



## ***CLOSED CASE SUMMARY***

ISSUED DATE: OCTOBER 9, 2022

FROM: DIRECTOR GINO BETTS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0110

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.400 - Domestic Violence Court Orders 15.400-TSK-1 Officer Serving Court Orders on the Respondent	Not Sustained - Lawful and Proper (Expedited)
# 2	5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

The Complainant alleged Named Employee #1 (NE#1) improperly served a court order and did not listen to the Complainant due to bias against male domestic violence victims.

### **ADMINISTRATIVE NOTE:**

This case was designated an Expedited Investigation. That means OPA, with the Office of the Inspector General's review and approval, believed it could reach and issue recommended findings based solely on its intake investigation. Accordingly, OPA did not interview the involved employee(s) in this case.

### **SUMMARY OF INVESTIGATION:**

The Complainant alleged, over the phone, NE#1 indicated he emailed the Complainant a temporary protection order. The Complainant told NE#1 he would only accept in-person service. The Complainant said NE#1 got frustrated and responded that he was marking the documents as served. The Complainant also alleged NE#1 was unwilling to listen to his account of the underlying incident, because the Complainant was a male domestic violence victim. OPA opened this investigation.

During its investigation, OPA reviewed two Incident Reports, Temporary Protection Orders, and a Seattle City Attorney's Office Decline Notice, which included a timeline of relevant events. OPA also recorded a telephone interview with the Complainant.



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**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***15.400 - Domestic Violence Court Orders 15.400-TSK-1 Officer Serving Court Orders on the Respondent***

The Complainant alleged NE#1 improperly indicated he served a court order, where NE#1 did not accommodate the Complainant's preferred method of service.

SPF Policy 15.400-TSK-1 sets forth the requirements for officers assigned to serve a court order. Specifically, the officer is required to "[c]omplete and sign the Return of Service sheet and mark the appropriate boxes with a 'X' for each document served." *SPD Policy 15.400-TSK-1(4)*. Under Washington law, "(s)ervice by electronic means, *including service by email*, text message, social media applications, or other technologies, must be prioritized for all orders at the time of the issuance of temporary protection orders..." (*emphasis added*) *Revised Code of Washington (RCW) 7.105.150(1)(b)(i)*. Further, "Court authorization permitting electronic service is not required except in (specified circumstances)." *Id at. (1)(b)(ii)*.

Here, NE#1 works in SPD's Domestic Violence Unit. NE#1 was assigned to perform Court Order Service. In that role, NE#1 was responsible for serving various domestic violence court orders. According to the Complainant, on March 15, 2022, NE#1 called him. During that conversation, NE#1 identified himself as a SPD officer and said he wanted to serve the Complainant paperwork. The Complainant was aware his ex-girlfriend potentially filed a protection order against him but had yet to confirm it. Nevertheless, purportedly worried NE#1 was someone his ex-girlfriend arranged to misrepresent himself as a SPD officer, the Complainant told NE#1 not to call again. On April 12, 2022, NE#1 again called the Complainant, indicating he wanted to electronically serve the Complainant. The Complainant insisted on personal service. The Complainant stated NE#1 indicated he would email the paperwork and mark the documents as served. The Complainant told NE#1 electronic service was unacceptable.

NE#1's supervisor gave OPA a timeline, which shows back-and-forth efforts between SPD and the Coeur d'Alene Police Department (Idaho) to serve the Complainant (a Washington resident) and his ex-girlfriend (an Idaho resident) with competing protection orders. That timeline also reflects NE#1's confirmation of emailed service as of April 12, 2022. The Complainant admits NE#1 contacted him to execute electronic service, Washington's preferred method, at least twice.<sup>1</sup> The Complainant refused electronic service, erroneously concluding emailed service was improper since the order was issued by an Idaho court.<sup>2</sup> However, NE#1 properly served the Complainant pursuant to the laws of Washington, his resident state.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

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<sup>1</sup> During his OPA interview, the Complainant said he never got NE#1's email. He claimed his email account was restricted to those listed in his contact list.

<sup>2</sup> Under Idaho law, domestic violence court orders "shall be personally served upon the respondent," except where specific exceptions are met. *IC § 39-6310*.



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**Named Employee #1 - Allegation #2**

***5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing***

The Complainant alleged NE#1 engaged in bias-based policing due to the Complainant's status as a male domestic violence victim. Specifically, the Complainant alleged NE#1 was uninterested in domestic violence he experienced from his ex-girlfriend.

SPD policy prohibits biased policing, which it defines as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." (SPD Policy 5.140-POL).

OPA's review of the evidence indicated NE#1's purpose in contacting the Complainant was the administrative task of serving a protection order. NE#1 had no role in investigating the underlying incident. Even if NE#1 acted uninterested in hearing the Complainant's perspective about the underlying domestic violence incident—it would not amount to bias-based policing because NE#1 was under no law enforcement or investigatory obligation to have a conversation about those matters. According to the Complainant, NE#1 repeatedly told him NE#1 was not working on those cases and the backstory had no effect on the paperwork NE#1 wanted to serve. This may have frustrated the Complainant, but it was not bias-based policing.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded (Expedited)**