



April 2, 2026

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

Via Email

RE: Request for Review, Log #2024-7334

Dear Mr. Caproni,

Pursuant to Municipal Code of Chicago § 2-78-130 and Chicago Police Board Rules of Procedure § VI, this letter constitutes COPA's Request for Review of the non-concurrence issued by the Superintendent of the Chicago Police Department ("CPD") in Log #2024-7334.

For the reasons set forth below and in COPA's Final Summary Report ("FSR") dated July 23, 2025, COPA requests that the Chicago Police Board support findings of Not Sustained as to both allegations against Officer Matthew Spreyne. COPA does not seek to reinstate its original Sustained findings or its original penalty recommendation. Instead, COPA submits this Request for Review because the Superintendent's Unfounded finding is not supported by the evidence and does not meet the burden of overcoming COPA's Not Sustained finding.

I. BACKGROUND

A. Relevant Factual Background¹

On September 22, 2024, Officer Daniel Berry conducted a traffic stop of a vehicle operated by [REDACTED] for a stop sign violation. Additional offenses materialized during the stop, and [REDACTED] was placed under arrest and transported to the 007th District lockup facility. At the station, [REDACTED] was uncooperative and had to be physically removed from the squad car. Officers carried him to the processing area, where he was placed in a holding cell and handcuffed behind his back to a notch on the wall.

Officer Spreyne began a custodial search of [REDACTED] while he was handcuffed and restrained. During the search, [REDACTED] jerked his body toward Officer Spreyne and yelled at him. Officer Spreyne then placed both hands around [REDACTED] neck area and pushed him back against the wall. Other CPD members immediately intervened and removed Officer Spreyne from contact with [REDACTED]. The entire contact lasted approximately three to four seconds.

¹ A more detailed factual summary can be found in the FSR. Attached hereto are a copy of CPD's letter, a copy of the FSR, and the certificate of meeting.

Officer Spreyne told COPA that [REDACTED] spat on his face as he yelled, and that he was pushing [REDACTED] face away, believing his hand contacted [REDACTED] jaw rather than his neck. Officer Spreyne's Tactical Response Report states that [REDACTED] spat in his eyes and that he grabbed [REDACTED] face/jaw to redirect it, and that his hand slid to [REDACTED] neck area due to sweat. Deputy Chief Stephen Chung, during TRR review, characterized Officer Spreyne's use of force as deadly force and specifically as a chokehold. Body-worn camera ("BWC") footage does not show Officer Spreyne wiping his face or complaining of spit, nor does it capture clear evidence of [REDACTED] spitting.

B. Disputed Findings and Recommendations

COPA served two allegations against Officer Spreyne: (1) Placing hands around [REDACTED] neck area without justification, and (2) Making contact with the neck area of [REDACTED]. COPA initially sustained both allegations against Officer Spreyne and recommended a 1-to-29-day suspension and retraining. Following the Superintendent's non-concurrence, and in recognition of the mitigating circumstances, such as the brief duration of the contact and the Superintendent's opinion that the contact was an unintentional misapplication of a face/jaw restraint, COPA offered to resolve this matter with findings of Not Sustained as to both allegations. The Superintendent rejected this proposal and maintains that the evidence the misconduct did not occur was clear and convincing, and recommends a finding of Unfounded.

C. Applicable Laws and CPD Policies

CPD's stated highest priority is the sanctity of human life.² In all aspects of their conduct, CPD policy requires that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.³ CPD "members are required to use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a CPD member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time."⁴ When it is safe and reasonable to do so, members should make advantageous use of positioning, distance, and cover by isolating and containing a person, creating distance between the member and a potential threat, or utilizing barriers or cover.⁵ Members will continuously evaluate the member's positioning, the person's actions, and available force options.⁶

CPD members may only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances.⁷ CPD policy specifically prohibits officers from restraining a person above the shoulders, including the head or neck, in a position that interferes with the person's ability to breathe, unless the person poses an imminent threat of death or great bodily harm to the officer or another person; CPD policy classifies such restraints as applications of deadly force.⁸

Additionally, CPD imposes a heightened restriction on the use of force against handcuffed individuals: Consistent with the CPD policy that all uses of force must be objectively reasonable, necessary, and proportional, CPD members will refrain from using force against a person who is fully restrained and

² G03-02(II)(A), Use of Force (effective June 28, 2023 to Present).

³ G03-02(II)(A).

⁴ G03-02(III)(C).

⁵ G03-02-01(III)(B)(1), Response to Resistance and Force Options (effective June 28, 2023 to Present).

⁶ G03-02-01(III)(B)(1).

⁷ G03-02(III)(B).

⁸ G03-02-01(V)(C); G03-02(IV)(D)(2); G03-02(IV)(A)(6).

controlled (e.g., both hands secured together) with handcuffs or other restraining devices, unless the member: 1) must immediately act to prevent injury to the CPD member, the restrained person, or another person, or 2) must immediately act to prevent escape.⁹

Finally, an Unfounded finding requires clear and convincing evidence that an allegation is “false or not factual.”¹⁰ This is a higher evidentiary standard than the preponderance standard that governs Sustained or Not Sustained findings, and is distinct from Exonerated, which requires clear and convincing evidence that the conduct occurred but was lawful and proper.

II. ANALYSIS

An Unfounded finding requires clear and convincing evidence that the allegation is false or not factual, meaning the conduct did not occur. The Superintendent does not meet that standard because the conduct did occur. Officer Spreyne *did* place his hands around [REDACTED] neck area and *did* make contact with his neck area. The non-concurrence acknowledges that the contact occurred but was unintentional and brief and did not restrict [REDACTED] airway. If the conduct did occur but the conduct was “lawful and proper”, that would support a finding of Exonerated—not Unfounded. An Exonerated finding also requires clear and convincing evidence.

After reassessing the totality of the evidence and the Superintendent’s non-concurrence, COPA contends that findings of Not Sustained are appropriate. COPA cannot establish by a preponderance of the evidence that the conduct was intentional, unreasonable, and excessive to the point of violating CPD policy. Contrarily, COPA cannot establish by clear and convincing evidence that the conduct did not occur or that it was lawful and proper.

Several facts are genuinely contested. Whether [REDACTED] spit on Spreyne, causing him to redirect [REDACTED] jaw, is inconclusive, and affects the reasonableness of his conduct. The duration of the contact was brief and other officers immediately intervened, separating Spreyne from [REDACTED]. Because of the brevity of the contact, it is not clear whether the contact was intentional, but it is not dispositive that the contact was unintentional. Deputy Chief’s Chung’s TRR listing the contact as a deadly force chokehold further supports the inconclusiveness categorizing Spreyne’s conduct.

The “clear and convincing” evidence standard required for an Unfounded or Exonerated finding is a high evidentiary threshold. Not only must the Superintendent overcome this high evidentiary threshold that misconduct did not occur, but he must also meet his codified burden overcoming COPA’s recommendation. The Superintendent’s argument does not meet either of these thresholds.

III. CONCLUSION

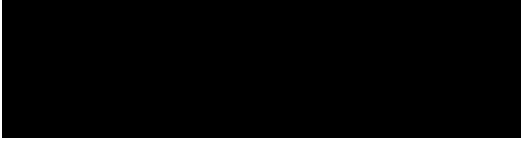
For these reasons, COPA maintains that the Superintendent has failed to meet his affirmative burden of showing COPA’s recommendations in this case are unreasonable. Accordingly, COPA respectfully requests that the Chicago Police Board reject the

⁹ G03-02-01(II)(G).

¹⁰ *State of Illinois v. City of Chicago*, Case No. 17-cv-6260, Dkt. No. 703-1 (“Consent Decree”) para. 467(c); G08-01: Complaint and Disciplinary System, IV.C.2.c. (effective Dec. 29, 2023 to present).

Superintendent's recommendation of Unfounded, and instead adopt COPA's findings of Not Sustained as to Allegations 1 and 2 against Officer Matthew Spreyne.

Respectfully,



Lakenya White
Chief Administrator
Civilian Office of Police Accountability