



Rahm Emanuel  
Mayor

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

Eddie T. Johnson  
Superintendent of Police

22 July 2019

Sydney Roberts  
Chief Administrator  
Civilian Office of Police Accountability  
1615 West Chicago Avenue, 4<sup>th</sup> Floor  
Chicago, Illinois 60622

**Re: Log # 1085134**

**Non-Concurrence with COPA's finding and penalty recommendations for Allegation #1 for:  
Police Officer Demond Sykes #13871**

Dear Chief Administrator:

In reviewing the above mentioned Log Investigation:

COPA's investigation sustained one allegation against Officer Sykes:

**Allegation #1:** Officer Sykes used pepper spray without justification in effecting the complainant's arrest.

COPA concluded that Officer Sykes' use of OC spray against an active resister was "unwarranted" under General Order 03-02 because Officer Sykes failed to use time or other mitigation before resorting to a justified use of force. COPA recommended a five (5) day suspension.

The Department believes that Officer Sykes' body worn camera (BWC) video shows that Officer Sykes repeatedly attempted to de-escalate the situation and when it became clear that the arrestee was an active resister who would persist in resisting arrest, Officer Sykes used his OC spray to gain control. The use of OC spray to arrest an active resister is an authorized use of force, and the allegation should be classified as *Unfounded*.<sup>1</sup>

Pursuant to MCC 2-57-060(b), the undersigned provides comment when there is a disagreement to a finding and penalty.

The entire incident was captured on Officer Sykes' BWC. Officer Sykes was flagged down by a female victim with children. Officer Sykes attempted to speak with her, but the complainant immediately and repeatedly interfered. Officer Sykes told the complainant numerous times to back

<sup>1</sup> G.O. 03-02-01-IV-B-2-c-2, Force Options, A person who attempts to create distance with the intent to avoid physical control is an active resister and OC spray is an authorized force option for an active resister who is not part of a group or crowd.



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away. The video clearly showed the victim was uncomfortable speaking to Officer Sykes with the complainant standing nearby, interrupting her. At one point, the complainant shouted and moved directly at the female victim. Officer Sykes stepped in front of the complainant, placed his hand on the complainant's chest, and told him to back up. The complainant yelled at Officer Sykes, "You better stop touching me! You need to step the fuck back!"<sup>2</sup> The complainant again attempted to approach the victim while yelling. Officer Sykes stepped between the complainant and victim and told the complainant to get back. The complainant yelled at Officer Sykes, "Get your bitch ass out of here!" and walked away. The complainant could be heard yelling from a distance.

Officer Sykes spoke with the victim alone. The victim eventually signed a complaint for battery. Officer Sykes and assisting units looked for the complainant. Officer Sykes sent out a flash message and eventually returned to the scene to speak with the female victim. The victim explained that the complainant has repeatedly stopped and threatened her and she was frightened of the complainant. Officer Sykes offered to drive the victim and her children home.

The complainant suddenly walked right past Officer Sykes and the victim at a rapid pace. Officer Sykes followed the complainant on foot and radioed for assistance. Officer Sykes told the complainant, "You're under arrest. Turn around and put your hands behind your back." The complainant ignored Officer Sykes and kept walking. Officer Sykes told complainant three more times that he was under arrest and had to put his hands behind his back.<sup>3</sup> Officer Sykes attempted to grab the complainant's arm and the complainant pulled away. At this point, Officer Sykes used OC spray on the complainant. The complainant still did not comply. Officer Sykes told the complainant multiple times to put his hands behind his back. The complainant did not and told Officer Sykes, "Do what you got to do. I'm not putting my hands behind my back."<sup>4</sup> Officer Sykes threatened to spray the complainant again and complainant put his hands behind his back.

COPA's conclusion that Officer Sykes failed to use mitigation as required by Department Orders is not at all consistent with the video evidence. Officer Sykes repeatedly used force mitigation techniques throughout this entire encounter to gain compliance. Officer Sykes used verbal commands and then used his hand to keep the complainant away from the victim. The complainant ignored Officer Sykes' verbal commands and resisted Officer Sykes' attempt to block him throughout this entire encounter. Officer Sykes again used verbal commands to arrest the complainant, and again, the complainant ignored Officer Sykes. Officer Sykes attempted to grab the complainant's arm and the complainant pulled away.

<sup>2</sup> Officer Sykes video #1 at 2:55 of 16:47.

<sup>3</sup> Officer Sykes video #2 at 0:50 of 27:01.

<sup>4</sup> Officer Sykes video #2 at 1:14 of 27:01.



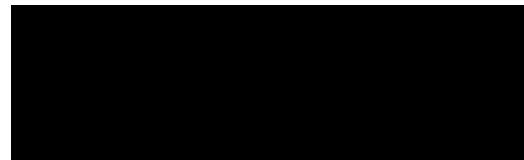
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In fact, at no point during any part of this encounter did the complainant ever comply with any of Officer Sykes' commands until Officer Sykes threatened to use additional OC spray. As the complainant continued to elevate his resistance, Officer Sykes elevated his use of force, finally using OC spray to gain compliance.

The Department believes that Officer Sykes did use mitigation techniques throughout this encounter and when the complainant became an active resister, Officer Sykes used a proper force option to gain control of the complainant. The allegation should, therefore, be classified as *Unfounded*.



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