

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 30, 2020 /11:55 p.m./ 241 S. Wabash Avenue
Date/Time of COPA Notification:	June 12, 2020 at 2:03 p.m.
Involved Officer #1: (Accused)	David McCray, Star #18508; Employee # [REDACTED], DOA: May 31, 1994, Unit 018/193, DOB: [REDACTED], 1967, Male, Black
Involved Individual:	[REDACTED], DOB: [REDACTED], 1995, Male, Black
Case type:	Excessive Force / Verbal Abuse

I. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer David McCray, #18508	1. It is alleged that on or about May 30, 2020, at approximately 11:55 p.m., at or near 241 S. Wabash Avenue, the accused directed profanity at [REDACTED] in that he stated words to the effect of, "Ge the fuck out of here."	Sustained
	2. It is alleged that on or about May 30, 2020, at approximately 11:55 p.m., at or near 241 S. Wabash Avenue, the accused pushed [REDACTED] without justification.	Sustained
	3. It is alleged that on or about May 20, 2020, at approximately 11:55 p.m., at or near 241 S. Wabash Avenue, the accused threatened to kill [REDACTED]	Sustained

II. SUMMARY OF EVIDENCE¹

On May 30, 2020, COPA received a complaint via **email**² from the email address [REDACTED], containing a link to a video on YouTube, which captured allegations of misconduct that occurred on May 30, 2020, during the George Floyd protests, involving an officer, later identified as Officer David McCray (Officer McCray), and a civilian, later identified as [REDACTED]³

The **video recording**⁴ submitted to COPA has a running time of 15:27 minutes and was recorded by [REDACTED] who is not visible in the video. The first ten minutes of the recording documented [REDACTED] walking through downtown Chicago with unnamed companions and commenting on various scenes, including protestors, looting, and the police. Eventually, an unknown male is captured running across Wabash Street and into an alley and an unknown uniformed officer exits a marked police vehicle and runs after the unknown male.⁵ [REDACTED] states, “Foot chase. Foot chase. Go ahead and try to do some dirty shit. Go ahead and try to do some dirty shit. Go ahead and try to do some dirty shit.”⁶ [REDACTED] then follows the foot pursuit, crossing from the west to the east side of Wabash Street and heads into the alley at 241 S. Wabash Street.

Next, marked and unmarked police vehicles enter the alley and Officer McCray exits the front passenger side of an unmarked black police vehicle.⁷ Officer McCray immediately approaches [REDACTED] and is briefly seen and then heard stating, “Get the fuck out of here.”⁸ Although the footage does not fully capture it, there appears to be physical contact between Officer McCray and [REDACTED]⁹ [REDACTED] then states, “What (sic) you putting your hands on me for. I ain’t (sic) do nothing (sic) to you.”¹⁰ Officer McCray replies, “Reach, Reach, motherfucker.”¹¹ [REDACTED] stated, “I ain’t (sic) do nothing (sic) -- what (sic) you going to do? Kill me?”¹² Officer McCray responds, “Yeah. Reach. Reach.” [REDACTED] states, “You gonna kill me for what?”¹³ Officer McCray responds, “Reach,” and [REDACTED] states, “I ain’t (sic) touch you.” Officer McCray, responded, “Reach,” as he leans forward and his left arm appears to go forward off camera toward [REDACTED] then walks away from Officer McCray.¹⁴ [REDACTED] then states, “I ain’t touch you,”¹⁵ and “You see him put his hands on me.”¹⁶

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence.

² Att. 17

³ COPA located [REDACTED] through a search of Youtube, Thomson Reuters, and Department records. See Notes and Atts, # 20, 23, 25.

⁴ Att. 10

⁵ Id. at 9:54

⁶ Id. at 9:54 to 10:08

⁷ Id at 10:35

⁸ Id. at 10:38

⁹ Id. at 10:40-10:43

¹⁰ Id. at 10:43 -10:56

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id. at 10:56

¹⁵ Id. 10:50

¹⁶ Id. at 10:58

In an interview with COPA on July 9, 2020, ██████████ stated that on May 30, 2020, he was in downtown Chicago protesting the murder of George Floyd. ██████████ was with an associate, known only to him as “Black.” ██████████ was filming the scene and uploading to YouTube Live.¹⁸ ██████████ told COPA investigators him and Black were walking north on Wabash Street when they saw a man running with two or three police officers chasing him. ██████████ then crossed the street and entered into the alley where the man and police officers ran. ██████████ wanted to ensure “[. . .] nothing bad happened.”¹⁹

██████████ never saw what happened to the man who was being chased, because once ██████████ came to the mouth of the alley, he encountered Officer McCray instead. Officer McCray had his hand on his gun, though ██████████ was unsure if he unholstered it. Officer McCray came within an arm’s reach of ██████████ pushing ██████████ with two hands as ██████████ walked backwards away from Officer McCray. ██████████ recalled Officer McCray pushing him hard in the chest a couple of times.

As Officer McCray reached for his gun, ██████████ asked Officer McCray if he was going to kill him. Officer McCray replied, “Yeah, I’ll kill you.”²⁰ Officer McCray then repeatedly told ██████████ to “Reach.”²¹ ██████████ understood “reach” to mean that McCray would shoot him if he went into his pocket or did anything with his hands.²² ██████████ denied reaching for anything, stating his phone in his hands. Finally, the encounter ended when another officer intervened, and ██████████ walked away.

In an interview with COPA on September 17, 2021, **Officer McCray**²³ told COPA investigators he was assigned to downtown Chicago on May 30, 2020, in response to on-going protest. At the time, Officer McCray was not assigned a body-worn camera. While Officer McCray previously received training in protest response, he had not worked a protest event since the NATO protest during 2012. On the date of the incident, Officer McCray was not assigned a fixed position and instead answered calls, which is why Officer McCray went to the alley near 241 S. Wabash Street in response to a call of the police chasing after an individual.

Upon his arrival when Officer McCray exited his vehicle, approximately fifteen Black men approached near the alley. The group was verbally abusive towards the officers. Officer McCray told the group to “Get the fuck out of here,” because there were several individuals running towards him and he was worn out from a long day of working protests where objects were thrown at him.

Regarding ██████████ Officer McCray stated ██████████ stepped back once he, Officer McCray, reached his arms out and went forward towards ██████████ Officer McCray did not recall pushing ██████████ but stated it was possible.

¹⁷ Att. 11 and 13. Due to the Covid-19 pandemic, ██████████ interview was taken telephonically, and the Sworn Affidavit was subsequently signed by ██████████ in-person on August 3, 2020.

¹⁸Att. 11 at 7 – 8.

¹⁹ Id. at 10, 12-13.

²⁰ Id. at 14-16.

²¹ Id.

²² Id. at 22

²³ Att. 4 & 14

To Officer McCray, it appeared that ██████ was reaching for something by putting his hand(s) into his pocket. Officer McCray affirmed stating, “Reach, motherfucker,” to ██████²⁴ again cited that the stress and fatigue of the protest was a factor in his use of the word “motherfucker.”

Officer McCray explained that he did respond, “Yeah,” when ██████ asked Officer McCray if he was going to kill him; however, Officer McCray clarified that he never actually threatened to kill ██████ but that his response was simply sarcastic and that he did not intend to actually kill or harm ██████

III. ANALYSIS AND CONCLUSION

COPA finds **Allegation #1**, that Officer McCray directed profanity at ██████ in that he stated words to the effect of, “Ge the fuck out of here,” is Sustained. Officer McCray admitted to stating such words, adding that he was stressed from working the George Floyd protest. The video recording filmed by ██████ documented this occurrence. Chicago Police Department Rules and Regulations prohibit this conduct. Rule 2 prohibits, “Any action or conduct which impedes the Department’s efforts to achieve its police and goals or brings discredit upon the Department.” Rule 8 prohibits, “Disrespect to or maltreatment of any person, while on or off duty.” Thus, the preponderance of the evidence indicates that this allegation occurred as alleged and is **Sustained**.

COPA finds that **Allegation #2**, that McCray pushed ██████ without justification, is **Sustained**. While Officer McCray stated that he reached out his hands to back ██████ away, he also admitted that it was a possible that he pushed ██████. The video recording filmed by ██████ documented McCray reaching toward ██████ apparent physical contact, and ██████ immediately crying out that Officer McCray put his hands on him. ██████ was not resisting any lawful orders given by Officer McCray nor did Officer McCray articulate a lawful reason for his possible contact. Rather, ██████ backed away as Officer McCray approached. Thus, based on the preponderance of the evidence, this allegation is **Sustained**, in violation of rules 8 and 9.

COPA finds that **Allegation #3**, that McCray threatened to kill ██████ is **Sustained**. ██████ reported and video footage captured Officer McCray respond, “Yeah,” when ██████ questioned if he would kill him. Furthermore, Officer McCray repeatedly told ██████ to “reach,” which ██████ understood to mean that Officer McCray was suggesting that he would shoot ██████ if ██████ went into his pocket or did anything with his hands. While Officer McCray told COPA that his response was meant to be sarcastic, COPA finds such sarcasm as wholly inappropriate when coming from an armed police officer during an interaction with a civilian individual. Additionally, Officer McCray’s claim that ██████ reached in his pocket is not born out in the video evidence. Specifically, Officer McCray does not give any verbal commands to ██████ to show his hands or not reach into his pocket. In sum, COPA finds that Officer McCray comments were out of frustration and not sarcasm, nor serving a lawful purpose. For these reasons, COPA finds by a preponderance of the evidence that allegation 3 is **Sustained**, in violation of rules 8 and 9.

²⁴ Att. 14 at 17

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer David McCray, #18508, Employee # [REDACTED]

i. Complimentary and Disciplinary History

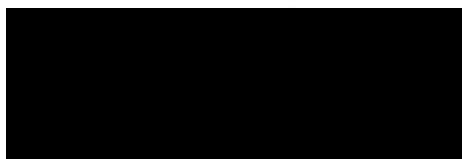
- 1. Complimentary:** 3 Crime Reduction Awards (2004, 2009, 2019) 5 Attendance Recognition Awards, 2 Complimentary Letters, 1 Democratic National Convention Award, 8 Department Commendations, 1 Deployment Operations Center Award, 15 Physical Fitness Awards, 149 Honorable Mentions, 1 NATO Summit Service Award, 1 Other Award, 2 Police Officer of the Month Awards, 1 Presidential Election Deployment Award, 1 Problem Solving Award, 3 Unit Meritorious Performance Awards
- 2. Disciplinary:** None

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 1: 30-Day Suspension**
- 2. Allegation No. 2: 30-Day Suspension**
- 3. Allegation No. 3: 30-Day Suspension**

Officer McCray’s conduct, though occurring during heightened circumstances, was wholly inappropriate for a Chicago Police Officer. Not only did Officer McCray direct profanity towards a civilian, but he also unjustified physical force and verbally threatened to kill that same civilian.

Approved:



9/6/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	9
Investigator:	Jeanne Alyse Goodwin, #64
Supervising Investigator:	Sharday Jackson
Deputy Chief Administrator:	Matthew Haynam