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David O. Brown  
Superintendent of Police

September 28, 2020

Sydney Roberts  
Chief Administrator  
Civilian Office of Police Accountability  
1615 West Chicago Avenue, 4<sup>th</sup> Floor  
Chicago, Illinois 60622

Re: Log #1075644  
Non-Concurrence with Findings and Penalty  
Officer Reginald Murray #18567

Dear Chief Administrator Roberts:

After a review of the above-referenced complaint register file (CR), the Department does not concur with the recommended findings or penalties for Officer Reginald Murray. Officer Murray's ██████ accused his ██████ of engaging in child abuse on June 12, 2015, arising out of a dispute over a cell phone that ██████ was not supposed to be using. As set out more fully below, the record developed during the five-year investigation of this CR does not support a finding, by the preponderance of the evidence, that Officer Murray struck ██████ in any way or made false statements to IPRA or COPA investigators in violation of Rule 14.

Statements ██████ made about the alleged abuse remain inconsistent throughout the various investigations into Officer Murray's actions. Depending on the person to whom he was speaking on June 12, 2015, ██████ accused Officer Murray of abusing him in one or more of the following ways: striking him in the buttocks with an open hand; striking him about the body several times with a belt; wiping his back with a wet towel and then striking him with a belt, punching him about the body several times; handcuffing him and sitting on his arms; striking him on the buttocks and back with a baton; grabbing him by the neck and dragging him on the floor; kicking him in the jaw and his body, forcing him to hold a pushup position for long periods of time, and directing profanity at him. Following this alleged abuse, ██████ contacted his grandmother, who contacted DCFS. DCFS contacted the Chicago Police Department ("CPD") to assist, and the Chicago Fire Department took ██████ to the hospital, where CPD evidence technicians took photographs of ██████ arm and back, which both showed injuries consistent with being struck. (Att. 10 and Att. 17) The pictures of ██████ back in the DCFS report show lash marks of some sort. (Att. 17, pp. 116-17). The pictures of ██████ taken by a CPD evidence technician show similar injuries to both ██████ arm and back (Att. 10, pp. 8-16) Hospital records diagnosed the injuries as "child physical abuse" but do not attribute that abuse as having been committed by any particular individual. (Att. 9)

The Department investigated the allegations made at the time of the incident and found multiple inconsistencies in the statements made by the witnesses. CPD Sgt. Adrian Perez went to Officer Murray's home on the date of the alleged incident, and prepared a Supplementary Report (Att. 21) that stated, in part, that Officer Murray related at the scene that he spanked ██████ with his hand and nothing else. The report went on

to say that Officer Murray related that the red marks on [REDACTED] back were due to [REDACTED] falling onto the metal railings attached to his bed. At an interview conducted by COPA more than two years after the alleged incident, Sgt. Perez related that he had no independent recollection of Officer Murray's statements, and the Supplementary Report did not refresh his recollection. (Att. 45, pp. 17-20) Officer Murray was released without charges the same day, ostensibly because of the many inconsistencies in [REDACTED] stories. To this end, CPD Det. Brian O'Shea interviewed [REDACTED] at the hospital on June 12, 2015 and found that some of the abuse that [REDACTED] alleged was a little bit elaborate in relation to the injuries he observed. (Att. 72, p. 26).

The same day (6/12/15), Det. O'Shea interviewed Officer Murray's [REDACTED], [REDACTED] who is also [REDACTED]. She stated that over a period of two hours, Officer Murray disciplined [REDACTED] with approximately 5 strikes with his hand and 15 strikes with a belt. These were not continuous strikes, and most of the two-hour period was spent lecturing. (Att. 26, p. 10) Note that [REDACTED] refused to participate in a later interview with COPA because she was afraid it would affect [REDACTED] (Att. 50) Further, as set out below, [REDACTED] later told DCFS that she was not in the room with [REDACTED] and Officer Murray, and therefore did not witness any physical abuse.

The same day (6/12/15), Det. O'Shea interviewed [REDACTED], [REDACTED] who said that during the punishment [REDACTED] appeared to be fine. When she saw him, [REDACTED] was not crying, was clothed, and not handcuffed. She did not see handcuffs, a police stick, a wet towel, or a belt. While she heard [REDACTED] being scolded, she did not hear him being struck or [REDACTED] crying out. (Att. 26, p. 11) Det. O'Shea also interviewed [REDACTED], who fell asleep at 2200 hours on June 11, 2015. She did not hear any commotion during the night and never awoke from her sleep. After she awoke on June 12, 2015, [REDACTED] did not tell her about his injuries, and she did not observe bruising or other injuries. (Att. 26, p. 11) That evening, Det. O'Shea was not able to re-interview [REDACTED] because [REDACTED] would not allow it. However, Det. O'Shea observed that [REDACTED] was walking without impediment and appeared to be moving about normally. There was no facial bruising, and [REDACTED] was eating McDonalds without any apparent discomfort. (Att. 26, p. 12)

DCFS prepared a final report (Att. 17). As noted above, in contrast to the statement she made to Det. O'Shea, [REDACTED] told the DCFS investigator that she did not observe Officer Murray discipline [REDACTED] and was in her bedroom when it happened. (Att. 17, p. 39) She also indicated that [REDACTED] is a liar and lies all the time. [REDACTED] did not tell [REDACTED] about suffering any injuries. DCFS also interviewed Officer Murray. The report states that Officer Murray related that he disciplined [REDACTED] by beating him with his hand but did not use a stick or belt and he did not have a key for the handcuffs that he kept at his house. The report further states that Officer Murray said that over the last 13 years he hit [REDACTED] 4 times. (Att. 17, p. 39). The investigator from DCFS was not interviewed as part of COPA's investigation.

COPA interviewed Officer Murray on July 21, 2017 – more than two years after the alleged incident. (Att. 44). During the interview, and in response to a confusing line of questioning, Officer Murray stated that "I didn't touch [REDACTED] whatsoever." (Att. 44, p. 32) Later in the interview, Officer Murray stated that he never told the CPD detectives investigating the incident that he disciplined [REDACTED] (Att. 44, p. 37) However, the COPA investigator never asked Officer Murray if the detectives asked him if he disciplined [REDACTED]

COPA interviewed Officer Murray again on February 22, 2019. (Att. 56) During the interview, Officer Murray denied making a statement to Sgt. Perez that he hit [REDACTED] and opined that Sgt. Perez put that statement in the report because he called Sgt. Perez a racist, and that Sgt. Perez made a false report. (Att. 56, pp. 9-10)

Officer Murray also denied making a statement to DCFS that he hit ██████ with his hand. (Att. 56, p. 13) COPA interviewed Officer Murray again on March 20, 2020. (Att. 74). Officer Murray reaffirmed his previous statements about not striking ██████ in any manner and denied making a false statement to IPRA or COPA investigators.

COPA interviewed ██████ on November 1, 2017 – again, more than two years after the alleged incident. (Att. 46) ██████ said that after getting caught with the cell phone on June 12, 2015, he and Officer Murray talked about the issue for two hours, and then ██████ cleaned the kitchen and went to bed. (Att. 46, p. 5) The next morning, ██████ was walking his dog outside, and he told a neighbor friend that he was going to get his ██████ in trouble. (Att. 46, pp 5-6) ██████ denied talking to police or a DCFS worker at the scene. (Att. 46, p. 6) ██████ said that he talked to the detective at the hospital. ██████ said that he told the detective that his ██████ beat him because ██████ was concerned that his ██████ was going to take away his visitation rights with his grandmother, and he wanted his ██████ to get in trouble. (Att. 46, p. 7) ██████ then said that the discipline consisted of him being placed in a pushup position for 30 minutes while his ██████ and his ██████ were in the room. (Att. 46, p. 12) ██████ did not remember how he got the marks on his back (Att. 46, p. 14) ██████ said that he did not know that he had the marks on his back until the DCFS investigator told him about the marks (Att. 46, p. 25) ██████ denied that his ██████ struck him with his hand or a belt, and he only said these things because it would get his ██████ in more trouble (Att. 46, pp. 15-16) ██████ went on to deny that his ██████ engaged in any of the physical abuse that he previously claimed happened. Furthermore, ██████ also submitted two affidavits denying that his ██████ ever struck him. (Att. 73) This attachment also includes statements from others, including neighbors and a basketball coach, indicating that ██████ injuries could have resulted from playing football with other neighborhood children or during ██████ basketball program. COPA chose not to interview the persons who offered these additional affidavits.

While photographic evidence shows that ██████ suffered injuries to his back and arm, there is insufficient proof to establish by a preponderance of the evidence that these injuries were caused by Officer Murray, whether from striking ██████ with his hand or using an object. The witness testimony is contradictory, but the common thread between ██████ and Officer Murray is that (1) they were the only people in the bedroom at the time of the alleged abuse, and (2) both denied that Officer Murray struck ██████ in any way. The photographic evidence shows injuries to ██████ but it is unfair to blame Officer Murray for causing these injuries without more credible evidence than was developed on this record. ██████ had a motive to fabricate his story – as a punishment, his ██████ was taking away his visitation rights with his maternal grandmother – and it seems that ██████ acted on a childish impulse intended to get his ██████ in trouble. There is simply no credible evidence to contradict the statements of both ██████ and Officer Murray. Further, CPD was unable to find anything in Officer Murray’s home that could have corroborated ██████ story that he was beaten with an object. Moreover, the delay between the incident and the COPA interviews – approximately two years – should not be construed against Officer Murray because the record does not reflect that this delay was his fault in any way.

The evidence further does not support a finding that Officer Murray gave a false statement in violation of Rule 14. The first statement at issue:

Q: “So, you didn’t do anything?”

A: “I did not. I didn’t touch ██████ whatsoever.”

was lifted from a confusing line of questioning in Att. 44, p. 32. The question was not “Did you hit ██████ ██████ –

it was a vague, "So you didn't do anything?" There was no time period established for when Officer Murray was stating that he didn't touch [REDACTED] whatsoever. Clarifying questions could have established what Officer Murray meant – was this during the time that the abuse was alleged to have occurred? Or was this while [REDACTED] was cleaning the kitchen? Or was it while [REDACTED] was asleep, or even the next morning when he went to walk the dog? This question, in isolation, is simply too vague to establish, by a preponderance of the evidence, that Officer Murray violated Rule 14.

Notwithstanding, there is otherwise insufficient proof to establish, by a preponderance of the evidence, that Officer Murray made a false statement at all. As noted above, only [REDACTED] and Officer Murray were in the bedroom when the alleged abuse took place. Both have denied that that Officer Murray struck [REDACTED] in any way. The statement in Sgt. Perez's report cannot be cross examined, and it did not refresh Sgt. Perez's recollection of what was said on June 12, 2015. [REDACTED]'s statement to Det. O'Shea that she observed the physical abuse is not credible because she later contradicted herself in her DCFS interview by saying that she was not in the room when the abuse happened. The DCFS report of an interview with Officer Murray is hearsay and inadmissible, and Officer Murray denied making a statement about striking [REDACTED] during the DCFS interview.

The second statement at issue:

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]"

was also lifted from a confusing line of questioning in Att. 44, p. 37. During the interview, COPA did not ask Officer Murray if the investigating CPD personnel asked about whether he had disciplined [REDACTED]. If Officer Murray was never asked by CPD if he disciplined [REDACTED] then the fact that he did not affirmatively state that he disciplined [REDACTED] isn't a false, incomplete, inaccurate, or misleading statement. Moreover, mere discipline isn't at issue in this case – the underlying allegation was that Officer Murray physically abused [REDACTED]. The interviewer did not establish an appropriate foundation for this line of questioning, and therefore Officer Murray's answer does not establish, by a preponderance of the evidence, that he violated Rule 14.

As a result of the above analysis, the Department also disagrees with the recommended penalties of a 180-day suspension and separation. The Department does not believe that the record demonstrates, by a preponderance of the evidence, that Officer Murray struck [REDACTED] with his hand or an object, or that Officer Murray made a false statement to investigators in violation of Rule 14.

As mandated by the Municipal Code of Chicago, I look forward to discussing this further with you.

Sincerely,

[REDACTED]  
David O. Brown  
Superintendent of Police  
Chicago Police Department