



September 17, 2021

Mr. Max A. Caproni  
Executive Director, Chicago Police Board  
30 North LaSalle Street, Suite 1220  
Chicago, Illinois 60602

Via Email and U.S. Mail

RE: Request for Review, Log #2020-0000630

Dear Mr. Caproni,

Pursuant to the Municipal Code of Chicago Section 2-78-130 and Police Board Rules of Procedure Section VI, please consider this letter a Request for Review of a non-concurrence between the Civilian Office of Police Accountability (COPA) and the Superintendent of the Chicago Police Department (Department) in Log # 2020-0000630.<sup>1</sup>

As set forth in detail in COPA's Summary Report of Investigation dated May 24, 2021 (SRI), there is a compelling legal and evidentiary basis to support COPA's disciplinary recommendation of separation based on findings that Sergeant William Spyker engaged in misconduct when he, among other things, threatened ██████████ for complaining of an officer's misconduct and then ordered her arrest in retaliation for that complaint.

The Superintendent bears the affirmative burden of proof in overcoming COPA's disciplinary recommendation. COPA respectfully requests that the Board reject the Superintendent's non-concurrence in this matter for the reasons set forth below.

## **I. BACKGROUND**

### **A. Relevant Factual Background<sup>2</sup>**

On February 4, 2020, ██████████ a Chicago Transit Authority employee, responded to a stabbing at a train station. There, she encountered Officer Raymond Haran. Ms. ██████ alleged Officer Haran grabbed her, pushed her, and engaged in an unnecessary verbal altercation. She also alleged that Sergeant William Spyker ordered that she be handcuffed for reporting officer misconduct.

### **A. Disputed Findings and Recommendations**

As the Superintendent states in the enclosed letter, he does not concur with COPA's findings against Sergeant Spyker that: (i) he ordered Officer Haran to handcuff Ms. ██████ without justification, and (ii) detained Ms. ██████ without justification. The Superintendent also disagreed with COPA's

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<sup>1</sup> As required by the Police Board Rules of Procedure, enclosed are copies of COPA's final summary report, the Department's August 20, 2021 non-concurrence letter, and the certificate of meeting.

<sup>2</sup> A more detailed factual summary can be found in COPA's SRI.

recommendation that Sergeant Spyker be separated for his misconduct.<sup>3</sup> The Superintendent states that a 180-day suspension would be more appropriate for Sergeant Spyker's misconduct. COPA's other sustained allegations, which the Superintendent otherwise concurred with, include his threats to arrest Ms. [REDACTED] for making a complaint, engaging in an unnecessary verbal altercation with Ms. [REDACTED] and approving one or more false, misleading, inaccurate, and/or incomplete statements in Department reports.

## **B. Applicable Department Policy**

Directive G02-01 provides that "[t]he Chicago Police Department will not tolerate abuse of law enforcement authority. While the Department does recognize the concept of discretion, that discretion must be reasonable, defensible and may not be used for an improper purpose."

## **II. ANALYSIS**

### **A. The preponderance of the evidence shows that Sergeant Spyker ordered Officer Haran to handcuff Ms. [REDACTED] and that he detained Ms. [REDACTED] as an act of retaliation.**

COPA stands by the summary of the evidence and analysis in its SRI. As described in more detail there, Sergeant Spyker ordered Ms. [REDACTED] arrest moments after Ms. [REDACTED] stated that she intended to pursue her complaint. The Superintendent argues that Sergeant Spyker's conduct was appropriate because he had an actual basis to arrest Ms. [REDACTED] for interfering with a crime scene. But that reason existed well before Sergeant Spyker sought to deter Ms. [REDACTED] from continuing with her complaint. Given the sequence of events, and Sergeant Spyker's own statements, it is instead more likely than not that Sergeant Spyker ordered Ms. [REDACTED] arrest as an act of retaliation. Notably, the Superintendent does not dispute that Sergeant Spyker inappropriately threatened Ms. [REDACTED] for making a complaint, an act that in and of itself constitutes retaliation. Rather, Sergeant Spyker's actions were intended to punish Ms. [REDACTED] for her complaints. COPA does not believe officer should be permitted to retaliate against members of the public based on any pretense.

### **B. The Superintendent has not met his burden to reduce COPA's disciplinary recommendation.**

COPA maintains that the Superintendent has failed to satisfy his burden in seeking to reduce COPA's disciplinary recommendation.<sup>4</sup> The Superintendent does not offer any mitigating factors for consideration in his letter. Rather, the Superintendent equates this case to one that closed in 2018, Log No. 1075864.

COPA respectfully submits that such comparison is inappropriate for several reasons. Most importantly, the officer in that case was not a sergeant at the time of the incident.<sup>5</sup> Sergeant Spyker should be held to a higher standard as a supervisor. Department policy provides that supervisors are responsible for leading, influencing, and guiding subordinates to perform their duties at a high level.<sup>6</sup> They are also expected to ensure that all rules, orders, and directives are enforced.<sup>7</sup> Sergeant Spyker's retaliation against a member of the public is therefore of a different degree in bringing discredit upon the Department.

<sup>3</sup> The Superintendent also disputed COPA's reliance on Rule 6 in sustaining two allegations against Sergeant Spyker. Those allegations related to the reliability, accuracy, or truthfulness of Sergeant Spyker's reporting. COPA has agreed to sustain those findings only under Rules 2, 3, and 10.

<sup>4</sup> See Municipal Code of Chicago Section 2-78-130(a)(iii).

<sup>5</sup> See attached SRI for Log No. 1075864, at n.2.

<sup>6</sup> See Rules and Regulations of the Chicago Police Department, Article IV.B.

<sup>7</sup> *Id.*

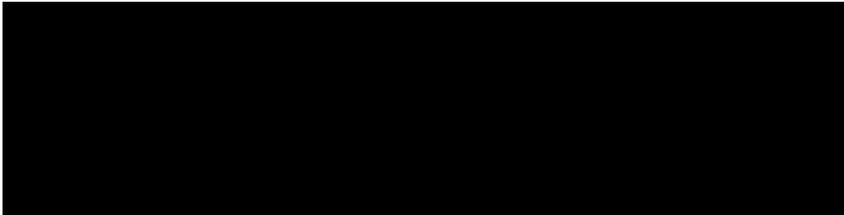
In addition, Sgt. Salvador reported the incident to a supervisor after seeing a video posted to Facebook, seemingly in recognition of his misconduct. In this case, although Sergeant Spyker admitted he should have taken Ms. [REDACTED] complaint, he otherwise believed he acted appropriately and treated Ms. [REDACTED] respectfully, suggesting he is does not under the severity of his actions.

Finally, COPA's agreement to reduce the proposed discipline in Log No. 1075864 was the result of discussions during the meet and confer period. It therefore represents a settlement agreed to based on the facts and circumstances of that case.

### **III. CONCLUSION**

For these reasons, COPA maintains that the Superintendent has failed to meet his affirmative burden of showing COPA's disciplinary recommendation in this case was unreasonable. Accordingly, COPA respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's recommendation to separate Sergeant Spyker.

Respectfully,



Andrea Kersten  
Interim Chief Administrator  
Civilian Office of Police Accountability