KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	20-1458-UF	Version Type:	AMENDED
Report Date:	8/11/2021 3:12 PM	Status:	Submitted

Agency/Facility Information

Agency Name:	Texas Department Of Public Safety	Agency Address:	PO BOX 4087
Agency City:	Austin	Agency State:	TX
Agency Zip:	78773		

Director Information

Director Salutation:	Director	Director First Name:	Steven
Director Middle Name:	C		
Director Last Name:	McCraw		
Reporter Name:	Joanne Scarbrough	Reporter Email:	joanne.scarbrough@dps.texas.gov

Decedent Information

Identity of Deceased

First Name: Frank

Middle Name:

Last Name: Murphy

Suffix: Jr.

Date of Birth: 9/18/1977 Sex: Male

Race: Anglo or White

Age At Time Of Death: 43

Date/Time of Custody (arrest, incarceration) (mm/dd/yyyy hh:mm AM/PM):

Date/Time of Custody or Incident: 10/30/2020 7:40 PM

Date/Time of Death (mm/dd/yyyy hh:mm AM/PM):

Death Date and Time: 10/30/2020 8:38 PM

Manner / Cause of Death

Has a medical examiner or coroner conducted an evaluation to determine a cause of death?

Medical Examiner/Coroner Evaluation?: Yes, results are available

What was the manner of death? (select only one)

Manner of Death: Homicide (includes Justifiable

Homicide)

Medical Cause of Death:

Medical Cause of Death:

Gunshot Wound of Head

Had the decedent been receiving treatment for the medical condition that caused the death after admission to your jail's jurisdiction?

Medical Treatment:	Not Applicable

If death was an accident, homicide or suicide, who caused the death?

Who caused the death?:	Law enforcement/correctional personnel

If a weapon caused the death, what type of weapon caused the death? (Hold CTRL to select all that apply)

Type of weapon that caused death?:	Rifle/shotgun

Was the cause of death the result of a pre-existing medical condition or did the decedent develop the condition after admission?

Pre existing medical condition?:	Not Applicable; cause of death was accidental injury, intoxication, suicide or homicide

If death was an accident, homicide or suicide, what was the means of death?

Means of Death:	Firearm

Location / Custody Information

Where did the event causing the death occur?

Street Address:	IH-10 mm 9	City:	El Paso
County:	El Paso	Zip:	79912

What location category best describes where the event causing the death occurred?

Location Category: Roadway/highway/street/sidewalk

What type of custody/facility was the Decedent in at the time of death:

Type of Custody: Pre-Custodial Use of Force

Specific type of custody/facility:

Specific Type of Custody/Facility:

Custody of Law Enforcement Personnel during/fleeing arrest

What was the time and date of the deceased's entry into the law enforcement facility where the death occurred (mm/dd/yyyy hh:mm AM/PM):

Entry Date Time:

Entry Date Time N/A: ☑

Where did the death occur?

Death Location: Dead on arrival at medical facility

General Information

Did any other law enforcement agencies respond to calls for service related to this incident?

Other Agencies Respond?: Yes

What were the most serious offense(s) with which the deceased was (or would have been) charged with at the time of death?

Offense 1:

Evading Arrest or Detention

Offense 2:

Offense 3:

Were the Charges:: Not filed at time of death

What were the types of charges or reason for contact? (Hold CTRL to select all that apply)

Type of Offense: Medical / Mental Health assistance call

At any time during the incident and/or entry into the law enforcement facility, did the decedent display or use a weapon?

Decedent display/use of weapons: No

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Attempt to Injure Others?: No

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Appear intoxicated (alcohol or drugs):	Yes	Make suicidal statements?:	Unknown
Exhibit any mental health problems?:	Unknown	Exhibit any medical problems?:	Unknown

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Barricade self or initiate standoff?:	No	Resist being handcuffed or arrested?:	No
Physically attempt/assault officer(s):	No	Gain possession of officer's weapon:	No
Verbally threaten other(s) including law:	No	Escape or attempt to escape/flee custody:	No
Attempt gain possession officer's weapon:	No		

Was the deceased under restraint in the time leading up to the death or the events causing the death?

Under Restraint:	No

Summary of Incident

Summary of How the Death Occurred: (max. 30,000 characters)

Summary:

On October 30, 2020, El Paso Police responded to a house for a suicidal subject call. Upon arrival the decedent, later identified as Frank Murphy, Jr., got into a black Cadillac SUV and fled from the El Paso Police. The responding El Paso Police officers called off the pursuit shortly thereafter. At that time, a TXDPS aircraft was flying overhead and monitoring radio traffic from the El Paso Police. TXDPS aircraft called for assistance from any Troopers in the area. Trooper Rios, who was in the vicinity, responded that he was in the area. TXDPS aircraft notified Trooper Rios that the Cadillac was currently driving in New Mexico and headed back into Texas.

Trooper Rios intercepted the Cadillac in his patrol unit and initiated a pursuit. Trooper Rios determined the driving actions of Murphy were causing danger to the motoring public and himself. Trooper Rios then discharged his service rifle into the rear right tire of the Cadillac on Interstate 10. Trooper Rios fired three rounds in an attempt to disable the vehicle, striking the right rear tire and causing it to separate from the rim. Traffic began to pick up as they reentered the city of El Paso. After the Cadillac struck Trooper Rios' patrol unit, it was facing north in the southbound lanes. Trooper Rios feared that the Cadillac was facing the wrong way and would begin driving the wrong way on the interstate. As Trooper Rios passed the Cadillac, he fired two rounds from his open passenger window through the windshield of the Cadillac, striking Murphy in the head.

Trooper Rios stopped his vehicle in the left lane and attempted to conduct a felony stop with verbal commands, but because Murphy was incapacitated, he did not respond. At that time, Trooper B. Herrera arrived on scene. Troopers Rios and Herrera removed Murphy from the Cadillac and placed him on the ground. Both Troopers performed CPR on Murphy for approximately 20 minutes until El Paso EMS arrived and took over life saving measures. Shortly thereafter, EMS took Murphy to University Medical Center in El Paso, where he was pronounced dead upon arrival at 8:38 P.M.