



Log # 2023-5221

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On November 5, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Lieutenant Charles Artz reporting alleged misconduct by a member of the Chicago Police Department (CPD).² Lieutenant Artz reported that on November 4, 2023, Police Officer Brandon McCray and Police Officer Onome O’Gude entered Police Officer ██████████ property without justification and made false, incomplete, inaccurate, and/or misleading statement on ██████████ case and arrest report regarding his actions.³ Upon review of the evidence, COPA served additional allegations that Officer McCray referred to ██████████ as “broke” and/or “broke boy.” Following its investigation, COPA reached a Sustained finding regarding the allegation against Officer McCray referring to ██████████ as “broke” and/or “broke boy.”

II. SUMMARY OF EVIDENCE⁴

On November 4, 2023, at approximately 10:43 pm, Officers McCray and O’Gude were on routine patrol and observed ██████████ exiting the driver's seat of a vehicle and tossing trash to the ground.⁵ ██████████ then made eye contact with the officers while clinching his waistband and walking swiftly into a fenced backyard, which led Officers McCray and O’Gude to believe ██████████ was concealing a firearm.⁶ As ██████████ entered the backyard, Officers McCray and O’Gude exited their vehicle and approached the backyard. Officers McCray and O’Gude opened the wooden fence and asked ██████████ if he was alright and to come towards them.⁷ ██████████ appeared to ignore the officers’ commands. Officer McCray and Officer O’Gude entered the backyard and approached ██████████. As Officer McCray approached ██████████ he told ██████████ that he saw him grabbing the side of his waistband.⁸ ██████████ denied grabbing his waistband and told the officers he lived at the residence but did not have his keys. Officer McCray looked around the yard with his flashlight as

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 Att. 1 – Initiation Report

³ 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.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including body worn camera (BWC) footage, Department Reports, and interviews.

⁵ Att. 10, Video Footage from Officer ██████████ backyard, at 1:27.

⁶ Att. 2, ██████████ Arrest Report.

⁷ Att. 4, BWC of Officer O’Gude, at 2:19.

⁸ Att. 5, BWC of Officer McCray, at 2:37.

Officer O’Gude spoke with [REDACTED]. The officers then escorted [REDACTED] out of the yard and detained him.

[REDACTED] told officers on the scene that he did not have his identification and felt uncomfortable speaking with them without his sister, Officer [REDACTED] being on scene because she works for the Chicago Police Department.⁹ As the officers detained [REDACTED] [REDACTED] arrived on the scene. The officers were going to give [REDACTED] an Administrative Notice of Violation (ANOV) until his name and date of birth revealed his driver’s license was suspended. [REDACTED] was then arrested for driving on a suspended license.¹⁰

In a statement with [REDACTED]¹¹ he admitted to littering on the ground. [REDACTED] stated that he picked up the litter, a piece of paper, before entering Officer [REDACTED] backyard. [REDACTED] said he did not have a firearm on him, and officers did not find any contraband on him or inside the backyard during their search. [REDACTED] stated he was arrested for driving on a suspended license. COPA interviewed Officer [REDACTED]¹² Officer [REDACTED] stated that [REDACTED] entered her backyard and was followed by Officers McCray and O’Gude. Officer [REDACTED] submitted video footage from a camera attached to her garage. Video footage showed [REDACTED] driving to the residence, throwing an object on the ground, and then picking the object up.¹³ Subsequently, Officers McCray and O’Gude entered and searched her backyard.¹⁴

In a statement with Lieutenant Artz,¹⁵ he stated that he was Officer [REDACTED] lieutenant from the 5th District. Lieutenant Artz said Officers McCray and O’Gude submitted a false arrest and case report, illegally searched Officer [REDACTED] yard, and did not see [REDACTED] drop anything to the ground from watching video footage that Officer [REDACTED] provided. Lieutenant Artz said that if [REDACTED] was seen littering, it did not give Officers McCray or O’Gude the right to enter or search Officer [REDACTED] premises.

In a statement with Officer McCray,¹⁶ he stated [REDACTED] was clenching his waistband, so he believed he was carrying a firearm. When [REDACTED] entered the backyard, Officer McCray did not know if he was attempting to break into the home or about to commit a crime, so they decided to conduct an Investigatory Stop. Officer McCray said a male, later identified as [REDACTED] came out of the backyard and started calling him the “N–word.” After being called the N-word numerous times, Officer McCray said he called [REDACTED] “broke.”¹⁷

⁹ Att. 4, at 13:30.

¹⁰ Att. 4 at 2:45.

¹¹ Att. 9.

¹² Att. 15, Officer [REDACTED] Audio Statement; Att. 26, Officer [REDACTED] Audio Transcripts.

¹³ Att. 10, at 1:27 – 1:30.

¹⁴ Att. 10 at 1:26 to 1:48.

¹⁵ Att. 17, Lieutenant Artz’s Audio Statement; Att. 25, Lieutenant Artz’s Audio Transcription.

¹⁶ Att. 18, Officer McCray’s Audio Statement; Att. 24, Officer McCray’s Audio Transcription.

¹⁷ Att. 5, at 6:47, Officer McCray called [REDACTED] “broke,” approximately three times, and a “broke boy.”

Officer McCray stated that he should not have called him “broke.” Officer McCray denied writing the case report, but said he attested to the arrest report.¹⁸

In a statement with Officer O’Gude,¹⁹ he stated he observed [REDACTED] make eye contact with him and walk swiftly into the backyard. Officer O’Gude said Officer McCray observed [REDACTED] manipulating his waistband, which led them to believe he was armed. Officer O’Gude opened the latch to the backyard and observed [REDACTED] standing there, not entering the home. [REDACTED] told Officers O’Gude and McCray that he lived at the residence but did not have his house keys. Officer O’Gude said he did not write the case or arrest report, but does not believe anything is false or inaccurate in the reports.

ALLEGATIONS

Police Officer Brandon McCray:

1. Making false, incomplete, inaccurate, and/or misleading statement on [REDACTED] case and arrest report regarding his actions.
 - Not Sustained
2. Entering [REDACTED] property without justification.
 - Not Sustained
3. Referred to [REDACTED] as “broke” and/or “broke boy.”
 - Sustained, in Violation of Rules 2, 3, 8, and 9.

Police Officer Onome, O’Gude:

1. Making false, incomplete, inaccurate and/or misleading statement on [REDACTED] case and arrest reporting regarding his actions.
 - Not Sustained
2. Entering [REDACTED] property without justification.
 - Not Sustained

III. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual’s truthfulness and 2) the reliability of the individual’s account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual’s ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. This investigation did not disclose any reason to doubt the fundamental credibility of anyone involved.

¹⁸ Att. 2, [REDACTED] Arrest Report, documented that Officers McCray and O’Gude were the reporting personnel and arresting officers; Att. 3, Original Case Incident Report, documented that Officer Artavius Mitchell and Officer Jeremy Arrington were the reporting officers.

¹⁹ Att. 21, Officer O’Gude’s Audio Statement; Att. 27, Officer O’Gude’s Audio Transcription.

IV. ANALYSIS²⁰

COPA finds that Allegation #1 against Officers McCray and O’Gude, in that they made false, incomplete, inaccurate, and/or misleading statements on ██████████ case and arrest report regarding his actions, **Not Sustained**. Video footage received from Officer ██████████ depicted ██████████ tossing an object to the ground and entering a fenced yard.²¹ ██████████ admitted to littering by tossing paper on the ground, but he immediately picked up the paper. However, it cannot be determined if the officers observed ██████████ picking up the litter.

Officers McCray and O’Gude reported that when ██████████ exited his vehicle, he clenched his waistband and walked swiftly into a fenced yard. These specific actions cannot be confirmed or refuted from Officer ██████████ video footage. Additionally, BWC from Officers McCray and O’Gude did not capture ██████████ until the officers exited their Department vehicle. While there is no dispute that ██████████ initially littered, there is insufficient evidence to determine whether Officer McCray or Officer O’Gude made any false, inaccurate, or misleading statements regarding ██████████ actions. Therefore, this allegation is Not Sustained.

COPA finds Allegation #2 against Officers McCray and Officer O’Gude, in that they entered Officer ██████████ yard without justification, **Not Sustained**. Officers McCray and O’Gude stated they entered Officer ██████████ yard based on their observation of ██████████ littering and his behavior, specifically, clutching his waistband and walking swiftly, which they believed indicated he might be armed. BWC depicted Officer McCray telling ██████████ that he saw him grabbing the side of his waistband.²²

Although littering is a minor offense, the officers can initiate an Investigatory Stop. However, video footage does not confirm or refute the officers’ additional observations regarding ██████████ actions and/or the perceived threat. Due to the lack of clear evidence supporting or disproving their justification beyond the littering offense, it cannot be determined whether the officers were justified in entering the yard. Therefore, this allegation is Not Sustained.

COPA finds that Allegation #3 against Officer McCray, that he referred to ██████████ as “broke” and/or “broke boy,” **Sustained**. CPD Rule 8 prohibits disrespect or maltreatment of any person, while on or off duty, and Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.²³ Additionally, General Order G02-01, Protection of Human Rights, states that Department members will “interact with all members of the public in an unbiased, fair, and respectful manner, “treat all persons with the courtesy and dignity which is inherently due every person as a human being,” and “act, speak, and conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to

²⁰ For a definition of COPA’s findings and standards of proof, see Appendix B.

²¹ Att. 10, at 1:27 – 1:30.

²² Att. 5, BWC of Officer McCray, at 2:37.

²³ Att.22, Rules and Regulations of the Chicago Police Department, pg 12.

safeguard life and property, and maintain a courteous, professional attitude.”²⁴ BWC footage depicted Officer McCray calling [REDACTED] “broke” and a “broke boy.”²⁵ Additionally, Officer McCray admitted to calling [REDACTED] “broke.” Therefore, this allegation is Sustained, in Violation of Rules 2, 3, 8, and 9.

V. DISCIPLINARY RECOMMENDATION

a. Officer Brandon McCray

i. Complimentary and Disciplinary History²⁶

Officer McCray has received 52 various awards, which include 1 Superintendent’s Honorable Mention and 49 Honorable Mentions. His disciplinary history included one Sustained case for Operation/Personnel Violation Neglect of Duty, and he received a Reprimand.

i. Recommended Discipline

COPA has found that Officer McCray was disrespectful and unprofessional in his interaction with [REDACTED] in Violation of Rules 2, 3, 8, and 9. There were no injuries during this incident, and Officer McCray admitted that he should not have called [REDACTED] “broke.” Therefore, based on the above, combined with Officer McCray’s history, COPA recommends that Officer McCray receive a **Reprimand**.

Approved:

[REDACTED]

5/1/25

LaKenya White
Interim Chief Administrator

Date

²⁴ Att. 23, General Order G02-01, Protection of Human Rights (III)(B)(1)(2)(3).

²⁵ Att. 5, at 6:47.

²⁶ Att. 28.

Appendix A

Case Details

Date/Time/Location of Incident:	November 4, 2023 / 10:43pm / ██████████
Date/Time of COPA Notification:	November 5, 2023 / 10:37am
Involved Member #1:	Police Officer Brandon McCray, star # 18306, employee ID# ██████████ June 17, 2019, 003 District, Male, Black
Involved Member #2:	Police Officer Onome, O’Gude, star # 19777, employee ID # ██████████ February 20, 2018, 003 District, Male, Black
Involved Individual #1:	██████████ Male, Black
Involved Individual #2:	██████████ 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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G02-01: Protection of Human Rights (effective June 30, 2022, to present).²⁷

²⁷ Att.23.

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.²⁸ 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.”²⁹

²⁸ 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).

²⁹ *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