

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: Chain of Command
Unit B243E

DATE: June 18, 2018

FROM: Mike Fields
Human Resources Director

SUBJECT: Final Discipline-Wade Murray-OPA 17-0982

Attached are the Cover Letter and Final DAR for Officer Murray. The Cover Letter and Final DAR need to be given to Officer Murray via his chain of command. Electronic copies have been or will be provided to all recipients copied on the cover letter.

Please have Officer Murray sign in the appropriate place below.

My signature below indicates that I have received the Cover Letter and Final DAR in OPA 17-0982.

Wade Murray, #6260

Date

After providing Officer Murray with the documents, please complete the information below as appropriate.

Served by: _____
Rank/Printed Name

Date: _____

Date(s) Employee will serve suspension: _____.

If not served within three days of issuance, provide explanation:

A copy of the suspension orders will be sent to the employee upon approval of the proposed day(s) by the HR Director. All discipline must be completed within two pay periods absent approval by an Assistant Chief or the Chief of Police. Vacation days may not be used in lieu of suspension without written permission from the Director of Human Resources; requests should be directed to the Human Resources Director, with a copy to the SPD Employment Counsel.

Signature: _____

**On the day of service, scan the completed, signed receipt and send it to
SPD_EmploymentCounsel@seattle.gov
Original receipt should be returned within 7 days to SPD Legal Unit (JC-05-01)**

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Please have Officer Murray sign in the appropriate place below.

My signature below indicates that I have received the Cover Letter and Final DAR in OPA 17-0982.


Wade Murray, #6260

6/19/18
Date


After providing Officer Murray with the documents, please complete the information below as appropriate.

Served by: S. P. LEUNG 4760 Date: 6/19/18
Rank/Printed Name

Date(s) Employee will serve suspension: UNKNOWN AT THIS TIME

If not served within three days of issuance, provide explanation:

A copy of the suspension orders will be sent to the employee upon approval of the proposed day(s) by the HR Director. All discipline must be completed within two pay periods absent approval by an Assistant Chief or the Chief of Police. Vacation days may not be used in lieu of suspension without written permission from the Director of Human Resources; requests should be directed to the Human Resources Director, with a copy to the SPD Employment Counsel.

Signature:  4760

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City of Seattle

Seattle Police Department

June 18, 2018

Wade Murray, #6260
(Hand-delivered)

RE: OPA 17-0982

Dear Officer Murray:

I want to thank you and your representatives for meeting with the Chief of Police on June 11, 2018 to discuss the recommended disciplinary actions arising from the investigation of OPA 17-0982. Based upon the information presented at the meeting, and a review of relevant materials, the Chief has sustained the following allegations:

Violation of Seattle Police Manual, Sections:

- **5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy**
- **5.001 - Standards and Duties 10. Employees Shall Be Truthful and Complete in All Communication**

A description of the sustained allegations of misconduct and the final disciplinary action are set forth in the enclosed Disciplinary Action Report.

If you have any questions regarding this notice, please feel free to contact me.

Sincerely,

Carmen Best
Chief of Police

Mike Fields
Human Resources Director

Enclosure

cc: Carmen Best, Chief of Police
Chris Fowler, Deputy Chief
Steve Wilske, Assistant Chief
Bryan Grenon, Captain
Andrew Myerberg, Director of OPA
Kevin Stuckey, SPOG President

**Seattle Police Department
DISCIPLINARY ACTION REPORT**

FILE NUMBER
OPA 17-0982

RANK/TITLE
Officer

NAME
Wade Murray

SERIAL NUMBER
6260

UNIT
B243E

SUSTAINED ALLEGATIONS:

Violation of Seattle Police Department Policy & Procedure Manual Sections:

- **5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy**
- **5.001 - Standards and Duties 10. Employees Shall Be Truthful and Complete in All Communication**

Specification:

At approximately 2:00 a.m. on January 18, 2017, you were notified that your nephew was involved in a single car accident while driving a vehicle that you owned. You went to the scene of the accident, directed that your nephew be transported away, and arranged for the vehicle, which had been moved away from where the accident had occurred, to be towed by a private tow company.

When you made an insurance claim, you told the insurance company that you were driving the car at the time of the accident. You admitted to OPA that your nephew was driving the car and that you told the insurance company that you were driving.

The accident caused damage to a retaining wall. You contacted a person who lived on that property, informed him of the accident, and took responsibility for it. The contacted individual told OPA that you informed him that you crashed into his property while you were driving home from work; he understood that you were driving the vehicle. During both the OPA investigation and your Loudermill meeting, you stated that you told the man that your car damaged his property, not that you were driving the car.

This incident came to light when a complaint was made with OPA on September 17, 2017.

Employee Response:

During your Loudermill meeting, you expressed your regrets for this incident and said that, if you were able to do this again, you would change your actions. You explained that there were significant personal challenges facing your nephew at the time. Those challenges will not be repeated herein given their personal nature. You stated that your efforts were designed to assist your nephew and that you were not seeking any personal benefit. You also noted that you were proud of your lengthy service record and embarrassed by your actions.

Policies and Findings:

Department Manual Policy 5.001 (10) requires that Department employees be truthful and complete in all communications. Your representation to the insurance company that you were driving the vehicle at the time of the accident was untruthful and materially inaccurate. You admitted to OPA that you were not driving the car at the time of the accident and that you represented otherwise. Your misstatements were made to benefit a family

member and to conceal his involvement in a significant one-car accident. You suggested to OPA that the goal of your misstatements was to lessen the emotional trauma to your nephew and to protect him from losing his job. Whether or not that representation is accurate, you violated the Department's honesty policy.

Department Policy 5.001 (2) requires that employees adhere to laws, City policy, and Department policy. Your conduct violated, at a minimum, RCW 48.30.230(1)(a). That statute states: "It is unlawful for any person, knowing it to be such, to: (a) Present, or cause to be presented, a false or fraudulent claim, or any proof in support of such a claim, for the payment of a loss under a contract of insurance..." Here, you submitted a claim with your insurance company that was founded on the false claim that you were driving the vehicle when damages occurred. That action was inconsistent with law and therefore Department policy.

Determination of the Chief

You have been a police officer for a long time and no doubt understand the crucial role that honesty plays in policing. As noted in the disciplinary recommendation in this case, the public expects and demands that officers communicate honestly and truthfully. Likewise, an officer's behavior must conform to the law; failure to do so is an extremely serious matter. Your statements during our meeting made clear that you are well-aware of the seriousness of your misconduct.

You told me that you undertook the actions you did to lessen emotional trauma to your nephew and to save his job. Doing so by lying and violating the law are simply not options for a police officer.

Termination of employment is always a potential result when an officer is found to have engaged in either dishonesty or unlawful conduct, let alone both, given the seriousness of each finding. Your employment is not being terminated for a few reasons specific to this matter. This incident occurred entirely off-duty, was not directly related to your law enforcement duties, and is the first serious disciplinary incident in more than two-decades of service with the Department. If the facts here had been different or more closely linked to your law enforcement duties, termination of your employment may well have been the outcome. Instead, after weighing the specifics of this case, as well as your overall employment record and recognition of the gravity of your misconduct, I have determined that a lengthy suspension is the appropriate outcome.

Final Discipline

Twenty-Eight (28) Day Suspension

DATE

6-18-18

BY ORDER OF


CHIEF OF POLICE

APPEAL OF FINAL DISPOSITION

Appeals to a Commission:

SWORN EMPLOYEES : Public Safety Civil Service Commission

Employee must file written demand within ten (10) calendar days of a suspension, demotion or discharge for a hearing to determine whether the decision to suspend, demote or discharge was made in good faith for cause. SMC 4.08.100

CIVILIAN EMPLOYEES: Civil Service Commission

Before filing an appeal with the Civil Service Commission regarding suspension, demotion, or termination an employee must first go through the Employee Grievance Procedure provided by Personnel Rule 1.4. In order to comply with Rule 1.4, the employee must file the grievance within 20 calendar days of receiving the notice of the appointing authority's decision to impose discipline. After exhausting the Employee Grievance Procedure, if the employee is still dissatisfied, the employee must file his/her appeal with the Civil Service Commission within 20 calendar days of the delivery of the Step Three grievance response. See also SMC 4.04.240, 4.04.260, and Personnel Rules 1.4.

PROBATIONARY EMPLOYEES: Pursuant to SMC 4.04.030 and 4.04.290, employees who have been appointed to a position within the classified service but who has not completed a one (1) year period of probationary employment are "probationary employees" and are subject to dismissal without just cause. An employee dismissed during their probationary period shall not have the right to appeal the dismissal. SMC 4.04.290(c) and City of Seattle Personnel Rule 1.3.2E.

Alternative Appeal Options for Represented Employees:

SPOG Members: For employees represented by SPOG, the Disciplinary Review Board (DRB) may be an alternative appeal process for suspensions, demotions, terminations, or transfers, identified by the City as disciplinary in nature. Consult your collective bargaining agreement or SPOG representative to determine eligibility, notice periods, and details of the process. The DRB is available as an alternative only, and not in addition to an appeal to the Public Safety Civil Service Commission.

SPMA Members: For employees represented by SPMA, the grievance process may be an alternative appeal process for suspensions, demotions, or terminations. Consult your collective bargaining agreement or SPMA representative to determine eligibility, notice periods, and details of the process. The grievance process is available as an alternative only, and not in addition to an appeal to the Public Safety Civil Service Commission.

Represented Civilian Employees: Grievance and arbitration may be an alternative appeal process. Consult the applicable contract or a union representative to determine availability, notice periods, and details of process. Binding arbitration is available as an alternative only and not in addition to an appeal to the Civil Service Commission. SMC 4.04.260C

CIVIL SERVICE COMMISSION NOTICE OF RIGHT TO APPEAL

The Civil Service Commission is a three member, impartial, quasi-judicial body established by the City Charter. The Mayor and the City Council each appoint a member to the Commission and the City's civil service employees elect a member. The Commission hears appeals involving disciplinary actions and alleged violations of the City Charter, Personnel Rules and the Personnel Ordinance.

Regularly appointed City employees in the classified service have the right to appeal disciplinary actions (termination/discharge, suspension, demotion) or alleged violations of the City Charter, Municipal Code, and Personnel Rules to the Civil Service Commission. Employees represented by a union have the option of electing between the grievance process outlined in the collective bargaining agreement and the Commission's appeal process.

Effective April 15, 2013 before filing with the Commission for both discipline and rule violation appeals, you must first go through the intradepartmental grievance procedure. Consult with your management or human resources staff for additional information on the procedure within your department. You must file your grievance within 20 calendar days of the decision to impose discipline by the appointing authority or the grievable incident. Once you receive the step three grievance response, you must file your appeal with the Commission within 20 calendar days.

For an appeal form and more information refer to the Commission's website at:
<http://www.seattle.gov/csc/appeals.htm>.

You may also want to review:

- Personnel Rule 1.3 Progressive Discipline;
- Personnel Rule 1.4 Employee Grievance Procedure;
- SMC 4.04.240 Employee Grievance Procedure;
- SMC 4.04.260 Appeals to Civil Service Commission.

If you have additional questions contact Commission staff:

Jennifer Greenlee, Executive Director, 206-233-7118, Jennifer.Greenlee@seattle.gov

Teresa Jacobs, Administrative Assistant, 206-386-1301, Teresa.Jacobs@seattle.gov

Dates to Remember:

Discipline Decision/Grievable Incident: _____

Grievance Due: _____

Step 3 Grievance Response: _____

Appeal Due to CSC: _____