

Civil Protection Orders, ERPOs, OTSPWs and Firearm Relinquishment Policy Assessment Tool

Agencies verified by CJTC as having met all the HB 2015 criterion are eligible for public safety grants and their jurisdictions are authorized to enact the sales & use tax established by HB 2015.

This checklist is designed to help law enforcement agencies and the CJTC assess whether an agency is in compliance with the HB 2015 criterion codified in RCW 43.101.540 (3)(e) requiring that an agency has “[i]ssued and implemented policies and practices consistent with chapters 7.105 and 9.41 RCW and the [CJTC’s] model policies and training addressing firearm relinquishment pursuant to court orders.”

For alignment with [CJTC’s Model Policy on Protection Orders, ERPOs, OTSPWs, and DV 911 response involving firearm relinquishment](#), agency policy should have sections that cover the topics below, and the content of each section should be consistent with the information and best practices included in each.

An agency’s policies need not be identical to the CJTC model policy to be consistent with it; however, agency policies must cover the topic each section addresses and not have significant substantive deviations or gaps in setting forth best practices and foundational understanding.

The checklist is organized in the sequence sections are covered in the CJTC model policy. To help reduce the time it will take for CJTC to verify that an agency’s policy/ies are consistent, agencies must provide a link to the location/s in their policy manual where each section can be found, the page number, and relevant subheading where possible.

Section: Intent Behind the Laws		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
Agency policies should begin by stating the purpose of Civil Protection Orders (CPOs), Orders to Surrender and Prohibit Weapons (OTSPWs), and Extreme Risk Protection Orders (ERPOs). Policies should cite the risks of harm to victims, families, communities, and law enforcement, when individuals who pose threats to others, such as DV abusers, or to themselves, such as those experiencing suicidality, have continued access to firearms, and that to minimize these risks of harm firearms need to be swiftly removed when ordered by the court or when responding to a DV call.		<input type="checkbox"/>
Policies must be clear that firearms must be removed when there is probable cause that a crime of domestic violence has been committed and that firearms are to be <u>immediately</u> relinquished to law enforcement when a person is served with either an OTSPW or an ERPO. These mandates are found in RCW 10.99.030, 7.105, 9.41.800, and 9.41.801.		<input type="checkbox"/>

Section: Statutory Definitions Related to Protection Orders / DV Crimes		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
Policies should incorporate the definitions related to Civil Protection Orders under RCW 7.105.010 and definitions related to criminal DV under RCW 10.99.020 . <ul style="list-style-type: none"> Includes the complete definition of “Domestic Violence” as defined in RCW 7.105.010 (10) (a) and (b). 		<input type="checkbox"/>

<ul style="list-style-type: none"> Includes the complete definition of “Intimate Partners” as defined in RCW 7.105.010 (21). Includes the definition of “Family or Household Members” as defined in RCW 7.105.010 (14). Includes the definition of “Coercive control”, and includes the complete list of what exemplifies coercive control, as enumerated in RCW 7.105.010 (4)(a). Includes the complete definition of “Sexual Conduct” as defined in RCW 7.105.010 (33). Includes the complete definition of “Stalking” as defined in RCW 7.105.010 (35). Includes the definitions related to criminal domestic violence in the state’s official response to domestic violence per RCW 10.99.020. 		
--	--	--

Section: Types of Protection Orders		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
<p>Policies should provide an overview and explanation of the types of Protection Orders:</p> <ul style="list-style-type: none"> Domestic Violence Protection Order (DVPO) A civil order to protect against domestic violence or threat of violence by an “intimate partner” or a “family or household member.” Domestic violence may include controlling behavior (“coercive control”). Petitioners may seek protection for themselves and for family or household members who are minors or vulnerable adults. A petitioner who has been sexually assaulted, harassed, or stalked by an intimate partner or a family or household member should, but is not required to, seek a DVPO, instead of another type of protection order. Vulnerable Adult Protection Order (VAPO) A civil order to protect a vulnerable adult who has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by respondent. The vulnerable adult, guardian, or other interested person may file on behalf of the vulnerable adult. Antiharassment Protection Order (AHPO) A civil order to protect against unwanted contact or behavior that causes substantial emotional distress and serves no legitimate or lawful purpose. The contact could be a pattern of behavior that occurs over time, or a single act or threat of violence which meets certain standards. The contact must be directed specifically at the protected person and be seriously alarming, annoying, harassing, or detrimental. Sexual Assault Protection Order (SAPO) A civil order to protect a victim of nonconsensual sexual conduct or penetration, even if the conduct or penetration only occurred once. A single incident of nonconsensual sexual conduct or nonconsensual sexual penetration is sufficient grounds for a petition 		<input type="checkbox"/>

<p>for a SAPO.</p> <ul style="list-style-type: none"> Stalking Protection Order (SPO) A civil order to protect against stalking behavior that serves no lawful purpose and has reasonably caused the protected person to feel intimidated, frightened, under duress, significantly disrupted, or threatened. The respondent either knows or should know that their behavior causes those feelings, even if that was not respondent's intent. Extreme Risk Protection Order (ERPO) A civil court order that temporarily suspends an adult or juvenile's right to possess firearms if there is evidence that the person is threatening to harm themselves or others. Unlike a No Contact Order or other Civil Protection Orders, an ERPO does not restrict contact with persons or locations. An ERPO is limited to restricting the possession of and access to firearms or a concealed pistol license(s) (CPL). An ERPO may be requested by a family or household member, intimate partner, or law enforcement to restrain a respondent who poses a significant danger of causing personal injury to self or others by having in their custody or control, purchasing, possessing, accessing, or receiving, or attempting to purchase or receive a firearm. Order to Surrender and Prohibit Weapons (OTSPW) Under RCW 9A.18.000, when the court issues any Protection Orders, other than ERPOs, the judge must (mandatory) or may (discretionary) also issue an accompanying OTSPW, or it may be issued in a criminal DV case. The OTSPW requires the respondent to <i>immediately surrender</i> all firearms, CPL, and other dangerous weapons in the possession, custody, or control of the respondent to the designated local law enforcement agency. Criminal Domestic Violence No-Contact Order (DVNCO) A criminal order issued by a judge pursuant to an underlying criminal case to protect a victim against future violence or threats of abuse by the defendant. In general, for a DVNCO, the abuse must be reported, and the defendant charged when the court issues this order. Often these orders are issued before the defendant is released from custody if booked for the offense. Emergency Domestic Violence No-Contact Order Law Enforcement may petition for an Emergency DVNCO pursuant to RCW 10.99.040, on an ex-parte basis and before criminal charges or any protection order has been filed, if there is concern for safety until a court hearing can be held. Other Criminal No-Contact Orders In addition to the orders listed above, if the court finds a criminal defendant has been charged with, arrested for, or convicted of the following offenses, the court may issue a No-Contact Order and include firearm prohibitions: Sexual Assault under chapter 9A.44 RCW; Stalking under chapter 9A.46 RCW, Promoting Prostitution under chapter 9A.88 RCW; and Human Trafficking under chapter 9A.40 RCW. 		
---	--	--

Policy might also explain these additional types of related orders: <ul style="list-style-type: none"> • Foreign Protection Order Information (FPOI) • Abused Child Restraining Order (ACRO) • Family Law Restraining Order (FLRO) • Criminal Harassment No-Contact Order (HNCO) 		<input type="checkbox"/>
--	--	--------------------------

Section: Temporary Ex-Parte Orders, Full Protection Orders, Duration		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
Temporary (Ex-Parte) Protection Order A temporary or “ex parte” civil Protection Order is usually the first step in the process, when there is a concern about harm if protection isn’t quickly ordered. The court issues it without notice to the respondent and then must ensure the respondent is served notice and a hearing held within 14 days to determine whether a full order should be ordered. For a temporary Protection Order to be issued, the court must find from the petition filed (and any additional evidence) that the respondent: <ul style="list-style-type: none"> • Has engaged in conduct against the petitioner that serves as a basis for a Protection Order; and • “Serious immediate harm or irreparable injury” could result if an order is not issued immediately without prior notice to the respondent. 		<input type="checkbox"/>
Full Protection Order A full Protection Order is a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. Full protection order includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.		<input type="checkbox"/>
Duration of Full Protection Orders When issuing an order after notice to the respondent and a hearing, the court may either grant relief for a fixed period or enter a permanent order of protection. Other than for anti-harassment orders, the court may not grant relief for less than one year unless the petitioner has specifically requested relief for a shorter period of time.		<input type="checkbox"/>

Section: Petitioning for Civil Protection Orders		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
Policies should provide an explanation of what each type of Civil Protection Order petition must allege. Domestic Violence Protection Order: A petition for a Domestic Violence Protection Order must allege the existence of domestic violence committed against the petitioner or petitioners by an intimate partner or a family or household member as defined by statute.		<input type="checkbox"/>

<p>The petitioner may petition for relief on behalf of themselves and on behalf of family or household members who are minors or vulnerable adults.</p> <p>A petition for a Domestic Violence Protection Order must specify whether the petitioner and the respondent are intimate partners or family or household members. A petitioner who has been sexually assaulted or stalked by an intimate partner or a family or household member should, but is not required to, seek a Domestic Violence Protection Order, rather than a Sexual Assault Protection Order or a Stalking Protection Order.</p>		
<p>Sexual Assault Protection Order: A petition for a Sexual Assault Protection Order must allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration that was committed against the petitioner by the respondent.</p> <p>A petitioner who has been sexually assaulted by an intimate partner or a family or household member should, but is not required to, seek a Domestic Violence Protection Order, rather than a Sexual Assault Protection Order.</p> <p>A single incident of nonconsensual sexual conduct or nonconsensual sexual penetration is sufficient grounds for a petition for a Sexual Assault Protection Order. The petitioner may petition for an order on behalf of:</p> <ul style="list-style-type: none"> • Themselves; • A minor child, where the petitioner is the parent, legal guardian, or custodian; • A vulnerable adult, where the petitioner is an interested person; or • Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility. 		<input type="checkbox"/>
<p>Stalking Protection Order: A petition for a Stalking Protection Order must allege the existence of stalking committed against the petitioner or petitioners by the respondent.</p> <p>A petitioner who has been stalked by an intimate partner or a family or household member should, but is not required to, seek a Domestic Violence Protection Order, rather than a Stalking Protection Order.</p> <p>The petitioner may petition for an order on behalf of:</p> <ul style="list-style-type: none"> • Themselves; • A minor child, where the petitioner is the parent, legal guardian, or custodian; • A vulnerable adult, where the petitioner is an interested person; or • Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility. 		<input type="checkbox"/>
<p>Vulnerable Adult Protection Order: A petition for a Vulnerable Adult Protection Order must allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned,</p>		<input type="checkbox"/>

abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect, by the respondent.		
<p>Antiharassment Protection Order: A petition for an Antiharassment Protection Order must allege the existence of unlawful harassment committed against the petitioner or petitioners by the respondent.</p> <p>If a petitioner is seeking relief based on domestic violence, nonconsensual sexual conduct, nonconsensual sexual penetration, or stalking, the petitioner may, but is not required to, seek a Domestic Violence, Sexual Assault, or Stalking Protection Order, rather than an Antiharassment Order.</p> <p>The petitioner may petition for an order on behalf of:</p> <ul style="list-style-type: none"> • Themselves; • A minor child, where the petitioner is the parent, legal guardian, or custodian; • A vulnerable adult, where the petitioner is an interested person; or • Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility. 		<input type="checkbox"/>
<p>Extreme Risk Protection Order: A petition for an ERPO must allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm.</p> <p>The petition must also identify information the petitioner is able to provide about the firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control.</p> <p>A petition for an ERPO may be filed by an intimate partner or a family or household member of the respondent, or a law enforcement agency.</p> <p>Petition for Protection Orders by Minors: With the exception of Vulnerable Adult Protection Orders, a person under 18 years of age, who is 15 years of age or older, may seek relief as a petitioner and is not required to seek relief through a petition filed on their behalf. They may also petition on behalf of a family or household member who is a minor if chosen by the minor and capable of pursuing the minor's stated interest in the action.</p> <p>A person under 15 years of age who is seeking relief is required to seek relief by a person authorized as a petitioner under the applicable Protection Order.</p>		<input type="checkbox"/>
Petition by Interested Person: If a petition for a Protection Order is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.		<input type="checkbox"/>
Request for Relief Under Protection Order: The Protection Order petition must contain a section where the petitioner, regardless of petition type, may		<input type="checkbox"/>

request specific relief provided under the law that the petitioner seeks for themselves or for family or household members who are minors.		
The totality of selected relief, and any other relief the court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of Temporary Protection Orders and at the time of entry of Full Protection Orders.		

Section: Orders to Surrender and Prohibit Weapons		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
<p>Policies should detail the circumstances when a court <i>may issue</i> an Order to Surrender and Prohibit Weapons and when the court <i>must issue</i> one.</p> <p>Order to Surrender and Prohibit Weapons: Under RCW 9.41.800, when the court is issuing a protection order or criminal no contact order, the judge must (mandatory) or may (discretionary) also issue an accompanying order which requires the respondent to <i>immediately surrender</i> all firearms, other dangerous weapons, and CPL in their possession, custody, or control of the respondent to the designated local officer serving the respondent (RCW 9.41.801) at the time of service.</p> <p>The same order will also require the restrained person to <i>immediately surrender</i> any concealed pistol licenses to the designated law enforcement agency at the time of service.</p> <p>While the OTSPW is in effect, the restrained person is prohibited from accessing, having in their custody or control, obtaining, possessing, purchasing, receiving, or attempting to purchase or receive any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.</p>		<input type="checkbox"/>
<p>Mandatory versus Discretionary OTSPWs:</p> <p>Under RCW 9.41.800 (1), Mandatory (OTSPW <i>must</i> be issued) if shown:</p> <p>By a preponderance of the evidence that Respondent:</p> <ul style="list-style-type: none"> Used a weapon in a felony, or Is ineligible under RCW 9.41.040 		<input type="checkbox"/>
<p>Under RCW 9.41.800 (2), Mandatory (OTSPW <i>must</i> be issued) if:</p> <p>Protection Order or No Contact Order or Restraining Order (issued under certain statutes), was issued (after a hearing for which Respondent had notice) that restrains Respondent from harassing, stalking, or threatening Petitioner or Petitioner's child or engaging in other conduct that would place them in reasonable fear of bodily injury; and</p> <ul style="list-style-type: none"> Includes a finding that Respondent represents a credible threat to the physical safety of Petitioner or Petitioner's child; or 		<input type="checkbox"/>

<ul style="list-style-type: none"> Explicitly prohibits the use, attempted use, or threatened use of physical force. 		
<p>Under RCW 9.41.800 (3), Discretionary (OTSPW <i>may</i> be issued) if shown:</p> <p>By a preponderance of the evidence that irreparable injury could result if OTSPW not issued.</p>		<input type="checkbox"/>
<p>Under RCW 9.41.800 (4), Discretionary (OTSPW <i>may</i> be issued) if shown:</p> <p>By a preponderance of the evidence a serious and imminent threat to public health or safety or to health or safety of any individual if OTSPW not issued.</p>		<input type="checkbox"/>
<p>Timely Service Required: Given the importance of intervening as soon as possible due to the demonstrated risk presented by ongoing access to firearms, the service of an OTSPW must be attempted by law enforcement within 24 hours of receiving the order from the court.</p>		<input type="checkbox"/>
<p>Safety Considerations: Given the heightened risks presented by the underlying facts and the nature of these orders, the respondent/restrained person may be uncooperative and present a significant ongoing danger to the petitioner and any minor children, as well as to the officers who serve the order.</p>		<input type="checkbox"/>
<p>Coordination with the Court: For firearm relinquishment that occurs as a result of notice initially provided at a court hearing rather than when the court's order is served, it is recommended that the agency coordinate with the court in advance to provide specific instructions on how the respondent must surrender firearms to law enforcement <i>immediately</i> after the hearing and issuance of the order by the court.</p> <p>The law enforcement agency should facilitate the respondent's compliance with the order of the court in <i>immediately</i> surrendering firearms and dangerous weapons without delay and as soon as possible after the hearing. Agencies may consider requesting the court notify the law enforcement agency as soon as the order is signed so that officers can accompany the respondent from court to the location where firearms will be surrendered.</p>		<input type="checkbox"/>
<p>Voluntary Compliance: The intent is to recover the firearms as soon as possible in a safe and controlled manner to discourage confrontation and not give the respondent a chance to inflict harm by using the firearms or remove or hide the firearms. Encouraging voluntary compliance with the order at every step of the surrender process is not only a more efficient use of time for law enforcement personnel but also can help to prevent additional risk of harm, de-escalate the event and the impact for the respondent.</p>		<input type="checkbox"/>

Time is of the essence: Given the statutory requirement to immediately surrender firearms to reduce risk of harm, the agency must have a process to immediately accept surrendered firearms and should not require an appointment at a later date or time. This surrender process should be a directive issued under the authority of the chief or sheriff.		<input type="checkbox"/>
--	--	--------------------------

Section: Extreme Risk Protection Orders		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
<p>Agency policies on ERPOs should begin with an explanation of what the ERPO is intended to do.</p> <p>Per RCW 7.105.900, “In enacting the Extreme Risk Protection Order, the people intended to reduce gun deaths and injuries, while respecting constitutional rights, by providing a procedure for family, household members, and law enforcement to obtain a court order temporarily preventing individuals who are at high risk of harming themselves or others from accessing firearms when there is demonstrated evidence that the individuals pose a significant danger, including danger as a result of threatening or violent behavior.”</p>		<input type="checkbox"/>
ERPOs are designed for situations in which individuals pose a significant danger of harming themselves or others by possessing a firearm, having immediate access to a firearm, or having expressed intent to obtain a firearm, and include standards and safeguards to protect the rights of respondents and due process.		<input type="checkbox"/>
Law Enforcement May File the Petition: Unlike other Civil Protection Orders where the protected person petitions for the order, a law enforcement officer may petition the court for an ERPO if there is reasonable belief that a person is a present danger to themselves or another person by controlling, owning, purchasing, possessing, accessing, receiving or otherwise having custody of a firearm.		
<p>What A Petition Must Allege: The petition must provide evidence that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm.</p> <p>In addition to outlining the grounds for the ERPO, the petitioning officer must also identify whatever information is available regarding firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control.</p> <p>To meet this requirement, the agency must research and investigate firearms purchases or information regarding possession or access to firearms by the respondent. This may include declarations or statements from witnesses with knowledge regarding the respondent and firearms.</p>		<input type="checkbox"/>

<p>Evidence for an ERPO: When petitioning for the ERPO, the officer must provide relevant evidence, documentation, and/or declarations as grounds for the order, which may also include sworn statements from witnesses and/or victims.</p>		<input type="checkbox"/>
<p>Considerations for Issuance of an ERPO: The court may consider any relevant evidence including, but not limited to, any of the following:</p> <ul style="list-style-type: none"> • A recent act or threat of violence by the respondent against self or others, whether such violence or threat of violence involves a firearm; • A pattern of acts or threats of violence by the respondent within the past 12-months including, but not limited to, acts or threats of violence • by the respondent against self or others; • Any behaviors that present an imminent threat of harm to self or others; • A violation by the respondent of a Protection Order or a no-contact order issued; • A previous or existing ERPO issued against the respondent; • A violation of a previous or existing ERPO issued against the respondent; • A conviction of the respondent for a crime that constitutes domestic violence as defined in RCW 10.99.020; • A conviction of the respondent under RCW 9A.36.080; • The respondent's ownership of, access to, or intent to possess, firearms; The unlawful • or reckless use, display, or brandishing of a firearm by the respondent; • The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person; • Any prior arrest of the respondent for a felony offense or violent crime; • Corroborated evidence of the abuse of controlled substances or alcohol by the respondent; and • Evidence of recent acquisition of firearms by the respondent. 		<input type="checkbox"/>
<p>Notification Requirements: The agency is also required to make a good faith effort to provide notice to an intimate partner, family, or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for an ERPO or has already done so, and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice or attest to the steps that will be taken to provide such notice.</p>		<input type="checkbox"/>
<p>After-Hours Issuance: Recognizing that because of an immediate risk of harm an ERPO may need to be issued outside of normal business hours, courts must allow officers to petition after hours for a temporary ERPO using an on-call, after-hours judge, as is done for approval of after-hours search warrants.</p>		<input type="checkbox"/>
<p>Timely Service Required: Given the desire to intervene as soon as possible due to the demonstrated risk and threat of harm, the service of an ERPO, and removal of firearms, must be attempted by law enforcement within 24 hours of receiving the order from the court.</p>		<input type="checkbox"/>

<p>Court Hearings: The officer declarant must plan to attend the ERPO court hearing where the court may examine under oath the petitioner, the respondent, and any witnesses they may produce, or in lieu of examination, consider sworn declarations of the petitioner, the respondent, and any witnesses they may produce; and ensure that a reasonable search has been conducted for criminal history records and civil protection order history related to the respondent.</p> <p>The petitioning officer will be given notice of the hearing by the court, and because the officer is the moving party, no subpoena will be issued. It is incumbent on the officer to be aware of the court hearing and appear to present testimony and evidence accordingly.</p> <p>During the hearing, the court will consider whether a behavioral health evaluation of the respondent is appropriate and, if so, may order an evaluation.</p>		<input type="checkbox"/>
<p>Duration of an ERPO: An ERPO will be in effect for one year. The respondent/restrained person may ask the court to terminate the order once in the 12-month period but must demonstrate that they no longer pose a significant danger to self or others by having access to firearms. The petitioner may ask the court to renew the order 90 days before expiration.</p>		<input type="checkbox"/>
<p>Getting a Search Warrant: For ERPOs there is a specific statutory provision for seeking a search warrant to secure firearms when there is non-compliance. Upon the sworn statement or testimony of the petitioner (or of any law enforcement officer) alleging that the respondent has failed to comply with the surrender of firearms as required by the ERPO, the court must determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court must issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.</p>		<input type="checkbox"/>
<p>Assistance to Family Members: When an officer encounters a family or household member who expresses interest in petitioning for an ERPO, information should be provided to the person about the ERPO process and how an ERPO may be obtained at Superior Court (or through Juvenile Court when the petition involves a minor). A temporary ERPO (ex-parte) may also be obtained at District Court, but it will later be transferred to Superior Court for the full hearing.</p>		<input type="checkbox"/>
<p>Recommended Procedures: When considering an ERPO, the officer should consult with the agency's designated ERPO lead, if one has been established, and/or a command staff officer to approve and coordinate the petition on behalf of the agency (it is the agency that is the petitioner.)</p> <p>A designated ERPO lead can provide expertise in establishing procedures for reviewing, petitioning, filing, database entry, coordination, and documentation of service, securing firearms, and providing regular training to agency personnel regarding the ERPO process, answer questions, provide technical assistance, and coordinate with other law enforcement partners, the courts, and legal advisors.</p>		<input type="checkbox"/>

A prosecutor or legal advisor can assist in triaging the situation in real-time and in providing input to best craft the ERPO response that may be needed, as well as be a valuable resource to help prevent delays when law enforcement is later at the location serving the ERPO.		
---	--	--

Section: Removing Firearms at Scene of DV Crime		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
Policies must instruct officers concerning their statutory duty, as required by the state's official response to Domestic Violence (DV) in chapter 10.99 RCW, to remove firearms and ammunition when responding to a DV crime. Policies must make clear that it is critical that officers abide by this mandate because of the continued risks of harm when a DV perpetrator has access to firearms, regardless of whether firearms were used in the specific incident to which officers are responding.		<input type="checkbox"/>
<p>Determining the Nature of the DV Call: Telecommunicators at 911 Centers, as well as law enforcement agency personnel who may interact with callers seeking assistance (such as front desk, Records, or other agency personnel), are the first-line response in any DV call.</p> <p>At a minimum, the following information should be obtained from the reporting party:</p> <ul style="list-style-type: none"> • Complete address location, including apartment, unit number, trailer, or other information; • Nature of the relationship to determine if the incident is to be entered as a • DV call type or whether an ERPO may need to be considered; • Names and dates of birth of involved parties (if known); • Weapons information, including firearms on the person, in the residence, at the location in a vehicle; accessible or secured; and specific types, descriptions, and locations of all firearms; • If there are any injuries and if an EMS response is needed; • If any children are in the residence; • If any drugs or alcohol are involved; • If able, the context of the altercation and any pertinent history, including prior DV incidents, assault, threats, or Protection Order violations. <p>Telecommunicators or agency personnel receiving a DV call should try to keep the parties separated, if safe to do so. According to agency protocols, the incident should be dispatched to officers without delay.</p>		<input type="checkbox"/>
<p>Duty to Arrest: Under RCW 10.99.030, when an officer responds to a DV call and has probable cause to believe that a crime has been committed, the officer must exercise arrest powers with reference to the criteria in RCW 10.31.100.</p> <p>The officer must notify the victim of their right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or</p>		<input type="checkbox"/>

decided to initiate criminal proceedings by citation or otherwise. The parties in such cases must also be advised of the importance of preserving evidence.		
Complete Offense Report Required: An officer responding to a DV call must take a complete offense report including the officer's disposition of the case. Each agency must, as soon as practicable, make a written record and maintain records of all incidents of DV reported to it. The records must be made identifiable by a departmental code for DV.		<input type="checkbox"/>
Securing Firearms: An officer who responds to a domestic violence call <i>and has probable cause to believe that a crime has been committed must:</i> <ul style="list-style-type: none"> • Seize all firearms and ammunition the officer has reasonable grounds to believe were used or threatened to be used in the commission of the offense; • Seize all firearms in plain sight or discovered pursuant to a lawful search; and • Request consent to take temporary custody of any other firearms to which the alleged abuser has access, until a judicial officer has heard the matter. 		<input type="checkbox"/>
<p>Because of the risk of additional harm to the victim, family, community or law enforcement when a DV perpetrator has continued access to firearms, in addition to securing any firearms at the scene of a DV crime, the officer must separate the parties and then inquire of the victim:</p> <ul style="list-style-type: none"> • If there are any firearms or ammunition in the home that are owned or possessed by either party; • If the alleged abuser has access to any other firearms located off-site; and • Whether the alleged abuser has an active CPL. <p>The inquiry should make clear to the victim that the officer is not asking only about whether a firearm was used at the time of the incident, but also under other circumstances such as whether the alleged abuser has kept a firearm in plain sight in a manner that is coercive, has threatened use of firearms in the past, or has additional firearms in a vehicle or other location.</p> <p>Law enforcement personnel may use a pictorial display of common firearms to assist the victim in identifying firearms.</p>		<input type="checkbox"/>
Document Firearms in DV Incident Report: All information about firearms and CPLs must be documented in the incident report, so that there is a complete record for future court proceedings. The incident report must be coded to indicate the presence of or access to firearms so that personal recognizance screeners, prosecutors, and judicial officers can address the heightened risk to victim, family, and officer safety due to the alleged abuser's access to firearms.		<input type="checkbox"/>
Emergency NCO, OTSPW, or ERPO: Under RCW10.99.040(5a), because of concern about imminent risks before a court hearing is held (e.g., an incident has occurred during late night hours or on a weekend), an officer may request an emergency NCO, OTSPW, or ERPO from a judicial officer on behalf of the victim of an alleged act involving DV. The request must be		<input type="checkbox"/>

made based upon the sworn statement of an officer and may be made in-person, by telephone, or by electronic means. If the court finds probable cause to believe that the victim is in imminent danger based on an allegation of the recent commission of an act involving DV, the court must issue an ex-parte (temporary) emergency NCO with an OTSPW or ERPO.		
---	--	--

Section: Processing, Entry of Orders, and CPL Revocation		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
Agency policies should detail the responsibilities and timelines required in state law to process a Protection Order, enter an order into law enforcement databases, and revoke any CPL issued to the respondent. Agencies should consider the processing and entry of orders into computer systems as the first step in the service and enforcement of the order. Timely entry into law enforcement databases is key to swift intervention that will prevent acquisition of additional firearms and ensure temporary relinquishment of firearms already in the restrained person's possession.		<input type="checkbox"/>
<p>Receipt Starts the Clock: Protection Orders are intended to provide a fast, efficient means to obtain legal protection to prevent and respond to abuse, violence, harassment, stalking, neglect, or other threatening behavior by perpetrators. There is a heightened risk of harm when a person is attempting to leave an abusive relationship and/or is reaching out to the court for protection.</p> <p>The service of a Protection Order must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature; when personal service is required by law enforcement, the first attempt must occur within 24 hours of receiving the order from the court.</p> <p>The intent is to take action to implement the protections as ordered by the court to reduce harm as quickly as possible. The agency receiving, processing, entering the order, and revoking any CPL is the critical first step.</p>		<input type="checkbox"/>
<p>Entry of Protection Order Data: RCW 7.105.325 requires that the clerk enter Protection Orders, including Temporary Protection Orders, into the statewide judicial information system <u>on the same day the order is issued</u>, when possible, but no later than the next judicial day.</p> <p>After entry, a copy of the Protection Order <u>must be forwarded immediately</u> by the clerk of the court (by electronic means, when possible) to the law enforcement agency specified in the order.</p> <p>Upon receipt of the order, the law enforcement agency <u>must immediately enter the order</u> via ACCESS into WACIC/NCIC. The order must remain in WACIC/NCIC until the expiration date specified on the order. The expiration date of the order (unless permanent) will cause the order to auto-purge from WACIC/NCIC system; agencies will receive an electronic warning shortly prior to the auto-purge.</p>		<input type="checkbox"/>

<p>When the court issues an order that prohibits the respondent from possessing or purchasing a firearm, the law enforcement agency must also enter the order into WACIC/NCIC.</p> <p>The order must remain in each database for the period stated in the order and the law enforcement agency may only clear or cancel orders from the systems when the orders are expired or terminated. Orders are entered in WACIC/NCIC.</p> <p>The information entered in WACIC/NCIC must include notice to law enforcement on whether the order was personally served, served by electronic means, served by publication, or served by mail. For this to occur, the agency must update the original WACIC/NCIC order entry to indicate when the order was actually served on the respondent. The confirmation of service provides proof that the respondent is aware of the provisions of the order under criminal penalties. Entry into WACIC/NCIC constitutes notice to all law enforcement agencies of the existence of the order, including that the order was served.</p> <p>The order is fully enforceable in any county in the state.</p> <p>If an agency receives a protection order for entry or service, but the order falls outside the agency's jurisdiction, the agency <u>may enter and serve the order or may immediately forward it</u> to the appropriate agency for entry and service and must provide documentation back to the court verifying which agency has entered and will serve the order.</p>		
<p>Preparing the Order for Service: The processing and entry of the order is the first step for the agency in preparing to serve and possibly later enforce the Protection Order.</p> <p>Officers are to use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives, or where there is evidence that the party is trying to evade service.</p> <p>It is critical to review the order and develop a plan for service before the actual service is attempted in the field.</p> <p>It is recommended that Records personnel (or the person responsible for processing orders) carefully review all the court documents for completeness, including whatever relevant information was noted on the Law Enforcement and Confidential Information (LECIF) form by the petitioner.</p> <p>Review of the LECIF should be conducted well before the service of the order, and the petitioner should be called (using the contact information listed on the form) to clarify any questions, concerns identified by the agency, and/or to gauge the expected demeanor and potential reaction of the respondent upon service of the order.</p> <p>The LECIF is confidential, not a public record, and must not be served upon or shown to the respondent. It includes detailed information on the respondent; locations where the respondent can be served; known disabilities, hazards, and weapons of the respondent; the relationship between the parties and whether they are still co-habituating; details on</p>		<input type="checkbox"/>

the protected person and contact information (including address, email, and phone); details on any minors referenced in the order; a listing of other protected household members or adult children; and details about parents/guardians if the respondent is a juvenile.		
CPLs when an OTSPW is Issued: An OTSPW requires the respondent to “immediately surrender” any CPL in addition to all firearms. The physical surrender of the CPL can be ordered under a temporary ex-parte order, but any revocation of the CPL cannot occur until a hearing is held, and a full order is entered by the court. The intent is to prevent the respondent from using the CPL to possess, purchase, receive, or transfer a firearm. As firearm background checks conducted by licensed firearms dealers are more limited than those conducted by law enforcement, it is critical to secure the actual CPL card from the respondent at the time of service.		<input type="checkbox"/>
If the case continues beyond the initial 14-day ex parte order, law Enforcement is then to revoke the respondent’s CPL authorization. The designated law enforcement agency must <u>immediately</u> ensure the OTSPW is entered into WACIC/NCIC, and the revocation of any CPL is <u>immediately</u> forwarded to the Department of Licensing.		<input type="checkbox"/>
It is recommended that law enforcement agencies create an on-line account with the Department of Licensing (DOL) through the “Firearms Online System” to electronically submit the CPL revocation to DOL. Not only does this system provide for immediate notice to DOL, but the on-line portal is direct, efficient, and creates a record of submittal. With a Firearms Online System account, law enforcement agencies can: revoke CPLs; change dealer license status; view license history; print concealed pistol and firearms dealer licenses; and submit license fees to DOL. If the receipt, processing, and entry of Protection Orders is handled by the agency’s Records function, then Records personnel should submit the CPL revocation to DOL when entering the permanent order into WACIC/NCIC as both are required to be done immediately.		<input type="checkbox"/>
It is recommended that at the time of revocation of the CPL, the licensee be advised in writing of the requirement to re-apply for a CPL after the underlying Protection Order, ERPO, or OTSPW is no longer in effect.		<input type="checkbox"/>
Return of Concealed Pistol License: An agency may not return a CPL that has been surrendered to, or impounded by, the agency for any reason to the licensee until the agency determines the licensee is eligible to possess a firearm (with background check) under state and federal law and meets the other eligibility requirements under RCW 9.41.070 . The agency must release a CPL to the licensee without unnecessary delay, and in no case longer than five business days, after the agency determines the requirements of RCW 9.41.070 have been met.		<input type="checkbox"/>
Re-issuance of Revoked Concealed Pistol License: The re-issuance of the revoked CPL may be pursued by the licensee upon expiration of the Protection Order, or upon the law enforcement agency’s receipt of “Order to Release Weapons” court form. (background with prints, etc.)		<input type="checkbox"/>

Section: Assessing Firearms History		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
<p>Agency policies should provide guidance for assessing firearms ownership or possession history when creating a service plan and/or risk assessment prior to the service of a Protection Order with an OTSPW or an ERPO.</p> <p>If ordered to surrender firearms, the respondent must immediately surrender <i>all</i> firearms and dangerous weapons in the respondent's custody, control, or possession, as well as any concealed pistol license to law enforcement.</p> <p>It is considered a best practice to assess the likelihood of the restrained person's firearm access or possession, and their possible location, before serving the order. If firearms are not recovered during the initial service and the respondent retains possession or access to weapons, there is an increased risk of harm to the petitioner, law enforcement, and potentially the public while the firearms remain unsecured. Determining a respondent's firearms history can also assist officers and the court in determining whether the respondent has surrendered <i>all</i> firearms, dangerous weapons, and any CPL as required by the order. The enforcement of the order and/or the issuance of a search warrant to secure firearms may hinge on the respondent's available firearms history.</p>		<input type="checkbox"/>
<p>Accessing Firearm History: Information related to firearms history (purchase, ownership, possession, access, delivery, or receipt) may be located with the following research:</p> <ul style="list-style-type: none"> • Conduct a careful review of the Protection Order petition filed by the petitioner (which may include details on firearms and locations). • Review Attachment E of the Protection Order petition, which asks the petitioner specific questions about firearms and has example pictures to assist with identification. • Review the LECIF details related to the respondent. • Talk with the petitioner and any witnesses, ask about firearms, their location, when last seen, and any access the respondent may have to them. • Check for firearm purchase/transfer history and CPL through WADOL; there is also a CPL inquiry by state available through WACIC/NCIC. • Check Washington State DOL firearms licensing records through the law enforcement portal on the DOL "Firearms Online" website. • Check Washington State Patrol Firearm records. • Search for the respondent's available pawn history. • Review local law enforcement incident reports, evidence/property entries, and/or notes in CAD related to the respondent, including firearm-related incidents or documentation of firearms. 		<input type="checkbox"/>

<ul style="list-style-type: none"> • Review other law enforcement agency reports related to the respondent, such as those which may be available through the Law Enforcement Information Exchange (LINX). • Review of any other Protection Orders, current or past. • Review available current or prior Lethality Assessments. Previous assessments should always be scanned and included in the report of previous contact. • Check for state-issued hunting licenses and/or harvest history involving the use of a firearm. Review open-source social media posts by the respondent detailing purchase, ownership, possession, or access to weapons. 		
--	--	--

Section: Service of Orders (including Electronic Service)		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
<p>Policies should detail the specific steps and requirements required for service of Protection Orders, OTSPWs, and ERPOs and how to lessen risk to the officers serving the orders, as well as the petitioner and respondent, all with the goal of obtaining full compliance with the order of the court as soon as possible.</p> <p>The service of Protection Orders, OTSPWs, and ERPOs by law enforcement is one of the most important steps in preventing additional harm for survivors and the community. Ensuring the removal of firearms as soon as possible in conjunction with the respondent's comprehensive compliance with the order of the court are foundational aspects of harm reduction and lethality prevention, particularly during known periods of heightened risk.</p>		<input type="checkbox"/>
<p>Preparing for Service/Risk Assessment: As part of the processing and entry of orders, first conduct a thorough review of the order and develop a plan for service before service is attempted.</p> <p>Order service and enforcement should be prioritized based on risk; some may involve more risk for the protected person (petitioner), family members, community, and law enforcement, especially if there are concerns about access to firearms or dangerous weapons.</p> <p>There is also a heightened danger of harm during the period when the petitioner is attempting to leave a relationship and/or when turning to the</p>		<input type="checkbox"/>

<p>court for protection, including increased lethality risk by the respondent upon their first notification that the petitioner has sought help from a court.</p>		
<p>Law Enforcement to Prioritize Order Service: RCW 7.105.155 outlines several required steps as to how and when the service of a Protection Order is to be completed by an officer:</p> <p>Service of a Protection Order must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;</p> <p>Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court unless an emergency situation renders the service infeasible;</p> <p>If an emergency situation prevents a first attempt at service within 24 hours, law enforcement must attempt service as soon as possible;</p> <p>If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members; and All attempts at service must be documented on a Proof of Service Form and submitted to the court in a timely manner. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.</p> <p>Note: The Proof of Service document includes specific prompts about respondent's demeanor when served, statements about firearms (e.g., denials despite purchase history or statements from petitioner about firearm possession), or any behaviors that suggest the restrained party may be evading service. These notes are useful to capture for the judicial officer's consideration at the next hearing.</p>		<input type="checkbox"/>
<p>Methods for Service of Orders: The intent of the law is to minimize delays and the need for additional hearings, which can hinder access to justice and undermine judicial economy, as well as increased risk to petitioners and the community.</p> <p>Under RCW 7.105.150, several methods of service are authorized for Protection Order proceedings (including petitions, Temporary Protection Orders, reissuances of Temporary Protection Orders, Full Protection Orders, motions to renew Protection Orders, and motions to modify or terminate Protection Orders). These service methods include:</p> <ul style="list-style-type: none"> • Personal service, present in court; • Electronic service; • Service by mail*; • and Service by publication*. <p>*Generally, officers will be conducting either personal service and/or electronic service, unless another service method is indicated by the court.</p>		<input type="checkbox"/>

<p>The court may authorize multiple methods of service and may consider use of any address determined by the court to be appropriate to authorize service that is reasonably probable to provide actual notice. By law, the court is to favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.</p>		
<p>Personal Service by Law Enforcement: Personal service (non-electronic) by law enforcement, is <i>required</i> for the following types of orders:</p> <ul style="list-style-type: none"> • Cases requiring the surrender of firearms, such as ERPOs and Protection Orders with OTSPWs; • Cases that involve transferring the custody of a child or children from the respondent to the petitioner; • Cases involving vacating the respondent from the parties' shared residence; • Cases involving a respondent who is incarcerated; and • Cases where a petition for a vulnerable adult Protection Order is filed by someone other than the vulnerable adult. <p>“Personal service” means that the respondent is directly provided or handed their copy of the order. The serving officer must be able to declare that the person served was the respondent, when they were served, where they were served, and what court documents were served.</p> <p>Service is not completed until the Proof of Service Form, signed by the serving officer, is filed with the court.</p>		<input type="checkbox"/>
<p>Service of Order Copy by Law Enforcement: For a Protection Order to be criminally enforceable, the officer “shall attempt to determine whether the respondent knew of the existence of the protection order.”</p> <p>If the officer determines that the respondent did not, or probably did not, know about the Protection Order, and the officer is provided a current copy of the order (such as the copy in the possession of the petitioner) the officer must serve the order on the respondent if the respondent is present.</p> <p>If the respondent is not present, the officer must make reasonable efforts to serve the respondent with a copy of the order. If the officer does serve the petitioner's copy of the order, the officer must provide a receipt indicating that the petitioner's copy was used for service.</p>		<input type="checkbox"/>
<p>Separation of Parties Present at Time of Service: If the respondent is in a protected person's presence at the time of contact for service, the officer must take reasonable steps to separate the parties prior to completing the service or inquiring about or collecting firearms.</p> <p>When the order requires the respondent to vacate the parties' shared residence, law enforcement must take reasonable steps to ensure that the respondent has left the premises and is on notice that the respondent's return is a violation of the terms of the order, and is subject to criminal and civil penalties, including arrest.</p>		<input type="checkbox"/>

<p>It is recommended that the serving officer and/or a supervisor carefully review and develop a Service Plan for all Protection Orders, but especially for cases involving an OTSPW or an ERPO.</p> <p>Agencies are encouraged to use a Service Risk Assessment Form to assist in evaluating any potential risk which may be faced by law enforcement, the petitioner, the respondent, and/or the community at the time of service.</p> <p>Orders with the highest potential for risk should be given priority of service, which will generally be Protection Orders that include an OTSPW or an ERPO. The timing of the service and recovery of firearms should be coordinated to occur as expediently as possible based on the risk factors identified.</p>		<input type="checkbox"/>
<p>In the case of law enforcement officers or military members, the Service Plan should include coordinating with the respondent's agency or commanding officer to assist in serving the order and securing any firearms or dangerous weapons as required by the court.</p> <p>Federal and state law prohibit the possession of firearms when a valid Protection Order is in effect; there is no exception for law enforcement officers, military members, or any other profession where carrying a firearm is required by employment.</p>		<input type="checkbox"/>
<p>During service, officers are encouraged to explain the purpose of the order to the respondent, acknowledging the likelihood of increased emotions and risk during this period, whether related to DV allegations or concerns about suicide. Officers should be prepared to provide the respondent with references to DV, behavioral health, suicide prevention, and other community resources, and services.</p> <p>The respondent should be advised they have a right to due process in a hearing or hearings held before the court. The goal is to obtain cooperation from the respondent in temporarily relinquishing firearms or dangerous weapons, as well as comprehensive understanding and compliance with the order.</p> <p>During service, officers are expected to use time, distance, and cover in an effort to promote the safety of all involved.</p> <p>It is recommended that high-risk orders and orders involving the surrender of firearms or dangerous weapons be served with at least two officers.</p>		<input type="checkbox"/>
<p>Service of ERPOs and OTSPWs:</p> <p>In the case of an ERPO, the order itself requires the surrender of firearms and any CPL. Officers should be aware that violation of an ERPO, including the refusal to surrender firearms as ordered, is a criminal offense.</p> <p>Procedures: The following procedures should be followed by law enforcement when serving an OTSPW or ERPO:</p> <p>Follow the directives as provided in the court order.</p>		<input type="checkbox"/>

<p>Although the order may identify specific firearm brands and models to be surrendered, the serving officer should also ask or call the petitioner separately for all firearms to which the respondent has access to or is in possession of, in addition to any firearms specifically listed in the order.</p> <p>As part of the Service Plan, the officer should review any available information that would identify additional firearms owned or possessed by the respondent, including the police reports leading to or related to the issuance of the order.</p> <p><i>All firearms</i> must be surrendered by the respondent upon service, even those not specifically listed in the order. Because the court may not be aware of all firearms which the respondent possesses or has access to, the court's order may say "including but not limited to" the identified firearms.</p> <p>Upon service, the officer should advise the respondent that the court has issued an order, the order is effective upon service, and that the order requires the immediate surrender of <i>all firearms</i> in their custody, control, or possession, as well as any CPL issued in any state.</p> <p>Officers must conduct any search as permitted by law for such firearms, dangerous weapons, or CPL, and take possession of all firearms, dangerous weapons, and CPL that are surrendered, observed in plain sight, or discovered pursuant to a lawful search.</p> <p>If the order is a temporary ex-parte order, officers should explain to the respondent that this is a temporary court order, law enforcement will retain the firearms for safe storage, and the respondent may contest the order at the hearing which is scheduled on the order copy they are receiving (which will be within 14 days). Due process will be afforded to all parties by the court.</p> <p>If the respondent denies possession of firearms or reports that their firearms were transferred to another party or sold before the court's order, officers should conduct basic investigative steps to help verify or disprove respondent's claims, including contacting the party to whom the respondent claims to have transferred the firearms. Respondents are not permitted to transfer or sell firearms after a court order has been issued. (Note: RCW 9.41.113 outlines the requirements for lawful firearms sales, transfers, and required background checks.)</p> <p>The respondent should complete a Proof of Surrender Form to account for all firearms that have been sold or transferred prior to the court order.</p> <p>Law Enforcement should obtain a statement if possible, and a signed "Declaration: No Weapons to Surrender" if the respondent asserts that they have never owned or possessed a firearm or CPL in this or any other state. Note on the Proof of Service if the respondent asserts they possess no weapons or any CPL.</p> <p>During the service of an ERPO, if there is probable cause to believe that the respondent still has custody, control, or possession of other firearms, law enforcement should consider application for a search warrant.</p>		
--	--	--

<p>During the service of an OTSPW, if there is probable cause to believe that the respondent still has custody, control, or possession of other firearms, law enforcement should immediately file a petition with the court to request a compliance hearing or consider completing a Declaration of Law Enforcement about Weapons Surrender.</p> <p>For victim, community, and officer safety, every lawful effort should be made to obtain any and all firearms at the time of the order service, rather than asking the respondent to surrender firearms to the agency at a later date or location.</p> <p>To reduce the risk of lethality and harm, if the respondent is not physically located where their firearm(s) and any CPL are located, whenever practicable, law enforcement should transport or follow the respondent to retrieve all firearms and any CPL.</p> <p>The serving officer will provide a copy of a receipt for all surrendered firearms and CPL to the respondent for their records,” a copy of which will also be filed with the court according to agency procedures. The receipt must be detailed, including make, model, caliber, and serial number (at a minimum).</p> <p>Law Enforcement should inventory, photograph, and book the firearms into the property room according to agency procedures.</p> <p>Complete and sign the Proof of Service Form and be sure to mark all the appropriate boxes for the surrender of firearms. Every box must be marked for each document that was required to be served, or the court may find that the service was incomplete and will require further service of the order.</p> <p>Attempt to notify the petitioner that the order was served (phone or email contact information should be on the LECIF).</p> <p>Immediately complete a police or incident report documenting surrender of firearms (or suspected non-compliance with the OTSPW.)</p> <p>Using the process established by the agency, the serving officer will submit the completed police or incident report, Proof of Service Form, any statements obtained, the Receipt for Surrendered Firearms, Other Dangerous weapons and Concealed Pistol License Form, any Proof of Surrender or Declaration: No Weapons to Surrender Form (if respondent has provided copies) so that they can be filed with the court as required by law.</p>		
<p>Risk Assessment: Factors for consideration within the agency Service Risk Assessment include, but are not limited to:</p> <ul style="list-style-type: none"> • Prior incidents of assault or threats to harm or kill; • Any type of physical violence, stalking or sexual harm toward the victim; • Conviction or arrest involving violent acts, including prohibition on firearm possession; • Presence or access to firearms or other dangerous weapons; • History of alcohol or substance abuse; • Violence against animals; 		<input type="checkbox"/>

<ul style="list-style-type: none"> Behavioral crisis indicative of dangerousness to self and/or others including suicidality. <p>Information to conduct this Risk Assessment can be found on the LECIF filled out by the petitioner, reading the petition outlining the basis of the order, calling the petitioner, reviewing related police reports or other involvements with the respondent, and conducting a criminal history check.</p>		
<p>It is recommended that prior to service, as part of the Service Plan, the serving officer and/or a supervisor carefully review all the court documents for completeness, verify the order has been entered into WACIC/NCIC, and is pending service.</p> <p>The service circumstances facing law enforcement are always factually specific.</p>		<input type="checkbox"/>
<p>Service By Third Party: As noted, most Protection Orders must be served by law enforcement, including ERPOs and Protection Orders with an OTSPW. However, in some other circumstances, law enforcement should be aware the petitioner may decide to have the respondent served by a third party who is not a party to the action, is a competent witness 18 years of age or older, and can provide sworn proof of service to the court as required.</p>		<input type="checkbox"/>
<p>Electronic Service By Third Party: Service by electronic means must be made by a law enforcement agency; however in some other circumstances, the petitioner can decide to have the respondent served by a third party who is not a party to the action, is a competent witness 18 years of age or older, and can provide sworn proof of service to the court as required.</p> <p>Court authorization for electronic service is not required except in cases outlined in “personal service required” listed above.</p>		<input type="checkbox"/>
<p>Procedures for Electronic Service by Law Enforcement: For electronic service:</p> <ul style="list-style-type: none"> The petitioner must provide the respondent's email address, number for text messaging, and username or other identification used for on social media applications or other technologies on the LECIF. The petitioner must attest the electronic contact information is legitimate, current, or last known contact information for the respondent. Electronic service is completed by agency staff transmitting copies of the petition and any supporting materials filed with the petition, notice of hearing, and any orders, or relevant materials for motions, to the respondent at the respondent's electronic address or the respondent's electronic account associated with email, text messaging, social media applications, or other technologies. Verification of notice is required and may be accomplished through read-receipt mechanisms, a response by the respondent, a sworn statement from the person who effected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the respondent at a hearing. 		<input type="checkbox"/>

<ul style="list-style-type: none"> • Service is completed on the date of transmission for electronic service. • Sworn Proof of Service must be filed with the court by the person who effected service. 		
Filing the Proof of Service Form: Proof of service must be submitted to the court on the Proof of Service Form. The form must include the date and time of service and each document that was served, along with information to the court regarding the situation encountered by law enforcement at the time of service. It is critical that all the applicable boxes are checked on the form or the court may require other attempts at service to correct it.		<input type="checkbox"/>
<p>It is recommended that agencies track the service of Protection Orders in their Records Management System as a call for service or law incident. This platform allows officers to complete incident reports detailing each step of the service process, including a written narrative documenting the conduct of the respondent at the time of service, and any associated body camera footage (which should then be attached or transmitted to the court with the Proof of Service Form).</p> <p>Completing a police report of the interaction is more conducive to law enforcement record management and record searches than just making notes on the Proof of Service Form (which is retained by the court). Information about the circumstances of service entered into the agency's Record Management System can also be useful to other officers when serving subsequent orders or investigating order violations.</p> <p>For example, when a Temporary Protection Order is being served by an officer, and the respondent is not cooperative, makes threats against the petitioner (or law enforcement), and/or indicates they will not comply with the provisions of the order, this information needs to be clearly documented and relayed back to the court with the Proof of Service Form. During the hearing for the full order, the court will likely consider these actions by the respondent when considering making the temporary order a full order (one or more years) or a permanent order (never expires). The observations and any related body camera footage from the officer during the service of an order could end up being critical to the petitioner's underlying request to the court for protection. This conduct may also rise to the level of arrest and criminal prosecution of the respondent.</p>		<input type="checkbox"/>
<p>Notice to Petitioner Within Ten Days (Not Served): By statute, if service cannot be completed within the first ten (10) calendar days, the officer must notify the petitioner. (The petitioner's contact information should be available on the LECIF).</p> <p>Law enforcement must continue to attempt to complete service unless otherwise directed by the court.</p> <p>If the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the officer must use law enforcement databases to assist in locating the respondent.</p>		<input type="checkbox"/>
Service Attempts Not Successful: If attempts at service were not successful, the Proof of Service Form or the form letter showing that the		<input type="checkbox"/>

order was not served by law enforcement, <i>and stating the reason it was not served</i> , must be returned to the court by the next judicial day following the last unsuccessful attempt. Listing out the date and time of every attempt is important so the court can consider alternate service options, as allowed by law.		
--	--	--

Section: Enforcement of Orders		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
<p>Policies should assist law enforcement agencies in meeting the statutory requirements for the enforcement of Protection Orders, ERPOs, and OTSPWs.</p> <p>The Legislative intent: “Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.”</p>		<input type="checkbox"/>
<p>Criminal Order Provisions (except Antiharassment Orders or ERPOs): <i>Once the respondent knows of the order, it is a gross misdemeanor or felony crime*</i> to violate any of the following provisions of a Protection Order:</p> <ul style="list-style-type: none"> • The <i>restraint provisions</i> of the order which prohibit acts or threats of violence against or stalking of a protected party; • The <i>restraint provisions</i> prohibiting contact with a protected party; • A <i>provision excluding</i> the person from a residence, workplace, school, or daycare; • A <i>provision prohibiting</i> the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; • A <i>provision prohibiting interfering</i> with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; • A provision of a Vulnerable Adult Protection Order; • An order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09, 26.26A, or 26.26B RCW; • A Foreign Protection Order as defined in RCW 26.52.020; or • A Canadian Domestic Violence Protection Order as defined in RCW 26.55.010. 		<input type="checkbox"/>

<p>Felony Violations of Protection Orders*: Under the following circumstances any violation of a Protection Order becomes a <i>class C felony</i> for:</p> <ul style="list-style-type: none"> Any assault that is a violation of a Protection Order as listed above (and the assault is not a first- or second-degree felony assault); Any conduct in violation of an order that is reckless and creates a substantial risk of death or serious physical injury to another person; or Any violation of a Protection Order if the offender has at least two previous convictions for violating the provisions of any of the orders listed above. <i>It should be noted that previous convictions may involve the same victim or other victims where the respondent was convicted of violating a Protection Order.</i> 		<input type="checkbox"/>
<p>Mandatory Arrest by Law Enforcement (except Antiharassment Order or ERPO): Under RCW 7.105.450(2), “a law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated” the above listed criminal <i>restraint, prohibition or interference</i> provisions within the following orders:</p> <ul style="list-style-type: none"> Domestic Violence Protection Order; Sexual Assault Protection Order; Stalking Protection Order; An order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09, 26.26A, or 26.26B RCW Foreign Protection Order as defined in RCW 26.52.020; or Canadian Domestic Violence Protection Order as defined in RCW 26.55.010 		<input type="checkbox"/>
<p>During the course of the investigation for a violation of a Protection Order, officers should:</p> <ul style="list-style-type: none"> Review the criminally enforceable provisions of the order; Determine the respondent’s knowledge of the order, which is reflected in the Proof of Service being completed or respondent’s attendance at the hearing when the protection order was issued; Collect associated evidence (such as witness statements, video footage, cellular phones, social media posts or contacts); Measure to verify distances (if the respondent was excluded from a residence or other location by a certain distance, which is typically 1,000 feet); Interview the suspect regarding the alleged order violation; Download and save any related body camera footage of the victim, suspect, and scene; and See that the suspect is booked or held in custody according to agency protocols. 		<input type="checkbox"/>

<p>In addition to criminal penalties, the respondent may also be subject to contempt of court sanctions by any court in the county or municipality where the petitioner or respondent reside at the time of the alleged violation.</p>		<input type="checkbox"/>
<p>Determining Respondent Knowledge of the Order: For a Protection Order to be criminally enforceable, the officer <i>“shall attempt to determine whether the respondent knew of the existence of the protection order.”</i> This is usually accomplished through the Proof of Service filed with the court or by respondent’s attendance at the hearing when the protection order was issued.</p> <p>If the officer determines that the respondent did not, or probably did not, know about the Protection Order and the officer has a current copy of the order (such as the petitioner’s copy), the officer must serve the respondent, if present.</p> <p>If the respondent is not present, the officer must make reasonable efforts to serve a copy of the order. (If the officer serves the respondent with the petitioner's copy, the officer must provide a receipt indicating that the petitioner's copy was served on the respondent).</p> <p>After the officer has served the order on the respondent, the officer must enforce prospective compliance with the order. Any respondent under the age of 18 years who willfully disobeys the restraint, prohibition, and interference provisions of an Antiharassment Protection Order issued under this chapter may, in the court's discretion, be found in contempt of court.</p>		<input type="checkbox"/>
<p>Criminal Violation of Antiharassment Protection Orders: <i>“Willful disobedience”</i> by a respondent <i>age 18 years or over</i> of any of the following restraint, prohibition, and interference provisions of an Antiharassment Protection Order issued is a gross misdemeanor:</p> <ul style="list-style-type: none"> • The <i>restraint provisions</i> prohibiting acts or threats of violence against, or unlawful harassment or stalking of a protected party, or restraint provisions prohibiting contact with a protected party; • A <i>provision excluding</i> the person from a residence, workplace, school, or daycare; • A <i>provision prohibiting</i> the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; or • A <i>provision prohibiting interfering</i> with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent. • “Willful disobedience” refers to the intentional and deliberate violation of a court order, showing a clear intent to defy the court’s authority. 		<input type="checkbox"/>

<ul style="list-style-type: none"> Officers should be aware that for violations of Antiharassment Protection Orders, there is no mandatory arrest provision. For juvenile respondents, there is no criminal enforcement provision by law enforcement. 		
<p>Enforcement of an Extreme Risk Protection Order: at the time the officer is serving an ERPO, the officer <i>“shall request that the respondent immediately surrender all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued, and conduct any search permitted by law for such firearms”</i>.</p> <p>Any person who has in their custody or control, accesses, purchases, possesses, or receives, or attempts to purchase or receive, a firearm with knowledge that they are prohibited from doing so by an ERPO is guilty of a gross misdemeanor.</p> <p>The officer must take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. However, an ERPO does not by itself grant officers the authority to enter homes or protected spaces to collect firearms or effect an arrest. Officers should either request consent or seek an ERPO search warrant.</p> <p>As part of the Service Plan and Service Risk Assessment conducted by the agency, officers are expected to use time, distance, and shielding to encourage voluntary compliance with the order by the respondent for the surrender of all firearms, dangerous weapons, and any CPL.</p>		<input type="checkbox"/>
<p>ERPO Search Warrant Authorized: Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order, the court must determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in the respondent's possession, custody, or control.</p> <p>If probable cause for a violation of the order exists, the court must issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.</p> <p>It is recommended that once the serving officer has probable cause the respondent has failed to comply with an ERPO (such as a refusal to surrender all firearms or weapons), and the officer is lawfully present, the suspect be arrested for the gross misdemeanor ERPO violation under RCW 7.105.460(2) and an ERPO search warrant be sought to secure all firearms.</p>		<input type="checkbox"/>
<p>Enforcement of Order to Surrender and Prohibit Weapons: An officer serving a Protection Order, No-contact Order, or Restraining Order that includes an OTSPW must inform the respondent that the order is effective upon service and <i>“the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any CPL, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license”</i>.</p>		<input type="checkbox"/>

<p>The officer must take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. Officers should conduct any search permitted by law and should also request consent for a search. (Refer to specific agency consent-to-search protocols.)</p> <p>An OTSPW does not by itself, grant officers the authority to enter homes or protected spaces to collect surrendered firearms or effect an arrest. Under RCW 9.41.801, if a respondent refuses to surrender firearms, dangerous weapons and/or CPL, they should be advised that possessing, accessing, or acquiring a firearm or CPL is prohibited and they are subject to contempt of court sanctions, which can include the court issuing a warrant for their arrest.</p>		
<p>OTSPW Compliance Hearing: For any case where the court has indication that the respondent has in the respondent's possession, custody, or control firearms, dangerous weapons, or a CPL, a compliance review hearing must be held.</p> <p>If the court is considering waiving or delaying the compliance review hearing, the petitioner, law enforcement, or the state or city attorney may request that the compliance hearing be held, if there is reasonable suspicion to believe that the respondent has not surrendered all firearms, dangerous weapons, and any concealed pistol license, or is otherwise out of compliance with the court's order.</p>		<input type="checkbox"/>
<p>Contempt Arrest Warrant for Non Compliance of OTSPW: If a court finds at the compliance review hearing (or any other hearing where compliance with the OTSPW is addressed) that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant.</p> <p>The court may then initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, with additional sanctions for failure to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.</p>		<input type="checkbox"/>
<p>Search Warrant for OTSPW Compliance: Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or RCW 10.99.100, the court must determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control.</p> <p><i>If probable cause exists that a crime occurred</i>, the court must issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be, and the seizure of all firearms and dangerous weapons discovered pursuant to such search.</p>		<input type="checkbox"/>

<p>Hope Card: Effective in 2025, the “Hope Card” program was established, which allows petitioners to request a wallet-sized card that has the essential Protection Order information on it so that it can be provided to law enforcement, instead of petitioners having to carry the hard copy of the order to provide law enforcement. The information on the card allows officers to access the order record online.</p>		<input type="checkbox"/>
<p>Enforcement of Order by Prosecutor Assistance: Under RCW 7.105.470, when a party alleging a violation of a Protection Order states that the party is unable to afford private counsel and asks the county or municipal prosecuting attorney in which the order was issued for assistance, the attorney must initiate and prosecute a contempt proceeding if there is probable cause to believe that the violation occurred. In this action, the court may require the violator of the order to pay the costs incurred in bringing the action, including a reasonable attorney's fee.</p>		<input type="checkbox"/>
<p>Enforcement for Unlawful Possession of Firearm: Under RCW 9.41.040, it is a felony offense to possess a firearm if the person has a conviction for a felony crime or certain DV related offenses, including a prior conviction for violation of a Protection Order.</p> <p>It is also a class C felony crime for a person to own, access, have in their custody, control, or possession, or receive any firearm during any period of time that the person is subject to a Protection Order, No-contact Order, or Restraining Order by a court if the following conditions are met:</p> <p>The order was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate (whether the court then issues a full order or reissues a temporary order). If the court enters an agreed order by the parties without a hearing, this order meets the requirements of notice;</p> <p>Provisions of the order restrain the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or others identified in the order, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child or others identified in the order; and</p> <p>The order includes a finding that the person represents a credible threat to the physical safety of the protected person or child or others identified in the order, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child or other persons that would reasonably be expected to cause bodily injury; or includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in their custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms.</p>		<input type="checkbox"/>

Section: Real-Time Tracking, Storage, and Reporting of Firearms

Policy	Location in Agency Policy (link, page #, header)	CJTC Use
<p>Policies should provide guidance in creating an internal process for real- time tracking, storage and reporting of firearms that are in the custody of the agency as a result of a DV incident where a crime occurred, or firearms surrendered as result of an OTSPW or an ERPO.</p> <p>Per state law, agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered by a court.</p> <p>State law also requires that any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function. The condition of the surrendered firearms must be documented, including by digital photograph.</p>		<input type="checkbox"/>
<p>Surrender of Weapons and CPL Required: The provisions of RCW 9.41.800, RCW 9.41.801, and RCW 7.105.340 direct law enforcement in the surrender of firearms, dangerous weapons, and any CPL either through the service of a Protection order with an OTSPW or during the service of an ERPO. RCW 10.99.030 directs law enforcement to secure firearms present at the scene of a DV crime.</p>		<input type="checkbox"/>
<p>Law enforcement should take every opportunity to remove barriers, encourage immediate compliance, and help to prevent frustrating a respondent when they are attempting to voluntarily comply. Sending a respondent to a different location, date or time to surrender causes an unnecessary delay in securing the firearms intended to reduce immediate risk, and may cause the respondent to give up trying to comply.</p>		<input type="checkbox"/>
<p>Collection of Firearms, Weapons, and CPL by Officer: An officer serving a Protection Order, NCO, or Restraining Order in person that includes an OTSPW or an ERPO requiring the surrender of all firearms, dangerous weapons (OTSPW only), and a concealed pistol license must:</p> <p>Inform the respondent that the order is effective upon service and the respondent must immediately surrender <i>all</i> firearms and dangerous weapons (OTSPW only) in the respondent's custody, control, or possession and any CPL;</p> <p>Conduct any search permitted by law for such firearms, dangerous weapons, and CPL.</p> <p>Take possession of all firearms, dangerous weapons, and any CPL belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. (Refer to agency protocols for requesting consent-to-search).</p> <p>The officer taking possession of firearms, dangerous weapons, and any CPL must issue a receipt at the time of surrender identifying all firearms, dangerous weapons, and any CPL that have been surrendered and provide a copy of the receipt to the respondent.</p>		<input type="checkbox"/>

<p>For OTSPW service, the law enforcement agency must file the original receipt with the court (electronically, if available) <i>within 24-hours</i> after service of the OTSPW and retain a copy of the receipt.</p> <p>For ERPO service, the officer must file the original receipt with the court (electronically, if available) <i>within 72-hours</i> after service of the ERPO and ensure the law enforcement agency retains a copy.</p> <p>If the respondent is in custody, arrangements to recover the firearms pursuant to an ERPO must be made prior to release.</p> <p>If personal service by an officer is not possible, and the respondent did not appear in-person or remotely at the hearing, the respondent must surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.</p>		
<p>It is recommended that the protocols developed to secure surrendered firearms, dangerous weapons, and any CPL pursuant to an order (or firearms and ammunition collected at the scene of a DV crime) into the Evidence/Property system are consistent with the handling of other evidence and property by the agency.</p> <p>Firearms, weapons, and any CPL should be booked into the Evidence/Property system without delay after surrender. This process must include an inventory receipt at the time of surrender for the respondent, as well as for the agency and the court.</p> <p>It is recommended that whenever possible, the quality, appearance, and condition of the firearms be noted on the receipt, and the respondent be asked to sign the receipt as acknowledgement of the inventory and the condition when surrendered to law enforcement.</p> <p>Any firearm coming into the custody of a law enforcement agency should be checked through WACIC/NCIC to determine if it was reported stolen. Agencies can also check DOL firearm transfer records; however, this information is often incomplete or limited.</p> <p>Photographing the firearms is required by law and is equally important to protect the agency against claims of loss or damage; therefore, digital photographs should be completed as soon as possible (either at the scene or prior to the items being secured or boxed) before transferring the firearms into the Evidence/Property system according to agency protocols.</p> <p>If agencies enter the service of Protection Orders into their Records Management System as a call for service or law incident, this incident number can be used for the basis to book, store and track the surrendered firearms, weapons, and any CPL, including the corresponding digital photographs.</p> <p>To this end, when agencies are entering surrendered firearms into their Evidence and Property system, it is highly recommended that a specific “firearms surrender” code be used to designate these firearms from those</p>		<input type="checkbox"/>

<p>held for “evidence” (such as in a criminal investigation) or those held for “safekeeping” (such as a firearm secured due to a suicidal concern, firearm no longer wanted by the owner, or firearm accidentally left behind in a hotel room).</p> <p>The agency may also want to create a specific code for “firearms secured at the scene of a DV crime.”</p> <p>By specifically coding “surrendered firearms” and “firearms at DV crime” in their Records Management System, the agency will be able to immediately track and create statistical reports related to the number and type of orders served or firearms secured at DV crimes. This coding will also allow for detailed data regarding the firearms, weapons or CPLs that were collected, secured, held, returned, or processed for final disposition by the agency.</p> <p>This coding can give the agency a “real-time” inventory of firearms and the approximate storage availability remaining in their Evidence and Property system. Not only is this information critical when making Service Plans as future orders are received, but it also gives agency administrators a statistical basis when requesting Evidence and Property system improvements or expansions.</p> <p>Evidence and Property system software can also be helpful to accurately track firearm owner information, details of underlying surrender order, any required/requested notification of victims or protected persons prior to release, and whether the firearm needs to be held for an unrelated investigation.</p> <p>To protect all surrendered or secured firearms in their custody, agencies should have comprehensive Evidence/Property facility security, inventory safeguards (including random audits), and climate control to prevent the degradation of held property.</p> <p>Proactive efforts should be taken to prevent damage or degradation to the surrendered firearms (including scratches or rust which could result in a claim against the agency). If possible, firearms should be secured in cardboard firearm evidence boxes.</p>		
<p>Receipt for Firearms: The law enforcement officer taking possession of firearms, dangerous weapons, and any CPL must issue a receipt at the time of surrender identifying all firearms, dangerous weapons, and any CPL that have been surrendered and provide a copy of the receipt to the respondent.</p> <p>This same receipt process will be followed if the officer secures any firearms present at the scene of a DV crime.</p> <p>All firearms, dangerous weapons, ammunition, and any CPL must be booked into the agency’s Evidence/Property system without delay in accordance with agency protocols.</p>		<input type="checkbox"/>

Section: Notification / Return of Firearms

Policy	Location in Agency Policy (link, page #, header)	CJTC Use
<p>Policies should detail creating an internal process to make the required or requested notification to victims, family, household members, or intimate partners prior to the release of firearms in the custody of the agency.</p> <p>This section also encompasses the legal requirements to release firearms by law enforcement, including minimum hold requirements and background checks, as well as options for final disposition.</p> <p>Firearms owned by the respondent cannot be released to a third-party; law enforcement agencies should prepare to have adequate storage to hold firearms surrendered for the duration the Protection Order is in effect.</p>		<input type="checkbox"/>
<p>Notification to Victim, Family, Household Member, or Intimate Partner: Per RCW 9.41.340, each law enforcement agency is required to develop a notification protocol that:</p> <p><i>Requires notification</i> to any person identified in a No-Contact Order, Restraining Order, or Protection Order as the protected person and/or any identified victim of the crime that resulted in the firearm surrender.</p> <p>In addition, the protocol must:</p> <p>Allow a family, household member, or intimate partner to <i>request to be notified</i> when a law enforcement agency returns a firearm to the individual from whom it was obtained or to an authorized representative of that person;</p> <p>Notification relating to the return of one firearm is considered notification for all firearms for that person.</p> <p>Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay. All notifications or attempts to deliver the notification must be documented by the law enforcement agency.</p>		<input type="checkbox"/>
<p>Notifications are Confidential: A law enforcement agency must not provide notification to any party other than another criminal justice agency; the family, household member or intimate partner who requested the notification; the identified protected person; or the identified victim of the crime that resulted in the firearm surrender. The information provided by a family or household member or intimate partner, including the existence of the request for notification, is not subject to public disclosure under chapter 42.56 RCW.</p>		<input type="checkbox"/>
<p>Owner Claim of Firearms Surrendered in OTSPW: Under RCW 9.41.801(5), if a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to an OTSPW, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon must be returned to the lawful owner, provided that:</p> <ul style="list-style-type: none"> The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by 		<input type="checkbox"/>

<p><i>written document</i> signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;</p> <ul style="list-style-type: none"> • The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and • The requirements of RCW 9.41.345 are met (see Release of Firearms below.) 		
<p>Owner Claim of Firearms Surrendered in ERPO: Under RCW 7.105.340(5), if a person other than the respondent claims title to any firearms surrendered pursuant to an ERPO, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:</p> <ul style="list-style-type: none"> • The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides by <i>written document to the court</i> regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order; • The court advises the lawful owner of the penalty for failure to do so; and • The firearm is not otherwise unlawfully possessed by the owner. 		<input type="checkbox"/>
<p>Release of Firearms Procedure: Pursuant to RCW 9.41.345, before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:</p> <p>Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person (if released to an authorized representative, both the owner and representative will be subject to a background check);</p> <p>Law enforcement is not allowed to release firearms directly back to a person who is not a resident of the same state, pursuant to Federal Law under 18 U.S.C- 922(a)(5). Agencies have two choices when returning a firearm to a person who is not a Washington State resident; send it to a law enforcement agency in the state where the person is a resident, or send the firearm to a firearm dealer where the person is a resident.</p> <p>Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040.</p> <p>Ensure that the firearm is not otherwise required to be held in custody or is otherwise prohibited from being released (such as being involved or evidence held in a related or unrelated criminal investigation); and</p> <p>Ensure that a minimum of <i>five business days</i> have elapsed from the time the firearm was obtained by law enforcement or the order to release the firearm was issued.</p> <p>Under RCW 9.41.080, it is a class C felony to deliver a firearm to any person whom they have reasonable cause to believe (1) is ineligible by law to possess a firearm or (2) has signed a valid voluntary waiver of firearm rights that has not been revoked under RCW 9.41.350.</p>		<input type="checkbox"/>

As outlined in the “Notification to Victim, Family, Household Member, or Intimate Partner” section above, once these background steps are satisfied, the law enforcement agency must within one business day provide notification to any identified victim of the crime that resulted in the firearm surrender, and/or the requested family, household or intimate partner, or provide notification to any person identified in a No-Contact Order, Restraining Order, or Protection Order, that the firearm is subject to return.		<input type="checkbox"/>
After the required background steps and notification(s) have been completed, the agency must release the firearm “without unnecessary delay.” The agency will release the firearms, including obtaining a signed receipt from the owner, according to their internal evidence/ property handling process.		<input type="checkbox"/>
Under RCW 7.105.345, upon the expiration of an ERPO, any firearm surrendered by a respondent in an ERPO that remains unclaimed by the lawful owner must be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.		<input type="checkbox"/>
<p>It is recommended each agency adopt a “Firearms Release Checklist” form or computerized record format to formally document each step of the statutorily required process for the firearm notification, background check, and release.</p> <p>As part of the background check, the releasing agency may want to check with the local prosecutor’s office for pending charges/investigation of the owner of the firearms which have not yet been filed, but when filed would preclude the possession of firearms. For all release of firearms, agencies may consider providing a pamphlet or written information regarding safe firearm storage practices and the penalties for unsafe storage of a firearm under RCW 9.41.360. If available, the agency should offer free trigger safety locks.</p>		<input type="checkbox"/>
<p>Court Ordered Forfeiture of Firearms: RCW 9.41.098 provides the authority for law enforcement agencies to seek the forfeiture of firearms which are not eligible to be released back to the owner pursuant to the requirements of RCW 9.41.345.</p> <p>A superior, district, or municipal court may order the forfeiture of a firearm which is determined to be:</p> <p>In the possession of a person prohibited from possessing the firearm under RCW 9.41.040, (which includes a prior conviction for DV; or a conviction for violating the provisions of a Protection Order, an OTSPW, or an ERPO);</p> <p>In the possession of a person during any period of time that the person is subject to an active Protection Order, No-Contact Order, or Restraining Order (with protective and restraint provisions) issued by a court <i>after a hearing for which the person received actual notice, and at which the person had an opportunity to participate</i>, whether the court then issue a full order or reissues a temporary order. This would include an agreed order by the parties without a hearing; In the possession or under the control of a</p>		<input type="checkbox"/>

<p>person who committed or was arrested for committing a felony or committing a non-felony crime in which a firearm was used or displayed;</p> <p>In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in Ch. 46.61RCW;</p> <p>In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a non-felony crime in which a firearm was used or displayed;</p> <p>Used or displayed by a person in violation of a proper written order of a court of general jurisdiction.</p>		
<p>Final Disposition of Forfeited Firearms: Upon entry of an order of forfeiture, the court has the discretion to order the destruction of any forfeited firearm. A court may also temporarily retain forfeited firearms needed for evidence.</p> <p>Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives are exempt from destruction and must be disposed of by auction or trade to licensed dealers or to museums or historical societies.</p> <p>Firearms that are judicially forfeited and no longer needed for evidence; or forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority.</p>		<input type="checkbox"/>

Section: Conducting Victim (Petitioner) Interviews / Victim Rights		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
<p>Policies should provide guidance on trauma-informed principles, provides for links to related training, and detailing the rights afforded to victims by state law.</p> <p>This section is a valuable reminder that the 911 dispatcher, responding officer, and any agency personnel who may interact with a DV victim or a petitioner in a Protection Order can start to create a sense of safety through empathy, validating feelings, and using “trauma-informed” interactions.</p> <p>When experiencing a traumatic event, the human brain immediately enters a fight or flight survival mode. The ability to remember and process details is remarkably diminished.</p>		<input type="checkbox"/>
<p>Victim Rights: RCW 7.69.030 provides a detailed list of the rights of crime victims in Washington State.</p>		<input type="checkbox"/>

<p>911 Dispatch Can Lessen Victim Trauma: It is often overlooked that a victim's first point of contact in an emergency is not the officer, firefighter, or EMT arriving at the scene; the first person they talk to and receive help from is the 911 dispatcher.</p> <p>The way the 911 dispatcher sets the stage for the subsequent contact by law enforcement, fire, or EMS is essential to an effective scene response and investigation. If the dispatcher comes across as curt, rushed, or disinterested during the call, the victim may be hostile or untrusting of the first responders who subsequently arrive at the scene.</p> <p>A person in shock, experiencing trauma, and in fear for their life will be able to more easily respond to simple, basic questions. This will help gather vital information and may orient the person back to their immediate setting.</p>		<input type="checkbox"/>
<p>Essential 911 questions: Agency policies should include 911 dispatch questions related to Domestic Violence 911 calls and the presence of possible firearms. Policies should include:</p> <p>Trauma-Informed Victim Interviewing: Building rapport is the first step in interviewing victims in a trauma-informed way. There is no correct reaction to a traumatic event. It is critical to keep in mind that "a victim's reality is your reality" when preparing for and conducting investigative interviews. Take time to explain to the victim that they are having a normal reaction to an abnormal event.</p> <p>Each person will respond to trauma in their own way. The fight or flight neurological response to trauma limits the brain's ability to process events. A person in trauma is unlikely to have clear or chronological recall of events.</p> <p>Officers should be prepared for some of the following trauma-based reactions when interviewing victims or Protection Order petitioners:</p> <ul style="list-style-type: none"> • The person may deny they are a victim, blame themselves, or attempt to minimize the conduct of the perpetrator; • Victims may be fearful of what will happen to them if they make a statement or involve law enforcement; perpetrators may threaten to harm or kill a victim if they speak to law enforcement. • Victims may have an inherent fear or distrust of law enforcement and/or the criminal justice system. • Officers should also be aware of cultural differences and provide reassuring support and understanding in their attempt to protect the victim; • Victims may be distracted, angry, reluctant, or concerned about their own needs or their children's; • Victims may have fears around safety and privacy, particularly if the interview is in front of others; 		<input type="checkbox"/>

<ul style="list-style-type: none"> Victims may have unmet medical needs, including the lack of nutrition or sleep. 		
<p>Steps in Interviewing Victims: As officers approach a victim to conduct an interview, it should be a gradual and non-threatening process in consideration of the following steps:</p> <ul style="list-style-type: none"> First, if the victim requires medical services, call for aid or transport the victim to appropriate care. Interviewers should introduce themselves and explain their role at the beginning of every interview. The use of audio or video recording of the interview can later show the state of mind, trauma, and emotional impact to the victim immediately after the event, but the victim must be comfortable with the recording process. (Officers should refer to agency recording or body-camera protocols.) Acknowledge that the situation is not the victim's fault; the perpetrator is responsible. If a local advocate is not available to meet with the victim, law enforcement should refer the victim to a local or national domestic violence service provider for safety planning. Trained advocates are best positioned to address the victim's health, transportation, and housing needs. (Refer to Section 17: "Lethality Assessment Protocols and Risk Assessments".) 		<input type="checkbox"/>

Section: Documenting Firearm Information in Incident Reports		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
Policies should explain required documentation. Chapter 10.99 RCW requires that officers document the presence of firearms, dangerous weapons, and CPLs in incident reports and ensure that the required information is provided to the court.		<input type="checkbox"/>
<p>Officers need to be aware that when considering the conditions for release and the issuance of a NCO, the court is relying on the firearm, dangerous weapon, and CPL information gathered and filed with the court by officers who were at the scene and presented by prosecutors.</p> <p>Without the information regarding the presence or access to firearms and dangerous weapons, and whether the firearms have already been collected by law enforcement, the prosecutor will not have the information they need to present, and the court will not have the information to make an informed decision when issuing an NCO necessary to protect the DV victim.</p> <p>Agencies must have a robust protocol for collecting this information as required by law and seeing that it is promptly filed with the appropriate prosecutor and court.</p>		<input type="checkbox"/>

<p>The officer must document all information about firearms and concealed pistol licenses in the incident report. This includes information gathered pursuant to their responsibilities under RCW 10.99.030:</p> <p>An officer who responds to a domestic violence call and has probable cause to believe that a crime has been committed must:</p> <ul style="list-style-type: none"> • Seize all firearms and ammunition the officer has reasonable grounds to believe were used or threatened to be used in the commission of the offense; • Seize all firearms in plain sight or discovered pursuant to a lawful search; and • Request consent to take temporary custody of any other firearms and ammunition to which the alleged abuser has access until a judicial officer has heard the matter. <ul style="list-style-type: none"> ○ The officer must separate the parties and then inquire of the victim: if there are any firearms or ammunition in the home that are owned or possessed by either party; ○ if the alleged abuser has access to any other firearms located off-site; ○ whether the alleged abuser has an active concealed pistol license, so that there is a complete record for future court proceedings. • The officer should make it clear to the victim that they are not only asking whether a firearm was used at the time of the incident but also under other circumstances, such as whether the alleged abuser has kept a firearm in plain sight in a manner that is coercive, has threatened use of firearms in the past, or has additional firearms in a vehicle or at another location. • Law enforcement personnel may use a pictorial display of common firearms to assist the victim in identifying firearms. 		<input type="checkbox"/>
<ul style="list-style-type: none"> • The officer must document all information about firearms any concealed pistol licenses in the incident report. 		<input type="checkbox"/>
<ul style="list-style-type: none"> • The incident report must be coded to indicate the presence of or access to firearms so that personal recognizance screeners, prosecutors, and judicial officers can address the heightened risk to victim, family, and officer safety due to the alleged abuser's access to firearms. 		<input type="checkbox"/>
<p>Importance of documentation by law enforcement: Under the provisions of RCW 10.99.040, the court will rely on law enforcement documentation regarding firearms when considering the issuance of a criminal No-Contact Order.</p>		<input type="checkbox"/>

In considering release from custody for a DV charge, the court must verify that the responding officers secured firearms related to the crime, those which were in plain sight or discovered pursuant to a lawful search, and review the sworn statement of an officer documenting that the responding officers separated the parties and asked the victim or victims at the scene about firearms, other dangerous weapons, and ammunition that the defendant owns or has access to, and whether the defendant has a CPL.		<input type="checkbox"/>
If the sworn statement of an officer or other information provided to the court indicates there may be a risk of harm if the defendant has access to firearms, dangerous weapons, or an active CPL, the court must verify that officers have temporarily removed and secured all the firearms, dangerous weapons, and any CPL.		<input type="checkbox"/>
The court must then determine whether an OTSPW or an ERPO should be issued prohibiting the defendant from possessing, purchasing, receiving, having in the defendant's control or custody, accessing, or attempting to purchase or receive, any firearms, dangerous weapons, and any CPL and must order the defendant to surrender, and prohibit the defendant from possessing, any firearms, dangerous weapons, and any CPL as required in RCW 9.41.800, or must issue an ERPO as required.		<input type="checkbox"/>
At the time of arraignment, the court must review the defendant's firearm purchase history provided by the prosecutor pursuant to RCW 10.99.045 , and any other firearms information provided by law enforcement or court or jail staff, and must determine whether a No-Contact Order, an OTSPW, or an ERPO must be issued or, if previously issued, extended.		<input type="checkbox"/>
<p>RCW 9.41.801- Surrender of Weapons under OTSPW: Under the provisions of this statute related to OTSPWs, law enforcement documentation of firearms is required under the following circumstances:</p> <p>At the time of surrender, an officer taking possession of firearms, dangerous weapons, and any CPL must issue a receipt and provide a copy to the respondent. The law enforcement agency must file the original receipt with the court within 24-hours after service (electronically, if available) and retain a copy. At the hearing, the court must take judicial notice of the receipt filed by the law enforcement agency.</p> <p>The court must also provide sufficient notice to the law enforcement agency prior to a hearing. Upon receiving notice, a law enforcement agency must:</p> <p>Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and</p> <p>Provide the court with verification that any CPL issued to the respondent has been surrendered and an agency with authority to revoke the license has been notified.</p> <p>If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court and may do so through the filing of a declaration.</p>		<input type="checkbox"/>

--	--	--

Section: Lethality Assessment Protocols and Risk Assessments		
Policy	Location in Agency Policy (link, page #, header)	CJTC Use
<p>Agency policies should provide information and guidance on the use of lethality and risk assessments and their goals in the prevention and response to Domestic Violence. These assessments can be helpful for law enforcement and social service providers when determining future risk to victims and the potential of harm or death. They also serve to educate intimate partner violence victims about risk factors for homicide and to connect them with support and safety planning services.</p> <p>The assessment tool is initially used by law enforcement. However, the results inform charging and sentencing decisions for prosecutors, judges, advocates and, most importantly, can inform a victim of the danger they are facing.</p>		<input type="checkbox"/>
<u>Lethality Assessment Protocol (LAP):</u> The LAP is an actuarial assessment used at the scene or as soon after as practical, where the victim answers several evidence-based questions. The answers to these questions assess the victim's level of risk for being killed by their intimate partner.		<input type="checkbox"/>
<u>Danger-Assessment Law Enforcement (DA-LE):</u> The DA-LE assessment is also used at the scene, or as soon after as practical, and consists of similar questions.		<input type="checkbox"/>
Any assessment and results should be utilized as a supplement to the police report. While there is consistency with the LAP process, a high-risk response to a DA-LE requires the victim to be immediately connected to services and the assessment must be provided to the court to inform any criminal proceedings.		<input type="checkbox"/>
When using these tools and completing these assessments, it is not acceptable to leave a victim on their own given the assessed danger or waiting until regular business hours to contact domestic violence service providers to determine which services are available and right for them. It is vital that a person who scores as high risk for homicide receives support immediately.		<input type="checkbox"/>
There must also be an active protocol to directly engage services for the victim at the time of contact by law enforcement.		<input type="checkbox"/>

09-30-25

Agency Certification of Consistency

I certify that to the best of my knowledge the information in this form is accurate and that the agency policy is consistent with the CJTC model policy, as required by RCW 43.101.540 (3)(e).

Law Enforcement Agency Leader (Name): _____

Signature: _____ Date: ____/____/____

If Authorizing Public Safety Sales and Use Tax

Mayor/County Executive (Name): _____

Signature: _____ Date: ____/____/____