



Seattle Police Department Policy Manual



15.215 – Seizing and Releasing Firearms

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15.215-POL

The following policy addresses the procedures for accepting, storing, and releasing firearms (see also [RCW 9.41.345](#)).

Washington courts may order parties to surrender firearms, other weapons, and concealed pistol licenses (CPL) to local law enforcement officers. Superior Courts, District Courts or Municipal Courts may issue Orders to Surrender Weapons (OTSW) with a Protection Order, No Contact Order, or an Extreme Risk Protection Order (ERPO).

Per [RCW 10.99.030](#), at the scene of a domestic violence call, sworn employees are required to seize firearms under certain circumstances and will request consent to take temporary custody of any other firearms and ammunition to which the alleged abuser has access. Sworn employees may also encounter consenting parties requesting, for personal safety reasons, to surrender non-evidentiary firearms.

Sworn employees will submit evidentiary and loaded firearms per department firearms evidentiary procedures per manual section [7.030 – Firearms, Ammunition, & Shell Casings](#).

1. Definitions

Consenting Party: a party involved in an SPD incident who resides at the dwelling or works at the premises and has dominion and control over areas in which surrendered firearms are located. When two or more such parties are present at the scene, all such parties should provide consent for officers to accept voluntarily surrendered firearms.

Evidentiary Firearms: firearms that are evidence of a crime and may be required for future criminal prosecution.

Non-Evidentiary Firearms: a firearm that has no value as evidence. It appears to be legal to possess, and ownership of the firearm is established.

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Surrendered Firearms: firearms surrendered voluntarily or by court order and are not known to be evidence of a crime.

2. The Department Assigns Responsibility for Orders to Surrender Firearms

3. Seizing Firearms When Responding to Domestic Violence Situations

Per [RCW 10.99.030](#), a sworn employee responding to a domestic violence call who has probable cause to believe that a crime has been committed will:

- Seize all firearms and ammunition the sworn employee reasonably believes were used or threatened to be used in the commission of the offense;
- Seize all firearms in plain sight, or discovered during a lawful search; and
- Request consent to take temporary custody of any other firearms and ammunition to which the alleged abuser has access.

Seizing a firearm under the first two conditions does not require the consent of all parties.

Sworn employees responding to domestic violence calls will separate the parties and ask the victim:

- If there are any firearms or ammunition in the home that are owned or possessed by either party;
- If the suspect has access to any other firearms located off-site; and
- Whether the suspect has an active concealed pistol license, so that there is a complete record for future court proceedings.

The inquiry should make clear to the victim that the sworn employee 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 suspect 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.

The sworn employee will document all information about firearms and concealed pistol licenses in the incident report and in the "Object to Release" portion of the Superform.

(For more information, refer to manual section [15.410 – Domestic Violence Investigation](#))

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4. Officers Screen Firearms Seizures with a Sergeant

Officers seizing a firearm when responding to a domestic violence call for community caretaking purposes, voluntary surrender, or court-ordered surrender will screen the incident with a sergeant.

5. Officers Will Route Reports Related to Firearms Seizures to the Unit Responsible for Follow-Up, as Defined in Manual Section [15.080 – Follow-Up Unit Notification and Follow-Up Investigation](#)

Officers will articulate the facts supporting seizing the firearm, or the voluntary surrender of the firearm, in the report narrative.

If the firearm seizure or voluntary surrender takes place on a follow-up to an SPD event already reported, the officer will complete a supplemental report under the original report number.

Officers will route the report to the follow-up unit responsible for conducting follow-up to the incident.

6. Officers Will Document Requests for Notification from Family or Household Members

Officers must include information in the report on whether a family or household member requests notification when a firearm is returned to the individual from whom it was obtained, or to an authorized representative of that person. The report should list the best way to contact the family or household member, their phone number, and their email address.

7. Follow-Up Units Coordinate Release of Seized Firearms

Upon receiving a court order or request for a return of property to release a seized firearm, the unit responsible for follow-up to the incident will facilitate the release (see 15.215-PRO-1 Processing a Court Order to Release a Seized Firearm).

If a person other than the respondent claims title to any firearms surrendered under an Extreme Risk Protection Order (ERPO), and they determined by the department to be the lawful owner of the firearm, the follow-up unit will facilitate the release of the firearm to them, provided that:

- The firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner, so the respondent does not have access to or control of the firearm; and

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- The firearm is not otherwise unlawfully possessed by the owner.

(See 15.215-PRO-2 Releasing a Firearm to a Person Other Than the Respondent to an ERPO)

8. Evidence Unit Personnel Verify Notification and Minimum 72 Hour Hold

When the Evidence Unit receives a Property Release Supplement, releasing a firearm, employees will verify that the firearms notification portion has been completed indicating whether notification was required and if applicable, the date and time of notification.

- If that portion has not been completed, the Evidence Unit will reject the form and return it.

Before physically releasing the firearm, Evidence Unit personnel will refer to the Property Release Supplement and ensure that at least 72 hours have elapsed from the time any required notifications were made and the release of the firearm.

15.215-PRO-1 Processing a Court Order to Release a Firearm

Sergeant

1. **Receives** an order from the court to release a firearm to the owner.
2. **Notifies** any family or household member that requested notification of the release of firearms by phone call, email, or letter.
3. **Contacts** the owner of the firearm by letter or e-mail advising the owner to contact the Evidence Unit to start a background check.
4. **Sends** a Property Release Supplement to the Evidence Unit releasing the firearm and documenting how notifications were made.
5. **Retains** the court order release document in unit files.

Evidence Unit

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6. **Verifies** that the Property Release Supplement contains necessary date and time information on any required notifications for firearms release.
7. **Completes** a background form when contacted by the requesting firearm owner.
8. **Sends** the completed background form to the Public Request Unit.

Public Request Unit

9. **Completes** a background check and sends the results to the Evidence Unit.

Evidence Unit

10. **Verifies** that at least 72 hours has elapsed from the time notifications were made, according to the Property Release Supplement.
11. **Contacts** the requesting person and informs them that they may or may not receive the firearm.

15.215-PRO-2 Releasing a Firearm to a Person Other Than the Respondent to an ERPO

Upon determining that a person other than the respondent to an ERPO is the lawful owner of a seized firearm:

Sergeant

1. **Contacts** the owner of the firearm by letter or e-mail advising the owner to contact the Evidence Unit to start a background check.
2. **Notifies** any family or household member that requested notification of the release of firearms by phone call, email, or letter, specifying that the firearm is being released to a third party.
3. **Sends** a Property Release Supplement to the Evidence Unit releasing the firearm.

Evidence Unit

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4. **Completes** a background form when contacted by the requesting firearm owner.
5. **Sends** the completed background form to the Public Request Unit.

Public Request Unit

6. **Completes** a background check and sends the results to the Evidence Unit.

Evidence Unit

7. **Contacts** the requesting person and informs them that they may or may not receive the firearm.

15.215-PRO-3 Follow-up Unit Service of an Order to Surrender a Firearm and/or CPL

Data

1. **Receives** the order, follows Data's internal procedures.
2. If the order is issued under an SPD report, then **assigns** to the appropriate follow-up unit.

Follow-Up Unit Supervisor or Detective

3. **Verifies** the order and determines whether it is firearms positive or not.
4. **Runs** petitioner for CPL and any registered firearms.
5. **Reviews** petition for any details indicating it is firearms positive.
6. **Evaluates** for factors that determine the risk associated with a court order:
 - Prior assault (domestic violence and non-domestic violence)
 - Prior assault or threat against children
 - Prior assault against law enforcement
 - Physical violence or sexual harm toward victim

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- Threat to harm or kill victim
 - Conviction involving violent acts
 - Firearms conviction
 - History of crimes involving alcohol or substance abuse
 - Violence against pets
 - Behavioral crisis incidents indicative of dangerousness to self or others
7. After the above evaluation, if necessary, **evaluates** the incident using the Warrant Risk Assessment Matrix (form 12.2) and follows instructions on the matrix.
8. If the follow-up unit serves the order, **attaches** the completed matrix to the order and **assigns** a detective the responsibility of attempting to serve the packet.

Detective

9. **Reads** the court order thoroughly.
10. **Verifies** that the correct person is being served.
11. If the respondent is served in the petitioner's presence, **takes reasonable steps** to ensure the petitioner's safety (see [Washburn v. Federal Way, 178 Wn.2d 732 \(2013\)](#)). **Documents** steps taken to ensure petitioner's safety.
- The steps may include:
 - If the order is served at the petitioner's home, the detective will remain on-scene until the respondent departs.
 - If the order is served at the respondent's home, the detective will remain on-scene until the petitioner departs.
 - If the order is served at a third-party location, the detective will remain on-scene until either the respondent or the petitioner departs.
 - If the petitioner has provided information that there are other firearms to which the respondent has access,

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the detective will obtain them or will remain with the respondent if additional assistance is needed to obtain them.

12. **Attempts to determine** if the respondent understands the order.
13. **Gives** the respondent copies of all the forms EXCEPT:
 - Law Enforcement Information sheet
 - Motion and Order for Waiver of Fees (if in packet)
 - Return of Service sheet
14. **Requests** that the respondent immediately surrender all firearms in their custody, control, or possession and any concealed pistol license issued under [RCW 9.41.070](#).
 - If respondent is not physically located where their firearms and CPL are located, to reduce risk of lethality and harm, **attempts to transport or follow** respondent to retrieve the firearms.
 - **Explains** to the respondent this is a temporary court order, restricting the firearms and provide options on court appearance to contest restrictions.
 - If the respondent refuses to surrender firearms and/or CPL, **advises** the respondent that possessing or acquiring a firearm or CPL is prohibited and that violating the order may subject the respondent to criminal and civil penalties.
 - If respondent still refuses, **conducts** any lawfully authorized search.
15. **Takes** possession of all firearms, and CPL belonging to the respondent surrendered, in plain sight, or discovered under a lawful search.
16. If the respondent does not surrender any firearms, **completes** and has the **respondent sign** Declaration of Non-Surrender.
17. **Completes** the Receipt for Surrendered Weapons and Concealed Pistol License (form 28.4) and **provides** the respondent with the yellow copy of the form.
18. **Completes** Return of Service form.

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- **Marks** all appropriate boxes for each document, if not already completed.
- **Notes** on the return of service form any other information observed regarding threat of harm or risk that would be important for the court to be aware of at the hearing, such as threats made by the respondent or other behaviors or evidence observed by the officer.
- **Signs** and **dates** the form.

19a. **Completes** a supplemental report with the report number of the original SPD case, or

19b. **Draws** a new report number and writes a report titled, "Gun-Surrender" for new or outside agency cases.

20. **Uses** the correct clearance code.

21. **Completes** a property report listing all firearm(s) and CPL.

22. **Submits** the firearm(s) to the Evidence Unit.

23. **Notifies** Data, by phone or e-mail, of date and time of service.

24. **Makes** two copies of Return of Service form.

- **Sends** or **e-Files** the return of service with the court directly. Also, includes any notes.

- **Mails** a copy to the petitioner (if requested by the petitioner).

25. **Scans** the Return of Service form as a document to the case file and as a document for the petitioner's and respondent's files.

15.215-PRO-4 Patrol Service of an Order to Surrender a Firearm and/or CPL

Precinct Front Desk Officer

1. **Logs** the order into the precinct Court Order logbook.
2. **Hand delivers** the packet to the watch lieutenant.

Watch Lieutenant

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3. **Reviews** service packet.
4. If the order was not received from the DV Unit, may **screen** the order with DV Unit during normal business hours for completeness.
5. **Verifies** the order.
6. **Evaluates** for factors that determine the risk associated with a court order:
 - Prior assault (domestic violence and non-domestic violence).
 - Prior assault or threat against children.
 - Prior assault against law enforcement.
 - Physical violence or sexual harm toward the victim.
 - Threat to harm or kill victim.
 - Conviction involving violent acts.
 - Firearms conviction.
 - History of crimes involving alcohol or substance abuse.
 - Violence against pets.
 - Behavioral crisis incidents indicative of dangerousness to self or others.
7. After above evaluation, if necessary, **evaluates** the incident using the Warrant Risk Assessment Matrix (Form 12.2) and follows instructions on the matrix.
8. **If** patrol serves the order, **attaches** the completed matrix to the order and **assigns** the service of the order to a sector sergeant.

Sector Sergeant

9. **Retrieves** the packet from the watch lieutenant and **assigns** a patrol officer the responsibility of attempting to serve the packet.

Officer

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10. **Reads** the court order thoroughly.
11. **Verifies** that the correct person is being served.
12. If the respondent is served in the petitioner's presence, **takes reasonable steps** to ensure the petitioner's safety (see [Washburn v. Federal Way, 178 Wn.2nd 732 \(2013\)](#)). **Documents** steps taken to ensure petitioner's safety.
 - The steps may include:
 - If the order is served at the petitioner's home, the officer will remain on-scene until the respondent departs.
 - If the order is served at the respondent's home, the officer will remain on-scene until the petitioner departs.
 - If the order is served at a third party location, the officer will remain on-scene until either the respondent or the petitioner departs.
 - If the petitioner has provided information that there are other firearms to which the respondent has access, the officer will obtain them or will remain with the respondent if additional assistance is needed to obtain them.
13. **Attempts to determine** if the respondent understands the order.
14. **Gives** the respondent the Respondent Packet which includes copies of all the forms EXCEPT:
 - Law Enforcement Information sheet
 - Motion and Order for Waiver of Fees (if in packet)
 - Return of Service sheet
15. **Requests** that the respondent immediately surrender all firearms in his or her custody, control, or possession and any concealed pistol license issued under [RCW 9.41.070](#).
 - If respondent is not physically located where his/her firearms and CPL are located, to reduce risk of lethality and harm, **attempts to transport or follow** respondent

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to retrieve the firearms. The intent of the law is to safeguard possible victims and there is an allowed 48-hour surrender period for firearms which are not in the immediate vicinity of the service of the order so only in rare circumstances should the respondent be given up to 48-hours to surrender firearm(s) and CPL to the LEA.

- **Explains** to the respondent this is a temporary court order, restricting the firearms and provide options on court appearance to contest restrictions.
- If the respondent refuses to surrender firearms and/or CPL, **advises** the respondent that possessing or acquiring a firearm or CPL is prohibited and that violating the order may subject the respondent to criminal and civil penalties.
- If respondent still refuses, **conducts** any lawfully authorized search.

16. **Takes** possession of all firearms, and CPL belonging to the respondent surrendered, in plain sight, or discovered under a lawful search. Does not take any magazines, ammunition, or cases.

- If the service is for an ERPO, and the officer is unable to seize the firearm, the respondent has 48 hours to surrender the firearm to law enforcement.
- **Instructs** the respondent to call 911 and arrange to surrender the firearm(s).

17. If the respondent does not surrender any firearms **completes** and has the **respondent sign** Declaration of Non-Surrender.

18. **Completes** the Receipt for Surrendered Weapons and Concealed Pistol License (form 28.4) and **provides** the respondent with the yellow copy of the form.

19. **Completes** Return of Service form.

- **Marks** all appropriate boxes for each document
- **Notes** on the return of service form any other information observed regarding threat of harm or risk that would be important for the court to be aware of at the hearing, such as threats made by the respondent or other behaviors or evidence observed by the officer.

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- **Signs** and **dates** the form.

20a. **Completes** a supplemental report with the report number of the original SPD case, or

20b. **Draws** a new report number and writes a report titled, "Gun-Surrender" for new or outside agency cases.

21. **Uses** the correct clearance code.

22. **Completes** a property report listing all firearm(s) and CPL.

23. **Submits** the firearms to the Evidence Unit.

24. **Notifies** Data, by phone or e-mail, of date and time of service.

25. **Makes** two copies of Return of Service form.

- **Emails** the Return of Service to the DV Unit and **sends** the original through interdepartmental mail for forwarding to the appropriate court or e-file. Also, includes any notes.

- **Sends** a copy to the originating follow-up unit (if applicable).

- **Mails** a copy to the petitioner (if requested by the petitioner).

Precinct Front Desk Officer

26. For non-SPD ERPO only, **checks** the precinct log to see if an order has not been served within ten (10) days. If the order has not been served in ten (10) days, **notifies** the petitioner.

15.215-PRO-5 Unsuccessful Service of an Order to Surrender Firearms and/or CPL

If multiple attempts at service have failed:

Officer/Detective

1. **Completes** the Return of Service showing that the order was not served and the reason the order was not served.

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2. **Includes** written notes of all attempts made to serve the respondent.
3. If completed by patrol, **sends** the Return of Service to the requesting follow-up unit or to the DV Unit email and the original through interdepartmental mail.

Follow-up Unit

4. **Sends** the original Return of Service form to the court via scanned email or e-file and **mails** a copy to the petitioner (If requested by the petitioner).
5. **Scans** the Return of Service form as a document to the case file and as a document to the petitioner's and respondent's files.