April 8, 2019
4. General Order 04-01 Preliminary Investigations – effective October 15, 2017

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## V. INVESTIGATION

### a. Digital Evidence<sup>1</sup>

Responding officers activated their **Body-worn cameras (BWC)**<sup>2</sup> as they investigated the incident and interacted with the involved parties. Responding officers speak with ██████████ upon their arrival. ██████████ relates that Officer Sykes was drinking and “assaulted” her and “jumped on” her.<sup>3</sup> ██████████ states Officer Sykes was in bed, but when she came into the room to go to bed, he became angry with her. ██████████ states she tried to defend herself. ██████████ states that his uncle, ██████████ observed Officer Sykes on the floor on top of her. ██████████ states Officer Sykes grabbed her hair. ██████████ relates to responding officers and Sgt. Graber numerous times during their interaction that Officer Sykes is an alcoholic. ██████████ further alleges that Officer Sykes and his uncle, ██████████ “blocked” her from using her phone to call the police.<sup>4</sup>

Responding officers also spoke with Officer Sykes’ mother and ██████████ as they were seated together on the front porch.<sup>5</sup> ██████████ relates that he overheard ██████████ & Officer Sykes telling each other to “shut up.”<sup>6</sup> He further denies seeing the physical altercation but acknowledges hearing a “thump” and says there was a “wrestling match.”<sup>7</sup> After hearing the thumping noise, ██████████ went into the bedroom and observed the bed was “messed up” and a lamp was broken. He further states that both parties had been drinking. Officer Sykes’ mother does not relate what she saw or heard during the incident and remains silent when the police arrive.

Sgt. Graber had four BWC videos related to this incident.<sup>8</sup> During the first video,<sup>9</sup> Sgt. Graber arrives on scene and speaks with Officer Jason Kissack, who briefly relays the allegations. Sgt. Graber then speaks with ██████████ who relates essentially the same information to him that she did to responding officers. It should be noted that the first thing ██████████ relates to Sgt. Graber is that Officer Sykes has a drinking problem, arrived home drunk that evening, and blacks out when he drinks.<sup>10</sup> Sgt. Graber proceeds to explain to her that Officer Sykes must be arrested for this incident and that he is going to advise Officer Sykes to contact the Employee Assistance Program (EAP) and will contact EAP for Officer Sykes that evening.<sup>11</sup> He further relates that Officer Sykes will not lose his job but may be suspended for the incident.<sup>12</sup> During this interaction, ██████████ is willing to sign complaints against Officer Sykes.

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<sup>1</sup> For the benefit of the reader, the digital evidence is summarized first in this Summary Report, as most of the interviews were based on the body worn camera evidence.

<sup>2</sup> Att. 18-20, 22, 24, 26, 28, 29

<sup>3</sup> Att. 18 at 2:40 – 2:55

<sup>4</sup> Att. 21 at 5

<sup>5</sup> Att. 19 at 10 – 13

<sup>6</sup> Id at. 10

<sup>7</sup> Id at 11

<sup>8</sup> Att. 20 - 27

<sup>9</sup> Att. 20 & 21.

<sup>10</sup> Att. 21 at 3

<sup>11</sup> Id. at 5

<sup>12</sup> Id. at 5-6

After this conversation, Sgt. Graber proceeds to speak with Officer Sykes. Officer Sykes relates that he was out golfing and returned home to sleep. He then relates that ██████ was “doing too much shit,” so he left the residence.<sup>13</sup> As the conversation continues and after Sgt. Graber relates ██████ allegations and intimates that Officer Sykes will be arrested, Officer Sykes asks Sgt. Graber to step away from the others present on scene.<sup>14</sup> The two step away and Officer Sykes mentions another Department member, Mike Gentile, and tells Sgt. Graber, “That’s my guy.”<sup>15</sup> Officer Sykes then denies physically assaulting ██████ Sgt. Graber says, “Let me—let me make a couple quick phone calls and I’ll see what I can do, okay?”<sup>16</sup> Sgt. Graber then turns off his BWC.

When Sgt. Graber turns his BWC back on, approximately 1 minute later,<sup>17</sup> he has another conversation with ██████ during which he asks her if she’s “adamant that he has to go tonight” and tells her that he would be arrested and would have to “blow,”<sup>18</sup> a reference to blowing in a breathalyzer machine. He again tells her that Officer Sykes won’t lose his job but will be in some trouble. Sgt. Graber tells ██████ “I’m trying to do what’s best for everybody here. But here’s the thing: If I do what’s completely best for everybody, I wouldn’t be talking to you, I would be putting handcuffs on him and take him to jail, because that’s really what’s supposed to happen.”<sup>19</sup> ██████ suggests Sgt. Graber take Officer Sykes away and talk to him, but Sgt. Graber says he must arrest him. The conversation continues, and Sgt. Graber again mentions that Officer Sykes will have to “blow.”<sup>20</sup> ██████ relates that she will not sign the complaint, and Sgt. Graber turns his BWC off again.

Sgt. Graber turns his BWC on a third time, approximately 2 minutes later,<sup>21</sup> and takes Officer Sykes through the house to get his belongings. After Officer Sykes is out of the home, Sgt. Graber again tells ██████ he is going to get her the number for EAP and states, “it seems like more or less --- it’s like the alcohol is more – [...] doing this.”<sup>22</sup> Sgt. Graber then turns off his BWC. When it is turned on the fourth and final time, approximately 1 minute later,<sup>23</sup> he provides ██████ with the domestic incident notice and discusses that the EAP number can provide ██████ and alcohol counseling. Sgt. Graber then leaves, turning his BWC off for the final time.

During the second time Sgt. Graber’s BWC is off and before he takes Officer Sykes into the home to collect his belongings, a conversation ensues between himself and Officer Sykes, which is captured on Officer Kissack’s BWC.<sup>24</sup> During this conversation, Sgt. Graber tells Officer Sykes to find somewhere else to stay for the evening. Sgt. Graber continues by telling Officer

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<sup>13</sup> Id. at 8

<sup>14</sup> Att. 20 at 9:50

<sup>15</sup> Att. 21 at 11

<sup>16</sup> Id. at 12.

<sup>17</sup> Att. 22 & 23.

<sup>18</sup> Att. 23 at 2

<sup>19</sup> Id. at 3

<sup>20</sup> Id. at 6

<sup>21</sup> Att. 24 & 25

<sup>22</sup> Att. 25 at 6

<sup>23</sup> Att. 26 & 27

<sup>24</sup> Att. 18 & 19

Sykes that if he was arrested, internal affairs (IAD) would come out and he would have to “blow” and Officer Sykes is “not going to pass.”<sup>25</sup> Officer Sykes responds, “I already know.”<sup>26</sup> Sgt. Graber further relates he needs to go somewhere “until [he] sober[s] up” and encourages him to go to EAP.<sup>27</sup>

## b. Interviews

COPA was unable to obtain the cooperation of [REDACTED]<sup>28</sup> Therefore, COPA acquired an **Affidavit Override**<sup>29</sup> from the Chicago Police Department in order to proceed with this investigation. The allegations presented to Officer Sykes are based on [REDACTED] statements to police captured on body worn camera and the Initiation Report.<sup>30</sup> It should be noted that although [REDACTED] refused to cooperate with the investigation, she did mention to COPA that she wanted Officer Sykes to receive help for his alcohol abuse.<sup>31</sup>

COPA made multiple attempts to locate and interview [REDACTED] which were unsuccessful.<sup>32</sup>

In a statement to COPA on December 6, 2019, accused Officer **Charles Sykes**<sup>33</sup> reported that on July 11, 2019, he spent the day celebrating his mother’s birthday with [REDACTED] and [REDACTED]. Earlier that day, he prepared food for the occasion and socialized with his family. Over the course of the day, he consumed approximately two beers and two glasses of wine.<sup>34</sup> Officer Sykes denied having a drinking problem or being intoxicated on the day of the incident, stating that he usually drinks about twice a week at home with his wife. At approximately 8:00 p.m., Officer Sykes left the group and headed to bed as he had to report to work at 5:00 a.m. the next day. At approximately 10:00 p.m., he was awoken by [REDACTED] who was straddled on top of him, while yelling, directing profanities at him, and slapping him across his face.

According to Officer Sykes, in response, he lifted his arms and raised his upper body in order to block [REDACTED] from striking him. In turn, they both fell to the floor with [REDACTED] landing on her back and Officer Sykes on top of her.<sup>35</sup> He relayed that during the struggle, a nightstand and lamp stationed on the side of bed were re-positioned.<sup>36</sup> While on the floor, [REDACTED] continued to strike him.<sup>37</sup> Ultimately, they both retreated from the floor. Shortly thereafter, [REDACTED] who did not witness the entire incident, entered the room and suggested they separate.<sup>38</sup> Officer Sykes stated he left the residence shortly thereafter. He reported suffering injuries to his

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<sup>25</sup> Att. 27 at 40-41

<sup>26</sup> Id. at 41

<sup>27</sup> Id at 41-42

<sup>28</sup> Att. 8 & Case Notes

<sup>29</sup> Att. 9

<sup>30</sup> See Section V (a) above & Att. 1

<sup>31</sup> Att. 8

<sup>32</sup> See Case Notes

<sup>33</sup> Att. 11 and Att. 12

<sup>34</sup> Id. at 8:55-10:35

<sup>35</sup> Id. at 12:10-15:20

<sup>36</sup> Id. at 23:37-24:45

<sup>37</sup> Att. 13 at 20:45

<sup>38</sup> Att. 11 at 18:30-21:17

knee and left eye as a result of the incident.<sup>39</sup> In fact, when he returned to work the next day, a Sergeant noticed his visible injuries and questioned him. The Sergeant also ordered an Evidence Technician to take photos of his injuries.<sup>40</sup>

When asked about a potential explanation for [REDACTED] alleged aggression, Officer Sykes admitted that she was upset he had not come straight home from work the day prior. He explained that he and [REDACTED] previously had infidelity issues. Further, friction between them was common every July nearing the birthdays of children he fathered outside of the marriage.<sup>41</sup> Although [REDACTED] was upset, Officer Sykes remained adamant that the two did not engage in any verbal or physical exchange on the day of the incident.<sup>42</sup>

Officer Sykes reported that he did not learn of the police presence at his residence until [REDACTED] called him on his cell phone. Once he returned, multiple officers were on scene. Upon approach, he identified himself and proceeded to speak with the Sergeant on scene, later identified as Sergeant Graber. Sgt. Graber spoke with him and [REDACTED] separately. Although Sgt. Graber discussed potential consequences and penalties with Officer Sykes,<sup>43</sup> he was not arrested but ordered to leave his residence for the night. After being accompanied into his residence by a CPD member to retrieve his items, he drove to Headquarters to await his shift.<sup>44</sup>

COPA presented Officer Sykes with body worn camera footage capturing<sup>45</sup> a conversation between Officer Sykes and Sgt. Graber. During the conversation, Officer Sykes asked Sgt. Graber to step aside with him. Officer Sykes then asked if Sgt. Graber knew Sgt. Gentile at which time Sgt. Graber replied, "Yes." Shortly thereafter, Sergeant Graber stated, "let me make a couple quick phone calls and I'll see what I can do."<sup>46</sup> When asked during his statement to explain his reasoning for asking about Sgt. Gentile, Officer Sykes explained that Sgt. Gentile was his last supervisor and believed he could attest to his character.<sup>47</sup> Ultimately, Officer Sykes denied all the allegation made against him.

On January 28, 2020, Officer Sykes returned to COPA for a **follow up interview**.<sup>48</sup> After learning of his injuries during his initial statement, COPA retrieved the Evidence Technician photos, which captured several visible injuries to his head, ear, face, palm, and knee.<sup>49</sup> During his interview, Officer Sykes reviewed the photos taken of him. However, he was unable to provide any specifics as to how the injuries occurred. Moreover, he reiterated that he received multiple strikes above the head from [REDACTED] and fell to his knees on the hardwood floor. He further related that his only reaction to [REDACTED] conduct was to attempt to avoid strikes by wiggling

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<sup>39</sup> Id. at 26:55- 27:45

<sup>40</sup> Att. 12 at 16:00 and 23:50

<sup>41</sup> Att. 11 at 45:00-45:45

<sup>42</sup> Id. at 15:40-18:05 and 22:05-22:55

<sup>43</sup> Att. 11 at 34:05-36:50 and 38:50

<sup>44</sup> Att. 11 at 40:30-43:00

<sup>45</sup> Att. 20

<sup>46</sup> Id. at 9:55-11:00

<sup>47</sup> Att. 12 at 0:30-7:10

<sup>48</sup> Att. 13

<sup>49</sup> Att. 10

his upper body and lifting his hands up to block the strikes.<sup>50</sup> Officer Sykes confirmed, he did not possess any injuries prior to incident and did not require any medical attention.<sup>51</sup>

On March 5, 2020 COPA conducted the statement of accused **Sergeant Dennis Graber**.<sup>52</sup> He reported responding to the scene of this incident was the first time he responded to a domestic incident involving a CPD officer as a supervisor.<sup>53</sup> Prior to his interview, Sgt. Graber observed his body worn camera videos related to the incident.

Sgt. Graber related that upon his arrival, responding Officer Jason Kissack briefed him on the incident. The officer reported [REDACTED] allegations of a verbal altercation with Officer Sykes and that he “jumped on her.”<sup>54</sup> As part of his investigation, Sgt. Graber spoke with [REDACTED]. While he was aware that Officer Sykes’ mother and [REDACTED] were also present on scene, it was his understanding that they did not witness the incident and only briefly spoke with [REDACTED]. During Sgt. Graber’s discussions with [REDACTED] she advised him of prior domestic incidents. However, other than asking Officer Kissack if he had been to the home before, he took no further investigative actions to verify her claims.<sup>55</sup>

While discussing the investigative steps he did take, Sgt. Graber admitted that he did not observe the bedroom where the incident occurred, attributing that decision to [REDACTED] lack of injuries. He added that an Evidence Technician was requested on the night of incident, but an Evidence Technician Supervisor cancelled the request due to lack of visible injuries.<sup>56</sup> When presented with the photos taken of Officer Sykes the day after incident, Sgt. Graber stated he never observed him with injuries and was not aware that photos were taken of him.<sup>57</sup> He also confirmed that he did not use a flashlight to check for injuries because Officer Sykes did not complain of injuries, nor did he ask Officer Sykes if he had injuries.<sup>58</sup>

He later elected to conduct a follow-up conversation with [REDACTED] to ensure that she wanted to go forward with the process. When asked to explain why this conversation was necessary, he stated that he was just informing [REDACTED] because she needed to be ready for what was going to happen.<sup>59</sup> Sgt. Graber denied trying to deter [REDACTED] from following through with her complaint but rather, claimed he was attempting to be open and honest with her about the possible outcomes. Ultimately, her position changed after this conversation and she did not want to proceed with signing complaints.<sup>60</sup> When asked why he did not use his discretion to effectuate the arrest on her behalf, he agreed he could have done such without her cooperation. However, he

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<sup>50</sup> Att. 13 at 4:12-19:43

<sup>51</sup> Id. at 22:18-23:00

<sup>52</sup> Att. 14 and Att. 15

<sup>53</sup> Att. 14. at 8:20-9:15

<sup>54</sup> Id. at 9:20-10:20

<sup>55</sup> Id. at 11:40-13:50. COPA identified a domestic related service call from [REDACTED] in 2017 documented under Event# 1711301206.

<sup>56</sup> Id. at 19:25-20:20 and Att. 2

<sup>57</sup> Id. at 1:18:00-1:24:00 and Att. 10

<sup>58</sup> Id. at 1:34:20-1:35:15

<sup>59</sup> Id. at 41:40-42:37 and 49:30-50:24

<sup>60</sup> Id. at 23:00-24:10

did not believe the circumstances necessitated a mandatory arrest, in part due to the lack of injuries.<sup>61</sup>

When asked about the conversation with Officer Sykes regarding Sgt. Gentile, Sgt. Graber relayed that he only stepped aside with Officer Sykes to honor the officer's request. Sgt. Graber denied having a friendship with Sgt. Gentile. He further claimed that he was not completely paying attention to what Officer Sykes was saying.<sup>62</sup> When asked about his remarks to Officer Sykes about making phone calls to see what he (Sgt. Graber) could do, Sgt. Graber stated he called his Lieutenant to let the him know that the complainant did not want to sign complaints and denied making the phone call because of Officer Sykes' comments. When asked about turning his BWC off, Sgt. Graber stated he turned it off to speak with his Lieutenant twice and turned it off the final time because he believed he was done with the investigation on scene.

COPA also questioned Sgt. Graber about his suspicion or knowledge of whether Officer Sykes was intoxicated. Sgt. Graber asserted that ██████████ complained only that Officer Sykes had a drinking problem and that he had been drinking earlier in the day. Sgt. Graber claimed he did not know Officer Sykes had been drinking that evening, and therefore, he had no suspicion of intoxication. He further denied smelling alcohol on Officer Sykes' breath, observing him slurring, or any other signs of impairment. However, he admitted that he did not ask any follow-up questions regarding Officer Sykes' drinking habits or his consumption of alcohol on the present day.<sup>63</sup> When confronted throughout his interview regarding statements he made referencing alcohol and his acknowledgment of possible impairment and/or intoxication of Officer Sykes, he continued to deny having any inclination that he had been drinking.<sup>64</sup> Sgt. Graber repeatedly related that he only discussed alcohol on scene because it was one of ██████████ chief complaints but reiterated he did not believe Officer Sykes to be impaired. When asked why he allowed Officer Sykes to leave the scene given the allegations of alcohol abuse, Sgt. Graber again stated he did not believe Officer Sykes was impaired.

Sgt. Graber was asked about comments he made in reference to Officer Sykes getting sober and provided the following responses:

Q. I'm going to get back to the video in a minute. During your second conversation with ██████████ and I asked you earlier in reference to Mr. -  
- I'm sorry, Officer Sykes' alleged intoxication or alleged to have been drinking that particular day, do you recall speaking or mentioning to her, "When he sobers up, he will have a different outlook on the incident in general"?

A. Yes.

Q. So what does that mean, when he sobers up?

A. I was echoing her main complaint, that he has a drinking problem.

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<sup>61</sup> Id. at 45:10-49:05

<sup>62</sup> Id. at 25:00-38:00

<sup>63</sup> Id. at 17:49-19:12 and 1:10:15-1:13:05

<sup>64</sup> Id. at 43:15- 43:50, 52:15-53:00 and Att. 15 at 34 & 40

Q. A drinking problem or drinking that night?

A. A drinking problem in general.

Q. Why would he need to have sobered up that night if he had a drinking problem in general?

A. That's just what I said.<sup>65</sup>

Sgt. Graber was also asked about his statements to ██████████ regarding Officer Sykes having to blow and provided the following responses:

Q. Okay. So again in reference to this alcohol, had he been arrested and everything went that particular way, you stated that you were going to have to call IAD and they're going to make him blow. For what reason would he have to blow if there was no alcohol involved? Why did you say that? I mean, like why did you make that comment?

A. There was the allegation of alcohol.

Q. Made by –

A. The victim.

Q. However, the allegation was put out there and it was not addressed. Did you contact IAD and let them know like, hey, I'm out here on this domestic situation and there may or may not be alcohol involved? Did you ever call IAD?

A. No, because at that point I did not believe he had showed signs of impairment.<sup>66</sup>

When asked about his conversation with Officer Sykes, wherein he told Officer Sykes that if he did a breathalyzer, he would not pass, Sgt. Graber provided the following responses:

Q. Why did you say if I call IAD, they are gonna make you blow, and you're not going to pass. Why would you tell him he is not going to pass?

A. When I saw the video I believe I said -- I thought I said I cannot get passed.

Q. Why would you -- in what context you cannot get passed. In what context –

A. Because when you get arrested, IAD comes out and they make you blow.

Q. Okay. And you said that it sounds like you said you won't pass. You won't pass what? The breathalyzer?

A. No, I can't get past the fact that when you get arrested, IAD comes out.<sup>67</sup>

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<sup>65</sup> Att. 15 at 34

<sup>66</sup> Id. at 40-41

<sup>67</sup> Id. at 50

During his initial interview, Sgt. Graber was provided with the opportunity to make clarifications to his statement. However, he stood by his statement and denied all allegations alleged.<sup>68</sup>

Based on his statements to COPA on March 5, 2020, Sgt. Graber was presented with an additional allegation of providing false, misleading, incomplete, and/or inaccurate statements relative to his knowledge of alleged intoxication of Officer Charles Sykes. On October 26, 2020, COPA conducted a **second statement with Sgt. Graber**<sup>69</sup> to address this allegation.

Sgt. Graber affirmed that he provided COPA with a truthful statement on March 5, 2020 and stood by his original statement in reference to his knowledge of Officer Sykes' intoxication.<sup>70</sup> Throughout his interview he stated he did not believe that Officer Sykes was intoxicated at the time, did not form an opinion regarding him drinking, and did not observe signs of impairment. Sgt. Graber was adamant that he was under the impression that Officer Sykes had been drinking earlier in the day, despite ██████████ reporting to him that "So he came in tonight- as normally drunk."<sup>71</sup> He also admitted, he did not ask him if he was intoxicated nor did he conduct any further investigation regarding the topic.<sup>72</sup>

Sgt. Graber was specifically asked to reconcile his statements to COPA that he did not observe any signs of impairment from Officer Sykes with his statements on BWC to ██████████ referencing "When he sobers up."<sup>73</sup> Sgt. Graber stated he was empathizing with ██████████ and echoing her complaints of alcohol abuse during the day, but he did not believe Officer Sykes was intoxicated at the time.<sup>74</sup> He was further asked about his direction to Officer Sykes to leave the scene until he "sobers up."<sup>75</sup> Sgt. Graber stated, "I was just rambling on and making conversation,"<sup>76</sup> and reiterated that he did not observe signs of impairment. Additionally, Sgt. Graber stood by his belief that Officer Sykes was drinking earlier in the day despite ██████████ allegations that he was intoxicated during the incident. Similarly, when asked about his comments on scene regarding EAP, he stated that he only made this offer because of ██████████ complaints of alcohol abuse but did not observe signs of impairment himself.

Sgt. Graber was also confronted with his statements to Officer Sykes that if he called the Internal Affairs Department (IAD), Officer Sykes was going to have to blow and would not pass.<sup>77</sup> When asked about this statement, Sgt. Graber reported that he was trying to gain voluntary compliance for Officer Sykes to leave the scene for the evening, because Officer Sykes began to protest after being informed that a complaint would be logged against him. However, he again insisted that he did not believe Officer Sykes was intoxicated. In addition, when asked about Officer Sykes' response indicating that he agreed that he would not pass, Sgt. Graber claimed he

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<sup>68</sup> Att. 14 at 1:37:47-1:14:15

<sup>69</sup> Att. 16 and Att. 17

<sup>70</sup> Id. at 4:20-7:50

<sup>71</sup> Att. 21 at 3

<sup>72</sup> Att. 16 at 31:55

<sup>73</sup> Att. 22 and Att. 23 at 2

<sup>74</sup> Att. 16 at 11:40-11:55 and 15:40-23:45

<sup>75</sup> Att. 27 at 41-42

<sup>76</sup> Att. 17 at 18

<sup>77</sup> Att. 18 and Att. 19 at 40-41

was not paying attention to what Officer Sykes was saying and was just “rambling on” and “trying to move on.”<sup>78</sup>

Furthermore, Sgt. Graber was asked to explain his comments to COPA during his prior statement. During that statement he was asked about when he told Officer Sykes he wasn’t going to pass the breathalyzer, and he responded saying he thought he said he “could not get passed.”<sup>79</sup> Sgt. Graber retracted the explanation he gave to COPA previously and related that he misheard what he said during the prior statement. He admitted that what he said on BWC was transcribed properly.<sup>80</sup>

At conclusion of his interview, Sgt. Graber relayed, this was his first time responding to a domestic incident involving a member. His previous understanding of the General Order related to members accused of allegations of alcohol was that he could exercise his discretion. However, after reviewing the policies he now understands that he is not allowed to use his discretion.<sup>81</sup>

### c. Documentary Evidence

The **Office of Emergency Management Communications (OEMC) Event number** [REDACTED]<sup>82</sup> documents a call initiated by [REDACTED] requesting police service to her residence at the location of [REDACTED] Chicago, IL regarding a domestic battery. At the time, she reported she was attacked by her husband who was a police officer and that he had been drinking.

The **Initiation Report**<sup>83</sup> and **General Offense Case Report**<sup>84</sup> document the police response on the night of the incident. According to the Initiation Report, [REDACTED] reported that there was a verbal altercation between herself and Officer Sykes that became physical when he pushed her to the ground. Both reports document there were no visible injuries to either party and an Evidence Technician was called but was canceled by the Evidence Technician Supervisor due to lack of injuries. Both reports also document that [REDACTED] heard the parties arguing and heard a “thud” but did not witness the incident. The Initiation Report further documents that [REDACTED] refused to sign complaints, and therefore, due to the lack of injuries and Officer Sykes’ willingness to leave the scene, no arrest was made. Lastly, neither report documents the allegations of intoxication.

According to the **Case Supplemental Report**,<sup>85</sup> a Detective spoke with [REDACTED] following the incident. [REDACTED] verified the information that was documented in the reports and reiterated that she only wanted Officer Sykes to receive help for his alcohol abuse.

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<sup>78</sup> Att. 16 at 10:55- 15:30 and 15:40-23:45

<sup>79</sup> Att. 15 at 50

<sup>80</sup> Att. 17 at 27 – 28

<sup>81</sup> Att. 16 at 36:27 -37:22

<sup>82</sup> Att. 3

<sup>83</sup> Att. 1

<sup>84</sup> Att. 2

<sup>85</sup> Att. 7

**d. Additional Evidence**

A **911 Audio recording**<sup>86</sup> retrieved from OEMC memorializes a call initiated by ██████████. During the call, she informed CPD that she had been attacked by her husband, Officer Charles Sykes at her residence located at ██████████ Chicago, IL. She also reported that he had been drinking.

**Evidence Technician photos**<sup>87</sup> of Officer Charles Sykes documented on July 12, 2019 at approximately 10:14 am, reveals visible injuries to various parts of his body. Photos reflect scratches/abrasions to his ear and surrounding areas, back of head, and left eye. In addition, there was redness to one of his knees and an indentation to his left palm.

**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. 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 has found to be more probably true than not). 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. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28

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<sup>86</sup> Att. 4-5

<sup>87</sup> Att. 10

## VII. ANALYSIS

COPA finds **Allegation 1** against **Officer Charles Sykes**, that he was intoxicated while off duty, is **Sustained**. Although Officer Sykes denied this allegation, there is sufficient evidence to sustain this allegation by a preponderance of the evidence. On BWC, ██████ repeatedly stated that Officer Sykes was under the influence of alcohol during this incident and had problem with alcohol. This was seemingly her chief complaint. Additionally, although ██████ did not provide a statement to COPA, she again mentioned her desire for Officer Sykes to receive treatment for alcohol abuse during her conversation with COPA and during her conversation with the assigned detective following this incident. Furthermore, ██████ related that both Officer Sykes and ██████ had been drinking. Additionally, Sgt. Graber makes several statements on BWC to Officer Sykes and others that he suspected if Officer Sykes was forced to submit to a breathalyzer exam, the results would be over the legal limit. Although Sgt. Graber denied that this was his belief when speaking to COPA, COPA does not find those statements credible and finds that he did believe Officer Sykes to be intoxicated, as will be discussed later in more detail. Finally, on BWC when told by Sgt. Graber that if he took a breathalyzer, he would not pass, Officer Sykes responded, "I already know"<sup>88</sup> and never denied being intoxicated. Based on the facts as uncovered during this investigation it is more likely than not that Officer Sykes was intoxicated while off duty. Therefore, COPA finds that this allegation is Sustained.

COPA finds **Allegations 2, 3 and 4** against **Officer Charles Sykes**, that he pulled ██████ by her hair, pushed her to the ground, and attempted to block her from calling for emergency assistance are **Not Sustained**. The investigation revealed that on July 11, 2019 a domestic disturbance occurred at the residence of Officer and ██████. However, the evidence available is insufficient to sustain the allegations by a preponderance of evidence. COPA was unable to acquire a statement from ██████ detailing the events that transpired. Unfortunately, a more detailed account of the events was not obtained on scene by the responding officers or Sgt. Graber. Additionally, Officer Sykes denied the allegations as alleged. As mentioned above, Officer Sykes reported that he was awakened by ██████, who began striking his head, face, and upper body area. In response, he abruptly jumped up causing them both to fall to the floor. Evidence technician photos were not taken of ██████ nor did she report any injuries. Evidence technician photos of Officer Sykes document injuries allegedly suffered during this incident. Although ██████ on BWC related he heard a verbal argument followed by thumping, he did not report observing the incident. Furthermore, there is insufficient information to allow COPA to make a credibility determination in this case, as there is not a more detailed account of the incident from ██████ or ██████. Therefore, there is insufficient evidence to support the allegations, and these allegations are Not Sustained.

COPA finds **Allegation 5** against **Officer Charles Sykes**, that he used his position for personal gain or influence, is **Sustained**. During Officer Sykes' encounter with Sgt. Graber on scene, Sgt. Graber relates that ██████ is willing to sign complaints. Officer Sykes then mentions another Department member, Mike Gentile, and tells Sgt. Graber, "That's my guy."<sup>89</sup>

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<sup>88</sup> Att. 27 at 41.

<sup>89</sup> Att. 21 at 11

Shortly thereafter, Sgt. Graber says, “Let me—let me make a couple quick phone calls and I’ll see what I can do, okay?”<sup>90</sup> Sgt. Graber then disconnects his BWC. Whether this influenced Sgt. Graber’s decision to make a phone call and change course in the investigation is immaterial. Rather, the reason behind Officer Sykes’ conduct is what is relevant to COPA’s findings on this allegation. When interviewed by COPA regarding this allegation, Officer Sykes states that he mentioned Sgt. Gentile as someone who could vouch for his character to Sgt. Graber. This alone is an improper use of his position and was an attempt to influence the ultimate outcome of what occurred on scene. Therefore, based on a preponderance of the evidence, COPA concludes it is more likely than not that Officer Sykes made the statement for personal gain or finds the allegation is Sustained.

COPA finds that **Allegation #1** against accused **Sergeant Dennis Graber**, that he failed to record/capture the entire incident with his Body Worn Camera device during a service call, is **Sustained**. Per *Special Order 03-14- Body Worn Camera*, Department members are to activate their BWC “at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.” The investigation revealed that Sgt. Graber’s BWC did not fully depict the service call in its entirety. Sgt. Graber activated and deactivated his body worn camera several times leading to four separate video recordings documenting incident.<sup>91</sup> Although Sgt. Graber was aware that his BWC should be activated for the duration of the incident, he turned the video off twice to make a telephone call to a Lieutenant and once mistakenly believing the investigation was complete. This caused certain key interactions to not be recorded, namely what information he relayed to the Lieutenant and the interaction between himself and Officer Sykes that is captured on Officer Kissack’s BWC, wherein he tells Officer Sykes that if internal affairs responds, Officer Sykes will have to blow and will not pass. The Special Order provides examples of instances where a BWC may be deactivated but calling a Lieutenant to discuss the incident involving a fellow Department member is not a permitted example under the Order. Therefore, Allegation 1 is Sustained.

COPA finds **Allegation 2** against **Sergeant Dennis Graber**, that he the accused failed to protect/preserve evidence of a domestic related incident, is **Not Sustained**. Although there were no Evidence Technician photos taken during this incident, Sgt. Graber stated that an Evidence Technician (ET) was ordered but later cancelled by the ET Supervisor due to a lack of reported injuries. This information is also documented in the Initiation Report and Case Report. Additionally, Sgt. Graber did not fully interview ██████████ or Officer Sykes’ mother as potential witnesses. However, Officer Kissack did speak with ██████████ and Sgt. Graber did not believe they witnessed the incident. Sgt. Graber also did not observe the bedroom where this incident occurred to determine if there was evidence of a crime. Sgt. Graber attributed this decision to the lack of injuries on ██████████. Though best practice would be for Sgt. Graber to conduct a more thorough investigation into this matter by recording the bedroom with his BWC and talking to the potential circumstantial witnesses himself, COPA does not find that there is sufficient evidence for this lack of thoroughness to rise to the level of misconduct. Therefore, the allegation is Not Sustained.

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<sup>90</sup> Id. at 12.

<sup>91</sup> Att. 20, 22, 24, 26

COPA finds **Allegations 3 & 4** against **Sergeant Dennis Graber**, that he suspected PO Charles Sykes was intoxicated and failed to report it to the Department and suspected PO Charles Sykes was intoxicated and allowed him to operate a motor vehicle, are **Sustained**. Despite Sgt. Graber's claims that he did not believe Officer Sykes was intoxicated, COPA finds that his numerous comments on scene regarding Officer Sykes' intoxication show that he did believe him to be intoxicated at the time. Sgt. Graber mentions no less than three times on scene that Officer Sykes will have to "blow,"<sup>92</sup> a reference to blowing in a breathalyzer machine. Most revealingly, he tells Officer Sykes that if he does submit to a breathalyzer he will not "pass."<sup>93</sup> Additionally, he mentions Officer Sykes "sober[ing] up" twice while on scene, including telling Officer Sykes to leave the residence until he sobers up.<sup>94</sup> Sgt. Graber mentions the Employee Assistance Program as it relates to Officer Sykes' intoxication five times.<sup>95</sup> Sgt. Graber tells ██████████ "it seems like more or less --- it's like the alcohol is more - [...] doing this"<sup>96</sup> COPA does not find Sgt. Graber's claims that he was simply echoing ██████████ concerns or rambling and making conversation convincing. Similarly, COPA does not find Sgt. Graber's claims that he did not believe him to be intoxicated credible. Despite his suspicion that Officer Sykes was intoxicated, Sgt. Graber did not notify CPIC or ensure that the Bureau of Internal Affairs (BIA) was notified about the incident to proceed with the administrative investigation as required under Special Order 08-01-02 (E)(3). Additionally, Sgt. Graber allowed Officer Sykes to leave the scene by driving his own vehicle, causing a potential safety hazard to not only Officer Sykes but members of the public. This conduct demonstrated an inattention to duty. Therefore, based on the preponderance of the evidence, these allegations are Sustained.

COPA finds **Allegations 5, 6 & 7** against **Sergeant Dennis Graber**, that he failed to ensure/effectuate the arrest of PO Sykes for his involvement in a domestic related incident, failed to provide adequate police service in his interaction with involved parties, and gave an opinion as to the penalty of PO Charles Sykes are **Not Sustained**. When Sgt. Graber initially responded to the scene, ██████████ was willing to sign complaints against Officer Sykes and have him arrested. However, as Sgt. Graber continued to speak with her and mentioned that Officer Sykes would have to be arrested, submit to a breathalyzer, and would be in some trouble, ██████████ position changed. Sgt. Graber also informed ██████████ that Officer Sykes could face suspension as a result of this incident. Although COPA finds this discussion of potential outcomes problematic, it is unclear if this conversation swayed ██████████ decision to not sign complaints on scene. Additionally, Sgt. Graber did have some level of discretion relative to arresting Officer Sykes after ██████████ refused to sign complaints and given the lack of injury. COPA does not find Sgt. Graber's conduct to be in line with best practices surrounding domestic violence incidents involving police officers, but there is insufficient information, without further conversation with ██████████ to find that these allegations are sustained. Therefore, these allegations are Not Sustained.

COPA finds **Allegations 8** against **Sergeant Dennis Graber**, that he provided false, misleading, incomplete, and/or inaccurate statements to COPA relative to his knowledge of

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<sup>92</sup> Att. 19 at 40, Att. 23 at 2 & 6.

<sup>93</sup> Att. 19 at 41

<sup>94</sup> Att. 19 at 41, Att. 23 at 2

<sup>95</sup> Att. 21 at 5 & 10, Att. 25 at 5, Att. 19 at 42

<sup>96</sup> Att. 25 at 6.

Charles Sykes alleged intoxication on or about July 11, 2019, at or near the location of [REDACTED] Chicago, IL at approximately 10:00 pm., is **Sustained**. Despite the voluminous references to Officer Sykes' intoxication made by Sgt. Graber on scene, when interviewed by COPA on March 5, 2020, Sgt. Graber denied believing Officer Sykes was intoxicated. Sgt. Graber denied seeing any signs of impairment with Officer Sykes, and while, this may be true, it is not true that, at minimum, he suspected Officer Sykes may be impaired at the time. When interviewed with respect to this allegation, Sgt. Graber maintained that he did not personally suspect Officer Sykes was intoxicated, that he was echoing [REDACTED] complaints and rambling/making conversation. COPA does not find these assertions plausible or truthful. As discussed in COPA's findings relative to allegations 3 & 4, Sgt. Graber made approximately twelve references to Officer Sykes' possible intoxication and related matters while on scene. The comments that most reveal Sgt. Graber's state of mind at the time of the incident are when he tells Officer Sykes that if he does have to submit to a breathalyzer he will not "pass"<sup>97</sup> and telling Officer Sykes to leave the residence until he sobers up.<sup>98</sup> These clearly suggest he believes him to be intoxicated at the time. Therefore, his statements to COPA on March 5, 2020 were misleading, incomplete, and/or inaccurate, and COPA finds these allegations are Sustained.

### VIII. CONCLUSION

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

### IX. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

#### a. Officer Charles Sykes

##### i. Complimentary and Disciplinary History

1. **Complimentary:**<sup>99</sup> 2 Crime Reduction Awards, 1 Complimentary Letter, 1 Department Commendation, 27 Honorable Mentions, 1 Military Service Award, 1 NATO Summit Service Award, 1 Traffic Stop of the Month Award
2. **Disciplinary:**<sup>100</sup> None

- ii. **Recommended Discipline:** Officer Sykes intoxication was likely a contributing factor to the events of the evening. Despite [REDACTED] lack of cooperation with COPA's investigation, it is clear from her statements on BWC and to COPA during a telephone conversation that she desires for Officer Sykes to get help for alcohol abuse. Therefore, COPA recommends a suspension and alcohol treatment for Allegation 1 against Officer Sykes. With respect to Allegation 5, Officer Sykes' conduct in attempting to use his position for personal gain is an example of an officer abusing and utilizing the system in an unacceptable manner. Therefore, COPA

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<sup>97</sup> Att. 19 at 41

<sup>98</sup> Att. 19 at 41, Att. 23 at 2

<sup>99</sup> Att. 44

<sup>100</sup>

recommends a suspension of 30 days and an alcohol abuse evaluation and any recommend treatment.

**b. Sergeant Dennis Graber**

**i. Complimentary and Disciplinary History**

**1. Complimentary:**<sup>101</sup> 3 Crime Reduction Awards, 5 Attendance Awards, 12 Complimentary Letters, 14 Department Commendations, 1 Deployment Operations Center Award, 12 Emblems of Physical Fitness, 222 Honorable Mentions, 2 Honorable Mention Ribbon Awards, 1 Life Saving Award, 1 NATO Summit Service Award, 1 Other Award, 12 Police Officer of the Month Awards, 1 Presidential Election Deployment Award, 4 Problem Solving Awards, 1 Recognition/Outside Governmental Agency Award, 1 Special Commendation, 2 Traffic Stop of the Month Awards.

**2. Disciplinary:**<sup>102</sup> None

ii. **Recommended Discipline:** In failing to report Officer Sykes' intoxication as required and subsequently providing false or misleading statements relative to his intoxication, Sgt. Graber conducted himself in a manner the Department and public are striving to eliminate. There is no question that Sgt. Graber understood the proper protocol while on scene. However, he failed to abide by it. Rather than taking responsibility for his actions, he chose to provide a false account of his knowledge of Officer Sykes' intoxication. As a sergeant, he failed to be an example for the other officers on scene. Therefore, COPA recommends separation from the Department.

Approved:



1/28/21

\_\_\_\_\_  
Andrea Kersten  
*Chief of Investigative Operations*

\_\_\_\_\_  
*Date*



1/28/21

\_\_\_\_\_  
Sydney Roberts  
*Chief Administrator*

\_\_\_\_\_  
*Date*

<sup>101</sup> Att. 43

<sup>102</sup> Att. 45

Appendix A  
Assigned Investigative Staff

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<b>Squad#:</b>	9
<b>Investigator:</b>	Chantelle Hill
<b>Supervising Investigator:</b>	Sharday Jackson
<b>Chief of Investigative Operations:</b>	Andrea Kersten