

OREGON STATE POLICE

FIREARMS INSTANT CHECK SYSTEM (FICS)

DENIED FIREARM TRANSACTIONS & INVESTIGATIONS

Executive Summary

This is the first report on the investigations the Oregon State Police (OSP) is conducting regarding denied firearm transactions through the Firearm Instant Check System (FICS) Unit. Below is a detailed Executive Summary outlining the:

- Statutory requirements
- Categories of denied firearm transactions and OSP's investigative actions
- Accompanying statistical graphs

The graphs in this first report are for the timeframe between June 17, 2014, and August 31, 2014. Future editions of this report will be limited to statistical graphs of the previous month's total FICS investigations.

Statutory Requirements

Oregon Revised Statute (ORS) 166.412 requires the OSP to 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.

In addition to conducting criminal background checks when a firearm transfer is requested, Oregon law requires that OSP check to ensure that the firearm(s) being transferred has not been reported stolen.

To comply with federal and state laws, the FICS Unit of the Oregon State Police was created 17 years ago to conduct criminal background checks on individuals purchasing or transferring firearms from both retailers and at gun shows in Oregon. The FICS Unit also processes stolen firearm checks.

Firearm Applications Denials

There are several reasons why firearm applications are denied. These reasons fall into three main categories:

- Prohibited Persons – Individuals convicted of a felony, are on probation, have a restraining order, have been convicted of controlled substance crimes, certain misdemeanor convictions, and additional federal and state mandates.
- Wanted Persons – Have an active felony or misdemeanor warrant.
- Mental Health – Have been adjudicated as being mentally ill, been committed to the Mental Health Division as the result of a Mental Commitment Hearing, or have been involuntarily committed to a mental institution.

For a more comprehensive list of the reasons for a firearm transaction to be denied, you can visit OSP website (http://www.oregon.gov/osp/ID/docs/Eligibility_for_purchase_of_a_Firearm.pdf) and the Federal Bureau of Investigation (<http://www.fbi.gov/about-us/cjis/nics/general-information/fact-sheet>). It is important to note individuals whose transaction has been denied may challenge the denial through the FICS challenge process.

OSP's Investigative Actions to Firearm Denials

On June 17, 2014, OSP began implementing changes to its procedures related to violations of state law involving persons attempting an unlawful firearm transfer through a licensed firearm dealer, during a voluntary private party check, or at a gun show. In addition, OSP also began investigating all instances of firearms being sold or transferred that are flagged as stolen. Subsequently, the OSP FICS Unit began notifying OSP Troopers of denied firearm transactions and/or stolen firearm transactions for immediate investigation. Below is a list of several investigative actions in which OSP Troopers may handle firearm transaction denials:

- Arrest-Custody – Individual is arrested, taken into custody, and processed at a jail.
- Citation in Lieu of Custody – Individual receives a citation and a date to appear in court in lieu of being taken into custody and processed at a jail.
- Active Investigation – Trooper is still investigating the circumstances of the attempted purchase and denial.
- Investigation Complete–No Action – Trooper finished investigation and determined extraneous circumstances did not warrant an arrest, citation, or any other action.
- Referred to District Attorney – Trooper finishes investigation and determines that the District Attorney needs to review for possible criminal charges.
- Challenge/Appeal – Trooper advised an individual of the FICS challenge process after investigating a denied transaction and concluded no enforcement action was warranted. For example, there are occasions where the most current court action wasn't available for the FICS background check, which if available would allow the individual to purchase a firearm.

Report Outline

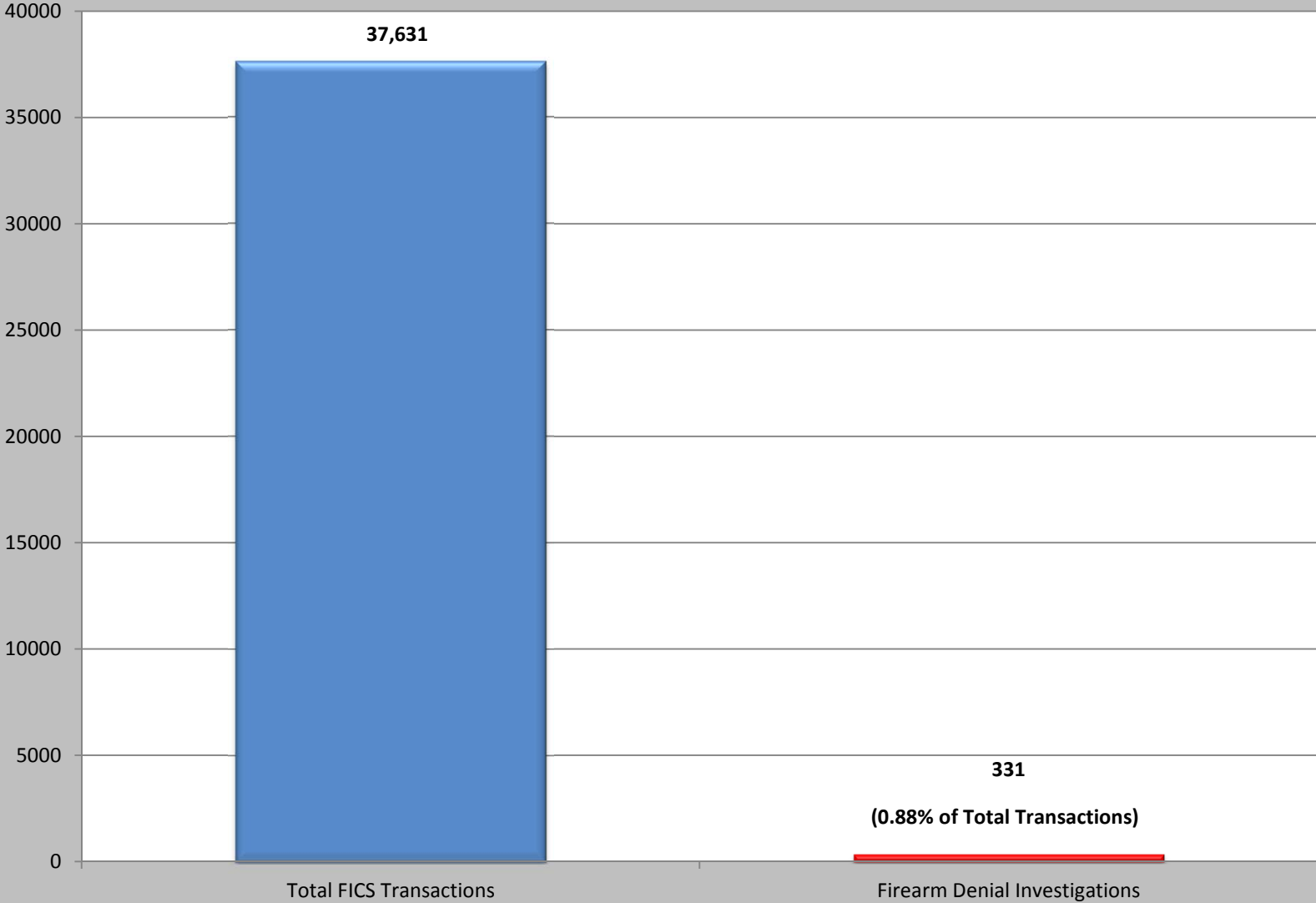
OSP will produce and distribute a monthly report highlighting the number of firearm applications received and denied, the number of firearm transactions and stolen weapons investigations, and the investigative actions taken by OSP Troopers. Below is an outline of each graph in the report:

- Graph 1 – The bar chart depicts the total number firearm transactions compared to the number of denied firearm transactions investigated by OSP Troopers (beginning June 17, 2014).
- Graph 2 – The bar chart depicts the number of denied firearm transactions investigated by OSP each month (beginning June 17, 2014).
- Graph 3 – The pie chart depicts the main categories in which firearm transactions have been denied by number and percentage beginning June 17, 2014.
- Graph 4 – The stacked bar chart depicts the investigative actions taken by OSP Troopers in response to denied firearm transactions (beginning June 17, 2014) by category.

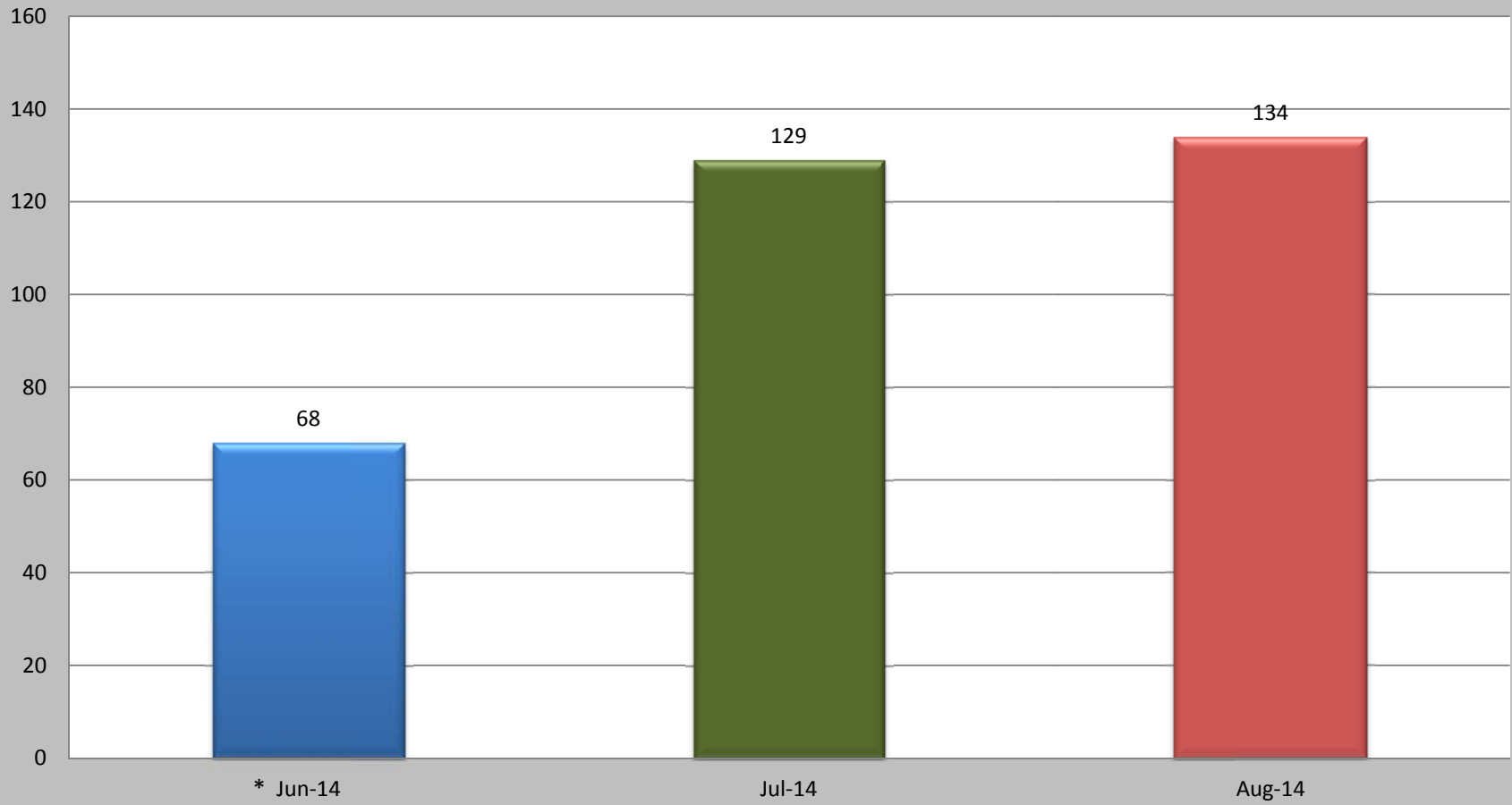
For questions regarding the FICS firearms denial process or OSPs investigative responses, please contact Patricia Whitfield at 503-934-2305 or patricia.whitfield@state.or.us.

Total FICS Transactions vs. Investigations: June 17, 2014 through August 31, 2014

■ Total FICS Transactions ■ Firearm Denial Investigations



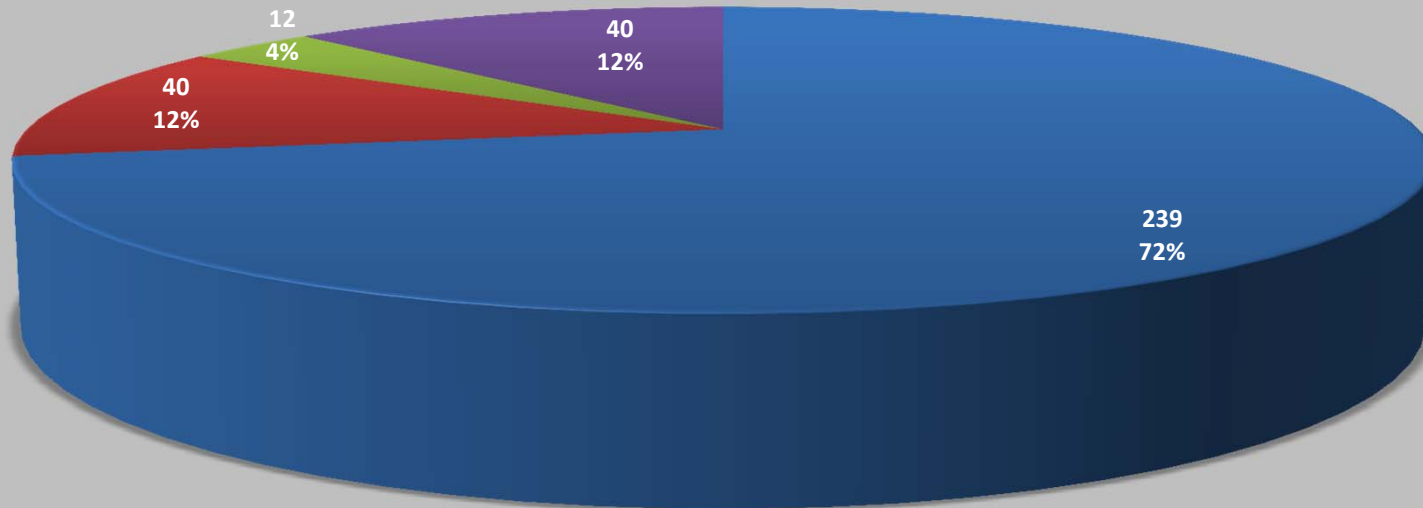
FICS Investigations - by Month



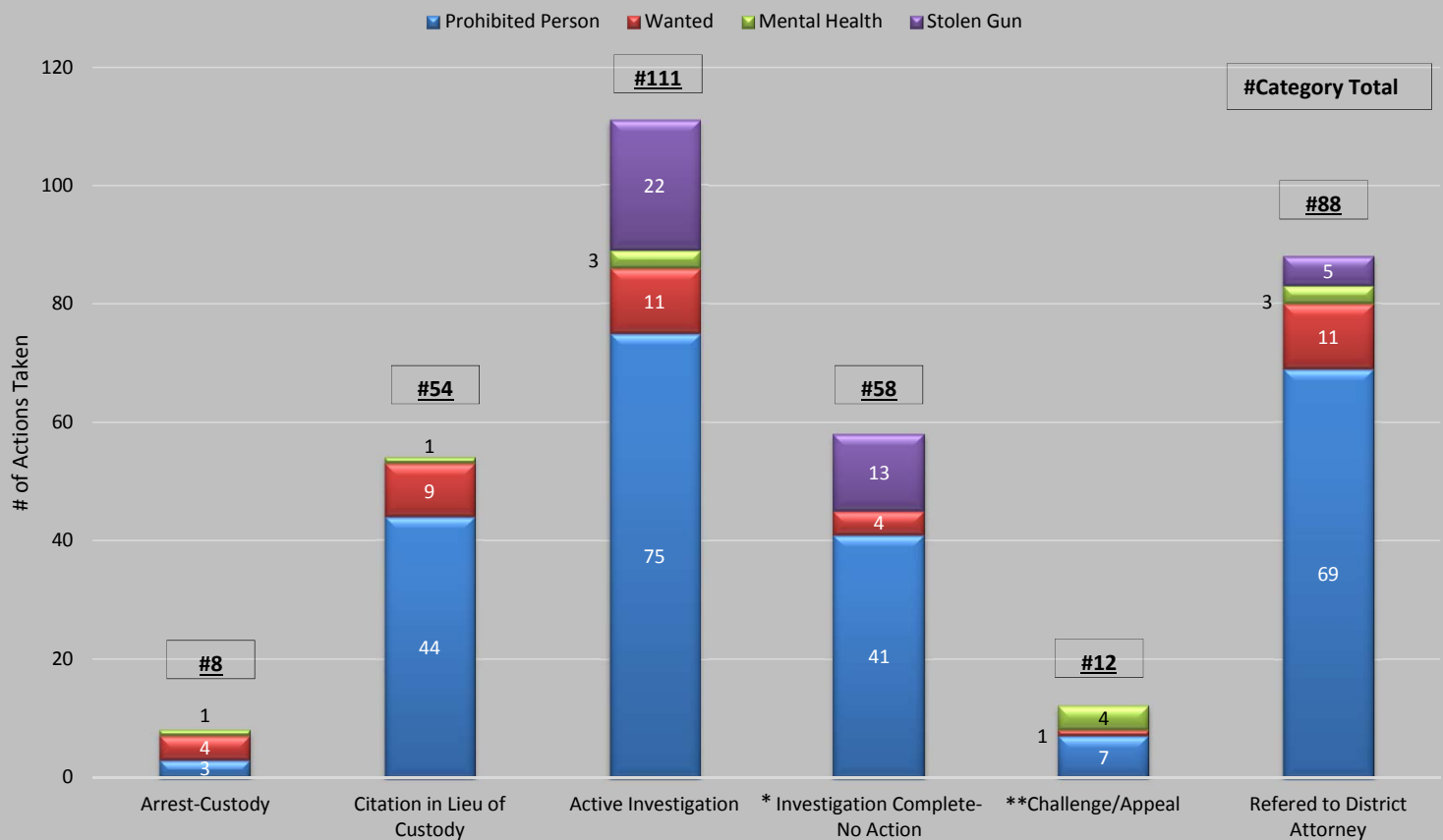
*OSP began investigating denied firearm transactions on June 17, 2014.

FICS Investigations - by Reasons June 17, 2014 through August 31, 2014

■ Prohibited Person ■ Wanted ■ Mental Health ■ Stolen Gun



Actions Taken in Response to Denials & Stolen Weapons: June 17, 2014 through August 31, 2014



Prohibited Person	3	44	75	41	7	69
Wanted	4	9	11	4	1	11
Mental	1	1	3	0	4	3
Stolen Gun	0	0	22	13	0	5
Grand Total	8	54	111	58	12	88

*Investigation Complete-No Action – Trooper finished investigation and determined extraneous circumstances did not warrant an arrest, citation, or any other action.

**Challenge/Appeal – Trooper has advised an individual of the FICS challenge process. The Trooper may have determined that another individual with a similar name/date of birth resulted in the transaction being denied or the the most current court information was not available.