

## **25.00.160 ACCEPTANCE OF SURRENDERED WEAPON(S) AND FIREARM(S)**

In the interest of public safety, it is the policy of the Bellevue Police Department to accept surrendered firearms regardless of where a person resides, and to record which firearms were surrendered and when to ensure that verification of compliance with a court order can be determined. Firearms may be requested to be held in safekeeping for various reasons. The below procedures should be followed for accepting, storing, and returning firearms for safekeeping.

### **❖ Surrender Upon Service of an Order**

Officers serving Extreme Risk Protection Orders or orders that include an immediate surrender of weapons/firearms shall request immediate surrender and conduct any legal search for such firearms. Therefore, upon receipt of the packet, officers should use the warrant service matrix to determine if high risk warrant service protocols apply. Service of Extreme Risk Protection Orders shall not be served with fewer than two officers.

For victim 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 bring firearms to the Department at a later date. See BPD Policy 13.00.040 (Extreme Risk Protection Orders) for more information regarding Extreme Risk Protection Orders. Officers should follow the below listed procedures for obtaining surrendered firearms in the field:

- Follow the instructions provided in the court order.
- Advise the Respondent/Restrained Person that the court has ordered that all firearms in his or her custody, control, or possession, and any Concealed Pistol License (CPL), must be immediately temporarily turned over to law enforcement for safekeeping.
- Explain that this is a temporary court order, law enforcement will retain the firearms in safekeeping, and he or she can contest it at the hearing.
- If the Respondent/Restrained Person denies possession of firearm(s), conduct basic investigative steps to help verify or disprove Respondent/Restrained Person's claims. Note on the Return of Service if Respondent asserts he or she possesses no weapons or a CPL.
- An Order to Surrender Weapons or Extreme Risk Protection Order does not, by itself, grant law enforcement authority to enter homes to seize firearms or effect an arrest. Depending on the specific facts and observations at the time of service, there may be articulable exigencies.
  - Consider a search for firearms. An officer's search for firearms must conform to constitutional standards. The only lawful grounds for a search for weapons at the time of the service of an order will be consent, emergency doctrine, or search warrant.
  - Consider application for a search warrant to ensure all firearms in the Respondent's custody, control, or possession have been surrendered.
  - If application for a search warrant is deemed necessary to ensure all firearms have been surrendered or if subject refuses entry, officers are encouraged to contact a prosecutor for assistance in this process.
- Take possession of all firearms that are surrendered, in plain view, or are discovered pursuant to lawful search.
- Provide a property receipt for all surrendered firearms and CPL to the Respondent and file a copy with the issuing court within 72-hours after the service of the order.
- Explain that possessing or acquiring a firearm or CPL is prohibited while the order is in effect and that violating the order may subject the Respondent to criminal and civil penalties.
- Book the firearms into evidence pursuant to the current procedure in the Bellevue Police Department Property & Evidence Manual.
- Complete and sign the Return of Service form and mark the appropriate box for surrender of firearms.
- Attempt to notify the Petitioner/Protected Person if phone or email contact information has been provided.

## ❖ **Surrender by Appointment**

When a Judge issues an Order to Surrender Weapons, the defendant/respondent will be required to call NORCOM/9-1-1 and request to speak to an Officer about surrendering their weapon(s). The Officer will schedule an appointment at Bellevue City Hall for acceptance of the surrendered weapon(s). In the interest of public safety, appointments should be scheduled at the soonest opportunity. The respondent should be advised of potential for delay based on personnel availability, even with a scheduled appointment. If an appointment is made, the Property Unit, Patrol Captain, Sergeants, and Corporals who are scheduled to work that scheduled shift will be notified by email.

The employee scheduling an appointment for surrender of weapon/firearm(s) shall:

- Obtain the original police department case number associated with the issuance of the Order to Surrender;
- Obtain the name, phone number, and contact information of the person who will be delivering the surrendered weapon(s); and
- Explain that the person SHALL NOT bring any weapons into the building. Firearm(s) must be left unloaded and out of view in a locked vehicle, preferably in the trunk. The person should check-in with the Police Department in the Records Lobby.

When the person arrives at City Hall to surrender the firearm(s), the primary officer and a back-up officer should be attached to a "Surrender of Firearms" call at City Hall. The officers will meet the person surrendering the firearms inside the Police Records Lobby. The officers will retrieve the weapon(s) outside of the building, in the parking lot. Surrendering persons are not to bring weapon(s) into the building themselves. A copy of the evidence entry form listing the surrendered weapons will be provided to the person who surrendered them.

The officers will take the surrendered firearms/weapons/Concealed Pistol License into the Property Room while the person remains in the Police Records Lobby. The firearms/property will be inventoried and booked into the property room under the original BPD case number (the initial case number prompting the court order) and the primary officer will write a supplemental narrative report to the original case. If the court order was the result of another agency's case report, the officer will draw a new BPD case number and complete an "assist official agency" case report. The officer will have the Records Unit check WACIC/NCIC to ensure the firearm is not listed as stolen and that all identified firearms have been surrendered. A copy of the results will be included with the officer's report.

The completed supplemental narrative or case report and list of surrendered firearms will be forwarded to the issuing court of the Order to Surrender weapons/firearms within 72-hours of acceptance.

## ❖ **Surrender by Walk-In**

If a person wishes to surrender firearms to the Department without making an appointment, NORCOM should be contacted to have two officers dispatched to City Hall for a Surrender of Weapons call. The above procedure should be followed for accepting the surrendered firearm(s). The person wishing to surrender weapons/firearms to the Department should be encouraged to wait for the available officers if there is an anticipated delay.

## ❖ **Storage of Surrendered Weapon(s)**

Weapons and firearm(s) surrendered under RCW 9.41.800 will be booked and stored pursuant to the current procedure in the Bellevue Police Department Property & Evidence Manual.

## ❖ **Return of Surrendered Weapon(s)**

Weapon(s) and firearm(s) surrendered under RCW 9.41.800 will be returned to the rightful owner pursuant to the current procedure in the Bellevue Police Department Property & Evidence Manual and pursuant to

RCW 9.41.345. Firearms surrendered pursuant to a court order will only be returned to the rightful owner pursuant to proof of a specific court order revoking the Surrender Order or granting the release of the firearms at issue.

Prior to return of the firearms or CPL, the Department should ensure confirmation that the protected person and/or family or household members have been notified immediately that the Respondent/Restrained Person has requested the return of surrendered firearms and/or CPL and that the individual is otherwise eligible to possess a firearm.