The SAFE Way for Washington State

Business Process Innovations

Centralized Firearms Background Check Project

June 2020 – February 2024

Kateri Candee, Commander

Washington State Patrol (WSP) – Firearms Background Division (FBD)

Kateri.Candee@wsp.wa.gov

EXECUTIVE SUMMARY

Federal law requires federal firearm licensees (FFLs), commonly known as "firearm dealers," to conduct a background check on potential buyers prior to transferring a firearm. In most states, dealers conduct background checks utilizing the Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS). Federal law does allow states to establish their own background check process, by which dealers (within the state) conduct the check through a state or local law enforcement agency. In fact, 13 states currently take responsibility for all firearms background checks in their jurisdiction, while another seven states—including Washington—have adopted a hybrid model in which background checks for some types of firearms are handled by local law enforcement and some are handled by the FBI NICS.

In the 2020 Regular Session, the Washington State Legislature passed Engrossed Second Substitute House Bill 2467 (E2SHB 2467) to create a centralized firearms background check program within the Washington State Patrol (WSP) and directed WSP to develop an implementation plan for the project. Once implemented, all background checks for firearm transfers in the state will be processed by WSP.

The Centralized Firearms Background Check (CFBC) program was a collaborative effort by WSP, local law enforcement agencies (LEAs), the Department of Licensing (DOL), the Health Care Authority (HCA), the Administrative Office of the Courts (AOC), and Law Enforcement Information Exchange-Northwest (LInX-NW). The goal of the newly authorized program is to improve the thoroughness of all Washington background checks by establishing links (secure interfaces) to collaborating agency databases. The new system, called the Secure Automated Firearms E-Check (SAFE) system, is capable of processing nearly a million background checks annually.

Technology and automation were core elements of the project, designed to keep operational costs low while streamlining the background check process for FFLs. To gain the widest practical adoption of the dealer portal user interface, it was critical that WSP place minimal requirements on the hardware and operating systems utilized by FFLs – many of whom were using antiquated technology. The SAFE program assumed that FFLs would access the portal via a variety of common methods (desktop or mobile computer, smart device, etc.) and determined that the system would not require a client or other application for use.

Because of the cost, scalability, and reliability benefits available from modern cloud deployments, the SAFE system is hosted in the Amazon Web Services Government Cloud, a secure, commercially operated, government-specific cloud platform.

Besides the benefits to public safety and improved processes for the FFLs, the project was completed within scope, on schedule, and on budget. The timeline was developed to ensure FFLs would be able to start using the system in advance of the 2023 holiday season.

IDEA

The hybrid model of conducting firearm background checks was complex and time consuming.

- Many LEAs were challenged to provide timely responses due to staffing and resource constraints.
- Extensive background checks were required of every LEA, but skills and resources for background checks varied by LEA.
- Often, FFLs struggled to understand which LEA had jurisdiction for a background check.

- Different firearm types received different background checks, which in some cases did not produce the expected result (eligible vs. ineligible), causing confusion for the transferee and FFLs.

Washington FFLs now have one source system for all firearm types and jurisdictions. FFLs submit a background check via the SAFE dealer portal which they can access via a web browser. A firearm purchaser can enter their information ahead of time and provide the FFL with a secure code which pre-populates the entry screen at the dealer location. This method reduces the risk of data entry mistakes, limits the time required for the FFL to complete the transaction, and increases customer satisfaction.

LEAs no longer conduct firearm background checks, which has reduced their workload. SAFE performs a consistent process for each background check so the rules and regulations are followed uniformly, and results are provided significantly faster.

The information submitted by the FFL transmits securely from the SAFE dealer portal to an automated query engine that contacts databases at the WSP, AOC, HCA, and the LInX-NW data sharing system without manual intervention. The query engine evaluates all responses that are returned by these systems and attempts to determine the disposition of each application automatically, using rules defined by the WSP Firearms Background Division (FBD), which are based on federal and state statutes prohibiting possession of a firearm, and are designed to be easily updated by WSP FBD using a "literal value list." Any indeterminate results are routed to a work queue for a WSP FBD employee to adjudicate. Once a background check application is adjudicated, the background check status is updated for the FFL in the dealer portal. The automated query and associated partner agency interfaces were designed based on input from an interagency working group grounded in the requirements of each agency. The SAFE project team continued to meet with each agency regularly throughout the project to coordinate interface design, testing and transition to production.

To comply with state law pertaining to "denial" determinations, SAFE sends automatic denial notifications to the LEA with jurisdiction over the FFL. Additionally, data extracts are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), on a regular schedule.

Federal law allows for the appeal of a denial decision. When a background check is denied, and the transferee provided an email address, SAFE automatically sends an email with the denial notice, along with an attachment for the transferee to complete if they wish to appeal. Denied background check applications are retained for three years within SAFE.

The SAFE system is designed to ensure that the identity of the transferee is accurate to allow all pertinent information to be reviewed for a final eligibility decision. This centralized firearm background check system could be modified to be used for any state or agency if the rules are modified to meet those of the jurisdiction.

IMPLEMENTATION

There was no existing software system at the WSP that could satisfy the requirements to support the new SAFE program. The scope of firearms transfer background checks is mostly defined in federal and state statutes, which are in turn grounded in decades of experience and practice in conducting these checks. Reducing the scope of the SAFE program would generally require changes to these statutes.

The SAFE system design was reviewed and approved by the Washington State Office of CyberSecurity (OCS). The OCS security design review process provides agencies with a security assessment of new or updated systems. OCS works with agencies to validate that their security controls and processes adhere to the state's IT security policies and standards.

The project followed the 2020 implementation plan as the roadmap for the SAFE system development and rollout. The process to develop the implementation plan included:

- A detailed review of state and federal laws, policies, and processes concerning firearm transfer background checks.

- Consultation with staff at the WSP and other Washington state government agencies, including a review of information gathered by the Department of Licensing (DOL) in 2019 as part of their firearms database modernization project, which included findings from a focus group of Federal Firearms Licensees (FFLs).

- Interviews with officials in other centralized background-check states and reviews of those states' technology solutions, staffing models, policies and procedures.

- Consultation with a group of volunteer representatives from FFLs in October 2020. This group provided valuable insight into the benefits of, and challenges with, the current hybrid, decentralized approach to firearms background checks in Washington state and offered to provide further input as the WSP proceeded with implementation.

WSP solicited a vendor and solution through a formal Request for Proposal (RFP) selection process. Based on the state's risk assessment, the SAFE project was required to follow specific guidelines and obtain approvals at various points during the project.

- The Office of the Chief Information Officer (OCIO) provided oversight to ensure the success and transparency of all business-driven major IT investments.

- Gated funding oversight was enforced by WaTech and the Office of Financial Management (OFM).

- The Technology Services Board (TSB) validated the IT strategic vision and planning.

- An independent quality consultant was assigned to the project, reporting directly to the executive sponsor.

The project methodology followed the Project Management Body of Knowledge (PMBOK) standards, as well as Washington state project management requirements defined by the OCIO. The development process followed a hybrid agile approach, which means the sprints defined for development were designed to produce modular components for SAFE as milestones (incremental deliveries) versus waiting to test the full system at the end of development. This approach allowed the FBD Subject Matter Experts (SMEs) to test each component thoroughly.

FBD SME testing was done in a test environment so that users could create data and scenarios that pertained to their job responsibilities. The FBD SMEs focused on the SAFE workflows and validation of the query results. FBD also encouraged actual FFL users to test the dealer portal to ensure usability, completeness, and buy-in.

The success of the project was attributed to the quality of the process and how quickly the user community adopted the new system. The project pursued an earlier "go-live" date so that the FFLs were

ready for the 2023 holiday season. That meant the dealers needed to be trained and operational with the SAFE system by mid-November 2024.

The SAFE system was piloted by a select number of FFLs that represented the different sizes of FFLs in the state. The pilot was conducted in the production environment and resulted in the full rollout starting earlier than planned due to the stability of the system. The rollout of the system was planned in three phases, groupings of counties and large FFL chains. The project team monitored the progress of the system adoption during the rollout to gauge how soon to initiate the next phase of FFLs to begin using the system.

Key stakeholders were involved throughout the project and participated when appropriate in project decisions and reviews. The system design allowed the project team to demonstrate the system via links to the portals in secure environments. The state received feedback on user interfaces early in the project, reducing the risk of rework. As required by E2SHB 2467, an advisory board was formed to ensure that the project was "administered efficiently and effectively, and in a manner that honored individual firearms rights while preventing prohibited persons from obtaining firearms." The advisory board met monthly starting Oct. 6, 2020. The board included representatives from the WSP, local law enforcement, firearms dealers, and the public.

The project developed an Organizational Change Management (OCM) plan that addressed the varying needs of users of the new solution and division. Communication was focused on keeping groups informed of the timeline for testing and rollout, as well as providing system demonstrations and soliciting functionality input. The result of the OCM strategy was a smoother implementation, and increased user buy-in and adoption for the new system.

The project team included resources needed to support the development of the SAFE system as well as to prepare for the operational support needs of a new business unit. The FBD division was developed and staffed during the project. New FBD resources served as testers as part of their training process. The SAFE IT group was hired at the beginning of the project and served as the interface with WSP IT and outside agency IT groups supporting the system interface testing and transition to production.

The project budget included outside resources and WSP staff needed for the project.

Total Planned Spend	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Total
State Employee Staffing Costs	45,545	90,048	318,744	318,744	278,117	1,051,198
Non-State Employee Staffing Costs	-	-	-	-	-	-
Contracted Professional Services	-	471,104	971,460	1,165,643	523,465	3,131,672
Software Licenses and Subscriptions	-	-	5,896	8,844	4,422	19,162
Hardware and Equipment	-	-	-	-	-	-
Other	-	-	-	-	-	-
TOTAL	45,545	561,152	1,296,100	1,493,231	806,004	4,202,032

The project assumed that data necessary for a firearms background check would remain under the ownership and control of the agencies that source the information. AOC, HCA, and the WSP implemented reliable and secure interfaces to the information necessary to determine eligibility for a firearm.

The system integration architecture supported asynchronous web services exchanges, in which the web service client receives the substantive response to a request in a separate message initiated by the service implementation. Correlation of responses with requests occurs via use of a globally unique identifier created by the service client and transmitted with the request message.
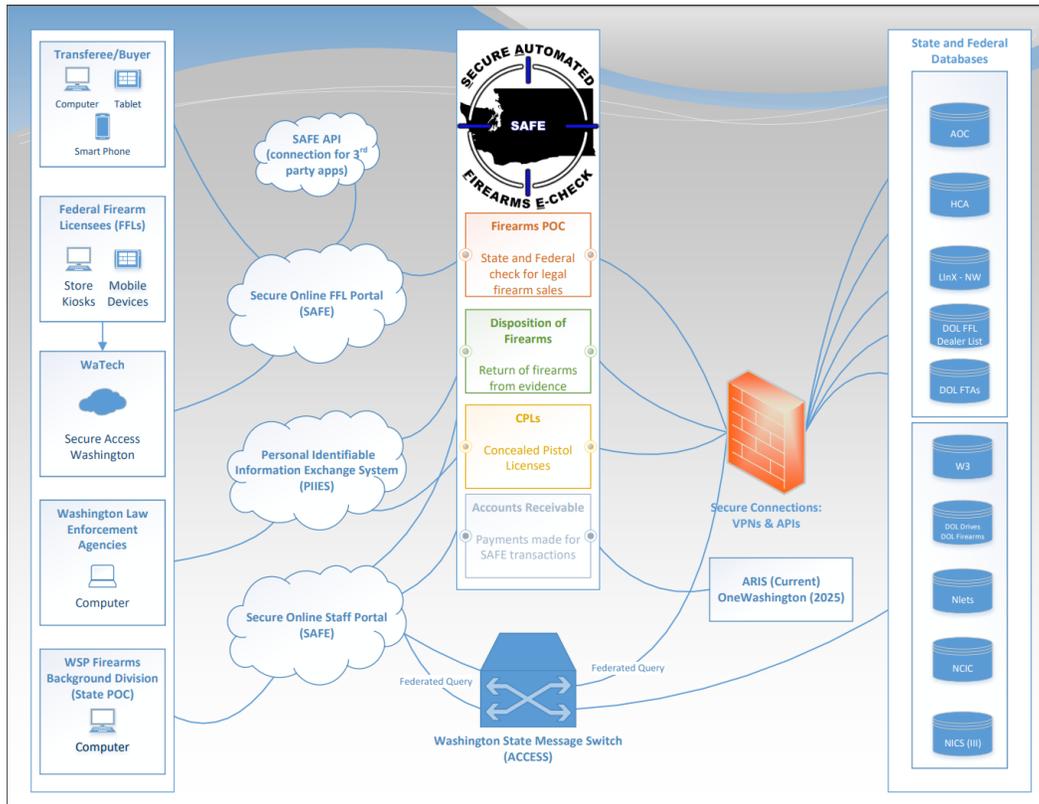
The system integration architecture recommended that the message format for each interface endpoint conform to the National Information Exchange Model (NIEM) guidelines at https://www.niem.gov. NIEM is a national justice community standard for interagency message exchange and has been used in Washington state for many years for various justice information exchanges.

IMPACT

The successful implementation of the project has resulted in the following:

- All background checks are conducted consistently and faster than before.

- Reduced resource burden on LEAs, allowing them to reassign staff duties, as needed.

- Simplified the background process for FFLs.

- Required Firearm Transfer Application data is sent electronically to DOL.

The SAFE system has demonstrated that the average time to perform a firearm background check is less than three minutes (not withstanding statutory wait periods or external database processing times). Anecdotally, this is a monumental gain over the previous process, but it cannot be quantified as the historical time-lapse data doesn't exist. However, for perspective, the mental health checks submitted by LEAs were sent via email or fax, then manually researched by HCA personnel, taking three to five days for a response. These searches are now handled automatically by SAFE, sending the request directly to the HCA database. Any matches are reviewed by HCA personnel. Additionally, because LEAs still need the ability to request mental health records from HCA for Concealed Pistol Licenses (CPL), a separate interface for LEAs to request these records was created allowing HCA to process all requests identically.

An unexpected benefit has been the number of stolen guns identified. The project estimated that the SAFE system would identify approximately 25 stolen guns per year. Identification of stolen guns was part of the firearm check process and was a separate step for the LEAs. Since the system has gone live, the SAFE system has identified 65 stolen guns.

Firearm Transfer Application forms were previously mailed to DOL by FFLs. The data now retained for firearm transfers are more accurate since humans no longer interpret handwriting and missing information. FFLs now submit the required information in real time to DOL rather than batching applications or missing the submission.

Objective Description	Baseline	Target	Obtained
% - No manual interaction	20%	34%	41%
% - No research (automated denial from FBI NICS indices)	10%	1%	<1%
% FFLs submitting background checks electronically vs phone call	NA	95%	99.9%

"As a large Firearms Dealer in Washington the centralized point-of-contact firearms background check program saves us time as we no longer have to fax/email to each Local Law Enforcement Agency around the State and hope it wasn't lost, misplaced or sent to a spam folder. SAFE is intuitive, easy to use and shows each step of the process. SAFE has simplified the background check approval and denial process by eliminating several processes the FFL had been required to do by State law."

Tina Browning, Compliance Officer, Farwest Sports

"Implementation of the SAFE system provides WASPC with more consistent, timely and accurate information for these purposes. Before implementation of the SAFE system, federally licensed firearms licensees (FFLs) were required to report denials (and subsequent approvals) directly to WASPC. There was no enforcement mechanism and we found that FFL reports of denials were not consistent. The SAFE system has eradicated our concern that only a portion of denials were being reported."

Jamie Weimer, Projects and Programs Manager, WASPC

Since the SAFE implementation, another state law was passed requiring WSP FBD to begin researching eligibility for persons petitioning a court for a restoration of firearm rights. As this type of check is very similar to what SAFE is already performing, a proposal has been drafted and provided to the vendor to make the necessary changes for SAFE to be used for this new process. Also, it is anticipated that CPL background checks may be given to WSP FBD in the future, which SAFE could easily handle.