

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

Date/Time/Location of Incident:	December 5, 2018/1:20 PM/ 1 North Dearborn Street
Date/Time of COPA Notification:	December 18, 2018/ 2:51 PM
Involved Officer #1:	William Spyker, #1930; Employee # [REDACTED]; Date of Appointment: July 7, 1997; DOB: [REDACTED], 1971; Male, White
Involved Officer #2:	Christopher Monahan, #10741; Employee # [REDACTED]; Date of Appointment: May 16, 2017; DOB: [REDACTED], 1993; Male, White
Involved Individual #1:	[REDACTED], 1994; Female Black
Case Type:	Allegations of excessive force/ No injuries

**I. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Sergeant William Spyker	1. It is alleged that on December 5, 2018, at approximately 1:20 PM, at or near 1 N. Dearborn, Sgt. William Spyker, physically removed her from the building without justification.	Exonerated
Officer Christopher Monahan	1. It is alleged that on December 5, 2018, at approximately 1:20 PM, at or near 1 N. Dearborn, Officer Monahan, physically removed her from the building without justification.	Exonerated

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

## II. SUMMARY OF EVIDENCE

On December 18, 2018 COPA received a complaint referral letter from the Office of the Inspector General on behalf of ██████████ alleged that several unidentified officers, now known as Sgt. Spyker and Officer Monahan, physically removed her from a public building without justification. In her statement with COPA on January 9, 2019, ██████████ stated that she went to the Chicago Public School Law Department to speak with Ms. ██████████ about her children's school safety plans. ██████████ related that she called the police for assistance because the personnel at the law department were not cooperating with her. ██████████ added that the responding officers, Officers Monahan and Delgado, were helpful in that they were able to retrieve several documents on her behalf. ██████████ stated that at some point a building manager informed the responding officers that she was no longer welcomed inside the building. ██████████ related that when she requested something in writing, the accused officers physically removed from the building without justification.

COPA reviewed the OEMC event queries, case reports and the body worn camera footage of Sgt. Spyker and Officers Monahan and Delgado. COPA makes the following findings of the fact.

Based on the review of the body worn camera footage Officers Monahan and Delgado responded to the Chicago Public School Law Department and spoke with both ██████████ and employees from the Chicago Law Department. Officers Monahan and Delgado were able to assist ██████████ with obtaining several documents from the law department. A male, who identified himself as ██████████ the director of security, approached Officer Monahan and requested that ██████████ be removed from the building and to not be permitted back inside the building. Officer Monahan requested a sergeant for assistance. Upon arrival, Sgt. Spyker spoke with Officers Monahan and Delgado, along with ██████████ and the law department personnel. Sgt. Spyker, Officer Monahan and Delgado along with ██████████ were informed by the law department personnel that Ms. ██████████ was not available and that ██████████ would need to make an appointment with Ms. ██████████ when she is available.

Sgt. Spyker informed ██████████ that she was not allowed to return to 1 N. Dearborn because she caused a disturbance. Sgt. Spyker informed ██████████ that she would be escorted out of the building if she refuse to leave. After several directions given to leave the building, Sgt. Spyker and Officer Monahan escorted ██████████ to the exit doors of the building.

## III. 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 reviewed complied with 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 conduct complied with Department policy than that it did not, 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.

**IV. ANALYSIS**

COPA finds that **Allegation #1** against **Sgt. Spyker and Officer Monahan**, to be **Exonerated**. The body worn camera footage depicts that the director of security requested that [REDACTED] be removed from the building because she was causing a disturbance. The body worn camera also shows that the accused Department members asked [REDACTED] to leave the premises several times prior to [REDACTED] being escorted out. Based on clear and convincing evidence, Sgt. Spyker’s and Officer Monahan’s actions were justified and the allegations are EXONERATED.

Approved:

[REDACTED]

4/29/20

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Andrea Kersten  
Deputy Chief Administrator – Chief Investigator

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	4
<b>Investigator:</b>	Lakeisha Davis
<b>Supervising Investigator:</b>	James Murphy-Aguilu
<b>Deputy Chief Administrator:</b>	Andrea Kersten