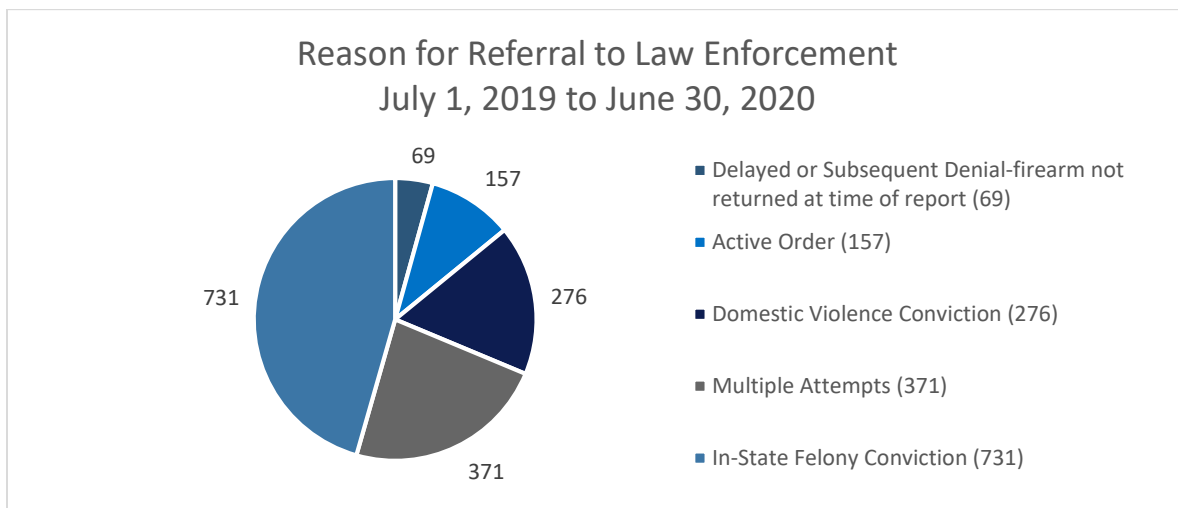


Washington State Denied Firearms Transaction Program—2020 Annual Report

[Substitute House Bill 1501](#) was passed during the 2017 legislative session. SHB 1501 established a variety of requirements for Federal Firearms Licensees (FFLs), the Washington State Patrol (WSP) and the Washington Association of Sheriffs and Police Chiefs (WASPC). [RCW 36.28A.405](#) requires WASPC to prepare an annual report on the number of denied firearms sales or transfers reported pursuant to Chapter 261, Laws of 2017. The report shall indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and; the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained.

For State Fiscal Year 2020 (July 1, 2019 to June 30, 2020), WASPC received 3,651 reports of denied transactions and 105 subsequent approval reports. Local law enforcement agencies have direct access to the denied firearms transaction system and can self-initiate investigations. A weekly email is also distributed informing local law enforcement agencies of the denied transactions that occurred in their jurisdiction in the week prior. Additionally, WASPC referred 1,318 reports directly to local law enforcement agencies. Referrals occur when: an applicant has multiple denials at one or more FFLs in a two-year period; a firearm was sold or transferred and the application was subsequently denied or the denial was delayed (and the firearm had not been returned at the time of report); records indicate the applicant may have a Washington State felony conviction; records indicate that the applicant may have a Washington State domestic violence conviction; the applicant is the respondent in a Washington State Protective Order; and upon FFL request.

Of the 1,318 referrals to local law enforcement, WASPC recorded the following reasons for referral. Please note a single referral can have multiple referral reasons. On January 16, 2020, WASPC started collecting information on denials where the purchaser may have a potential domestic violence conviction in Washington State on or after 1990. The information below regarding Domestic Violence referrals shows data from January 16, 2020 to June 30, 2020.



The following outlines WASPC's progress on specific responsibilities.

- *The Washington Association of Sheriffs and Police Chiefs must create and maintain an electronic portal for a dealer, as defined in RCW 9.41.010, to report the information as required pursuant to section 1 of this act pertaining to persons who have applied for the purchase or transfer of a firearm and were denied as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law.*

On July 25, 2017, WASPC launched www.wafirearmsreport.org. The site contains an electronic portal for FFLs to report denied purchase or transfer applications. FFLs also report subsequent approvals via the portal as required by SHB 1501. The portal is password protected.

WASPC staff provides ongoing support to users of the system to ensure compliance with reporting requirements.

- *Upon receipt of the information from Washington Association of Sheriffs and Police Chiefs pursuant to section 2 of this act, the Washington State Patrol must incorporate the information into its electronic database accessible to law enforcement agencies and officers, including federally recognized Indian tribes that have a connection to the Washington State Patrol electronic database.*

WASPC began reporting denied purchase or transfer application information to the Washington State Patrol on August 8, 2017. WASPC also reports subsequent approvals as required.

- *The Washington Association of Sheriffs and Police Chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law.*

The Washington Protective Order Notification (VPO) system is available at www.registervpo.com. The VPO system provides registered individuals notification on service of a protection order, expiration warnings and automated notifications if the respondent in an order was denied the purchase/transfer of a firearm. Information in the VPO system is obtained from an interface with the Washington Crime Information Center (WACIC). From July 1, 2019 to June 30, 2020, 2,704 notifications regarding protective orders were made to registered individuals in Washington State. Six (6) firearm related notifications were successfully delivered in that period. Three (3) additional notifications were not successfully delivered.

In the last two years, WASPC has focused its efforts on awareness trainings and outreach to social service providers and government agency partners to expand use of the VPO system. Information for the VPO system is now included on all protective order instructions and final order pattern forms through the Administrative Office of the Courts. WASPC has observed an increase in site visits and registrations in the VPO system resulting from this action.

- *The Washington Association of Sheriffs and Police Chiefs shall establish a grant program for local law enforcement agencies to conduct criminal investigations regarding persons who illegally attempted to purchase or transfer a firearm within their jurisdiction.*

For the 2020 fiscal year, WASPC awarded \$149,500 to local law enforcement agencies to support criminal investigations regarding persons who illegally attempt to purchase or transfer firearms within their jurisdiction.

In order to receive grant funds, agencies must report if an arrest was made and the case status. The following information is specific only to the 288 denied transactions where grant funds were requested from July 1, 2019 to June 30, 2020. WASPC is aware of agencies that have investigated denied transactions without a request for grant funds. Although this occurs, WASPC does not have specific information available to report.

As reported by local law enforcement:

- Arrests: 26
- Case Status
 - Referred to Prosecution—93
 - Not Referred/Closed Exceptional—153
 - Unresolved Case Status—16
 - Not Referred – Prosecution Will Decline – 26

Was an investigation started as a direct result of a referral from WASPC regarding a denied firearm transaction:

- Yes: 200
- No: 88

Per data available through court systems:

- Charges Filed as a result of SHB 1501—51
- Convictions
 - Yes—5
 - Deferral—7
 - Pending—19
 - Dismissed—20

The following examples from local law enforcement agencies (names and agencies redacted) demonstrate the value of the program:

- *"This was a correct denial. This subject has an assault 4 domestic violence conviction[s] through [X] Police Department. ...a letter was sent to [X] advising of the denial and his inability to own firearms. No specifics were given; however, he was encouraged to contact our office for specifics and to contact dispatch to relinquish his firearms."*
- *"[Possible] straw purchase and the store employee administratively denied the application. Submitted with prosecutor and declined to prosecute."*
- *"... conducted a routine computer check on [X] and he returned showing a felony conviction for vehicular homicide. [X] Records conducted an NCIC III on [X] with a return of a felony conviction out of [X] County Superior Court for vehicular homicide."*

- *“Charged with attempted unlawful possession of a firearm and false swearing.”*
- *“This subject has made multiple attempts to purchase a firearm, knowingly as a prohibited person. This case has been forwarded to a sergeant, along with a full narrative to assist in pursuing felony charges. This case has been transferred to investigations.”*

WASPC continues to learn about the firearms environment in Washington State. WASPC has received word, through the grant program and anecdotally, about individuals incorrectly being denied transactions:

- *“Through the investigation it was determined this was a NICS error. Subject was directed as to the appropriate course of action to clear the flag that was occurring when [X] attempts to purchase.*
- *“Upon investigating this referral it was learned that the suspect's rights had been restored.”*
- *“[X] was found to be denied incorrectly. His denial has been overturned and all appropriate agencies notified.*

Lastly, two agencies reported the following when asked for feedback about the program:

- *“I believe the program has been a benefit to our agency. Until this program went into effect I had no idea how many felons/ DV suspects, or mentally ill people were actually trying to buy guns in our community. Even when the grant money ran out we have been still investigating the referrals in our spare time. I see this as being a worthwhile program for the [X] Police Department.”*
- *“Since the inception of the Denied Firearms Program I have seen law enforcement, firearm retailers, and the courts being more mindful of firearms getting into the wrong hands of individuals. Firearm dealers have paid more attention to reviewing the forms and they have also done more administrative denials as a result of the program. The courts/prosecutors are in line with the charging defendants with the firearm related crimes and prosecuting said crimes. Law enforcement agencies have received training and advice on how to investigate the cases successfully and have pursued them. With all aspects of the program working together the state has seen a decrease in people that are not eligible to buy firearms trying to buy firearms. The word is out on the “street” that law enforcement and the firearm dealers are keeping a watchful eye on who is able to purchase firearms. With the end goal being people who shouldn’t be purchasing firearms are not getting to purchase them. In closing, this makes it safer for the public, communities and law enforcement as a whole.”*

Firearms is a prevalent topic of discussion in Washington State. WASPC looks forward to its continued involvement in this area. With the passage of [HB 2467](#) in the 2020 legislative session, WASPC is part of working toward a single point firearms background check system in Washington. A single point firearms background check system has the potential to make significant impacts to the overall process of firearms background checks and positively affect public safety. WASPC is pleased to be a part of this effort.