BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST	**)**	
POLICE OFFICER REGINALD MURRAY,	**)**	**No. 21 PB 2988**
STAR No. 18567, DEPARTMENT OF POLICE,	**)**	
CITY OF CHICAGO,	**)**	**(CR No. 1075644)**
RESPONDENT.	**)**	

FINDINGS AND DECISION

On April 6, 2021, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Reginald Murray, Star No. 18567 ("Respondent"), recommending that Respondent be discharged from the Chicago Police Department ("CPD") for violating CPD's Rules of Conduct.

A hearing on the charges against Respondent took place before Hearing Officer Michael Panter on December 8, 2021, December 10, 2021, and April 11, 2022. Following this evidentiary hearing, the members of the Police Board read and reviewed the record of the proceedings, including the Hearing Officer's Report (neither party filed a response to this report), and viewed the video recording of the entire evidentiary hearing. Hearing Officer Panter made an oral report to and conferred with the Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

As a result of its hearing on the charges, the Police Board finds and determines that:

1. Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges Respondent appeared and was represented by legal counsel.

Introduction

4. On the afternoon of June 12, 2015, members of the Chicago Police Department ("CPD") were summoned to [xxxx] W. West End by a report of parental abuse. When officers arrived, a Child Protection Investigator from the Illinois Department of Children and Family Services ("DCFS") was already on the scene. Both the officers and the DCFS worker spoke with thirteen-year-old Austin Murray, Respondent's son.[1] Austin had visible bruises and abrasions on his body.

Respondent was questioned by the responding officers and the DCFS worker inside his home. At the hearing, a responding officer testified that Respondent said he had been upset because his son had been involved in an incident at school. The officer testified that Respondent told her on the scene that he had disciplined Austin, describing his actions as "parenting" aimed at ensuring his son did not "end up as one of these kids that was running the streets." At the hearing, Respondent denied having said that he had "disciplined" his child; he agreed that he had told the officer he was "parenting." A responding Sergeant testified that Respondent admitted to spanking his son. Respondent denied having made this statement. The DCFS worker who responded to the scene testified that Respondent told her that he had "punished" his son. At the hearing, Respondent

[1] During the December 10, 2021, hearing, the Superintendent questioned one of the responding officers and the DCFS Child Protection Investigator about statements Respondent's son allegedly made on the afternoon of June 12, 2015. Such evidence is inadmissible hearsay. *See* Rule of Procedure III.D ("[H]earsay evidence shall not be admissible during the hearing, unless an Illinois statute or rule of evidence provides otherwise."); *see also* 65 ILCS 5.10-1-18.1 ("The Police Board, or any member thereof, is not bound by formal or technical rules of evidence, but hearsay evidence is inadmissible."). Hearing Officer Panter did not have the opportunity to rule on the admission of these statements because Respondent's counsel failed to object to their admission at the hearing on the charges. As inadmissible hearsay, the Police Board did not consider and assigned no weight to this evidence. This opinion should not be read to hold that the rules barring the admission of hearsay cannot be waived in certain circumstances—particularly when "an Illinois statute or rule of evidence" provides for the admission of statements that would otherwise qualify as hearsay. Rule of Procedure III.D.

denied making this statement. Officer Murray testified that, on that afternoon, he told both the CPD officers and the DCFS worker that he knew his rights when it came to disciplining his child. Specifically, he admitted to stating that—under state law—striking one's child with an open hand does not constitute child abuse.

While Respondent was being questioned, Austin was transported via ambulance to Loretto Hospital. Upon arriving, an emergency room nurse and doctor examined Austin and asked him questions about his injuries. Austin told both medical professionals that he had been handcuffed and beaten with a wooden stick and a belt.[2] He said that the abuse had begun at about 1:00 that morning, and had lasted approximately two hours. He told the doctor that he had been hit on his back, arms, and buttocks, and had been punched on both sides of his jaw, causing him to bleed from his mouth. Austin's statements to both the emergency room nurse and the doctor are reflected in the medical records created that day, which were offered into evidence by the Superintendent. The records describe "multiple bruises and abrasions to [Austin's] back, arms and buttocks." These injuries are documented in photographs taken at the hospital by an evidence technician,

[2] During the December 8, 2021, hearing, the Superintendent questioned the emergency room nurse and doctor about statements Respondent's son allegedly made on the afternoon of June 12, 2015. Those statements were then recorded in medical records, which were admitted as Superintendent's Exhibit 1.

As the Superintendent argued during closing, statements related to Austin's "medical history"; "past or present symptoms, pain, or sensations"; and the "general character of the cause or external source" of his injuries fall within the exception to the hearsay rule laid out in Illinois Rule of Evidence 803(4)(A). Therefore, these statements (and the medical records reflecting them) were properly admitted into evidence. On the other hand, unrelated statements—particularly commentary irrelevant to the treatment of Austin's injuries, and statements identifying the individual who allegedly caused the injuries—do not fall within the scope of this exception to the hearsay rule. Illinois courts have held that statements made to medical professionals attributing fault or blame are generally inadmissible under Illinois Rule of Evidence 803(4)(A)—including in cases involving allegations of child abuse. *See, e.g.*, *People v. Oehrke*, 860 N.E.2d 416, 420 (Ill. App. Ct. 2006) ("Statements identifying the offender, however, are beyond the scope of the exception" in Illinois.); *cf.* 725 ILCS 5/115-13 (providing a hearsay exception for statements attributing fault or blame when made by victims of *sexual*—but not physical—abuse). Respondent's counsel failed to object to the admission of the statements or the portions of the medical records that were hearsay; consequently, Hearing Officer Panter did not have the opportunity to rule on their admission at the hearing on the charges. As inadmissible hearsay, the Police Board did not consider and assigned no weight to this evidence. *See* Rule of Procedure III.D; *see also* 65 ILCS 5.10-1-18.1.

which were also offered into evidence by the Superintendent. Austin was prescribed Ibuprofen and released from Loretto Hospital on the same day.

Back at Respondent's home, the discussion with responding officers and the DCFS worker escalated. The DCFS worker heard Respondent say something along the lines of, "You know what this could mean? Please. I'm begging you. This could mean my pension. This could mean my pension." Respondent admitted to making a statement about his pension, but described the circumstances differently. Respondent testified that the responding Sergeant was attempting to question him while he was speaking to the DCFS worker, and seemed to think Respondent was ignoring him. This prompted Respondent to accuse the Sergeant of wanting to make him lose his pension. Immediately after making this statement, Respondent was handcuffed and transported to the 15th Street police station, where he remained for several hours. Respondent was not charged with child abuse or any other crime on that day.

In the weeks that followed, DCFS conducted an investigation into the allegations of child abuse. Pursuant to a safety plan, Austin was temporarily placed with his paternal grandmother. The DCFS Child Protection Investigator assigned to the case testified that, during the course of her investigation, Respondent explained that his son had been "on punishment" and was not supposed to have access to a cell phone. She remembered Respondent telling her that, when Austin was caught with a cell phone late on the night of June 11, 2015, he "physically punished" his son, which included hitting him on the buttocks with an open hand. Respondent also told the DCFS worker he had punished his son on the railing of a bed frame on a few occasions—including the night at issue—and attributed some of Austin's injuries to that. At the hearing, Respondent denied telling the DCFS worker that he had physically disciplined his son, and denied having made any

statements related to the bed frame. At the conclusion of its investigation, DCFS determined that there was credible evidence of child abuse in this case.

At the hearing, Austin—who is now twenty years old—admitted to describing serious abuse to the medical professionals at Loretto Hospital on June 12, 2015. He testified that each of these statements was a lie; he attributed his injuries to a game of football played with neighbors earlier that day, and scratching stemming from his eczema and bedbugs. Austin explained that he made up this serious lie in an effort to secure time with his maternal grandmother,[3] who was in the midst of a years-long visitation dispute with Respondent. As part of his punishment for misbehaving early on the morning of June 12, 2015, Respondent had told Austin that he would not be allowed to visit his maternal grandmother. This prompted Austin to text his maternal grandmother and tell her that he had been physically abused by Respondent; Austin's grandmother than contacted authorities, setting the events described above in motion.

Both Respondent and Austin testified that, in the seven years that have passed since the incident at issue, they have maintained a positive, close relationship. Austin has lived with Respondent on multiple occasions since this occurrence, including for a significant portion of his high school years.[4] After graduating from Proviso West High School in May 2019, Austin spent one year in Mississippi, where he attended Northwest Mississippi Community College (which is located close to several members of his deceased mother's family). Austin testified that, since returning to Chicago, he has seen his father often. Respondent purchased a car for his son to help

[3] Austin's mother died in 2002, shortly after Austin turned one-year-old. Respondent primarily raised Austin as a single parent (he was remarried between 2012 and 2018). At the hearing, Austin explained that it has always been incredibly important to him that he maintain strong relationships with both his mother's and his father's respective families.

[4] Following a series of shootings in the neighborhood, Respondent encouraged Austin to transfer to a new high school located in his maternal grandmother's district. While attending this new school (Proviso West), Austin lived with both Respondent and his maternal grandmother.

him commute to and from school, and he has provided additional financial support for Austin and his one-year-old daughter. About two weeks before the final hearing in this matter, Respondent and Austin traveled to California together to visit a new school Austin is considering transferring to.

During the hearing, neither Respondent nor Austin reported any significant conflicts in the seven years that have passed since June 12, 2015. Throughout the DCFS investigation, the IPRA (and later COPA) investigation, and these proceedings, Respondent has maintained that he did not subject his son to child abuse. During one of his many interviews with IPRA and COPA (which took place on July 21, 2017), Respondent told investigators, "I did not, I didn't touch my son whatsoever."

Charges Against the Respondent

5. Police Officer Reginald Murray, Star No. 18567, is **not guilty** of violating Rules 2, 8, and 9 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 1:

> On or about June 12, 2015, at or near [xxxx] W. West End Ave., Chicago, Illinois, Officer Murray struck A.M., a minor, about the body with Officer Murray's hand and/or an object resulting in, e.g., bruising, linear abrasions, and/or other visible markings. Officer Murray thereby violated:
>
> a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
>
> b. Rule 8, which prohibits disrespecting or maltreating any person while on or off duty; and/or
>
> c. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person while on or off duty.

The standard that the Police Board must use for deciding cases is whether a case is proven by a preponderance of evidence. In this case, the Board was hampered in its ability to reach a

finding that the Superintendent's charges were proved by a preponderance of the evidence because of the many years which passed between the incident and the hearing at which evidence was presented. This is emblematic of an on-going problem with the Chicago Police disciplinary process, highlighting a crucial proposition: investigations involving the actions of Chicago police officers, and any charges stemming from those investigations, must be brought in a timely manner.

In the more than seven years that have passed since Respondent allegedly abused his son, one crucial witness, Austin's paternal grandmother (with whom DCFS placed him during the course of their investigation), has died. Austin's maternal grandmother—who first reported the alleged abuse—is ill and did not testify at the hearing on these charges. The whereabouts of other essential witnesses—particularly Austin's stepmother and her children, who were present on the night of the alleged abuse—are unknown. The relationship between Respondent and his son, who was only thirteen-years-old at the time of the alleged abuse, has allegedly changed with time—as have their memories. Twenty-year-old Austin, who is now a father himself, said he understands the world very differently than he did on June 12, 2015. On that day, he said he was angry that his failure to abide by his parent's instructions came with serious consequences—namely, the possible impairment of his material grandmother's visitation rights. As an upset teenager, Austin said he was willing to do what he thought necessary, including lying, to protect that relationship.

At the hearing on the charges, there were only two testifying witnesses who could know what happened in the early morning hours of June 12, 2015: Respondent and Austin. Notwithstanding prior statements made by Austin when he was thirteen, both testified firmly under oath that Austin was not struck by Respondent. To sustain Specification 1, the Board would have to find that both Respondent and his son are lying. When called as an adverse witness and during his own case in chief, Respondent vigorously denied that he struck Austin on June 12, 2015. This

testimony is consistent with Respondent's three prior statements to IPRA and COPA (on July 21, 2017, February 22, 2019, and March 20, 2020), in which he stated that he "didn't touch [his] son whatsoever." Austin was also adamant that the allegations about his father's abuse were entirely untrue. As Austin explained, when he stated in the past, he fabricated the story because he wanted to stop his father from interfering with his grandmother's visitation. *See* Transcript of April 11, 2022 Hearing at 61:12–17 ("[M]y dad told me that he was trying to take my rights away, my grandparent rights, and I didn't want that to happen. I already lost my mother on that side, and at that time nobody can take me away from her side of the family."); *id.* at 71:15–72:3 ("But even to this day, nobody is going to take me from no side of the family . . . . I had already had a hard time at that time. Like I said, I lost my mother. My dad got married. [My step-siblings] had that motherly figure. They had that connection. I never had that. I wanted to make sure that I had both sides of my family. Especially my grandmother.").

Although witnesses including medical personnel and a DCFS caseworker testified years ago and again at this hearing that they believed that Officer Murray's punishment caused his son's substantial bodily harm, as noted above, there is no admissible evidence in the record identifying Respondent as the source of Austin's injuries. As a result, the Board has little choice but to accept the statements of a twenty-year-old man testifying under oath about the cause of certain injuries over statements made by a young teenager seven years ago, particularly the specific account Austin gave when testifying about the cause of the bruises and lacerations on his body on June 12, 2015. Austin testified that he now understands the impact of the claims he made so many years ago. He acknowledged the import of the oath he took prior to testifying before the Police Board, and he confirmed that no one had spoken to him about his testimony or tried to otherwise influence him. Austin explained that, looking back at the impact the text message sent to his grandmother

ultimately had on Respondent and his family as a whole, he feels guilty about his actions. Austin said that, in retrospect, sees that as a teenager, he had no idea "it was going to go to this extent, almost ten years later." *Id.* at 76:16–17.

What we now know, seven years after this occurrence, is that Respondent as a single parent evidently successfully raised his son. During his testimony, Respondent argued that he has continually cared for his son—whether it be by determining that he would be safest if he transferred to a new high school in his maternal grandmother's neighborhood or, more recently, exploring Austin's options for continuing his education, and helping Austin to support himself and his young daughter. Respondent said he made every effort to keep his son "off the streets" and it appears he has succeeded.[5]

In light of the admissible evidence before the Board, substantially limited by the fact that the case is more than seven years old—particularly the sworn testimony of Respondent's son—the Board finds that the Superintendent did not meet the burden of proving the charges, and therefore finds Respondent not guilty of the charges set forth in this Specification.

6. Police Officer Reginald Murray, Star No. 18567, is **not guilty** of violating Rules 2, 3, and 14 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification 2:

> On or about July 21, 2017, at or near 1615 West Chicago Avenue, Chicago, Illinois, during an interview with the Independent Police Review Authority regarding events that occurred on or about June 12, 2015, Officer Murray stated, "I did not, I didn't touch my son

[5] Respondent also offered reputation and opinion testimony that suggested the alleged conduct was not in conformity with Respondents' character. Each witness called by Respondent testified that, based on their interactions with him, they do not believe Respondent is the type of individual who would harm his children. Because Respondent did not clarify whether this testimony was being offered as character evidence or as mitigation evidence, the Board did not consider the evidence for purposes of determining Respondent's guilt or innocence. The Board notes, however, that consideration of this evidence would not change the Board's decision.

whatsoever," or words to that effect. Officer Murray did, however, strike, hit, and/or otherwise make physical contact with his son on or about June 12, 2015. Officer Murray thereby violated:

a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;

b. Rule 3, which prohibits failing to promote the Department's efforts to implement its policy or accomplish its goals; and/or

c. Rule 14, which prohibits making a false report, written or oral.

For the reasons laid out in Section No. 5 above and based on the admissible evidence in the record, the Board finds that the Superintendent has not met the burden of proving by a preponderance of the evidence that Respondent was untruthful when he told the IPRA on July 21, 2017 that he "didn't touch [his] son whatsoever," and Respondent is not guilty of this Specification as charged.

[The remainder of this page is left blank intentionally.]

POLICE BOARD DECISION

The members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of the proceedings, viewed the video-recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following votes.

By votes of 7 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Michael Eaddy, Steve Flores, and Andrea L. Zopp) to 0 opposed, the Board finds Respondent **not guilty** of the charges in Specification Nos. 1 and 2, as set forth in Section Nos. 5 and 6 above.

NOW THEREFORE, IT IS HEREBY ORDERED that Police Officer Reginald Murray, Star No. 18567, as a result of having been found **not guilty** of all charges in Police Board Case No. 21 PB 2988, be and hereby reinstated to his position as a police officer and to the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Michael Eaddy, Steve Flores, and Andrea L. Zopp. (Jorge Montes recused himself from this case pursuant to §2-78-130(a)(iii) of the Municipal Code of Chicago.)

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st DAY OF JULY, 2022.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

The following members of Board hereby dissent from the findings and decision of the majority of the Board.

[None]

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS _____ DAY OF _____, 2022.

_____
DAVID O. BROWN
Superintendent of Police