

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 12, 2015
Time of Incident:	1:00 a.m. to 3:00 a.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	June 12, 2015
Time of COPA Notification:	4:43 p.m.

On June 12, 2015, between 1:00 a.m. and 3:00 a.m., at [REDACTED], [REDACTED] ([REDACTED] engaged in a verbal altercation, with [REDACTED], [REDACTED] ([REDACTED]. [REDACTED] related to [REDACTED] possessing a cell phone he was not supposed to have. During the verbal altercation, [REDACTED] Officer Reginald Murray intervened and physically disciplined [REDACTED] who was thirteen years old at the time. [REDACTED] indicated that Officer Murray: struck him on the buttocks with an open hand; struck him with a belt about the body several times; punched him about the body several times; handcuffed him; sat on his arms; struck him on the buttocks and back with a baton; grabbed him by the neck, dragged him on the floor, and directed profanity at [REDACTED]. The following morning, [REDACTED] contacted his maternal grandmother, [REDACTED] ([REDACTED] about the physical abuse. The Illinois Department of Children and Family Services (DCFS) conducted its own investigation. Officer Murray was subsequently arrested for the physical abuse of [REDACTED]. Officer Murray was released without charging.

II. INVOLVED PARTIES

Involved Officer #1:	MURRAY, Reginald, Star #18567, Employee ID# [REDACTED], Date of Appointment: July 29, 2002, Police Officer, Unit of Assignment: 012 th District, DOB: [REDACTED], 1970, Male, Black
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 2001, Male, Black

III. ALLEGATIONS

¹ 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.

Officer	Allegation ²	Finding / Recommendation
Officer Murray, Reginald	<p>1. Struck [REDACTED] on the buttocks several times with his hand.</p> <p>2. Struck [REDACTED] on the buttocks, back, arm, and chest with a belt.</p> <p>3. Handcuffed [REDACTED]</p> <p>4. Handcuffed [REDACTED] without justification.</p> <p>5. Sat on [REDACTED] arms.</p> <p>6. Kicked [REDACTED] on the side of the body.</p> <p>7. Brought discredit upon the Department in that he was arrested for Domestic Battery.</p> <p>8. Struck [REDACTED] with a baton.</p> <p>9. Grabbed [REDACTED] by the neck and dragged him on the floor.</p> <p>10. Punched [REDACTED] on the jaw with a closed fist.</p> <p>11. Struck [REDACTED] about the body.</p> <p>12. Struck [REDACTED] about the body with an object.</p> <p>13. Directed profanity at [REDACTED]</p> <p>It is alleged that on or about July 21, 2017 at 1615 W. Chicago Avenue, Officer Murray willfully made false, incomplete, inaccurate, and/or misleading statements of material fact to the Independent Police Review Authority when he stated the following:</p> <p>14. “Q: So, You didn’t do anything? A: I did not, I didn’t touch [REDACTED] whatsoever.” (Att. 44, p. 32, lines 14 – 15).</p> <p>15. “Q: You never told them [investigating Chicago Police Department personnel] that you disciplined him [REDACTED] in any kind of form or fashion?”</p>	<p>1. Not Sustained</p> <p>2. Not Sustained</p> <p>3. Not Sustained</p> <p>4. Not Sustained</p> <p>5. Not Sustained</p> <p>6. Not Sustained</p> <p>7. Unfounded</p> <p>8. Not Sustained</p> <p>9. Not Sustained</p> <p>10. Not Sustained</p> <p>11. Sustained / Suspension (180)</p> <p>12. Sustained / Suspension (180)</p> <p>13. Unfounded</p> <p>14. Sustained / Separation</p> <p>15. Sustained / Separation</p>

² The allegations listed in this report are the final ones that were served to Officer Murray during his final COPA interview on March 20, 2020. On July 21, 2017, IPRA/COPA served Officer Murray with an allegation that he “directed profanity at [REDACTED].” (See Attachment 33). This was done in error, as there is no person by that name associated with this case. On February 23, 2019, COPA served an allegation that Officer Murray “violated Rule 14, in that [he] gave a false statement during [his] interview on 21 July 2017.” (See Attachment 60). This allegation was replaced by the more specific allegations listed as Allegations 14 and 15 in this report.

A: I never told him I discipline [REDACTED]" (Att. 44, p. 37, lines 14 – 16)

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2 - Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 8 - Disrespect to or maltreatment of any person, while on or off duty.
 3. Rule 9 - Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 4. Rule 14 – Making false report written or oral.
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General Orders

1.G03-02: Use of Force Guidelines (effective October 1, 2002 – October 15, 2017)

State Laws

1.720 ILCS 5.0/12-3.2-A-1, Domestic Battery – Bodily Harm

V. INVESTIGATION

a. Interviews

During an interview with IPRA, on May 9, 2016, [REDACTED] ([REDACTED]) stated that on June 12, 2015, she received a call from her grandson, [REDACTED] requesting she look at her text messages. [REDACTED] checked her text messages and saw a text message from [REDACTED] saying, his [REDACTED] had beat him the night before. The text further said that [REDACTED] wanted [REDACTED] to contact her attorney and have her attorney call the police so he can get out of the house. [REDACTED] called her [REDACTED], Officer Murray's [REDACTED] and her attorney, who all suggested she should call DCFS. [REDACTED] and went to the home of [REDACTED] and Officer Murray, [REDACTED].

[REDACTED] arrived at the home of [REDACTED] at between approximately 11:00 a.m. to 11:30 a.m. [REDACTED] went to the home with the intentions of meeting up with the DCFS investigator, now known to be Child Protection Investigator (CPI) [REDACTED] and showing her the home. [REDACTED] indicated that she got to [REDACTED] home an hour before [REDACTED] and upon her arrival, [REDACTED] was outside walking his dog. [REDACTED] briefly spoke with [REDACTED] to make sure he was okay, but she never exited her vehicle. When [REDACTED] arrived on the scene, [REDACTED]

³ Att. 29, 31

identified the house. [REDACTED] indicated that she is not exactly sure what occurred from the point on because she never exited her vehicle per the advisement of [REDACTED] observed several officers arrive at the scene, and she observed [REDACTED] transported to the hospital. [REDACTED] indicated that the next time she saw [REDACTED] was at 9:00 p.m. that night, at his paternal grandmother's house.⁴ [REDACTED] needed some extra clothes, and [REDACTED] brought the clothes to the house. [REDACTED] indicated that [REDACTED] was quiet and guarded, and he would not talk about the incident.

[REDACTED] informed IPRA that [REDACTED] lived with her for a few months after his mother ([REDACTED] daughter) passed away but then moved in with Officer Murray, where he lived for five or six years leading up to this incident.

[REDACTED] ([REDACTED]⁵ conducted an interview with COPA, in the presence of his paternal grandmother, [REDACTED] on November 1, 2017. [REDACTED] was 13 years old on the date of the incident. During the interview he indicated that on June 12, 2015, his [REDACTED] caught him with a cell phone he was not supposed to have. [REDACTED] was placed on punishment earlier that week for cursing out a teacher. [REDACTED] was not allowed to use his phone or visit his [REDACTED], [REDACTED] as punishment. On or about June 9, 2015, [REDACTED] took his phone out of his parents' room without permission. [REDACTED] had the phone until [REDACTED] caught him using the phone, on June 12, 2015, at approximately 12:45 a.m.

[REDACTED] ordered [REDACTED] to unlock his phone to see who he texted. [REDACTED] complied and [REDACTED] observed he had texted a girl from his school and called the girl a "bitch."⁶ [REDACTED] and [REDACTED] had a verbal altercation, during which he told her, "You ain't my momma...I ain't gotta to listen to you."⁷ Also, during the verbal altercation, [REDACTED] pushed [REDACTED] on the shoulders. According to [REDACTED] his [REDACTED] Officer Murray, and [REDACTED] cousin, [REDACTED], walked into the house and came into his parents' bedroom to see what was happening. [REDACTED] explained what had happened to Officer Murray, and he ordered [REDACTED] to get in a push-up position. Officer Murray called [REDACTED] aunt and told her he was not allowed to visit her and his grandmother, [REDACTED] due to the incident.

[REDACTED] initially stated that he was in the push-up position and talked with Officer Murray for approximately two hours. During follow-up questions, he stated that he was in the push-up position for about 30 minutes and that Officer Murray did not have any verbal or physical

⁴ Now known to be [REDACTED]

⁵ Atts. 43 and 46. The delay in interviewing [REDACTED] was mostly due to the fact that Officer Murray is his only [REDACTED]. It was only after Officer Murray provided his first statement to IPRA that he consented to allow [REDACTED] to provide a statement in the presence of [REDACTED] paternal grandmother.

⁶ Att. 46, p. 10, lines 4-6

⁷ Att. 46, p. 11, lines 6-7

contact with him.⁸ Officer Murray ordered ██████ to clean the kitchen, and afterwards ██████ went to bed. ██████ denied his ██████ physically or verbally abused him in any way.

According to ██████ on the following morning, he borrowed his little sister's⁹ phone, called ██████ and told her, his ██████ "beat"¹⁰ him. ██████ went outside to get his ██████ who was at a friend's house, when a DCFS employee,¹¹ the police, and the paramedics arrived at his home. ██████ briefly spoke with the officers, and then paramedics transported him to Loretto Hospital. While ██████ was at the hospital, an evidence technician photographed his back, and he told detectives his ██████ "beat"¹² him. ██████ claimed he did not know he had marks/bruises on his back, until the DCFS employee examined him. ██████ claimed had no idea how he sustained the marks on his back, but insisted Officer Murray did not cause the injuries. ██████ indicated he lied on his ██████ Officer Murray, because he was not going to allow him to visit his grandmother.

During an interview with IPRA, on December 30, 2015, **Sergeant Eduardo Escalante**¹³ related that on June 12, 2015, he worked as the 015th District Station Supervisor, when he learned of Officer Murray's arrest. Sgt. Escalante did not recall who told him about the arrest of Officer Murray. Sgt. Escalante did not recall any details given to him about the incident. Sgt. Escalante never had a conversation with Officer Murray or ██████

The watch commander ordered Sgt. Escalante to approve Officer Murray's release without charges. Sgt. Escalante did not recall the name of the watch commander. Sgt. Escalante indicated that Sgt. Samuel Cirone, from the Detective Division, advised the watch commander to release Officer Murray without charges. Sgt. Escalante was not present during the conversation between Sgt. Cirone and the watch commander. According to Sgt. Escalante, Officer Murray was released, because further investigation was needed.

During an interview with IPRA on January 27, 2016, **Sgt. Samuel Cirone**¹⁴ related that on June 12, 2015, he was assigned to Area North Detective Division as a sergeant. Sgt. Cirone did not recall speaking with Sgt. Escalante about releasing Officer Murray without charges. Sgt. Cirone spoke to "white shirts [sic],"¹⁵ possibly a watch commander, but he did not recall the name. Sgt. Cirone spoke to lead detectives O'Shea and Roth, conferred with his supervisors, and Sgt. Cirone felt it was appropriate to release Officer Murray without charging.

⁸ ██████ told COPA that he lied to CPD detectives and DCFS investigators about his ██████ abusing him because he wanted his ██████ to get in trouble. ██████ was mad at Officer Murray for trying to prevent ██████ from trying to see his maternal grandmother.

⁹ Now known to be ██████

¹⁰ Att. 46, p. 5, line 20

¹¹ Now known to be Child Protection Investigator (CPI) ██████

¹² Att. 46, p. 7, line 5

¹³ Att. 13, 14

¹⁴ Att. 18, 19

¹⁵ Att. 19, p. 4, line 20

Although Sgt. Cirone never spoke to ██████ Sgt. Cirone learned ██████ alleged his ██████ Officer Murray, punched him in the face and cut to his lip, handcuffed ██████ and struck ██████ with a nightstick, which he alleged caused him to have difficulty walking. When Sgt. Cirone observed ██████ he walked normal and he ate McDonald's with no problem. Sgt. Cirone did not observe any injuries to ██████ face or lip.

Furthermore, interviews were conducted with several witnesses, which included ██████ and his ██████ who ██████ alleged were present during the abuse. ██████ indicated Officer Murray did strike ██████ on the buttocks with his hand and a belt, but she denied Officer Murray struck ██████ with a nightstick and handcuffed him. ██████ were asleep in their rooms and never observed the incident or heard anything transpiring. Sgt. Cirone indicated that documentation of Officer Murray's release without charges is in a case supplementary report.

During an interview with COPA, on September 21, 2017, **Sgt. Adrian Perez**¹⁶ stated that on June 12, 2015, he was at the 015th District police station, at the beginning of his tour of duty, when a sergeant, who Sgt. Perez does not recall, told him about a request for a sergeant at ██████ Sgt. Perez responded to the location. Upon his arrival, Sgt. Perez spoke with a DCFS employee, ██████ was there to follow up on a report of child abuse report which allegedly occurred at that location.

Sgt. Perez spoke with ██████ as he was inside an ambulance. ██████ told Sgt. Perez his ██████ Officer Murray, struck him with an object.¹⁷ Sgt. Perez examined ██████ back and observed bruises on his back.

Sgt. Perez entered Murray's home and interviewed Officer Murray. Officer Murray told Sgt. Perez he spanked ██████ with his hand and nothing else.¹⁸ Sgt. Perez did not recall the specific reason Officer Murray spanked ██████ but "it was supposed to be disciplinary in nature."¹⁹ Officer Murray told Sgt. Perez that ██████ sustained injuries to his back, from falling on metal bed railings.

Sgt. Perez decided to arrest and *Mirandize* Officer Murray based on discrepancies between ██████ and Officer Murray's stories and injuries to ██████ back. COPA showed Sgt. Perez the supplemental case report,²⁰ and Sgt. Perez confirmed he wrote the information documented in it. COPA asked if the report was a "true and accurate account of what Officer

¹⁶ Atts. 39 and 45

¹⁷ Sgt. Perez did not have an independent recollection of the object. His CPD supplementary report (Att. 21) indicates a leather belt.

¹⁸ Sgt. Perez read from his supplementary report (Att. 21, p. 1, last three lines). Att. 45, p. 18, lines 14-17

¹⁹ Att. 45, p. 20, lines 10-11

²⁰ Att. 21

Reginald Murray told [him],” and he responded “you know, in general, I would say so, yes. . . from what I remember, yeah.”²¹

During an interview with COPA, on December 17, 2019, **Detective Brian O’Shea**²² related that he did not have any independent recollection of his investigation into this matter. Detective O’Shea reviewed his reports, which refreshed his recollection. DCFS notified CPD of this incident on the day it occurred. He recalled going to the Murray home that same day to investigate the allegations of child abuse. He did not conduct any interviews at the home, but he saw the room where the abuse allegedly took place. He recalled that a set of handcuffs were inventoried from the house.²³

Detective O’Shea then went to Loretto Hospital, where ██████████ was being treated. He spoke to the doctor and learned that ██████████ had bruises to his back, thigh, chest, arms, and wrist. Detective O’Shea then talked to ██████████ who initially was uncooperative but eventually showed the bruises on his back. Detective O’Shea also saw a thin red mark on ██████████ wrist, which he believed was fresh. ██████████ told Detective O’Shea that Officer Murray struck him several times on the buttocks with his hand, then got a belt and struck him with it. ██████████ also reported that he moved around, which caused some of the strikes to hit his back, arm, and chest. ██████████ reported that Officer Murray then handcuffed his hands in front of him and sat on ██████████ hands to keep him from moving. Officer Murray also wiped ██████████ back with a wet towel and and struck him with a stick (believed to be a baton). Officer Murray then forced ██████████ to go into a push-up position. When he could not hold the position long, Officer Murray punched him on the jaw and kicked him on the side. When asked, Detective O’Shea said he found some of what ██████████ alleged to be “a little bit elaborate,”²⁴ given that the injuries Detective O’Shea could see did not match as much physical contact as ██████████ alleged.

Detective O’Shea then went to the 015th District and met with Officer Murray. After being read his *Miranda* rights, Officer Murray declined to be interviewed.

Detective O’Shea then returned to the Murray home, where he interviewed ██████████ ██████████ Officer Murray’s then-wife. As noted in Detective O’Shea’s report, ██████████ told him Officer Murray struck ██████████ five times with his hand and approximately fifteen times with a belt. Detective O’Shea found ██████████ to be credible and did not think she was lying to him. The injuries Detective O’Shea was able to see on ██████████ were consistent with what ██████████ described.

²¹ Att. 45, p. 18, line 22-p. 19 line 3.

²² Att. 71, 72

²³ Inventory Report 13461092 indicates the handcuffs were recovered from on top of a dresser in the master bedroom on the second floor. See Att. 6, page 7.

²⁴ Att. 72, page 26, lines 17-18

Detective O'Shea later spoke to the DCFS investigator, who told him that ██████ may have fallen onto a bed frame during the incident. She did not provide any information that either ██████ or ██████ reported.

During an interview with IPRA, on July 21, 2017, **Officer Reginald Murray**,²⁵ indicated that on June 12, 2015, between the hours of 12:45 a.m. and 1:00 a.m., he and his ██████ (████████████████████) ██████, arrived home and heard ██████ and ██████ arguing. Officer Murray and ██████ observed ██████ and ██████ arguing about ██████ stealing Officer Murray's cell phone. ██████ was not allowed to use the phone because he was in trouble at school. When ██████ checked the phone to see what ██████ did, they observed he had texted a girl at his school and called her "bitches and ho's."²⁶

At this time, Officer Murray ordered ██████ to get in a push-up position, as punishment. Officer Murray called ██████ maternal aunt and told her ██████ was not allowed to visit his maternal grandmother, ██████. Officer Murray initially stated that after ██████ was in the push-up position, he was told to go to bed. At this point in the interview, the following exchange took place:

Q: So, ██████ went to bed and nothing happened?

A: Nothing Happened.

Q: Okay. Why did ██████ accuse you of abuse of him?

A: Because, I told him I'm taking his visitation from his grandmother.

Q: uh-huh.

A. And, he was upset about it, because she, she was defying my orders that the judge told her that she must follow.

Q: Okay. So, you didn't do anything?

A: I did not, I didn't touch ██████ whatsoever. . . .²⁷

When Officer Murray was asked follow-up questions, Officer Murray indicated he made ██████ mop the kitchen and then go to bed.

The following morning, ██████ left the house to walk the dog. Officer Murray was lying on the couch, when his neighbor, ██████, entered his home and stated the police had ██████

²⁵ Atts. 37 and 44. The delay in interviewing Officer Murray was due in part to the difficulty in obtaining a sworn affidavit.

²⁶ Att. 44, p. 23, line 7

²⁷ Att. 44. p. 32, lines 4-15.

██████████. Officer Murray went the door to see what was going on with ██████████ and at the door, a woman introduced herself as Ms. ██████████.²⁸ ██████████ asked Officer Murray if ██████████ was ██████████ and he said yes. A sergeant, now identified as Sgt. Adrian Perez, entered Officer Murray's home and informed him they were conducting an investigation of his abuse of ██████████ Sgt. Perez placed Officer Murray under arrest for the abuse of ██████████

Several officers entered Officer Murray's home and searched for specific items used to abuse ██████████ said Officer Murray handcuffed him, put water on his back, with a red towel, and struck him on the back with a baton. The officers searched for a wooden baton, a red towel, and a pair of handcuffs. They never found a baton or red towel. The officers found a pair of handcuffs, but Officer Murray said he did not have a key for the handcuffs. ██████████ told officers he was struck with a belt, but officers never located a belt in the house. Officer Murray stated no one in the house had a belt and the only belt he owns is his duty belt, which he stores in his locker, at the 012th District.

Officer Murray was eventually transported to the police district where he was released without charges because ██████████ provided several conflicting accounts of the incident. Officer Murray denied having any physical contact with ██████████ Officer Murray viewed evidence technician photographs of ██████████ injuries and stated he did not know how ██████████ sustained the injuries to his back and arms. Officer Murray provided the following answers related to the evening:

Q: Okay. Did you speak to detectives that night?

A: Yeah.

Q: And, what did you tell them?

A: I, I told them to talk to my witnesses, and I trust ██████████ I say, I know the laws.

Q: U-huh.

A: He, he said your ██████████ got three different stories, go home.

Q: You never told them you disciplined him in any kind of form or fashion?

A: I never told him I discipline ██████████²⁹

Officer Murray believed ██████████ sustained the injury to his lip playing basketball or football. ██████████ never complained of injuries, nor did he ask to seek medical treatment. Officer Murray claimed he was never interviewed by anyone from DCFS about the incident.

²⁸ Believed to be a DCFS Child Protection Investigator.

²⁹ Att. 44, p. 37 lines 6-16.

During an interview with COPA, on February 22, 2019, **Officer Reginald Murray**,³⁰ denied the additional allegations made against him that he did not address in his July 21, 2017, interview.³¹ Officer Murray further denied providing a false report to IPRA on July 21, 2017. According to Officer Murray, he never told Sgt. Perez that he spanked [REDACTED] with his hand. Officer Murray indicated that he told Sgt. Perez that he knows the laws and that if he hit [REDACTED] he could use an open hand.

Officer Murray further denied telling DCFS that he stated, "I beat his ass with my hand." Officer Murray said that several details in the DCFS report were inaccurate and that he never provided an interview to anyone from DCFS. Officer Murray also reported that his [REDACTED], [REDACTED] gave inaccurate information to the detectives when she stated that Officer Murray, struck [REDACTED] five times with his hand and fifteen times with a belt on the buttocks. Officer Murray was unable to explain the discrepancies in the varying reports.

During an interview with COPA, on March 20, 2020, **Officer Reginald Murray**,³² denied all allegations made against him, including the allegations of false statements he made during his COPA interview on July 21, 2017. Officer Murray again denied speaking to any CPD member about this incident. At the end of the interview, Officer Murray read a prepared statement, during which he referenced an argument with a sergeant. When asked to clarify, he said that he argued with the sergeant about what the law allowed regarding physically disciplining [REDACTED] and that he knew what he could do.

COPA made several attempts to interview [REDACTED]³³ but he failed to keep his appointments. During COPA's initial telephone interview [REDACTED] stated he observed Officer Murray only spank [REDACTED] with his hand and nothing else. [REDACTED] did not provide any additional details related to the incident. On November 27, 2017, [REDACTED] declined to provide a statement because she feared it would negatively affect her impending [REDACTED] from Officer Murray.³⁴ COPA also tried contacting Officer Murray's [REDACTED], for an interview, but she did not respond.³⁵

b. Digital Evidence

The **Evidence Technician photographs**³⁶ of [REDACTED] depict several linear red marks/bruises to his right arm and his back.

³⁰ Att. 52, 56

³¹ These allegations include that Officer Murray struck [REDACTED] with a baton, grabbed [REDACTED] by the neck and dragged him to the floor, punched [REDACTED] on the jaw with a closed fist, and provided a false statement during his prior interview.

³² Att. 74

³³ Att. 67

³⁴ Att. 50

³⁵ Att. 63-65

³⁶ Att. 10



Figure 1: Evidence Technician photograph of [REDACTED] right arm.³⁷



Figure 2: Evidence Technician photograph of [REDACTED] back.³⁸

Evidence Technician photographs³⁹ were also taken of the Murray residence. Among other things, the photographs depict a set of handcuffs on top of a dresser in a bedroom. Photographs from another bedroom show the mattress off of the bed, leaving the metal frame exposed.

³⁷ Att. 10, page 8

³⁸ Att. 10, page 13

³⁹ Att. 11

c. Physical Evidence

The **medical records**⁴⁰ of ██████████ from Loretto Hospital Emergency Department, indicate ██████████ complained of bruises and abrasions to his back, arms, and buttocks. ██████████ informed hospital staff his ██████████ Officer Murray, hit him with a belt about his body. ██████████ also indicated he was struck with a wooden stick, and his ██████████ kicked and punched him on the jaw. DCFS was notified before the Chicago Police Department. ██████████ informed hospital staff his ██████████ handcuffed his hands together in front of him for two to three hours, while he hit ██████████. The incident occurred because his ██████████ walked in on him at 1:00 a.m., while ██████████ texted on a phone he was not supposed to use. This was not the first time his ██████████ hit him.

██████████ had linear abrasions to the left and right scapula, left outer thigh, right upper arm, right chest wall, small abrasions to the inside of both left and right cheeks. ██████████ also sustained an abrasion to the left wrist; his left scapula had a bruise, right inner thigh abrasion, and linear abrasions to both upper buttocks. ██████████ was not bleeding. The cause of injuries to ██████████ was diagnosed as “child physical abuse.”⁴¹

The **Chicago Fire Department (CFD) Ambulance Report**⁴² indicates the CFD dispatched Ambulance 10, Emergency Medical Services (EMS) 2, to ██████████, for a battery victim, ██████████. The report indicates EMS arrived with CPD Beat 1512, while ██████████ was standing outside. The DCFS worker, on the scene, indicated bruising on ██████████ back. ██████████ informed the EMS crew his ██████████ who is a police officer,⁴³ “hit him with a belt last night over a cell phone.”⁴⁴ The on duty officers requested the EMS crew to wait, until a sergeant arrived, before transporting ██████████ to Loretto Hospital. The EMS crew observed bruising to ██████████ back and wrist. There were no other signs of trauma noted. ██████████ denied having any pain.

d. Documentary Evidence

The **Arrest Report**⁴⁵ of Officer Murray indicates he was arrested, June 12, 2015, 2:52 pm, for Domestic Battery by Officers Zacone and Zupan. The narrative indicates that the arresting officers responded to a call to assist a DCFS worker, ██████████ at ██████████. ██████████ reported allegations that ██████████ suffered bruising to his upper back. The arresting officers observed ██████████ injuries. ██████████ related to the arresting officers that Officer

⁴⁰ Att. 9

⁴¹ Att. 9, p. 6

⁴² Att. 12

⁴³ Officer Reginald Murray

⁴⁴ Att. 18, p. 1

⁴⁵ Att. 4

Murray caused the bruising. Officer Murray was released without charging, June 12, 2015, 10:01 pm.

The **Original Case Report**⁴⁶ and **Detective Supplementary Case Report**⁴⁷ indicates CPD detectives interviewed [REDACTED] and Dr. [REDACTED]. [REDACTED] related, in essence, the same information she provided for IPRA. The younger siblings, [REDACTED] and [REDACTED] indicated they did not witness the physical or verbal interaction between [REDACTED] ([REDACTED] and Officer Murray.

During [REDACTED] interview, he stated that on June 12, 2015, he was on punishment and prohibited from using his phone and any other electronic devices, because of his bad grades in school. [REDACTED] found a phone in the house and began using the phone without permission. Officer Murray entered [REDACTED] room and observed him using the phone. Officer Murray escorted [REDACTED] into his parent's bedroom and showed his [REDACTED], [REDACTED] that [REDACTED] used the phone.

During this time, Officer Murray struck [REDACTED] several times in the buttocks area with his hand. Officer Murray retrieved a belt off the radiator and began striking him. [REDACTED] said he moved around, during which time his [REDACTED] struck him on the buttocks, back, arm, and chest, while [REDACTED] was on the floor. Officer Murray then handcuffed [REDACTED] hands in front of him and instructed him to get on his knees, put his arm/hands on the bed, and Officer Murray sat on [REDACTED] arms, which prevented him from moving. Officer Murray struck [REDACTED] several more times with the belt. Officer Murray obtained a wet towel, wiped [REDACTED] back, and struck him on the back with the belt several minutes. [REDACTED] said Officer Murray grabbed a wooden stick, believed to be his baton, and struck him several times on the buttocks with the baton. Officer Murray uncuffed [REDACTED] and made him get in a push-up position. [REDACTED] could not hold the push-up position for an extended period, at which time he fell to the floor. When [REDACTED] fell to the floor, Officer Murray punched [REDACTED] on the jaw and kicked him on the side. [REDACTED] was then instructed to clean the kitchen, and when he finished cleaning the kitchen, he was sent to bed.

The detectives interviewed the DCFS Investigator⁴⁸ [REDACTED] indicated she responded a child abuse report at [REDACTED] reported by [REDACTED] When [REDACTED] arrived at the location, [REDACTED] was there, seated in her vehicle. The subject of the child abuse report, [REDACTED] was outside walking his dog, and [REDACTED] identified him for [REDACTED] [REDACTED] advised [REDACTED] to remain in the vehicle as she approached [REDACTED] asked [REDACTED] to get [REDACTED] Officer Murray, and he complied. [REDACTED] returned and said that his

⁴⁶ Att. 20. This report was written by Officer Victoria Zupan.

⁴⁷ Att. 26. This report was written by Detective Brian O'Shea.

⁴⁸ Child Protection Investigator (CPI)

██████ was not home. ██████ was reluctant to speak with ██████ but when ██████ asked to see his back, he complied, and CPI saw bruises on his back.

██████ told ██████ to leave and closed the door. ██████ called 911, and police and paramedics responded to the home. When the officers arrived to the scene, Officer Murray responded to her request to speak. ██████ inquired about the allegations by ██████ and the bruises to his back. Officer Murray explained that, while in ██████ bedroom, disciplined ██████ with his hand and during the discipline, ██████ fell backward on a bed frame. Officer Murray told ██████ to get up and to go to Officer Murray's bedroom, where he hit ██████ on the behind, several times. ██████ then initiated a safety plan, placing Officer Murray's children with ██████

The detectives interviewed ██████, ██████ related ██████ has behavioral problems at home and in school, which escalated to ██████ throwing objects and chairs at teachers. On June 12, 2015, ██████ had been placed on punishment and was restricted from using his phone or electronic devices. M. ██████ observed ██████ in possession of an extra phone that had been stored in her bedroom dresser. When ██████ and Officer Murray questioned ██████ about his use of the phone, he lied.

Officer Murray disciplined ██████ striking him about five times with his hand and approximately 15 times with a belt on the buttocks area, which was not continuous. ██████ and Officer Murray lectured ██████ for about two hours, on why he received the punishment, his need for a behavior change, respect, and to stop lying. ██████ was then instructed to clean the kitchen. ██████ never observed Officer Murray handcuff ██████ strike him with a stick, or wipe him with a wet towel.

Through his attorney, Officer Murray submitted to COPA six **signed affidavits and written statements**⁴⁹ in his defense: two from ██████ and one each from ██████, ██████ and ██████

- In a sworn affidavit and a notarized written statement (two separate documents) dated February 29, 2020, ██████ denied that Officer Murray struck him and further denied telling that to any DCFS investigator.
- In an email dated August 21, 2015, ██████ identified himself as ██████ basketball coach. During the week of the incident under investigation, Brown observed an injury to ██████ lip and stiffness in the way he moved. Brown noticed the lip injury on June 8, 2015 and the stiffness on June 11, 2015. ██████ attributed the lip injury to an interaction with his trainer, and the stiffness to soreness from playing football. Officer Murray asked him to write a statement about it.

⁴⁹ Att. 73

- In an undated affidavit notarized on January 20, 2016, [REDACTED] identified himself as Officer Murray's neighbor. [REDACTED] saw [REDACTED] playing tackle football outside all week. Later that day, he saw an ambulance and police on scene. He heard someone say that [REDACTED] alleged his [REDACTED] beat him, but [REDACTED] said that [REDACTED] sustained any injuries he had from football. [REDACTED] reported this to CPD and DCFS investigators. M. [REDACTED] asked him to write a statement about it.
- In an affidavit dated September 22, 2015 (notarized November 30, 2015), [REDACTED] identified himself as Officer Murray's neighbor. He saw police at the Murray house and went to see what happened. He heard people arguing about what caused injuries to [REDACTED] reported seeing [REDACTED] playing tackle football outside on numerous occasions, including earlier that day. [REDACTED] own [REDACTED] said something to him about [REDACTED] getting his [REDACTED] in trouble. [REDACTED] asked him to write a statement about it.
- In a written statement dated March 2, 2020, [REDACTED] identified herself as Officer Murray's neighbor. She was present in the home while police talked to him and took him out through the back door. [REDACTED] never heard Officer Murray say he hit [REDACTED]. He kept yelling that he knew the law. [REDACTED] was later present when [REDACTED] told the police that Officer Murray never hit him.

The **DCFS final report**⁵⁰ relates, in essence, the same information as CPD reports and interviews conducted by IPRA and COPA.

The DCFS report also provides an interview of [REDACTED] [REDACTED] [REDACTED]⁵¹ conducted by CPI [REDACTED] on June 15, 2015. [REDACTED] did not witness the incident between [REDACTED] and Officer Murray. [REDACTED] was in her bedroom, when [REDACTED] was disciplined. [REDACTED] has never been maltreated or neglected. [REDACTED] characterized [REDACTED] as a liar; "he lies all the time."⁵² [REDACTED] did not tell [REDACTED] he sustained any injuries, nor did she observe any injuries on him.

The DCFS report provides a summary of CPI [REDACTED] interview with Officer Murray⁵³, on June 15, 2015. Officer Murray saw a phone in [REDACTED] hand, while he was asleep. [REDACTED] had not completed his chores, and he lied about how he obtained the phone. Officer Murray grabbed [REDACTED] by the leg and pulled his leg. Officer Murray stated to CPI

⁵⁰ Att. 17. COPA attempted to interview DCFS Investigator [REDACTED] who went to the [REDACTED] home to investigate this incident. She did not recall any specifics about this incident and deferred to her employer about whether she could provide a statement attesting to the accuracy of the DCFS report. Despite attempts, DCFS did not cooperate with COPA's attempts to obtain a statement. (Att. 76)

⁵¹ Att. 17, p. 38

⁵² Att. 17, p. 38

⁵³ Att. 17, p. 39

██████████ “I beat his ass on his ass with my band [sic].”⁵⁴ Officer Murray told ██████████ to scrub the floor with a toothbrush. Officer Murray denied striking ██████████ with a police stick or belt. Officer Murray ordered ██████████ to get in and remain in a push-up position. Officer Murray hit ██████████ four times, in the last 13 years.

Officer Murray said ██████████ may have injuries because Officer Murray pushed ██████████ twice, and he fell on a bed rail, a couple times. The entire incident took place in ██████████ room. Officer Murray described ██████████ as a “habitual liar.”⁵⁵

The DCFS report provides an interview of ██████████⁵⁶ conducted by CPI ██████████ on August 25, 2015. ██████████ stated the incident with his ██████████ occurred in his ██████████ bedroom and both his ██████████ ██████████ and his ██████████ ██████████ ██████████ were present. ██████████ was scared to move back and live with his ██████████ Officer Murray has physically abused him in the past, but he did not specify the time or the abuse.

VI. LEGAL STANDARD

a. Domestic Battery and Corporal Punishment.

Under Illinois law, a person commits domestic battery if he or she knowingly, *without legal justification*, by any means: (1) causes bodily harm to any family or household member; or (2) makes physical contact of an insulting or provoking nature with any family or household member.⁵⁷ Corporal punishment meets the threshold for domestic battery or abuse when it exceeds the bounds of “reasonableness.”⁵⁸ Corporal punishment does not have to result in significant physical injury to be found unreasonable.⁵⁹ The potential for psychological harm and the adult’s state of mind can be determinative.⁶⁰

⁵⁴ Att. 17, p. 39

⁵⁵ Att. 17, p. 40

⁵⁶ Att. 17, p. 49

⁵⁷ 720 ILCS 5/12-3.2(a)(emphasis added).

⁵⁸ *People v. Ball*, 58 Ill. 2d 36, 39 (1974) (“parental rights of discipline are limited by a standard of reasonableness”); *People v. West (In re F.W.)*, 261 Ill. App. 3d 894, 903 (4th Dist. 1994) (“Discipline’ has been interpreted by the courts to extend to *reasonable* corporal punishment”).

⁵⁹ *West*, 261 Ill. App. 3d at 903 (“...the degree of physical injury inflicted upon a child is not the exclusive or determinative factor in evaluating the reasonableness of the parental conduct.”)

⁶⁰ *People v. Green*, 957 N.E.2d 1233, 1239 (2d Dist. 2011) (“when corporal punishment is administered there is no assurance that a child will not suffer psychological effects or that the discipline will be inflicted moderately or responsibly. In the heat of anger, some parents are likely to exceed the bounds of reasonableness despite the lack of physical harm.”).

Reasonableness of corporal punishment is, ultimately, a heavily fact-specific determination.⁶¹ But courts have relied on several factors in corporal punishment reasonableness analyses, including:

- “The degree of physical injury inflicted upon the child,” including the fact that any injury resulted from the discipline;⁶²
- “the psychological effects on the child”⁶³ and whether the child “appeared happy and unaffected after being disciplined”⁶⁴
- ‘the circumstances surrounding the “discipline,” including whether the parent was calmly attempting to discipline the child or whether the parent was lashing out in anger.’⁶⁵
- Whether the parent “reasonably believes [the punishment] to be necessary for [the child’s] proper control, training, or education;”⁶⁶
- whether the discipline was “vicious or for other than disciplinary reasons;”⁶⁷
- whether other means of discipline have been exhausted;⁶⁸ and
- whether the physical contact was an isolated incident or part of a pattern.⁶⁹

c. Rules 8 and 9

Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty. In relation to these Rules, there is a comment that “Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.”

d. Rules 2 and 3

Rule 2 prohibits “any action or conduct which impedes the Department’s efforts to achieve its policy and goal or brings discredit upon the Department.” Rule 2 includes a comment clarifying

⁶¹ *People v. Karen P. (In the Interest of J.P.)*, 294 Ill. App. 3d 991, 1002 (1st Dist. 1998) (“cases involving the adjudication of abuse, neglect, and wardship are *sui generis*; that is, each case must be decided on its own distinct set of facts and circumstances”)

⁶² *People v. Royster*, 2018 IL App (3d) 160306, ¶ 13.

⁶³ *Id.* at ¶ 12.

⁶⁴ *Karen P.* 294 Ill. App. 3d at 1005.

⁶⁵ *Id.* at ¶ 13.

⁶⁶ *Id.* at ¶ 12 (quoting the Restatement (Second) of Torts § 147(1) (1965).

⁶⁷ *In re Aaronson*, 65 Ill. App. 3d 729, 732 (3rd Dist. 1978).

⁶⁸ *People v. McClendon (In re S.M.)*, 309 Ill. App. 3d 702, 704 (4th Dist. 2000) (holding that a “whooping” with a belt that left extensive bruising on the arms and upper thighs was not excessive in light of the minor’s incorrigible delinquent behavior, her parents’ attempts to curb it in other ways, and the fact that the punishment was “given in a concerned, caring manner” rather than in “vengeance”).

⁶⁹ *Laughner-Frankz v. Laughner*, 2011 IL App (3d) 100134-U, ¶ 18. Illinois Supreme Court Rule 23 does not bar citation of an unpublished opinion by an administrative body. Although unpublished opinions have no precedential weight in court, they are cited here only to examine how Illinois courts assess the reasonableness of corporal punishment.

that “this Rule applies to both the professional and private conduct of all members.” Rule 3 prohibits “any failure to promote the Department’s efforts to implement its policy or accomplish its goals.” Rule 3 includes a comment that it applies to conduct on or off duty.

In addition, Rules 2 and 3 working in combination serve the principal that sworn officers are held to standard of truthfulness:

Department Rule 2 and 3 require that Chicago police officers provide a complete and accurate accounting of what they observe while on duty. Officers may not offer misleading statements which emphasize certain facts to the exclusion of others. And they are not permitted to pick and choose facts in order to support a pre-determined conclusion. Instead, officers must provide a complete accounting without embellishment, exaggeration, or spin.⁷⁰

e. Rule 14

Rule 14 prohibits officers from “making a false report, written or oral.” Pursuant to the Bill of Rights within the officers’ Collective Bargaining Agreement, officers may not be charged with a Rule 14 violation unless “(1) the officer willfully made a false statement; and (2) the false statement was made about a fact that was material to the incident under investigation.”⁷¹ A “material fact” is a fact that is “crucial . . . to the determination of an issue at hand.”⁷² A false statement is made “willfully” if it is done intentionally.⁷³

e. Standard 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

⁷⁰ *In re Franko et. al.*, 16 PB 2909-2912, Findings and Decisions, July 18, 2019, at pp. 5-6.

⁷¹ Agreement Between Fraternal Order of Police Chicago Lodge No. 7 and the City of Chicago, July 1, 2012-June 30, 2017, at p. 5.

⁷² Black’s Law Dictionary, (Online, 2nd Edition, accessed Nov. 18, 2019), available at <https://thelawdictionary.org/material-fact/>.

⁷³ Black’s Law Dictionary, (Online, 2nd Edition, accessed Nov. 18, 2019), available at <https://thelawdictionary.org/willfully/>.

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** is evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.⁷⁴ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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 is 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."⁷⁵

VII. ANALYSIS⁷⁶

Based upon the investigation begun by IPRA and continued through COPA, COPA makes the following findings of fact and application of the relevant law and Rules and Regulations of the Chicago Police Department.

a. COPA finds ██████████ to be Materially More Credible than Officer Murray.

While some facts are consistent among the accounts of Officer Murray, ██████████ and ██████████ (i.e. the argument started due to ██████████ prohibited usage of a cell phone), other material facts are entirely divergent. Officer Murray has consistently denied to IPRA and later COPA that he had *any* physical contact with ██████████. Yet, everyone to whom Officer Murray spoke in the immediate aftermath, including superior CPD officers and DCFS personnel, reports that he admitted to physical contact. Additionally, ██████████ who was Officer Murray's ██████████ at the time of the incident and present for it, described multiple spankings and at least 15 strikes with a belt during this incident. Perhaps the most objective and compelling evidence are the litany of visible injuries documented by both CPD personnel and medical personnel. It is notable the medical personnel did not conclude an accidental cause for ██████████ back injuries, but an intentional one, specifically "child physical abuse."

⁷⁴ 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 been found to be more probably true than not).

⁷⁵ See *e.g., People v. Coan*, 2016 IL App (2d) 151036 ¶ 28 (2016).

⁷⁶ COPA's administrative analysis substantially differs from a criminal law analysis. In criminal cases, the standard of proof is beyond a reasonable doubt, which is a significantly higher evidentiary standard than the preponderance of the evidence standard that applies to COPA's sustained administrative findings. Furthermore, COPA may rely on the compelled statement of Officer Murray in its analysis, which would be inadmissible in a criminal case. See *Garrity v. New Jersey*, 385 U.S. 493 (1967). Finally, COPA's analysis focuses solely on whether Officer Murray complied with Department Rules and Regulations.

The credibility of an individual relies primarily upon 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. In this case, Officer Murray's account is so divergent from [REDACTED] account that the variances can only be explained by either Officer Murray or [REDACTED] purposefully lying and misrepresenting the facts of the incident.

i. Officer Murray's Account Is Not Credible.

A preponderance of the evidence demonstrates that Officer Murray's account is not credible.

First, Officer Murray's numerous accounts of the incident are inconsistent with one another. He categorically denied to IPRA and COPA on multiple occasions that he even touched [REDACTED] as part of this incident. However, in the immediate aftermath of the incident he told Sgt. Perez that he had spanked [REDACTED] with his hand and nothing else. He then told DCFS investigator [REDACTED] that he "beat [REDACTED] ass on his ass with [his] band [sic]."

Second, Officer Murray's explanation for inconsistent statements lacks credibility. For Officer Murray's account to be believed, it would require that both Sgt. Perez and Ms. [REDACTED] put incorrect statements into their report. However, neither of them have an apparent bias against Officer Murray which would cause them to misstate or exaggerate what Officer Murray told them. To the contrary, it is their respective duties as part of their jobs to ensure their reports truly and accurately reflect what they were told. Officer Murray on the other hand, does have a motive to lie, as doing so would protect himself and his job. It is illogical for Officer Murray to claim that both Sgt. Perez and Ms. [REDACTED] put incorrect information into their reports, especially where Officer Murray's statements in their reports are consistent with [REDACTED] explanation of the incident and the physical evidence, as discussed further below.

Third, no evidence exists to corroborate Officer Murray's account.⁷⁷ Believing his account would require finding that his [REDACTED] [REDACTED] Sgt. Perez, DCFS investigators, and, at least initially, [REDACTED] had lied. COPA has found no evidence to support that all of these people, in the day following the incident, were untruthful, surrounding the material circumstances of this incident. In the recent aftermath of this incident, these witnesses provided logical and plausible accounts of Officer Murray's actions or reports of his actions to them. The fact that the description by [REDACTED] and reports to DCFS and Sgt. Perez are severely minimizing Officer

⁷⁷ COPA acknowledges the affidavits that Officer Murray submitted on his behalf; however, as discussed further below, none of these people have direct knowledge of the incident and their alternative theories are not probative as to the injuries.

Murray's interaction with ██████ actually tends to strengthen the credibility of these witnesses. None of these witnesses overexaggerated their accounts.

ii. ██████ Initial Account was Credible.

A preponderance of the evidence demonstrates that ██████ initial account of the incident was credible.

First, ██████ initial account was corroborated, in part, by other witnesses and physical evidence. Such corroboration includes Officer Murray's two initial admissions to Sgt. Perez on the day of the incident⁷⁸ and to DCFS three days later, as well as the eyewitness account from ██████. Moreover, ██████ initial account is largely corroborated by medical evidence and photographs of his injuries. COPA acknowledges that corroboration was not found for all of the details provided by ██████ such as the allegations regarding the use of handcuffs and a baton, but his initial reports of the incident were largely corroborated.

Second, ██████ account was plausible, and his timely outcry supports his reliability. Timely interviews by medical staff, which were considered in their medical assessment and conclusions, are useful as the incident was still fresh in ██████ recollection.⁷⁹ There is also no evidence that ██████ maternal grandmother (or anyone else) attempted to coach or otherwise influence ██████ accounts of this event. While ██████ texted his maternal grandmother for help, by all accounts, she did not communicate with ██████ prior to the response of DCFS and CPD. Upon her arrival, ██████ was walking his dog, so she waited in her car for the authorities to address this.

COPA recognizes that child physical abuse often occurs in a manner that makes witnesses to the abuse unlikely and requires the investigator to use the surrounding events and circumstances to determine whether the conduct occurred. Though this incident occurred in a home in which others resided, the conduct occurred in at least a partially concealed fashion in a bedroom in the residence around approximately 1:00 am. It also occurred at the hands of ██████ only surviving biological parent. The psychological effects and complex family dynamic present cannot be denied, nor go unconsidered, when weighing the reliability of ██████ recantation to IPRA of his initial reports of this incident.

⁷⁸ Sgt. Perez documented statements made to him by ██████ in a report that he completed close to the time of the incident. He then informed COPA that from what he remembered, that report was true and accurate. Therefore, COPA finds credible Sgt. Perez's report of the statements made to him.

⁷⁹ Statements made to medical personnel while seeking treatment including causes of injuries are considered to be inherently reliable. *See* Ill. R. Evid. 803(4)(a)(creating a hearsay exception to allow such statements); *See, Troyan v. Reyes*, 367 Ill. App. 3d 729, 734-35 (3d Dist. 2006)(discussing that hearsay exceptions indicate types of statements which are inherently reliable). *See also*, 725 ILCS 5/115-13 (allowing, in certain sexual assault related cases, statements made to medical personnel).

b. The Preponderance of the Evidence Supports that Officer Murray Struck ██████████ about the Body and With an Object, Without Justification, Thereby Bringing Discredit Upon the Department.

i. Officer Murray struck ██████████ about the body and with an object.

COPA finds that on the night of the incident, Officer Murray struck ██████████ about the body and with an object. In reaching this finding, COPA acknowledges that Officer Murray denied striking ██████████ at all, and ██████████ also denied to COPA that his ██████████ struck him.⁸⁰ However, COPA's finding is supported by the overwhelming, consistent evidence of ██████████ timely outcry of this incident to multiple people, the initial statement of his ██████████ who witnessed the incident, and the partial admissions of Officer Murray. ██████████ initial outcries were consistent that Officer Murray had hit him with a belt. The physical evidence is compelling and provides corroboration for ██████████ initial outcry descriptions of the events of the early morning of June 12, 2015.

COPA acknowledges that when COPA interviewed ██████████ he denied that his ██████████ struck him during this incident. However, due to the passage of time, two and a half years, it is likely that his memory of the incident was not as strong. There also is the possibility that in that time, the relationship with his ██████████ changed such that he no longer wished to pursue the allegations. Thus, COPA credits his initial statements to multiple police officers, DCFS, and medical personnel, which was corroborated by physical evidence.

Additionally, Officer Murray himself made admissions that he struck ██████████. He informed Sgt. Perez that he had spanked ██████████ claiming it was with his hand but nothing else. He later told DCFS investigator ██████████ that he "beat [██████████] ass on his ass with my band[sic]."

Moreover, in making this finding, the physical evidence and doctor's evaluation of it are significant. The ET photographs show marks to ██████████ back, which appear they were caused by an object, and consistent with a belt. Sgt. Perez also looked at ██████████ back and observed bruises. Detective O'Shea also met with ██████████ at the hospital and saw the injuries to his back, thigh, chest, arms, and wrist. Detective O'Shea, based upon his training and experience as a law enforcement officer in investigations, opined that the marks he observed were consistent with ██████████ being struck by a belt. Medical records indicate that he had abrasions to his scapulas (shoulder blades), arms, chest, cheeks, buttocks, and inner thighs, and made a diagnosis of "child physical abuse." While Officer Murray put forth an explanation that ██████████ may have incurred these injuries from falling onto a bed frame, he did not provide a plausible explanation of the

⁸⁰ ██████████ interview was 28 months after the incident.

circumstances in which ██████ would have fallen – back first – onto a bare bed frame, such that it could have caused these injuries.

While it is possible that ██████ may also have hurt himself playing football, there is no plausible explanation for how football injuries could have caused the linear abrasions on ██████ back and shoulders. Moreover, the doctors who reviewed the injuries on the day of the incident did not attribute them to football, but instead diagnosed them as injuries sustained by physical abuse. While some of the minor bruising and abrasions observed by Sgt. Perez, CPI ██████ Detective O’Shea, the CPD Evidence Technician, and medical personnel could have been caused accidentally, through ██████ everyday life and participation in sports, the sheer volume and unusual location and appearance of many of these injuries heavily suggest that ██████ injuries, at the very least the injuries to his back and buttocks, were intentionally inflicted.

COPA reviewed the affidavits from Officer Murray’s friends and neighbors. COPA does not attribute great weight to these written statements, as they are not probative in determining the facts of this case. None of these purported witnesses were present in the Murray home at the time of the incident. Their speculation on what did or did not occur is therefore irrelevant. The fact that ██████ might have participated in sports prior to this incident neither proves nor disproves what occurred in the Murray home on June 12, 2015. As referenced above, the physical abuse of a child rarely occurs out in public for the world to see.

Based on the totality of this evidence, COPA finds by a preponderance of the evidence that Officer Murray struck ██████ about the body and that he struck him with an object.

ii. Officer Murray was not reasonably justified in striking ██████

Officer Murray’s discipline of ██████ exceeded the bounds of reasonable corporal punishment. Crucially, ██████ suffered physical injury from this incident. Officer Murray left visible marks across his body including bruising and cuts. He was treated in the hospital for these injuries and the documentation of these injuries, by both evidence technicians and the hospital, is the most objective and uncontroverted evidence in this investigation. Not one person who observed ██████ back has described these injuries as barely visible or insignificant.

Additionally, as to the psychological effects factor in corporal punishment analysis, ██████ clearly suffered psychological trauma from this incident. Likewise, ██████ did not seem “happy and unaffected” by the discipline. He was so upset he not only texted his grandmother right after it happened but called her the next morning. His grandmother then said that later that evening, after leaving the hospital, ██████ was “quiet and guarded” in regards to the incident.

Next, as to the circumstances surrounding the discipline, and whether Officer Murray was acting for other than disciplinary reasons, the preponderance of the evidence demonstrates that Officer Murray was acting in anger. He came home in the midst of a situation where M. ██████

was upset with ██████ for not only texting against the rules, but for using disparaging language towards girls in those texts. Officer Murray's extensive punishment in response to this, demonstrates that he was acting out of anger in the situation, and not merely punishing ██████

Regarding whether Officer Murray had exhausted other methods of discipline, or whether he reasonably believed the punishment was necessary, on the night of the incident, ██████ was already being punished, by being banned from cell phone use. That punishment stemmed from ██████ texting inappropriate and derogatory messages to girls. This incident began because ██████ secretly used a phone to once again text girls. Therefore, Officer Murray could believe that greater punishment was necessary. However, Officer Murray's discipline on this night was grossly disproportionate to ██████ conduct. Officer Murray could have increased discipline on ██████ (including the spanking that he initially reported to police and DCFS) in a more reasonable manner.

Therefore, COPA finds based on the totality of the evidence that Officer Murray did commit the alleged physical contact, without reasonable justification. This contact was in violation of Rules 8 and 9 which prohibit brutality and physical maltreatment of any citizen, including off duty. Officer Murray's conduct also violated rules 2 and 3. Therefore **Allegations 11 and 12 are Sustained.**

iii. The act of being arrested cannot in and of itself bring discredit to the Department, because arrests may be deemed unlawful and beyond the control of the person being arrested.

While the underlying conduct which lead to Officer Murray's arrest in this incident certainly brings discredit to the Department, the mere fact that he was arrested does not in and of itself bring discredit to the Department. Otherwise Department members could be subject to discipline for a wrongful arrest. This allegation was served on Officer Murray by IPRA and would not be served under COPA's currently practices. However, we are left to resolve this issue and find the most appropriate outcome is that **Allegation 7 is Unfounded.**

c. As to the Remaining Allegations of Physical Contact from the June 12, 2015 Incident, COPA finds that there is insufficient evidence to prove the allegations by a preponderance of the evidence.

As discussed above, the preponderance of the evidence demonstrates that Officer Murray struck ██████ in the back with some sort of object, most likely a belt. However, there is not sufficient corroboration for some of the other conduct alleged in this case.

██████ was consistent in his outcries that he was struck in the back. However, he was inconsistent regarding blows to the face. Additionally, ██████ only corroborated strikes to his

back and buttocks, not other body parts. ET photographs most clearly establish linear injuries to his back and shoulders, but, there is not visual evidence of other injuries.

Therefore, for those reasons, as well as the following reasons, COPA makes the following findings, based upon the preponderance of the evidence.

There is insufficient evidence to sustain Allegation 1, that Officer Murray struck ██████ on the buttocks several times with his hand. Officer Murray, ██████ and ██████ initially confirmed this physical contact occurred. However there is insufficient evidence to establish if the strikes to the buttocks were or were not justified as reasonable corporal punishment and therefore **Allegation 1 is Not Sustained.**

As to Allegation 2, as discussed above, COPA finds that Officer Murray did strike ██████ on his buttocks and back, with what is most likely a belt. However, there is insufficient evidence to show that Officer Murray used a belt on ██████ chest or arms. Due to competing facts and credibility issues regarding Officer Murray's version of events, there is also not enough evidence to conclude, by the clear and convincing standard, that this contact did not occur or that it was justified, and **Allegation 2 is Not Sustained.**

As to Allegations 3 and 4, that Officer Murray handcuffed ██████ without justification, there is insufficient evidence to show that Officer Murray handcuffed ██████ as part of this punishment. However, ██████ did allege this conduct in his initial outcry, and COPA finds him to be more credible than Officer Murray. Additionally, there are marks on ██████ wrists which may be consistent with the use of handcuffs, and a pair of handcuffs were found in the residence near where the punishment occurred.⁸¹ Thus, the competing issues of fact and credibility lead to the conclusions that **Allegations 3 and 4 are Not Sustained.**

Additionally, there is insufficient evidence to sustain Allegations 5, 6, 8, 9, and 10. However, ██████ initially reported the conduct underlying these allegations, and COPA has found ██████ materially more credible than Officer Murray. Therefore, there is not clear and convincing evidence that the allegations are unfounded, and **Allegations 5, 6, 8, 9, and 10 are Not Sustained.**

There is no evidence or corroboration that Officer Murray used profanity towards ██████ and **Allegation 13 is Unfounded.**

d. The Preponderance of the Evidence Supports that Officer Murray Willfully Made False Statements of Material Fact during his July 21, 2017 Interview with IPRA.

⁸¹ COPA notes that the fact that handcuffs were recovered in the master bedroom of a police officer's home is not evidence, in and of itself, that the handcuffs were used for child abuse.

i. Officer Murray Provided False Information to COPA.

Officer Murray made the following two statements to COPA investigators on July 21, 2017, which are at issue here:

Statement 1:

Q: Okay. So, you didn't do anything?

Officer Murray: I did not, I didn't touch [REDACTED] whatsoever. . . .⁸²

Statement 2:

Q: You never told them you disciplined him in any kind of form or fashion?

A: I never told him I discipline [REDACTED]⁸³

As to the first statement at issue, as discussed above, COPA finds by a preponderance of the evidence that Officer Murray did strike [REDACTED] with his hand on the buttocks, and with an object, likely a belt, on his shoulders and the rest of his body. Based upon much of the same evidence as the above analysis of Allegations 11 and 12, the weight of the evidence overwhelmingly supports the fact that physical contact occurred. Additionally, considering the above factors in evaluating Officer Murray's credibility, it is implausible to credit the account – a complete denial of any physical contact - which he provided to IPRA investigators on July 21, 2017. The preponderance of the evidence demonstrates that these statements were false.

As to the second statement at issue, the preponderance of the evidence shows that Officer Murray did tell Sgt. Perez that he spanked [REDACTED]. While Officer Murray tried to explain that he told someone that he is *allowed* to spank his child, not that he actually did so, COPA does not find this to be credible. It is illogical that he never spoke with police, yet would offer a different explanation for what he told police. Therefore, COPA does not credit Officer Murray's explanation.

In addition, Sgt. Perez put in his report that he spoke with Officer Murray and that he admitted to hitting [REDACTED] with his hand. Sgt. Perez reviewed his statement with COPA, and stood by its accuracy. DCFS also reports that Officer Murray admitted, three days later, to striking [REDACTED] on the butt with his hand. The consistency between their reports suggests that Sgt. Perez's account of Officer Murray's statement is accurate. Therefore, Officer Murray's statement to COPA denying his disclosure to CPD of spanking [REDACTED] is false.

⁸² Att. 44, P. 32, ln 14-15.

⁸³ Att. 44, P. 37 lns 6-16.

As to both statements, it should be noted that Officer Murray has made repeated references to the effect of, “knowing the law,” “what the law allows,” and “what he can do under the law” in the context of the allegations in this investigation. Officer Murray made such statements during both his February 22, 2019, interview with COPA and his March 20, 2020, interview with COPA. Additionally, neighbor ██████████ remembered this statement of Officer Murray so well that she included it in the written statement she provided COPA nearly five years after the events. She recalled Officer Murray saying this when CPD and DCFS responded to his home on June 12, 2020. COPA considers this portion of Ms. ██████████ statement to be credible, as Officer Murray has made nearly identical statements in the presence of COPA investigators. Officer Murray’s statements suggest that he has explored the constraints of corporal punishment, as he is using these phrases to justify his actions and provide a defense. In fact, in his March 20, 2020, interview with COPA, Officer Murray offered that he argued with the sergeant about what the law allowed regarding physically disciplining ██████████ and that he knew what he could do. It is illogical for Officer Murray to use these phrases in his defense if he had not participated in any of the alleged actions.

ii. Officer Murray Provided this False Information Willfully.

The preponderance of the evidence shows that Officer Murray knew the two above statements were false. As to the first statement, it is implausible that Officer Murray could have beat ██████████ in this fashion without knowing it.⁸⁴ Additionally, he left nodoubt that he was denying all of the allegations. He definitively stated that he did not touch ██████████ whatsoever. Thus, it is clear that he intentionally made the false denial about touching ██████████

As to the second statement, COPA asked an open-ended question—using the phrase “any form or fashion”—to which Officer Murray himself provided a definitive response. This would have also been the opportunity at which Officer Murray could have claimed that used what he deemed to be reasonable corporal punishment. In other words, Officer Murray could have truthfully acknowledged that he told CPD or DCFS personnel that he spanked ██████████ but then explained to IPRA that it was solely for the purpose of discipline. Officer Murray could have chosen to explain the extent of the spanking and his perceived justification for doing so. In fact, he could have chosen to do the same with his usage of an object to strike ██████████ back. Instead, he chose an overreaching and unequivocal denial. He definitively stated he “never” told investigating CPD officers that he disciplined ██████████

COPA finds that on July 21, 2017 he willfully lied to COPA in denying what he said to detectives, and that his subsequent explanations were attempts to further mislead COPA.

⁸⁴ While at no point did Officer Murray claim confusion about what incident was being discussed, it is clear from the context of the entirety of the interview that IPRA was discussing the June 12, 2015 incident.

iii. The False Information Related to a Matter that Was Material to the Underlying Investigation.

Finally, it is clear that the false statements were about a matter that was material to the investigation. A “material fact” is a fact that is “crucial . . . to the determination of an issue at hand.”⁸⁵ The purpose of the July 21, 2017 interview was to explore allegations that Officer Murray had struck [REDACTED] and if so, whether or not it was reasonable corporal punishment. This included multiple allegations of this conduct in specificity, which were served upon Officer Murray prior to his interview.

Thus, it was integral to the investigation to determine (1) the specific force that was used, and, if any force was used, (2) whether each use of force was reasonable. Additionally, since there were allegations related to Officer Murray’s arrest, the information that he provided to investigators spoke not only to identifying and describing the use(s) of force, but to whether his conduct brought discredit on the department. These determinations were not only material, but the issues upon which the entire investigation revolved.

For these reasons, the evidence demonstrates that the incident did not occur as Officer Murray has claimed to IPRA and COPA. Considering the totality of the circumstances and the evidence as reflected above, Officer Murray’s statements are so inconsistent with the facts and actions of a reasonable officer that they reflect a willful material false statement of the incident for the purpose of protecting himself. Therefore, the preponderance of the evidence supports that Officer Murray made statements in violation of Rule 14, and therefore **Allegations 14 and 15 are Sustained.**

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

e. Officer Reginald Murray

i. Complimentary and Disciplinary History

Officer Murray has been a member of the Chicago Police Department since July 29, 2002. In that time, he has received 41 Honorable Mentions, 1 Department Commendation, and 5 Complimentary Letters. In the last five years, he received a SPAR for a preventable accident in March 2019.

ii. Recommended Penalty, by Allegation

1. Allegation No. 11: COPA recommends a 180 day Suspension

⁸⁵ Black’s Law Dictionary, (Online, 2nd Edition, accessed Nov. 18, 2019), available at <https://thelawdictionary.org/material-fact/>.

- 2. Allegation No. 12: COPA recommends a 180 day Suspension
- 3. Allegation No. 14: COPA recommends Seperation
- 4. Allegation No. 15: COPA recommends Seperation

Officer Murray’s actions towards ██████ constitute child abuse and criminal conduct. Futhermore, Officer Murray failed to take responsibility for his actions and instead chose to minimize and even outright deny the harm he inflicted on ██████ during this incident. COPA did however consider in mitigation both the age of the minor as well as the purported disciplinary intent behind Officer Murray’s physical acitons. However, it is clear from the injuries ██████ sustained that Officer Murray exceeded the bounds of reasonable discipline during this incident. Officer Murray then compounded this issue by making false statements to both IPRA and COPA investigators and failing to take any measure of accountability for his actions. Therefore, COPA recommends that Officer Murray be separted from the Department.

IV. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Murray, Reginald	1. Struck ██████ on the buttocks several times with his hand.	1. Not Sustained
	2. Struck ██████ on the buttocks, back, arm, and chest with a belt.	2. Not Sustained
	3. Handcuffed ██████	3. Not Sustained
	4. Handcuffed ██████ without justification.	4. Not Sustained
	5. Sat on ██████ arms.	5. Not Sustained
	6. Kicked ██████ on the side of the body.	6. Not Sustained
	7. Brought discredit upon the Department in that he was arrested for Domestic Battery.	7. Unfounded
	8. Struck ██████ with a baton.	8. Not Sustained
	9. Grabbed ██████ by the neck and dragged him on the floor.	9. Not Sustained
	10. Punched ██████ on the jaw with a closed fist.	10. Not Sustained
	11. Struck ██████ about the body.	11. Sustained / Suspension (180)
	12. Struck ██████ about the body with an object.	12. Sustained / Suspension (180)
	13. Directed profanity at ██████	13. Unfounded

It is alleged that on or about July 21, 2017 at 1615 W. Chicago Avenue, Officer Murray willfully made false, incomplete, inaccurate, and/or misleading statements of material fact to the Independent Police Review Authority when he stated the following:

14. “Q: So, You didn’t do anything?

A: I did not, I didn’t touch [REDACTED] whatsoever.” (Att. 44, p. 32, lines 14 – 15).

15. “Q: You never told them [investigating Chicago Police Department personnel] that you disciplined him [REDACTED] in any kind of form or fashion?

A: I never told him I discipline [REDACTED]” (Att. 44, p. 37, lines 14 – 16)

14. Sustained /
Seperation

15. Sustained /
Seperation

Approved:

[REDACTED]

June 28, 2020

Andrea Kersten
Deputy Chief Administrator

Date

[REDACTED]

June 28, 2020

Sydney Roberts
Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	1
Major Case Specialist:	Wilbert Neal
Supervising Investigator:	Shannon Hayes
Deputy Chief Administrator:	Andrea Kersten