

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER KEVIN P. MURPHY) Case No. 00-2403
STAR NO. 12978)

FINDINGS AND DECISION

On February 29, 2000, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Kevin P. Murphy, Star No. 12978 (hereinafter sometimes referred to as "Respondent"), for violating the following rules:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The Police Board of the City of Chicago investigated these charges and caused a hearing on these charges against Police Officer Kevin P. Murphy to be had before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on July 24, 2000, July 28, 2000, August 29, 2000, August 31, 2000, and September 7, 2000.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing. Thomas E. Johnson, Hearing Officer, made an oral report and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its investigation of the charges, found and determined that:

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

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, July 24, 2000, July 28, 2000, August 29, 2000, August 31, 2000, and September 7, 2000.

4. Throughout the hearing, Police Officer Kevin P. Murphy was present and was represented by counsel.

5. The Respondent Police Officer Kevin P. Murphy, Star No. 12978, charged herein, contrary to the Rules and Regulations, is guilty of violating to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department, in that:

- A. On 28 October 1998, at the 19th district, 2452 W. Belmont, Chicago, Illinois, Officer Murphy engaged in an unjustified verbal altercation with Police Officer Philip Greco, thereby impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department.
- B. On 28 October 1998, at the 19th district, 2452 W. Belmont, Chicago, Illinois, Officer Murphy engaged in an unjustified verbal altercation with Police Officer Samuel Greco, thereby impeding the Department's efforts to

achieve its policy and goals and bringing discredit upon the Department.

- C. On 28 October 1998, at the 19th district, 2452 W. Belmont, Chicago, Illinois, Officer Murphy engaged in an unjustified verbal altercation with Police Officer Jonathan Cwynar, thereby impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department.
- D. On 28 October 1998, at the 19th district, 2452 W. Belmont, Chicago, Illinois, Officer Murphy referred to Sergeant Allison Schloss as a "Jew bitch" during an altercation with other officers, thereby impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department.
- E. In August 1997, Officer Murphy, at the 19th district, 2452 W. Belmont, Chicago, Illinois, entered into an unjustified verbal altercation with Police Officer David Scholtes, thereby impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty, in that:

- A. On 28 October 1998, at the 19th district, 2452 W. Belmont, Chicago, Illinois, Officer Murphy engaged in an unjustified verbal altercation with Police Officer Philip Greco by referring to him in derogatory terms, to wit: "a greasy dago, and a dwarf cocksucker," thereby being disrespectful to a person while on or off duty.
- B. On 28 October 1998, at the 19th district, 2452 W. Belmont, Chicago, Illinois, Officer Murphy engaged in an unjustified verbal altercation with Police Officer Jonathan Cwynar by referring to him in a derogatory term, to wit: "a pollack," thereby being disrespectful to a person while on or off duty.
- C. Officer Murphy entered into an unjustified verbal altercation with Police Officer Samuel Greco by referring to him in derogatory terms, to wit: "an asshole and a greasy dago," thereby being disrespectful to a person while on or off duty.

- D. In August 1997, Officer Murphy, at the 19th district, 2452 W. Belmont, Chicago, Illinois, entered into an unjustified verbal altercation with Police Officer David Scholtes by referring to him in a derogatory term, to wit: "bitch, fuck you bitch," thereby being disrespectful to a person while on or off duty.

Rule 9: **Engaging in any unjustified verbal or physical altercation with any person, while on or off duty, in that:**

- A. On 28 October 1998, at the 19th district, 2452 W. Belmont, Chicago, Illinois, Officer Murphy engaged in an unjustified verbal altercation with Police Officer Philip Greco by referring to him in derogatory terms, to wit: "a greasy dago, and a dwarf cocksucker," thereby engaging in an unjustified verbal or physical altercation with a person, while on or off duty.
- B. On 28 October 1998, at the 19th district, 2452 W. Belmont, Chicago, Illinois, Officer Murphy engaged in an unjustified verbal altercation with Police Officer Philip Greco by threatening to take him outside and kick the shit out of him, thereby engaging in an unjustified verbal or physical altercation with a person, while on or off duty.
- C. On 28 October 1998, at the 19th district, 2452 W. Belmont, Chicago, Illinois, Officer Murphy engaged in an unjustified verbal altercation with Police Officer Jonathan Cwynar by referring to him in a derogatory term, to wit: "a pollack," thereby engaging in an unjustified verbal or physical altercation with a person, while on or off duty.
- D. Officer Murphy entered into an unjustified verbal altercation with Police Officer Samuel Greco by referring to him in derogatory terms, to wit: "an asshole and a greasy dago," thereby engaging in an unjustified verbal or physical altercation with a person, while on or off duty.
- E. In February 1997, at the 19th district, 2452 W. Belmont, Chicago, Illinois, Officer Murphy entered into an unjustified physical altercation with Police Officer Philip Greco by striking and kicking him, thereby engaging in an unjustified verbal or physical altercation with a person, while on or off duty.

By reason of the findings of fact, the Police Board found the Respondent guilty of violating Rules 2, 8 and 9. The Board then suspended the Respondent Police Officer Kevin P. Murphy from his position as a Police Officer for ten (10) days.

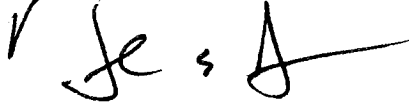
The Superintendent then sought review of the Police Board's decision in the Circuit Court of Cook County. After briefing and argument, the Circuit Court entered a Memorandum Opinion and Order, dated December 28, 2001, reversing and remanding this matter to the Police Board. While not disturbing the Board's findings of guilt, the Court directed the Police Board to reconsider the penalty imposed and to do so, without considering the testimony about graffiti and a flyer that disparaged the Respondent.

Following the remand, the members of the Police Board again read and reviewed the certified transcription of the proceedings held in this case, and further reviewed the Circuit Court's Memorandum Opinion and Order. The members of the Police Board did not consider the testimony about the graffiti or the flyer that disparaged the Respondent. Thomas E. Johnson, the hearing officer, made another oral report and again conferred with the Police Board before it rendered its decision on remand.

After the record was considered on remand, and in accordance with the Circuit Court's Memorandum Opinion and Order, there appears to be cause for the separation of the Respondent Police Officer Kevin P. Murphy, Star No. 12978, from the Department of Police and from the services of the City of Chicago.

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Police Officer Kevin P. Murphy
Star No. 12978

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. E. Johnson', written over a horizontal line.

THOMAS E. JOHNSON
Hearing Officer

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Police Officer Kevin Murphy
Star # 12978

D E C I S I O N

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, Thomas Johnson, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, having considered the Memorandum Order and Opinion of the Honorable Nancy J. Arnold of the Circuit Court of Cook County, and in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the respondent's complimentary and disciplinary history, which is attached hereto as Exhibit A; and;

IT IS HEREBY ORDERED that the respondent Police Officer Kevin Murphy, Star # 12978, as a result of having been found guilty of the charges in Police Board Case 00-2403, is hereby separated and discharged from his position as a Police Officer, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY
OF April, 2002.

Patricia C. Ball

William J. Kelly

Les J. Miller

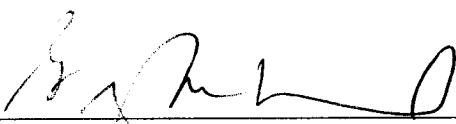
Phillip Gelbaum

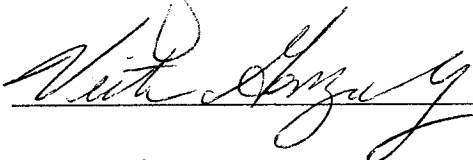
Paul L.
Executive Director, Police Board

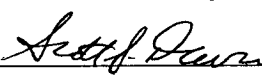
Page 8 - Findings and Decision
Police Officer Kevin Murphy
Star # 12978

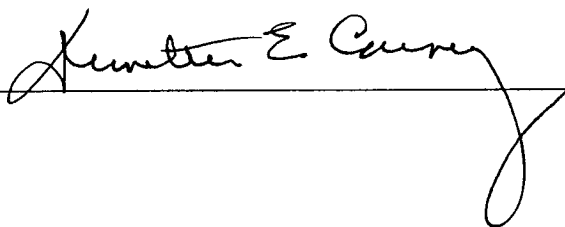
D I S S E N T

The following members of the Police Board hereby dissent from the decision of the majority of the Board. While concurring in the finding of guilt, they support a penalty less severe than discharge.









RECEIVED A COPY OF THE FOREGOING
COMMUNICATION THIS _____ DAY
OF _____, 2002.

SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

24 May 1999

TO: COMMANDING OFFICER OF UNIT 121

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

MURPHY KEVIN 12978 019
NAME (LAST, FIRST, M.I.) STAR UNIT
M W [REDACTED]
SEX RACE S.S.N.
250 728

REFERENCE: COMPLAINT REGISTER NUMBER(S)

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

WILLIAMS REGINALD 7892 [REDACTED] 121
RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

SEE

PATRICIA JOHNSON

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

CR # 250728
ATTACHMENT 26

EX. A

PREVIOUS DISCIPLINARY ACTION SUMMARY: FUNCTION OFFER
IG MORE CLOSED (SUSTAINED CR'S (PAST 5 YEARS)) OR SP'S (PAST 1 YEAR)
NAME: LAST: FIRST: MIDDLE: DATE: 03-11-1978
EMP NO: 019-EMP NO: 072941 N-ORACE-X DOR: 26 JUN 53 DATE: 03-11-1978
CANK: 8161 POLICE OFFICER: DATES: SUSPENDED OR WERED: OFFINTE
CASE NO: DATE: ACTION: FROM: TO: GRAY

982324 14 JUL 88 RECEIVED
LEAVY: AER: TRAN: TAIL: YEAR IN OR: NOT: SUPER OF: IN: PELLT
COMMENTS: FAILURE TO REPEAT: TRAFFIC: COURT

LEAVY: AER: TRAN: TAIL: YEAR IN OR: NOT: SUPER OF: IN: PELLT
COMMENTS: FAILURE TO REPEAT: TRAFFIC: COURT

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COMMENTS: FAILURE TO REPEAT: TRAFFIC: COURT

ISSUED FOR USE IN CR 250728 ONLY

CHICAGO POLICE DEPARTMENT
COMPLIMENTARY HISTORY

DATE: 24 May 1999

NAME: Murphy, Kevin RANK PO SSN [REDACTED] STAR 12978 UNIT 019

SPECIAL AWARDS 000 _____

DEPARTMENT
COMMENDATIONS: 000 _____

HONORABLE
MENTIONS: 061 _____

COMPLIMENTARY
LETTERS: 004 _____

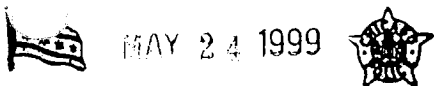
Complimentary History Requested By:

NAME: Williams, Reginald RANK: PA STAR 7892 UNIT: 121

CR#: 250728

Completed By: Demetra Berry

PERSONNEL SERVICES



MAY 24 1999

CHICAGO POLICE DEPARTMENT

Personnel Division
Records Section-Rm 803
Pax 0342 - Bell 747-5549

CR # 250728
ATTACHMENT 27