



## Possible County and City investments to expand the capacity of the RDVFEU

The Regional Domestic Violence Firearms Enforcement Unit (RDVFEU) was established in 2018, with collaborative funding from King County and the City of Seattle, as a multi-disciplinary and interjurisdictional specialized unit to help to reduce gun violence and enhance survivor and community safety by proactively assisting with Extreme Risk Protection Orders (ERPOs) and Orders to Surrender and Prohibit Weapons (OTSWs). The Unit helps to ensure courts have the information they need, particularly for those who pose the highest risk of firearm violence – domestic violence offenders and those who pose an imminent danger to themselves or others – and that individuals who are then prohibited from possessing and purchasing firearms swiftly relinquish all firearms and continue to comply with the prohibition for the duration of the court’s order.

RDVFEU partner agencies are the King County Prosecuting Attorney’s Office (KCPAO), Seattle City Attorney’s Office (SCAO), Seattle Police Department (SPD), and the King County Sheriff’s Office (KCSO). The Unit’s work is intended to support all jurisdictions in the county, with cases prioritized based on risk, not on jurisdiction. The Unit is comprised of law enforcement personnel assigned from both SPD and KCSO to serve the orders and remove the firearms as directed by the court; three dedicated Firearms Prosecutors; an ERPO Advocate and two OTSW Advocates<sup>1</sup> who assist families and victims, coordinate with law enforcement and provide comprehensive information to the court; a Court Orders Problem-Solver to help law enforcement quickly resolve any issues with court orders to ensure there are no delays in service and enforcement; a Paralegal; a KCSO Data Technician; a Legal Administrative Specialist and a Program Manager who directs the Unit.

While the RDVFEU has had very good success in its mission thus far, the Unit’s capacity is limited by its inability to scale its work to address heightened demand, to extend its reach to other critical parts of the system, and to expand external collaboration with others working on gun violence prevention and intervention. The lack of capacity is particularly acute where it limits the Unit’s availability to provide upstream, proactive support and information on existing, or other cases, or to intervene where high-risk prohibited possessors may be in violation of the court’s order.

Here are some of the priority areas for potential investment that could enhance the Unit’s work:

### **1. A Civilian Threat Assessment Investigator**

One of the biggest challenges is the inability to engage in real-time threat assessment and in-depth follow-up investigations on more high-risk cases because of the nature of the Unit’s workflow – cases are set on a very quick turnaround for investigation with new cases coming in every day. The Unit Advocates do the best they can

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<sup>1</sup> In October 2021, the County also funded with federal COVID money an additional temporary Advocate through the end of 2022.

to unearth firearm information and track down leads, but they receive a regular influx of new cases every day that need their immediate attention, and they are not experts in threat assessment or investigation.

The Threat Assessment Investigator would be the Unit lead for high-risk firearm-related case assessment and investigation, serving as a resource to all prosecutors and law enforcement agencies within the County (as well as federal and out-of-state agencies involved in cases with local respondents) for immediate and ongoing consultation, to be able to triage high-risk firearm cases in real time. The Investigator would also track and monitor unit-identified high-risk offenders/respondents across civil and criminal cases for further investigation and longer-term monitoring, including regular review of the State's so-called "lie and try" report (which provides information on any prohibited possessors who have tried to purchase firearms), report back and follow up with Unit attorneys and relevant law enforcement agencies on any new actionable information.

To assist with compliance determinations and further law enforcement investigation or needed court action, the Investigator would conduct in-depth follow-up and interviews with pawn shops, gun ranges, firearm retailers, victims, witnesses, or other collateral contacts; quickly secure relevant video and social media before deletion; gather relevant incident reports, phone records, and 911 calls regarding firearms prohibition violation information; review body-worn video and in-car video, and any other information important to the court. For example, the investigator could contact a firearm retailer to ask for firing range records if there is an allegation that a prohibited person rented a firearm during visitation with their children.

The Investigator would also serve as a liaison to municipal and county prosecuting agencies on Unit cases to reduce silos and promote information-sharing and compliance with OTSWs or ERPOs in any new, or ongoing, criminal or civil cases, as appropriate.

## **2. A Prosecutor and an Advocate to assist with referrals from felony DV, District Courts, Municipal Courts, ITA and Mental Health Courts**

The Unit's ability to provide support and expertise beyond current workloads into various other courts or cases has been limited because of the volume of Superior Court protection order cases. This Prosecutor and Advocate would be able to review new cases closer to the time of initial filing, screen for potential search warrants, and do outreach and safety planning with survivors and victims across more high-risk felony DV referrals, more Seattle Municipal Court cases, and on District Court protection order cases. There is also a need to more proactively assist families who have firearm concerns regarding loved ones who are involved in the Involuntary Treatment Act (ITA) process, but the Unit does not currently have the capacity to more formally assist on these cases.

Survivors who seek protection orders, or who have loved ones in crisis, regardless of the court that is serving them, should receive the same level of intervention and support when it comes to firearm relinquishment and compliance. The Unit's existing prosecutor and advocacy resources struggle to keep up with the current Superior Court and Municipal Court cases (both civil and criminal) referred for specific firearm follow-up, so have not been able to take on these cases at scale.

These positions would also assist on the more than 50-60 compliance review hearings that are set each week in King County Superior Court where the prosecutor assists the court in ensuring the respondent has timely and fully surrendered all firearms, concealed pistol licenses, and other dangerous weapons, and would help triage cases where the survivor has additional information, where a search warrant may be needed, or where the respondent has not provided sufficient proof of compliance, and take enforcement action to ensure there are appropriate and timely sanctions for failure to comply.

**3. A KCSO Detective and a Non-sworn Support Staff, with a mobile unit, to help additional incorporated areas follow state law requirements of ensuring firearms are removed when OTSWs and ERPOs are first served or at the time of DV 911 response**

The research is clear, and state law now requires, that firearms should be removed at the time an ERPO or OTSW is first served for civil protection order cases and at the time of a 911 response to a criminal DV incident. This additional KCSO Detective would be a sworn officer who is trained to use the “warm approach” to promote voluntary compliance at the time of service, and the non-sworn partner would do prep work, database review and input, and package and catalogue the firearms once safely and lawfully removed at the scene by the sworn officer. They would be on call to provide expertise and capacity to incorporated jurisdictions across the County where law enforcement is having difficulty balancing other duties of officers with best practices for serving orders, recovering firearms, and logging in those firearms into their respective property units. The mobile unit would provide a temporary, secure place to store the firearms so that multiple orders can be served without the officer having to return to a precinct or other evidence storage location repeatedly during the day to log in firearms. Law enforcement agencies without special units that serve protection orders and recover firearms at the time of service are instead often serving orders between 911 calls. This in turn often results in officers directing restrained people to instead take their firearms to the precinct themselves, which leaves firearms in the hands of potentially high-risk individuals during a period of known heightened risk and diminishes the likelihood that those firearms will actually be swiftly and completely relinquished to law enforcement as required.

**4. A Training, Outreach, and Partnership Coordinator**

In addition to experiencing caseload growth, as the Unit has developed and word of this unique approach has spread, Unit staff are often called upon to share their experience and expertise across a variety of realms, both locally and nationally, to help with training, development of laws, public education, and partnering with national and local researchers and others doing gun violence intervention. The Unit team is regularly asked to train, collaborate, consult, and weigh in on practice and legislative efforts. Information-sharing, replication, training, and collaboration are critically important to help address gun violence, so the Unit is as responsive as possible, but this work competes with the day-to-day demands of existing cases.

The Training, Outreach, and Partnership Coordinator would be the Unit’s lead in coordinating with those working with hospitals and others on community violence intervention strategies, and would also serve as the Unit’s liaison with the Criminal Justice Training Commission, the prosecutor’s association, and regional chiefs and sheriffs groups, for ongoing work on best practices, model policies and protocols, and needed training. For example, the Coordinator would assess training and protocols to help make sure that all law enforcement agency and prosecutor practices are consistent with reforms in State law (e.g., law enforcement must remove all firearms at the scene of DV 911 calls and document all firearms on DV incident reports, with filing prosecutors then screening incident reports to ensure firearms are addressed at first appearance calendars; and training for prosecutors who are not usually involved in civil protection order proceedings on their role in compliance and contempt hearings now in state law). The Coordinator would also work with the ERPO Advocate on expanding outreach to increase awareness and understanding of ERPOs.

**If County or City policy-makers are interested in pursuing any of these options, the RDVFEU Program Manager can work with budget and H.R. staff to determine costs for each.**