<INSERT AGENCY NAME>

Appeal Process for Firearms Transfers, Concealed Pistol Licenses (CPL) and Disposition of Firearms (DOF)

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| *The purpose of this template is to assist your agency in creating its own procedures. These are the minimum topics that must be covered::*1. *The items below in red must be specific and reflect your agency’s current practices.*
2. *Remove any items that are not applicable to your agency.*
3. *Formalize with the date and your agency name.*
4. *Remove the red box once the procedure is updated and completed.*

*If your procedure does not reflect the actual practice at your agency, then you will be found out of compliance.**ACCESS Section revised March 2021* |

# Background

## In accordance with state and federal regulations, law enforcement agencies shall develop a procedure whereby denied persons may request the reason for the denial from the agency that conducted the National Instant Criminal Background Check (NICS). Persons denied a firearm, CPL or DOF must be made aware of the denying agency’s appeal process.

## The following are federal prohibitors for which an agency can deny an individual a firearm transfer or CPL:

#### Section 922(g)(1) Felony Conviction

#### Section 922(g)(2) Fugitive from Justice

#### Section 922(g)(3) Use of Controlled Substance

#### Section 922(g)(4) Mental Health

#### Section 922(g)(5) Illegal/Unlawful Alien

#### Section 922(g)(6) Dishonorable Discharge

#### Section 922(g)(7) Renounced Citizenship

#### Section 922(g)(8) Protection Order

#### Section 922(g)(9) Misdemeanor Crime of Domestic Violence

#### Section 922(n) Indictment/Information

# Procedure

## If a person is denied the purchase or return of a firearm, or denied the issuance or renewal of a CPL, he or she can appeal the denial through the denying agency and request the reason for the denial. The FBI does not accept challenges or provide reasons for delays or denials on state issued firearm permits.

## The denied individual may also appeal for a firearm through the NICS Section. If the denied individual chooses to appeal through the NICS Section, the denying agency may refer the denied individual to [www.fbi.gov/nics-appeals](http://www.fbi.gov/nics-appeals).

# Step 1 – Inform

## Inform the denied individual of the existence of a state or federal prohibitor. No further information can be provided until identity is verified.

# Step 2 – Verify Identity

## If the individual is denied based on a federal or state prohibitor, verify identity by reviewing a valid, government issued photo identification such as a driver’s license or passport.

## For prohibitors that are fingerprint based (example: felony conviction), it is *strongly recommended* that identity be verified by submitting fingerprints. Your agency will have to determine by policy which method of identification will be used.

### If the fingerprint based prohibitor is within Washington State, fingerprint cards may be submitted to the Washington State Patrol via mail to:

###### Background Check Unit

###### Washington State Patrol

###### PO Box 42633

###### Olympia WA 98504

### The type of transaction will be NFUF and the applicant type should be search and return when using electronic fingerprint submissions.

### The reason fingerprinted must be “Criminal Justice Investigative Purpose” and there is a no fee associated with this request.

### There is no process for submitting fingerprints for out-of-state fingerprint based prohibitors. In these cases, appellants should be referred to the out-of-state law enforcement agency holding the denying record.

### If the denying agency determines the appellant is not the subject of record via fingerprint comparison, the appellant may be directed to [www.fbi.gov/nics-appeals](http://www.fbi.gov/nics-appeals) to pursue the Voluntary Appeal File (VAF) option.

# Step 3 – Releasing Denial Information

## After identity is verified, provide the reason for the denial to the appellant indicating the federal or state statute the individual was denied under. The denying agency must respond to the appeal request within 5 business days and/or advise of a reasonable timeline of when a determination will be prepared.

## The denying agency can share the following information after identity is verified:

### FBI/SID number

### Reason for denial

### Date of arrest

### Offense

### Arresting agency and contact information

# If the denying agency is unable to resolve the appeal, the denying agency will notify the appellant and provide the name and address of the agency that originated the document containing the information upon which the denial was based.

Attached below are template denial letters provided by the FBI. Your agency will have to modify the letters to reflect your agency practice:

