



Washington Association of
**SHERIFFS &
POLICE CHIEFS**

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Steven D. Strachan
Executive Director

November 30, 2021

Mr. Bernard Dean
Chief Clerk of the House
Bernard.Dean@leg.wa.gov

Mr. Brad Hendrickson
Secretary of the Senate
Brad.Hendrickson@leg.wa.gov

Dear Mr. Dean and Mr. Hendrickson:

Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall prepare an annual report on the number of denied firearms sales or transfers reported pursuant to chapter 261, Laws of 2017 and RCW 43.43.823.

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. The Washington association of sheriffs and police chiefs shall submit the report to the appropriate committees of the legislature on or before December 31st of each year.

Enclosed is our report for 2021.

Sincerely,

Steven D. Strachan
Executive Director

SDS:dg
Enclosure

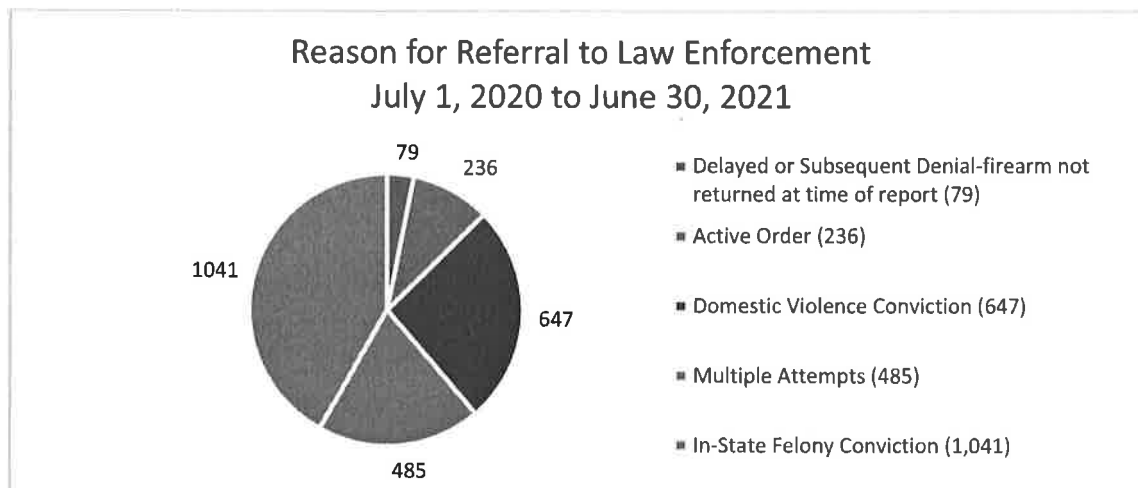
Washington State Denied Firearms Transaction Program—2021 Annual Report

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 2021 (July 1, 2020 to June 30, 2021), WASPC received 5,137 reports of denied transactions and 188 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 prior week. Additionally, WASPC referred 1,982 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 1,982 referrals to local law enforcement, WASPC recorded the following reasons for referral. Please note a single referral can have multiple reasons for referral.



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, 2020 to June 30 2021, 2,655 notifications regarding protective orders were made to registered individuals in Washington State. There were no firearm related notifications delivered in that period.

- *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 2021 fiscal year, WASPC awarded \$150,000 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 472 denied transactions where grant funds were requested from July 1, 2020 to June 30, 2021. 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: 18
- Case Status
 - Referred to Prosecution—175
 - Not Referred/Closed Exceptional—214
 - Unresolved Case Status—40
 - Not Referred – Prosecution Will Decline – 42

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

- Yes: 432
- No: 40

Per data available through court systems:

- Charges Filed as a result of SHB 1501—56
- Convictions
 - Yes—2
 - Deferral—19
 - Pending—18
 - Dismissed—17

The following comment from a local law enforcement agency (name and agency redacted) demonstrates the value of the program:

- *The Washington State Denied Firearms Transaction Program is an excellent program on many levels. At its core, the program helps to identify persons who are attempting to purchase firearms in violation of Washington State law. This alone will make Washington State a safer place to live and visit. Secondly, by the very nature of these investigations, local law enforcement is placed in an exceptional position to build valuable working relationships with our federal law enforcement partners and with the gun stores and Federal Firearm License holders in our respective jurisdictions.*

WASPC awarded all \$150,000 of available grant funds to support investigations of attempted transactions in the 2019 state fiscal year. WASPC awarded \$149,500 of available grant funds in the 2020 state fiscal year. WASPC again awarded all \$150,000 of available grant funds in the 2021 state fiscal year.

To further support the work of local law enforcement agencies in regard to attempted purchases of firearms by individuals who are prohibited from owning, using or possessing firearms, WASPC requests an additional \$30,000 per fiscal year to be allocated to the denied firearms transaction program.

Firearms continue to be a prevalent topic of discussion in Washington. WASPC looks forward to its continued involvement in this area. With the passage of [HB 2467](#) in the 2020 legislative session, WASPC participates in the ongoing effort to establish 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. As the Washington State Patrol implements the single point firearms background check system (currently scheduled for 2024), WASPC looks forward to positive changes in the accuracy of denied transactions and flow of information to local law enforcement agencies. WASPC believes these improvements will allow local law enforcement an opportunity to focus investigations of attempted transactions on those individuals who are prohibited from owning, using, or possessing firearms.