



Oregon State Police

Criminal Justice Information
Services Division

2016 FICS Program Overview

Oregon State Police
Criminal Justice Information Services Division
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Dear Stakeholder

The Oregon State Police Firearms Instant Check System (FICS) Program is required by law to conduct criminal background checks for the purpose of determining the eligibility of persons attempting to transfer or purchase a firearm when requested by Federally Licensed Firearm dealers and citizens in the state of Oregon. Oregon statute requires a background check for all transfers including those that take place at a gun show and between private citizens.

In addition to the state check, as a Point of Contact (POC) state for the FBI National Instant Criminal Background Check System (NICS), OSP is responsible to conduct a national background check under the Brady Handgun Violence Prevention Act for each request received.

The goal of the FICS program is to ensure the timely transfer of a firearm to eligible buyers, while also keeping firearms out of the hands of those that are legally prohibited under state or Federal law.

This document is intended to provide a high-level overview of the Oregon Firearms Instant Check System (FICS) Program. Additional firearm background check and eligibility related information can be found on the Oregon State Police website at:
<http://www.oregon.gov/osp/Pages/index.aspx>

Thank you for your interest in this program.

FICS Unit
Criminal Justice Information Services Division
Oregon State Police

“Premier Public Safety Services for Oregon”

**OREGON STATE POLICE
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
FIREARMS INSTANT CHECK SYSTEM (FICS) PROGRAM OVERVIEW**

2016 Year End Report

Statutory Requirement for Response to Dealers

ORS 166.412 requires that OSP maintain an instant check system for conducting criminal background checks for federally licensed gun dealers and private parties prior to the transfer of a firearm. OSP must immediately determine whether the purchaser is qualified or disqualified to complete the firearm transfer under state or federal law either during the dealer's contact or by return call. Statute also requires that if OSP is unable to determine if the purchaser is approved or denied within 30 minutes, OSP must notify the dealer and provide an estimate of time when the check will be completed. Background checks that cannot be completed within the 30 minutes are placed in a Pended/Delayed status until sufficient record information can be obtained to complete the request.

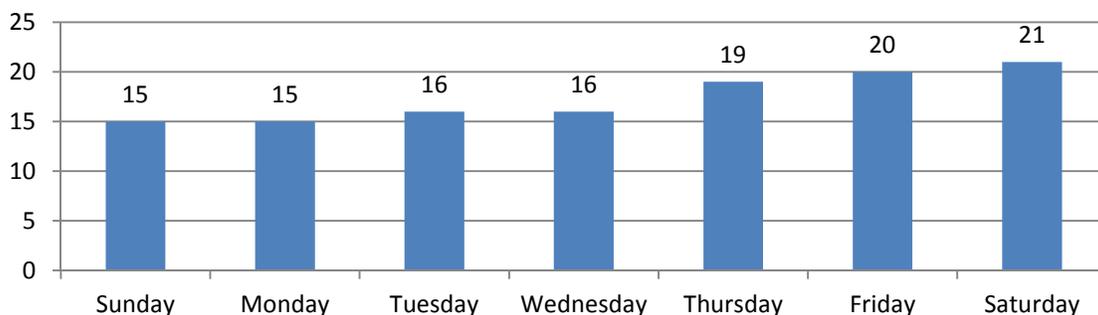
Both state and federal laws provide that the dealer may deliver the handgun to the purchaser after a three business day period, if OSP does not provide notice that the purchaser has been approved or denied.

Staffing Levels and Hours of Operation

The FICS unit operates 14 hours a day, 7 days a week, and 363 days a year (excludes Thanksgiving and Christmas) as required by statute. Currently staffing consists of 26 -Public Service Representative 4 (PSR4) call takers, 1 - Information Systems Specialist 7, 2 - Support Services Supervisor III shift supervisors and 1 - Principal Executive Manager B program manager totaling 30 permanent staff.

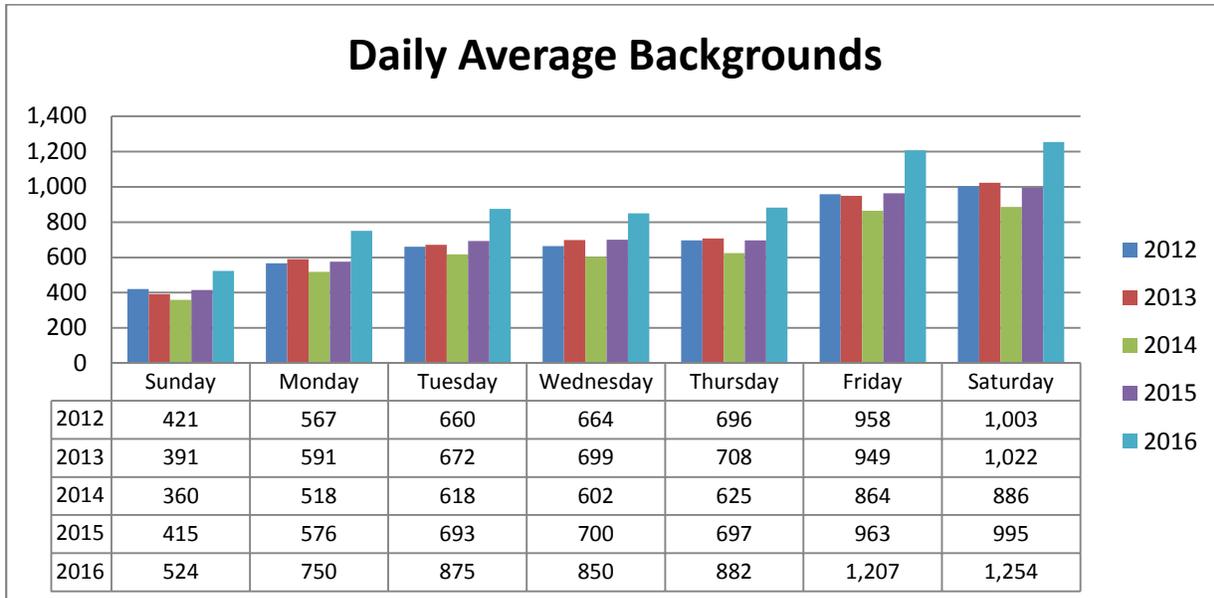
The following chart shows the typical call taker staffing levels for each day of the week under normal conditions, excluding the three management positions. Scheduling is based on retail, seasonal and peak volume days of the week while complying with the collective bargaining agreement.

Number of Staff Assigned Per Day

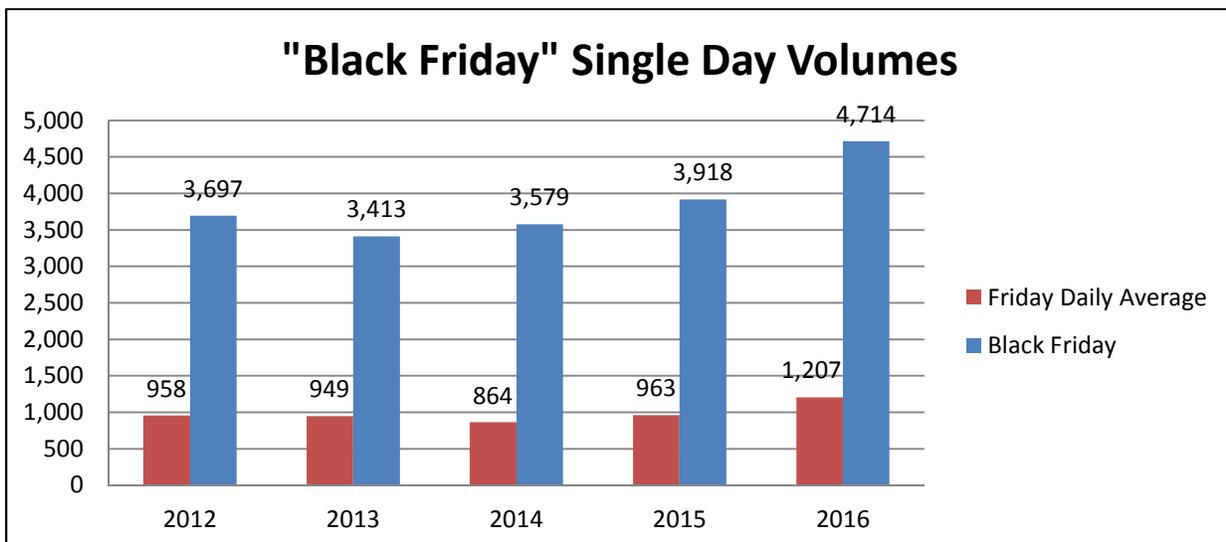


Average Checks per Day

Day of the week volumes have historically guided staffing and scheduling of resources within the unit. Seasonal activity, day of week, hour of day all have been fairly predictable historically. However, changes in gun show scheduling which now takes place monthly throughout the year has shifted the need to have resources available during different days and hours of the week. National news has significantly impacted traditional scheduling to the point that volumes on even the slowest day require the maximum number of staff available in order to meet demand for service and turnaround times. The following chart shows the day-to-day trend for the week.



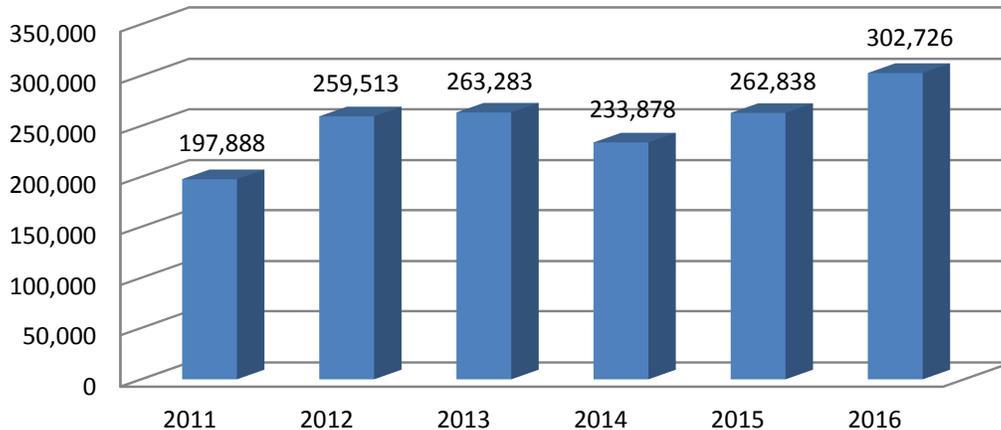
The single highest volume day for firearms background checks both locally and nationally continues to be the day after Thanksgiving, typically known as “Black Friday”. To illustrate how this impacts the FICS Unit, the following shows this single-day volume in comparison to the average daily volume for Fridays throughout the year.



Total Transactions

For calendar year 2016 there were 302,726 background checks performed. This is higher than originally projected for the year based on historical trends, and an increase from previous year volumes. Current figures continue to reflect the dramatic increase in total number of transactions that started in 2012, mirroring the corresponding increase at the national level.

Yearly Transaction Total



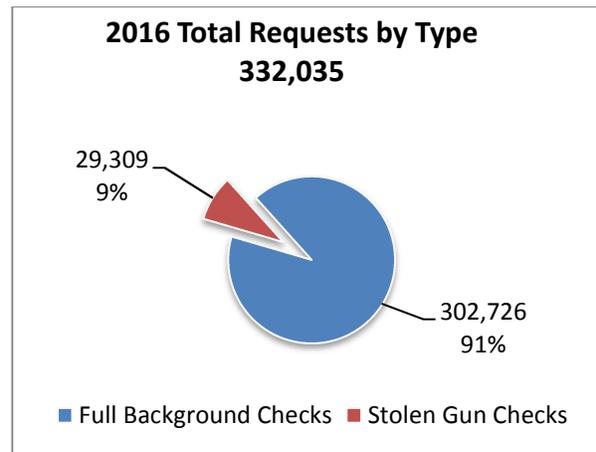
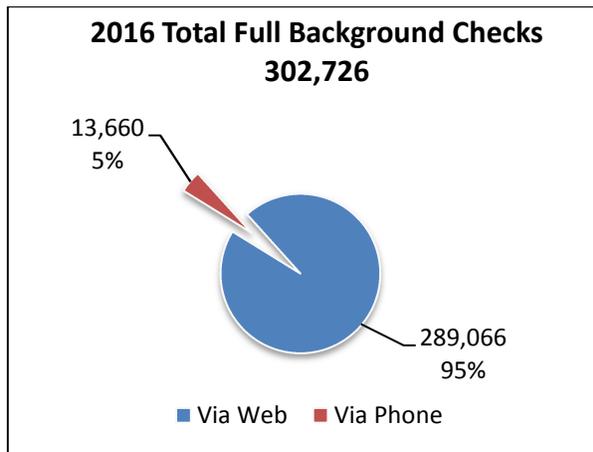
Internet Option Alternative to Telephone Requests

In June 2011, the FICS Unit added an internet based site for FFL dealers to utilize as an alternate to the phone process. The purpose of this enhancement was to allow dealers to enter the information required for a background check into the website which would then send the information to the FICS unit for processing. The option is used for approximately 95% of the daily transactions received. While the majority of web requests still require a call taker to review and complete the check, the number of web checks that were able to process automatically without staff assistance averaged 37% for the year. This automation can occur if there are no discrepancies regarding the identification used and there are absolutely zero matches to data within the criminal justice databases used to conduct the background check. This particular process enhancement has helped significantly to mitigate the impact of the increase in workload. Every web request that does not require a call taker to complete helps to redirect staff resources to other incoming transactions and reduce dealer wait time, conduct research on pended transactions, or make return calls to customers asking about pended background checks. At year end a total of 1,443 (approximately 81%) dealers have signed up for web processing.

Checks Requested by Type

When a FICS check is requested, Oregon law requires that the dealer or private party provide information about the firearm being transferred in order for OSP to check to ensure the firearm has not been reported stolen, in addition to the criminal history check on the purchaser as part of the standard FICS background check process. Oregon law also allows that the general public

may contact OSP independent of a FICS check to request a stolen gun check only. These are done at no charge; however these checks contribute to workload and staffing needs within the unit. The following charts show the total number of checks requested of the FICS unit by type.

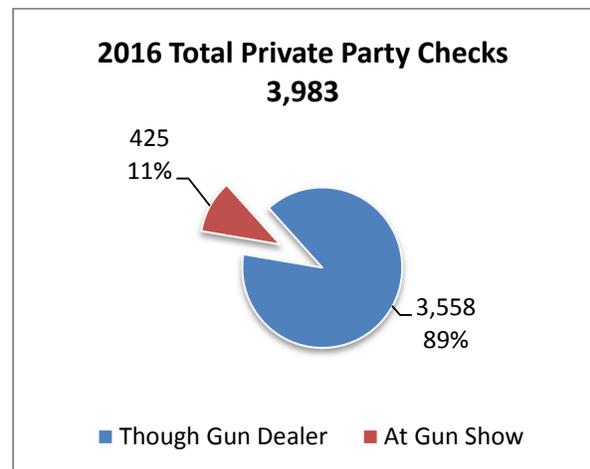
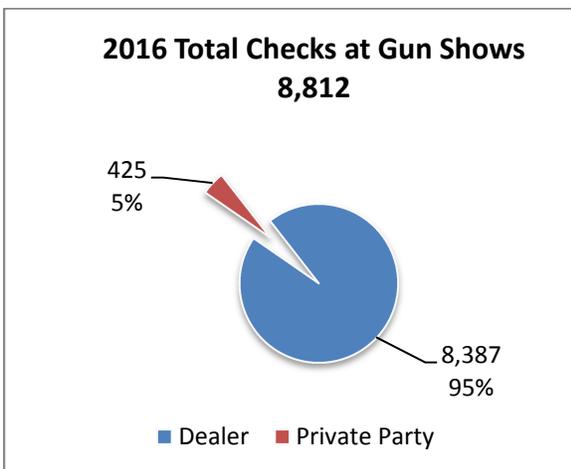


Gun Shows and Private Party Transfers

Oregon law was changed in 2000 requiring that any person who transfers a firearm at a gun show must request a criminal background check before completing the transfer of the firearm. Additionally, this law change allowed any person, not at a gun show, to voluntarily request a criminal background check before transferring a firearm.

On August 9, 2015 the Oregon Firearms Safety Act (SB941) went into effect requiring for the first time, a background check for most private-party transfers. While background checks continue to be required for any transfer at a gun show, private party transfers outside of a gun show are no longer voluntary, but are now required. In 2014, prior to the passage of SB941, there were a total of 513 private party background checks requested – 153 at gun shows and 360 voluntary checks.

The following charts show the overall number of gun show and private party checks conducted for 2016.



Appendix A at the end of this document provides a breakdown of the total dealer and private party checks for 2016. This data is also broken down by county based on the zip code from the point of sale provided by the requestor.

Pended Transaction Record Research

A background check will be placed in a “pend” or “delay” status when an approve or deny determination cannot be completed instantly, due to potentially prohibiting activity on a person’s criminal record, the record is missing details or has incomplete information necessary to make a final determination. The time necessary to research missing information can vary significantly depending on the type of record, age of the offense, number of states or agencies involved, and the ability of the agency(s) holding the record to respond to OSP’s request for information. There is no limitation regarding the date the offense occurred, and all resources must be exhausted before a final determination to approve or deny the transfer can be made. In total, the research process can take days, weeks or even months from start to finish. However, every transaction will be assigned a final determination and closed upon the completion of research.

State and Federal law both have language that after a period of 3 business days (as defined by the ATF), a dealer is not prohibited from transferring the firearm if they have not received a final determination from OSP. That decision is at the sole discretion of the gun dealer.

Regardless of the dealer’s decision to transfer or not transfer the firearm, OSP will continue to research missing information in order to complete the background check request and provide either an approval number or notice that the person is denied for the gun dealer’s records. A breakdown of the turnaround time for completion of Pended transactions can be found in **Appendix B**.

Top Reasons for Pend/Delay

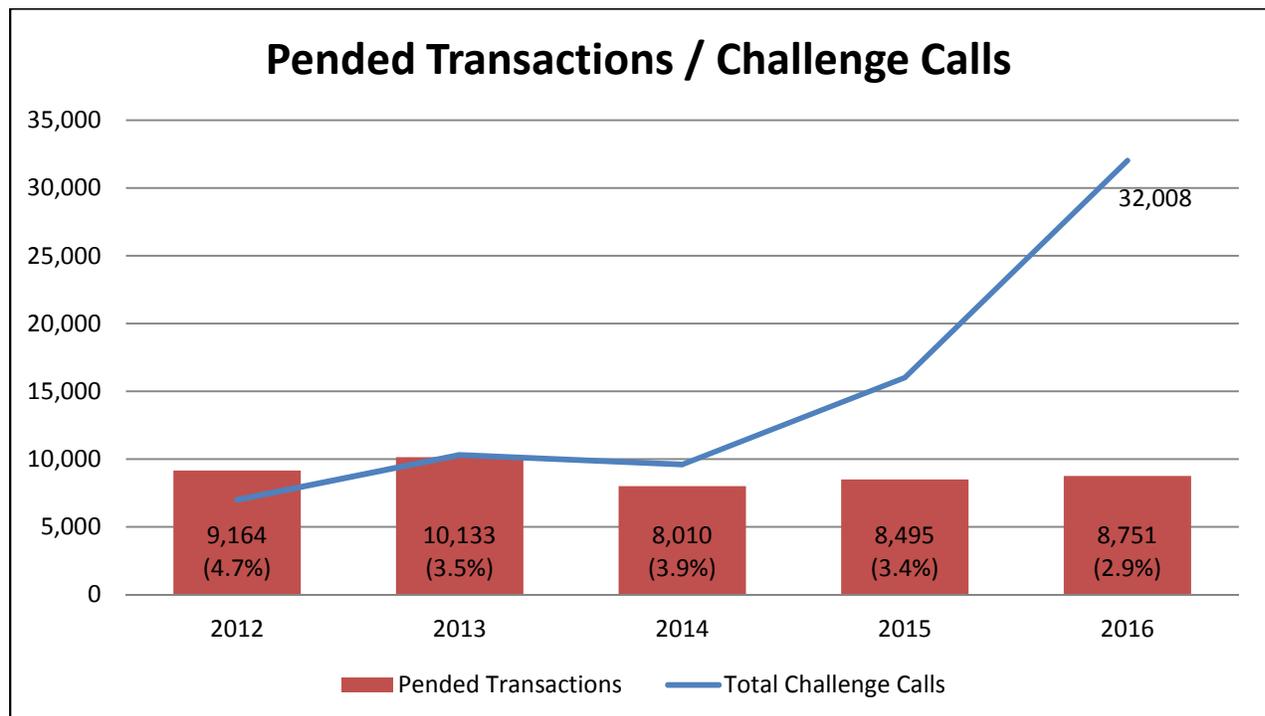
The reason for a pended background check determination is due to incomplete or missing data for an arrest or conviction that potentially could be a disqualifier. There are 15 state and federal disqualifying categories and one or more come into play for persons who have been placed in pend status. While most will ultimately be approved, missing details on the records in question require time to obtain information necessary to resolve. Purchasers are not aware that the details of their particular actions are only partially documented making immediate results impossible. The top contributors to a transaction being pended and the length of time to resolve each case include:

- Arrest charges that could involve domestic violence based on statute, but the reporting process by law enforcement and courts does not include details about the relationship that are needed in order to make that determination without research;
- Local, state and federal agencies that do not have the resources to respond in a timely manner to requests for missing information;
- Charges that could be either felony or misdemeanor and a decision cannot be made until that is obtained; and
- Purchaser Identification provided to the dealer does not match with state records being used to validate (such as DMV records).

Challenge Call Log

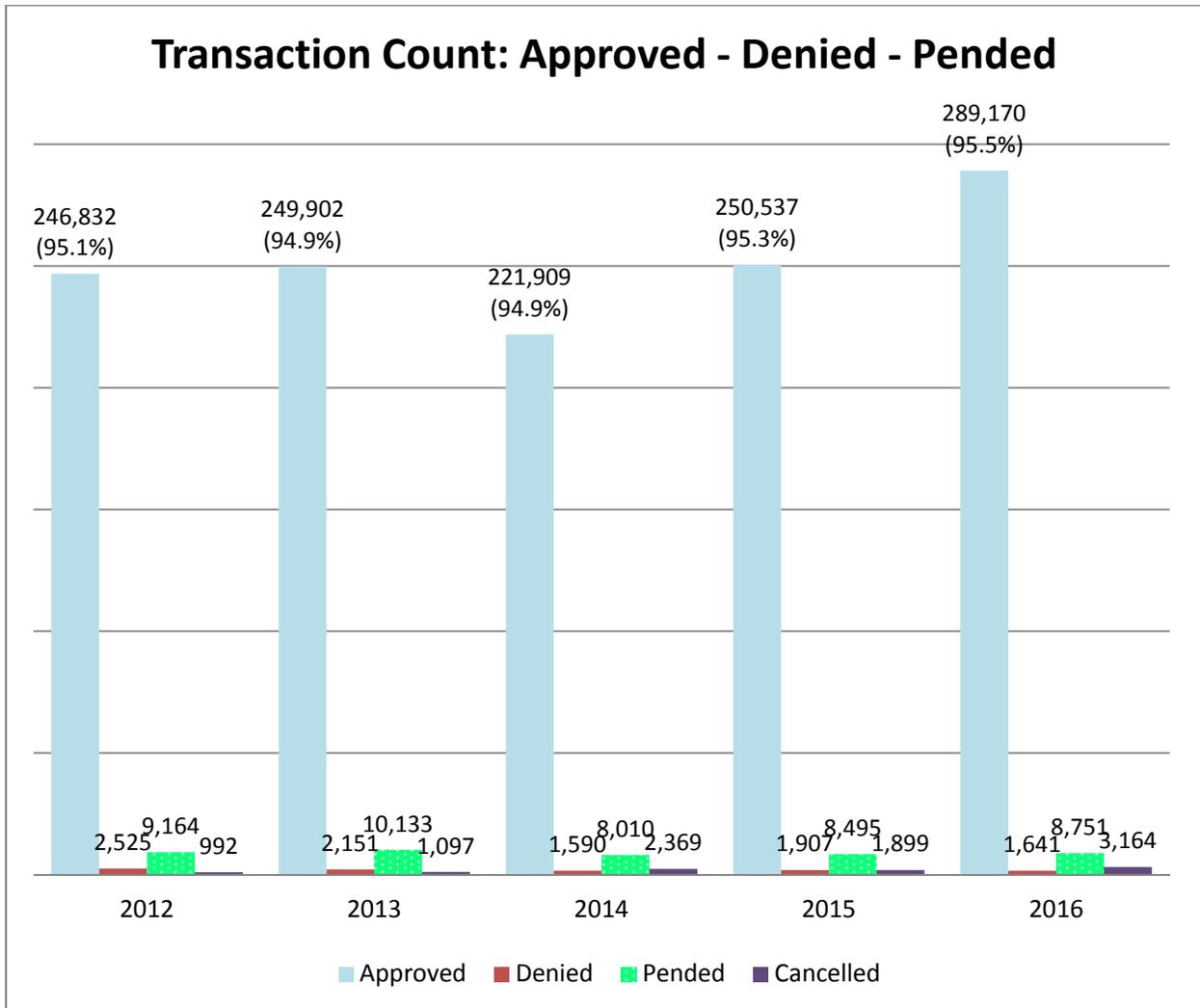
The number of persons denied in Oregon has remained under 2% since 1996. **The number of transactions placed in pend or delay status has historically remained between 3-6%, and in each of the last 5 years has been fewer than 4%. The total of the two categories - Record Research and Challenge Call log require the largest use of resources within the program.** Persons not anticipating that they will be unable to instantly purchase a firearm are highly likely to call the Challenge Line to find out what information they can obtain about the delay. Due to confidentiality, the reason that a person was either denied or pended will not be provided to the dealer. However, OSP has provided all dealers with an informational handout to give to the purchaser if they should have questions about the status of their background check. A Challenge Line is available for persons who have been denied or pended and wish to find out the reason or to challenge a denied determination.

The following chart shows the number of background checks placed into pend status as well as the approximate number of contacts to and from customers by phone or email regarding the incomplete pended checks. This log does not necessarily include multiple calls from the same person or calls made directly to staff outside of the challenge line or referred to OSP by a legislator.



Approved, Denied and Pended

The following chart shows the number of transactions approved, denied, and pended for the last 5 year period. A breakdown of denied transactions by category can be found in **Appendix C**.



Customer Service Survey Process

As part of the overall Criminal Justice Information Services (CJIS) Division customer survey process, each month during our billing process we send out 25 survey cards to FICS customers using a random selection process. We encourage customers to use the space provided to include their contact information so we may follow-up with them. However, many cards are returned without contact information. Comments received for the unit are both positive and negative. Negative comments generally express concern about wait times. A copy of the CJIS Division customer survey card is located at the end of this document titled **Appendix D**.

Hiring and Training Staff

Vacancies occur at varying times within the FICS unit. Non-traditional scheduling and shiftwork, wages and other job opportunities have been the main reasons given by staff for leaving. In other cases, new hires are not able to meet agency expectations. While the unit continues to fill vacancies as they occur, the resulting situation is typically several employees in various stages of training throughout the year and often impacting unit operations and service levels.

Training time for the average new call taker is approximately six months and requires trained staff to be taken off-line to provide this critical information before a new hire is able to be fully productive. The training includes using multiple record databases, reading criminal histories from all states and territories, researching missing information from arrest cycles, taking phone calls and other program record keeping related support duties.

Overtime is used to help mitigate staff shortages or during known peak volume times where current scheduling is not enough to cover the demand. The unit used the following overtime per year during the past 5 year period: 2012 – 637hrs; 2013 – 1749hrs; 2014 – 785; 2015 – 1331hrs; and 2016 - 1600 hrs.

Prior to 2016 the unit established limited duration (LD) positions to help address the increase of request volumes and incoming phone calls from persons that have been either denied or placed in pend/delay status. The Oregon denial rate continues to be under 2%, and the pend rate continues to be between 3-6% annually. Persons who are either denied or their approval has been pended contact the unit to find out why they were unable to leave the store with a firearm. Most indicate they have no idea and want immediate and direct attention to resolve the delay. Many persons call multiple times and each additional contact results in resources being redirected away from the research necessary to complete pended transactions.

OSP will continue to review budget and workload projections to assess the need for potential additional position authority when needed in order to address the workload associated with pended transactions. The addition of staff resources in 2016 is expected to help minimize the pended transaction and subsequent record research work that is the most labor intensive part of the process. The goal for the FICS unit is to achieve and maintain a one day or same day turnaround for customer direct calls asking about their record, thereby reducing the number of repeat calls from those that do not wait for our returned response.

Funding

Including Core Services, the 2015-17 biennial budget for the Firearms program is \$6.3 million total funds (\$1 million General Fund related to Package 4002 Firearms staffing from the February 2016 session, \$3 million Other Funds for the Firearms program, \$2.3 million Other Funds for Core Services*).

*Includes 2011-13 legislative policy decision to have the fee programs pay for a portion of Core Services. Core Services are comprised of the Automated Biometric Identification Systems (ABIS) and the Computerized Criminal History (CCH) programs.

Background Check Definition of Terms

- Approved: No state or federal prohibitions found as result of a completed background check. Federally licensed dealers are provided an approval number for their records as required by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
- Denied: One or more state or federal prohibitors were found as the result of a completed background check. Dealer notified of denied status for records.
- Pend/Delay: A transaction that cannot be approved or denied immediately due to incomplete records needed to make a final determination.
- Cancelled: A transaction that is requested to be cancelled by the dealer or purchaser after the check has been initiated.
- Challenge: The action a purchaser may take to dispute and/or obtain details about the reason their purchase was denied.
- Challenge Line: OSP established a telephone number for customers to contact us, outside of the 1-800 background check number, in order to request information regarding their pended/delayed transaction. A series of message options are available with general information to assist customers when an operator is not available. A message box allows customers to leave their question and contact information so that OSP staff can get back to them if they are not available directly to take their call.
- ORS: Oregon Revised Statute – Chapter 166
SALE OR TRANSFER OF FIREARMS ORS 166.410 – 166.490
https://www.oregonlegislature.gov/bills_laws/ors/ors166.html

Appendix A

BREAKDOWN OF OREGON FIREARMS TRANSACTIONS BY COUNTY 2016

COUNTY	DEALER ONLY	PRIVATE PARTY	TOTAL ALL TRANSACTIONS
BAKER	2,326	21	2,347
BENTON	8,422	190	8,612
CLACKAMAS	30,668	259	30,927
CLATSOP	2,114	20	2,134
COLUMBIA	2,535	32	2,567
COOS	6,361	24	6,385
CROOK	2,242	31	2,273
CURRY	2,251	20	2,271
DESCHUTES	20,960	292	21,252
DOUGLAS	11,442	117	11,559
GILLIAM	67	7	74
GRANT	887	28	915
HARNEY	972	5	977
HOOD RIVER	519	1	520
JACKSON	24,354	177	24,531
JEFFERSON	1,339	23	1,362
JOSEPHINE	9,157	129	9,286
KLAMATH	8,633	59	8,692
LAKE	511	15	526
LANE	32,654	445	33,099
LINCOLN	3,346	40	3,386
LINN	9,879	155	10,034
MALHEUR	2,778	9	2,787
MARION	22,527	451	22,978
MORROW	347	8	355
MULTNOMAH	23,882	508	24,390
POLK	2,768	108	2,876
SHERMAN	87	2	89
TILLAMOOK	1,307	0	1,307
UMATILLA	7,491	111	7,602
UNION	3,480	43	3,523
WALLOWA	690	10	700
WASCO	2,711	23	2,734
WASHINGTON	43,336	535	43,871
WHEELER	11	1	12
YAMHILL	5,577	83	5,660
Other**	101	11	112
TOTALS	298,732	3,993	302,725

**Dealer Only*

Dealer to customer transactions only - not private party facilitated checks

**Private Party*

All private party transactions:

>private party direct to OSP from gun show

>private party facilitated through a dealer - at their store or at a gun show

*Other***

*County designation is based on point of sale zip code provided by requestor. Due to error of zip code reported by some requestors, the county cannot be determined. **This may impact the total yearly count for this document.***

Appendix B

PENDED TRANSACTION TURNAROUND

Number of Days to Complete*	2012	2013	2014	2015	2016	5 Year Average
0-3	40%	27%	34%	37%	49%	37%
4-10	14%	7%	7%	4%	4%	7%
11-14	5%	4%	3%	2%	1%	3%
15-30	15%	21%	21%	7%	4%	14%
31-45	12%	18%	10%	9%	5%	11%
46-60	5%	8%	7%	8%	6%	7%
61-75	3%	4%	3%	4%	4%	4%
76-90	2%	3%	4%	3%	4%	3%
91-105	1%	2%	2%	4%	4%	3%
106-120	1%	1%	1%	2%	3%	2%
121-180	1%	4%	4%	7%	7%	5%
181-365	0%	2%	3%	12%	8%	5%
366+	0%	0%	0%	1%	0%	0%

****Complete = from pend status to approved/denied/cancelled by dealer or purchaser***

Appendix C

BREAKDOWN OF OREGON FIREARMS TRANSACTIONS DENIED BY CATEGORY

CATEGORY	DENIED DETAIL	2012	2013	2014	2015	2016
MENTAL HEALTH	COMMITTED TO MENTAL HEALTH INSTITUTION	22	30	21	28	21
	FOUND MENTALLY ILL AFTER 1/90	0	0	0	4	0
	MENTAL DEFECTIVE	15	10	24	49	58
WANTED PERSON	OUTSTANDING FELONY WARRANT	5	2	13	15	21
	FUGITIVE FROM JUSTICE	227	255	199	189	135
PROHIBITED PERSON	CONVICTED OF A FELONY	768	756	544	525	522
	PRE-TRIAL FOR A FELONY CRIME	80	50	45	62	55
	ASSAULT IV CONVICTION WITHIN LAST 4 YEARS	92	93	53	82	74
	RECKLESS ENDANGERING CONVICTION WITHIN LAST 4 YEARS	73	53	60	69	55
	MENACING CONVICTION WITHIN LAST 4 YEARS	36	23	19	26	18
	STRANGULATION CONVICTION WITHIN LAST 4 YEARS	2	1	1	3	2
	INTIMIDATION II CONVICTION WITHIN LAST 4 YEARS	1	1	0	1	0
	RESTRAINING ORDER	49	49	25	34	35
	PROBATION	603	507	406	478	399
	CONVICTED WITHIN LAST 4YRS FELONY WHILE A JUVENILE	47	30	32	28	39
	DISHONORABLE DISCHARGE FROM ARMED FORCES	1	3	0	4	2
	ILLEGAL ALIEN/RENOUNCED US CITIZEN	7	14	22	31	44
	CONVICTED DOMESTIC ABUSE	206	75	64	166	86
	CONVICTED FELON/INSANITY	0	0	0	1	0
	CONVICTED MISD/INSANITY	0	0	0	0	1
	OTHER STATES MISD DISQUALIFIER	11	13	2	6	4
	UNLAWFUL USER CONTROLLED SUBSTANCE	88	55	26	61	21
	FEDERAL FLAG (IFFS)	30	17	13	3	14
	NICS INDEX	68	106	74	42	35
	TOTAL DENIED PERSONS		2,431	2,143	1,643	1,907
STOLEN GUN	FIREARM HIT AGAINST POSSIBLE STOLEN GUN	117	99	171	151	166

Note: Due to the nature of pended transactions being completed throughout the reporting period, totals on this document may differ from the unit yearly denied transaction count.

Appendix D



OREGON DEPARTMENT OF STATE POLICE CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) DIVISION

We strive to deliver excellent service and your feedback is important. Please complete the survey below to help us determine your satisfaction. Thank you.

1. CJIS provides services in a timely manner.
Excellent Good Fair Poor N/A
2. CJIS provides services correctly the first time.
Excellent Good Fair Poor N/A
3. CJIS employees demonstrate a willingness to help customers.
Excellent Good Fair Poor N/A
4. CJIS employees demonstrate knowledge and expertise.
Excellent Good Fair Poor N/A
5. CJIS makes information readily available.
Excellent Good Fair Poor N/A
6. Please rate the overall quality of service you received.
Excellent Good Fair Poor N/A
7. Which service(s) did you receive/are you evaluating?

Comments: _____

Please provide your contact information so we may reach you, if needed, to answer your questions or concerns.

Name/Agency: _____

Email: _____

Phone Number: _____



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO 93650 SALEM OR
POSTAGE WILL BE PAID BY ADDRESSEE

CJIS SURVEY
OREGON STATE POLICE
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