



Log # 2023-3651

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 14, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from [REDACTED] ([REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on August 8, 2023, her [REDACTED] neighbor, Officer Brandon McDonald, yelled and cursed at her dog, and referred to her as a “bitch,” “whore,” and “nigger.”² Following its investigation, COPA reached sustained findings regarding the allegations that Officer McDonald directed bias-based verbal abuse and profanity at [REDACTED] and/or the occupants of [REDACTED]

II. SUMMARY OF EVIDENCE³

On August 8, 2023, at approximately 4:00 am, [REDACTED] adult son [REDACTED] went into the backyard of [REDACTED] to smoke a cigarette and let out his dog.⁴ When [REDACTED] finished his cigarette, he returned inside the family home, leaving his dog in the backyard.⁵ Around 4:30 am, the dog began to bark and scratch at the [REDACTED] backdoor. The dog continued barking until around 6:15 am.

At the same time, Officer McDonald, who lives [REDACTED] the [REDACTED] was trying to sleep. Around 6:00 am, Officer McDonald walked outside and unleashed a profane tirade toward the [REDACTED] front porch, which is outfitted with a surveillance camera. Officer McDonald walked back-and-forth between his front lawn and the [REDACTED] front lawn, pointing as he yelled profane and biased language in the direction of the [REDACTED] home. After approximately ninety seconds of loud ranting, Officer McDonald returned to his home and called 911 to report a noise disturbance.⁶ When the responding officers arrived, Officer McDonald was inside his home. The

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including third-party surveillance footage, 911 audio, and body-worn camera footage.

⁴ [REDACTED] last name is unknown.

⁵ Atts. 1 and 8 at 7:10 – 7:30.

⁶ Atts. 9 and 12.

officers asked ██████ to keep her dogs inside after midnight. The officers also asked ██████ to have her son bring the dogs inside after he lets the dog out during his smoke breaks.⁷

During her statement to COPA, ██████ stated that she has lived ██████ Officer McDonald and his wife for two years.⁸ ██████ does not speak to the McDonalds, but she has seen them leave for and return from work wearing CPD uniforms.⁹ ██████ explained that on August 8, 2023, she was awakened around 6:00 am to her neighbor yelling from his balcony, “shut the fuck up” at her dog, so she called her dog inside.¹⁰ Once the dog was inside, ██████ reviewed her home surveillance cameras, which recorded Officer McDonald yelling and referring to her as a “whore,” “bitch,” and “nigger.”¹¹ The camera footage also captured Officer McDonald repeatedly using the following insulting and profane language: “fuck,” “shit,” “motherfucker,” “bullshit,” and “crackhead.”¹² ██████ stated that she knew Officer McDonald was referring to her because the dog belongs to her.¹³ Additionally, ██████ stated that Officer McDonald said he was going buy her home, a statement that concerned her because she does not know what powers her neighbors have. ██████ related that she is a 68-year-old senior citizen who worked hard for her home, and she cannot afford to move anywhere else.¹⁴ ██████ added that she was raised to be stressed and fearful of people who use the word “nigger.”¹⁵

During his statement to COPA, Officer McDonald explained that he called for police assistance to complain of a noise disturbance caused by his neighbor’s barking dogs, as the barking had woken him.¹⁶ Officer McDonald stated that the continuous and loud dog barking is just a fraction of the ongoing incidents involving the ██████ family.¹⁷ According to Officer McDonald, the previous year, ██████ son ██████ rang his doorbell at 2:00 am and told Officer McDonald that his Ring doorbell was taking over his (██████) body.¹⁸ Officer McDonald also observed ██████ sitting on his wife’s car, drinking a bottle of alcohol, which prompted Officer McDonald to call for police assistance.¹⁹ Another time, Officer McDonald stated that ██████ walked from the ██████ residence and left a pill bottle of prescription medication on the McDonald’s porch.²⁰

⁷ Att. 6 at min. 3:55 - 4:22.

⁸ Officer McDonald’s wife is also a Chicago Police Officer. However, Ms. ██████ did not allege that Officer McDonald’s wife committed any misconduct and there is no evidence to demonstrate that she was involved in this incident. As such, COPA did not serve any allegations against her.

⁹ Att. 6 at min. 11:57 - 12:40.

¹⁰ Att. 8 at min. 17:56 - 18:07.

¹¹ Att. 8 at min. 17:45 - 19:00. Note the camera footage captured Officer McDonald using the word “hoe,” which is a shortened version of the word “whore.”

¹² Atts. 3 and 4.

¹³ Att. 8 at min. 18:52 - 18:58.

¹⁴ Att. 8 at min. 19:05 - 19:34.

¹⁵ Att. 8 at min. 20:28 - 20:42.

¹⁶ Att. 13 at min. 6:15 - 6:30.

¹⁷ Att. 13 at min. 33:00 - 34:35.

¹⁸ Att. 13 at mins. 33:05 - 33:15 and 33:29 - 33:42.

¹⁹ Att. 13 at mins. 33:16 - 33:22 and 33:44 - 34:00.

²⁰ Att. 13 at min. 34:00 - 34:21.

Officer McDonald related that, due to these events, he does not communicate with the [REDACTED] family.²¹

Officer McDonald explained that on the morning of the incident, he went to [REDACTED] home to inform her of the noise her dogs were causing; however, he did not knock on the door, no one was sitting on the porch, and he made no attempts to call the [REDACTED] family.²² Instead, he elevated his voice in an attempt to alert the [REDACTED] of their barking dogs.²³

Officer McDonald acknowledged that he directed a racial slur and profane language at the [REDACTED] dog and at [REDACTED].²⁴ Officer McDonald explained that, when he referred to [REDACTED] as a “nigger,” he was frustrated with the ongoing noise disturbances caused by the [REDACTED] dog. Officer McDonald directed the language at [REDACTED] because, in the past, he had observed [REDACTED] leave the dogs outside.²⁵ Officer McDonald further explained that the loud barking has been an issue that occurs multiple times a week, at random times, ranging from midnight to the early morning hours.²⁶ The continuous barking has affected Officer McDonald’s sleep, and he is not as attentive at work as he needs to be.²⁷

Officer McDonald acknowledged that using the word “nigger” was a bad choice of words, but he stated that he did not intend to use it in a racist or derogatory manner.²⁸ He explained that “nigger” is a word commonly used by members of the African American community to refer to one another.²⁹ Officer McDonald expressed remorse and stated that he understands how using such language brings discredit to CPD. He said that, if he could return to the day of the incident, he would stay in his home and allow the police to handle the issue.³⁰

III. ALLEGATIONS

Officer Brandon McDonald

1. Directing biased based verbal abuse at [REDACTED] and/or the occupants of [REDACTED]
 - SUSTAINED, Violation of Rules 2, 6, 8, and 9.
2. Directing profanity at [REDACTED] and/or the occupants of [REDACTED]
 - SUSTAINED, Violation of Rules 2, 6, 8, and 9.

²¹ Att. 13 at min. 34:21 - 34:25.

²² Att. 13 at min. 6:34 - 7:17.

²³ Att. 13 at min. 10:42 - 10:58.

²⁴ Att. 13 at mins. 11:44 - 13:36 and 24:54 - 25:45.

²⁵ Att. 13 at mins. 12:55 - 13:35 and 22:57 - 23:38.

²⁶ Att. 13 at min. 39:04 - 39:25.

²⁷ Att. 13 at min. 27:58 - 28:29.

²⁸ Att. 13 at min. 24:54 - 25:45.

²⁹ Att. 13 at min. 26:15 - 26:26.

³⁰ Att. 13 at min. 30:43 - 31:45.

IV. CREDIBILITY ASSESSMENT

COPA's investigation did not reveal evidence calling into question the credibility of any of the individuals (sworn or unsworn) who provided a statement regarding this incident.

V. ANALYSIS

COPA finds that Allegations 1 and 2 against Officer McDonald, that he directed profanity and bias-based verbal abuse at ██████████ and/or the occupants of ██████████ are **sustained**. CPD Rule 2 prohibits any action or conduct which impedes CPD's efforts to achieve its policy and goals or brings discredit upon CPD, while Rules 8 and 9 prohibit members from engaging in any unjustified verbal altercation and/or maltreating or disrespecting any person while on or off duty.³¹ Additionally, CPD policy requires its members to treat all persons with the courtesy and dignity which is inherently due every person as a human being. CPD members "will act, speak, and conduct themselves in a courteous, respectful, and professional manner, ... [and will] not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner."³²

Here, it is undisputed that Officer McDonald engaged in an unnecessary and verbally abusive altercation that was recorded on ██████████ home surveillance camera. Officer McDonald acknowledged that he referred to ██████████ son ██████████ as a "nigger," and that the profane language hurled at the ██████████ family home was directed at ██████████ and the family dogs. Additionally, COPA finds that Officer McDonald's actions brought discredit upon CPD and impeded its policies. ██████████ told COPA that she knew Officer McDonald was a police officer because she had seen him at home in his uniform. When Officer McDonald hurled profanity and bias-based verbal abuse at ██████████ and/or the occupants of her home, he failed to treat his neighbors with courtesy and dignity or to conduct himself in a courteous, respectful, and professional manner.

While, for some, the word "nigger" might be common parlance, for many others, it conjures up memories of racism, violence, and fear. ██████████ is one of those people. When Officer McDonald stood on her lawn and hurled an inflammatory and racist word towards her home, ██████████ was transported back to a time when that word caused stress for her and members of her family. In addition, words like "hoe" and "bitch" are derogatory towards women, and COPA notes that ██████████ specifically took offense at Officer McDonald using those terms.

Officer McDonald and his family have a right to the quiet enjoyment of their home. That right was taken away from Officer McDonald when the ██████████ allowed their dog to incessantly bark for nearly two hours, extremely close to Officer McDonald's home. Understandably, Officer McDonald was frustrated by the continued nuisance caused by the ██████████ barking dog. However, his emotional state does not justify him directing a biased and profane tirade at his neighbors. Whether he directed the language at ██████████ or the occupants of her home, Officer

³¹ Att. 18, Rules and Regulation of the Chicago Police Department, Article V, Rules of Conduct.

³² Att. 19, Protection of Human Rights, General Order G02-01(III)(B)(2)-(4).

McDonald is bound by the CPD rules and directives that prohibit him from engaging in such conduct. For these reasons, COPA finds Allegations 1 and 2 against Officer McDonald are sustained as violations of Rules 2, 6, 8, and 9.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Brandon McDonald

i. Complimentary and Disciplinary History³³

Officer McDonald’s complimentary history is comprised of 117 awards, the highlights of which include one Superintendent’s Award of Valor, one Police Blue Star Award, two Department Commendations, and two complimentary letters. His recent disciplinary history includes a December 2021 SPAR for a preventable traffic accident, resulting in a one-day suspension.

ii. Recommended Discipline

COPA has found that Officer McDonald violated Rules 2, 6, 8, and 9 when he directed bias-based verbal abuse and profanity at [REDACTED] and/or the occupants of her home. It is clear from the video that captured Officer McDonald’s tirade that he was highly frustrated by the [REDACTED] continuously barking dog. Indeed, one of challenges of residing in a city as densely populated as Chicago is that its residents live within very close proximity, frequently within mere feet of one another. COPA acknowledges that having a dog incessantly barking close to where someone is trying to sleep would be a very trying experience. As frustrating as that situation was for Officer McDonald, it does not excuse his behavior. Officer McDonald did not merely use a few curse words; he unleashed a ninety-second tirade replete with a variety of profane and bias-based language. However, COPA notes that Officer McDonald admitted his actions, acknowledged that his language brought discredit upon CPD, and overall expressed contrition.

It is for these reasons, in addition to Officer McDonald’s extensive complimentary history and minimal disciplinary history, that COPA recommends he receive a minimum of a **5-day suspension**.

Approved:

[REDACTED] 13

Steffany Hreno
Director of Investigations

9/21/2023

Date

³³ Att. 17.

Appendix A**Case Details**

Date/Time/Location of Incident:	August 8, 2023 / 6:00 am / [REDACTED] [REDACTED]
Date/Time of COPA Notification:	August 14, 2023 / 11:51 am
Involved Member #1:	Officer Brandon McDonald, Star# 19423, Employee ID # [REDACTED], DOA: February 14, 2014, Unit of Assignment: 022, Male, Black.
Involved Individual #1:	[REDACTED] Female, Black.

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- General Order G02-01: Protection of Human Rights (June 30, 2022 to present)

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.³⁴ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”³⁵

³⁴ 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 is found to be more probably true than not).

³⁵ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation