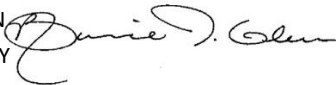




CLOSED CASE SUMMARY

ISSUED DATE: JULY 24, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2022OPA-0243

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.400-Domestic Violence Court Orders POL-15.400 2. Officers Verify Some Orders Before Enforcement	Not Sustained - Training Referral
# 2	15.400-Domestic Violence Court Orders POL-15.400 3. Officers Make Mandatory Arrests for Court Order Violations	Not Sustained - Training Referral
# 3	15.400-Domestic Violence Court Orders POL-15.400 4. Officers Will Serve Court Orders	Sustained

Imposed Discipline

Oral Reprimand

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:

Named Employee #1 (NE#1) served a no contact order (NCO) on Community Member #1 (CM#1), the respondent. The Complainant—the NCO petitioner and CM#1's ex-partner—alleged that NE#1 believed the NCO was invalid, refused to enforce it against CM#1, and failed to document the service of the NCO.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#1 failing to properly clear the call. OPA sent NE#1's potential violation of SPD Policy 12.010-POL-4(1) (Radio Communications Will Follow Protocols) to his chain of command for Supervisor Action.¹

On June 13, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

STATEMENT OF FACTS:

On August 3, 2022, the Complainant left a voicemail for OPA. In her message, she said NE#1 was responsible for serving a domestic violence (DV) NCO on CM#1, her former partner. She alleged that NE#1 was dissatisfied with the NCO being electronically signed by the judge, failing to recognize that this was permitted during the coronavirus pandemic. She alleged that NE#1 would not enforce the NCO against CM#1. She also alleged that NE#1 had served the NCO on CM#1

¹ A Supervisor Action generally involves a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



but failed to document the service. On August 16, 2022, OPA interviewed the Complainant, whose statements were consistent with her voicemail. She expressed concern about NE#1's conduct, noting that other victims might be at risk if they were not adequately protected.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call reports, body-worn video (BWV), incident reports, and NCO. In addition to interviewing the Complainant, OPA also interviewed Witness Officer #1 (WO#1) and NE#1.

On July 27, 2022, CAD call remarks noted, "[REPORTING PARTY] FAXED NCO TO WEST [PRECINCT], [REPORTING PARTY] HAS NCO FOR THE FATHER OF HER CHILD, SUSP[ECT] IS CURRENTLY INSIDE [REPORTING PARTY]'S [APARTMENT] AND REFUSING TO LEAVE, [REPORTING PARTY] IS AT HER WORK AND REQ[UESTING] SPD SERVE SUS[PECT]."

BWV captured NE#1 and WO#1 arriving at the parking lot adjacent to the Complainant's apartment. NE#1 told WO#1 that the Complainant obtained an NCO and contacted the North Precinct, which faxed the NCO to the West Precinct. NE#1 said a sergeant, the DV Unit, and a court clerk verified that the NCO was eligible for service. NE#1 presented WO#1 with page 11 of the NCO, which featured the electronic signature of a pro tem commissioner. NE#1 commented that he had not seen this before, but the Complainant explained that this was considered "e-filed." NE#1 then presented page 8 of the NCO and commented that the areas where the NCO is typically signed and dated were blank. NE#1 opined that this did not constitute a valid packet. Although NE#1 said he should not serve it, he indicated that he would but would not force CM#1 to vacate the apartment.

BWV captured NE#1 contacting CM#1 at the Complainant's apartment. NE#1 explained the details of the NCO, including the requirement that CM#1 stay 500 feet away from the Complainant. NE#1 presented the NCO to CM#1 and indicated that a judge "normally" signed and dated it on page 8. NE#1 said he would not serve the NCO because it was not signed, although he recognized that it had been e-filed. NE#1 said the court clerk had verified that the NCO was signed on page 11. NE#1 said he would document the service of the NCO. NE#1 indicated that if the Complainant returned home and he was dispatched to the apartment, he would not arrest CM#1 unless a supervisor ordered him to do so. NE#1 said he would not enforce the NCO because it was not signed where it should be "traditionally" signed. However, NE#1 warned CM#1 about potential legal consequences if another officer were to be dispatched to the apartment and found the NCO to be enforceable. NE#1 reiterated that he would not arrest CM#1 if he chose to remain at the apartment. NE#1 handed a DV pamphlet to CM#1 and advised him to pack his belongings and leave.

NE#1 prepared an incident report documenting his actions at the Complainant's apartment. It expressed concern about the lack of a signature on page 8 of the NCO, while also recognizing the new procedures implemented due to the pandemic. However, it stated, "I felt comfortable enough to respond to the residence and contacted [CM#1] where he was served with the packet. The proof of service form was completed and submitted to the SPD DV Unit via an interdepartmental packet." NE#1 also wrote that he spoke with the Complainant, who reported that CM#1 texted her after the officers left, calling her a clown for serving him with the NCO.

On July 28, 2022, CAD call remarks noted, "[REPORTING PARTY] HAS A RESTRAINING ORDER AGAINST HUSBAND AND BELIEVES HE IS IN HER APARTMENT, SHE SEES HIS CAR AT THE APARTMENT BUT NOT HIM, NO WEAPONS."

BWV captured Witness Officer #2 (WO#2), along with other officers, responding to the Complainant's apartment. WO#2 contacted the Complainant, who said NE#1 had served the NCO on CM#1 the previous day. The Complainant said NE#1 would not enforce the NCO against CM#1 because it was electronically signed. A backing officer told the



Complainant that officers were unable to locate the NCO in their system when they searched her name.² The Complainant said the NCO included the return of service form and showed a copy on her phone to WO#2. WO#2 screened the incident with a sergeant over the phone and then returned to the Complainant, telling her that they needed to serve the NCO again since there was no return of service recorded. WO#1 also said he would check the precinct's notebook to determine whether NE#1 had recorded service there.

BWV captured WO#2 calling the Complainant later at night. WO#2 said CM#1 had been improperly served, so WO#2 would ensure proper service upon CM#1's return. WO#2 also said NE#1 did not correctly document service in the system.

OPA contacted SPD's 911 recording administrator, who told OPA that she reviewed all call recordings, mobile data terminal information, and CAD messages related to this incident to determine whether NE#1 had reported the service of the NCO to the SPD Data Center. She reported that she could not locate any record indicating service.

On November 10, 2022, OPA interviewed WO#1. WO#1's statements were consistent with the evidence summarized above. On May 21, 2025, OPA interviewed NE#1. He said he did not receive training on the new court procedures that were implemented during the pandemic. He expressed uncertainty about the NCO's validity because of the pro tem commissioner's electronic signature on page 11. He said he would not enforce the NCO against CM#1 because NE#1 believed he lacked probable cause that the NCO had been served. He said he did not document the service of the NCO because he questioned its validity and did not believe he had served it. He was unable to recall whether he verified the NCO with court personnel. He did not believe he could execute an arrest if the NCO were violated because he had not received training on reviewing that specific NCO, which he claimed he did not serve as a court order.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

15.400 – Domestic Violence Court Orders, 15.400-POL-2. Officers Verify Some Orders Before Enforcement

The Complainant alleged that NE#1 failed to verify the NCO.

Officers will verify through communications that the order exists and has been served on the respondent when enforcing a violation of a protection order, restraining order, vulnerable adult order, stalking protection order, or anti-harassment order. SPD Policy 15.400-POL-2. No contact orders do not require verification of service before enforcement. *Id.* Officers will request a computer check using either the respondent's or petitioner's identifiers as an outstanding warrant check, or check the petitioner's copy of the court order to determine whether it has been served on the respondent, or, if the petitioner indicates that the order was recently served, contact the data center to determine whether service information exists but has not yet been entered into WACIC. *Id.* Officers will contact the precinct desk to check the precinct's court order logbook, which will have a record of service if the order was served by a patrol officer in that precinct. *Id.*

There appeared to be some degree of coordination aimed at verifying the NCO's eligibility for service, as NE#1 indicated that a sergeant, the DV Unit, and a court clerk had verified the NCO. However, there was no evidence to show that NE#1 contacted communications, requested a computer check, reviewed the petitioner's copy of the court order, or contacted the SPD Data Center. Given the limited actions taken to verify the NCO and NE#1's

² WO#2's incident report stated that he was unable to locate any existing protection order during a records check.



unfamiliarity with an electronically filed NCO, OPA does not consider NE#1's omissions as misconduct but believes retraining is warranted.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Required Training:** NE#1's chain of command should discuss OPA's findings with him, review SPD Policy 15.400-POL-2 with him, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**

Named Employee #1 – Allegation #2

15.400 – Domestic Violence Court Orders, 15.400-POL-3. Officers Make Mandatory Arrests for Court Order Violations

The Complainant alleged that NE#1 refused to enforce the NCO against CM#1.

Officers will attempt to gather evidence when investigating the violation of a court order, such as text messages, e-mails, or call logs. SPD Policy 15.400-POL-3. Officers will execute a mandatory arrest if there is probable cause to believe the suspect has violated the terms of a no contact order. *Id.*

The Complainant reported that CM#1 texted her following NE#1's service of the NCO on CM#1. However, NE#1's refusal to enforce the conditions of the NCO was predicated on his uncertainty about its validity. Even though a sergeant, the DV Unit, and a court clerk verified the NCO, NE#1 questioned its validity due to the absence of the judge's signature in the usual location—at the bottom of page 8. Instead, NE#1 encountered an electronic signature from a pro tem commissioner on page 11. Although NE#1's refusal to enforce the NCO was concerning, it was understandable considering the new court procedures that were implemented during the pandemic. Given the lack of training NE#1 received on e-filing, OPA believes a training referral is warranted.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Required Training:** NE#1's chain of command should discuss OPA's findings with him, review SPD Policy 15.400-POL-3 with him, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**

Named Employee #1 – Allegation #3

15.400 – Domestic Violence Court Orders, 15.400-POL-4. Officers Will Serve Court Orders

The Complainant alleged that NE#1 failed to document the service of the NCO.

Officers assigned to the DV Unit and patrol officers will serve court orders. SPD Policy 15.400-POL-4. If the respondent is served in the petitioner's presence, officers will take reasonable steps to determine that the



respondent understands the order and, if the respondent is in the petitioner's presence when the order is served, take reasonable steps to ensure the respondent separates. *Id.* Officers will document the steps taken. *Id.*

NE#1 documented the service of the NCO in his incident report ("I ... contacted [CM#1] where he was served with the packet"). However, there was no evidence to indicate that he completed a proof of service form, contrary to his claim that "proof of service form was completed and submitted to the SPD DV Unit via an interdepartmental packet." OPA is concerned about this misrepresentation, as follow-up officers who contacted the Complainant the following day were unable to locate any documentation in their system. SPD's 911 recording administrator corroborated this, as she too could not locate any record indicating service. Furthermore, NE#1's failure to document the service of the NCO forced follow-up officers to serve the NCO again on CM#1. Here, OPA finds it troubling that NE#1 told CM#1 that he filed the NCO, wrote in his police report he served the packet, and the Complainant was led to believe he served the NCO. The importance of documenting the service of a NCO is important and can be critical for the safety of all parties involved. OPA does acknowledge, NE#1 took responsibility for failing to document the service of the NCO, citing its questionable validity; however, OPA finds a violation of policy in review of the evidence provided.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**