



Washington Association of  
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POLICE CHIEFS**

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December 1, 2022

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Subject: RCW 36.28A.405, Denied Firearms Transaction Information—Annual Report

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Sincerely,

Steven D. Strachan  
Executive Director

# Washington State Denied Firearms Transaction Program—2022 Annual Report

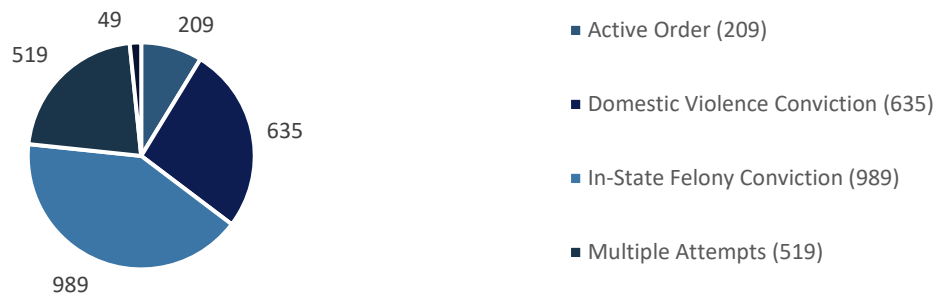
In 2017, the Washington State Legislature passed legislation<sup>1</sup> that established a variety of requirements for Federal Firearms Licensees (FFLs), the Washington State Patrol (WSP) and the Washington Association of Sheriffs and Police Chiefs (WASPC). [RCW 36.28A.405](#) requires WASPC to prepare 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 2022 (July 1, 2021 to June 30, 2022), WASPC received 4,234 reports of denied transactions and 143 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 1,868 reports directly to local law enforcement agencies. These direct 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 1,868 direct referrals to local law enforcement, WASPC recorded the following reasons for referral. Please note a single referral can have multiple reasons for referral.

Reasons for Direct Referral to Law Enforcement  
July 1, 2021 to June 30, 2022



<sup>1</sup> [1501-S.SL.pdf \(wa.gov\)](#)

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](http://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 Chapter 9.41 RCW. 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](http://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, 2021 to June 30, 2022, 3,067 notifications regarding protective orders were made to registered individuals in Washington State. There were four 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 2022 fiscal year, WASPC awarded \$150,600 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 464 denied transactions where grant funds were requested from July 1, 2021, to June 30, 2022. 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: 20
- Case Status
  - Referred to Prosecution—113
  - Referred to Prosecution – Status Unknown—1
  - Not Referred/Closed Exceptional—201
  - Unresolved Case Status—56
  - Not Referred – Prosecution Will Decline—93

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

- Yes: 382
- No: 82 (agency-initiated investigations)

*Per data available through court systems:*

- Charges Filed as a result of SHB 1501—53
- Convictions
  - Yes—6
  - Deferral—10
  - Pending—22
  - Dismissed—15

The following status updates from grant applications (names and agencies redacted) demonstrate the value of the program:

- “B attempted to purchase a firearm on 9/13/2021 and was denied the purchase on 9/16/2021. B was denied for having been involuntarily committed to a mental health facility on 03/01/19 and 01/03/21. B made false statements on his purchase documents and stated he never had been involuntarily committed. Based on this investigation, I found there is probable cause to charge him with false swearing. I submitted a charge request to the prosecutor.”
- “Utilized social media search warrant, interview with past DV victim, court records and purchase forms to better ID the severity and if suspect currently had other guns. A past case showed his child to have made threats at school, possibly that he had access to a gun. Per interview, there is suspicion that the FFL clerk encouraged a Try-And-Buy. This has been reported to Seattle ATF Regulations. The charges will be referred to PA for an arrest/summons decision.”
- “Subject tried to purchase a pistol from local dealer. Per investigation, person is currently facing 2 felony charges, has pretrial release conditions that don't allow him to have a dangerous weapon. Also, the person has five active misdemeanor warrants. Person fled to westside charges filed with prosecutor's office and request to revoke his pretrial release conditions and be placed into custody.”

While WASPC is pleased with the investigations conducted by local law enforcement agencies, we are perplexed by feedback from multiple local law enforcement agencies regarding prosecutorial decline of cases. While a significant number of investigations conclude without charges for a variety of reasons, those cases that either can be or are referred for prosecution should be considered with greater emphasis. The State of Washington invests significantly in battling gun violence and promoting firearms safety while some instances where prohibited persons who have attempted to obtain firearms, sometimes successfully, are not pursued.

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 regarding attempted purchases of firearms by individuals who are prohibited from owning, using, or possessing firearms, WASPC requested and was granted an additional \$30,000 for fiscal year 2022 and fiscal year 2023, to be allocated to the denied firearms transaction program. In fiscal year 2022, WASPC awarded \$150,600 of the \$180,000 available grant funds to support investigations of attempted transactions.

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 legislation in the 2020<sup>2</sup>, 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.

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<sup>2</sup> [2467-S2.SL.pdf \(wa.gov\)](#)