

Protection Order Types

Order Type	RCW
Domestic Violence Protection Order	26.50
Domestic Violence No Contact Order	10.99
Sexual Assault	7.90
Vulnerable Adult	74.34 & 26.50
Restraining Order	26.26
Anti-Harassment	10.14 & 9A.46
Extreme Risk	7.94

54

Brady - Federal Firearm Prohibitor

1. Hearing
 - Defendant received actual notice and had the opportunity to be heard
 - Was the order signed?
 - Was there a Proof of Service?
2. Intimate Partner
 - Federal qualifying relationships
 - Was relationship defined on the order?
3. Restrict Future Conduct
 - Does the order restrain from harassing, stalking, or threatening
 - Most orders meet this criteria (PCO/1)
4. Credible Threat or Physical Force
 - Common words used are must not attack, assault, molest - anything physical

If all criteria are met: Brady = Yes

55

PCO/07 - State Prohibitor

PCO/07 applies if one or more of the following:

- Any of the below boxes checked on order:

Firearms, Weapons, and Concealed Pistol License; Defendant:
 do not, own, possess, or control a firearm. (RCW 9.41.040.)
 do not access, obtain, or possess a firearm, other dangerous weapon, or concealed pistol license. (RCW 9.41.800.)
 shall **immediately surrender** all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license. Comply with the **Order to Surrender and Prohibit Weapons** filed separately. (RCW 9.41.800.)

- Order to Surrender form included
- Extreme Risk Protection Order/ERPO (per RCW 7.94.040)
- If restricted under RCW 9.41.040(2)(a)(iii)
 - Opportunity to participate
 - Restrains future conduct to a **protected person** - no limitation to who protected person is
 - Credible threat AND physical force
 - Must be an order issued under RCW 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, *26.10, 26.26, or 26.50

56

Order to Surrender (OTS) Proof of Surrender (POS)

OTS and POS field requirements only

Is there a completed OTS form attached to the protection order?

- Yes, then OTS = Y
- No, then OTS = N

Did the court mark on the Protection Order "order to surrender weapons"?

- Yes, then OTS = N
- Unmarked, then OTS = N

Did your agency receive a completed POS form?

- Yes, then POS = Y
- No, then POS = N

Did your agency receive a completed Declaration of Non-Surrender form?

- Yes, then OTS = N and POS = Y

57