



Oregon State Police

Criminal Justice Information
Services Division

2022 *FICS Program Overview*

Oregon State Police
Criminal Justice Information Services Division
3565 Trelstad Avenue SE
Salem, OR 97317
503-378-3070
<https://www.oregon.gov/osp/programs/cjis/Pages/default.aspx>

Dear Stakeholder

The Oregon State Police (OSP) 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 receive a transferred firearm when requested by Federally Licensed Firearm dealers and residents 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 parties.

In addition to the state check, as a Point-of-Contact (POC) state for the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS), OSP is responsible for conducting a national criminal 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 firearms to eligible transferees, while also keeping firearms out of the hands of those that are 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/FICS Program page at: <http://www.oregon.gov/osp/ID/pages/fics.aspx>

Thank you for your interest in this program.

Firearms Instant Check System Unit
Criminal Justice Information Services Division
Oregon State Police

“Providing Premier Public Safety Services for Oregon”

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

2022 Year-end Report

Statutory Requirement for Response to Dealers

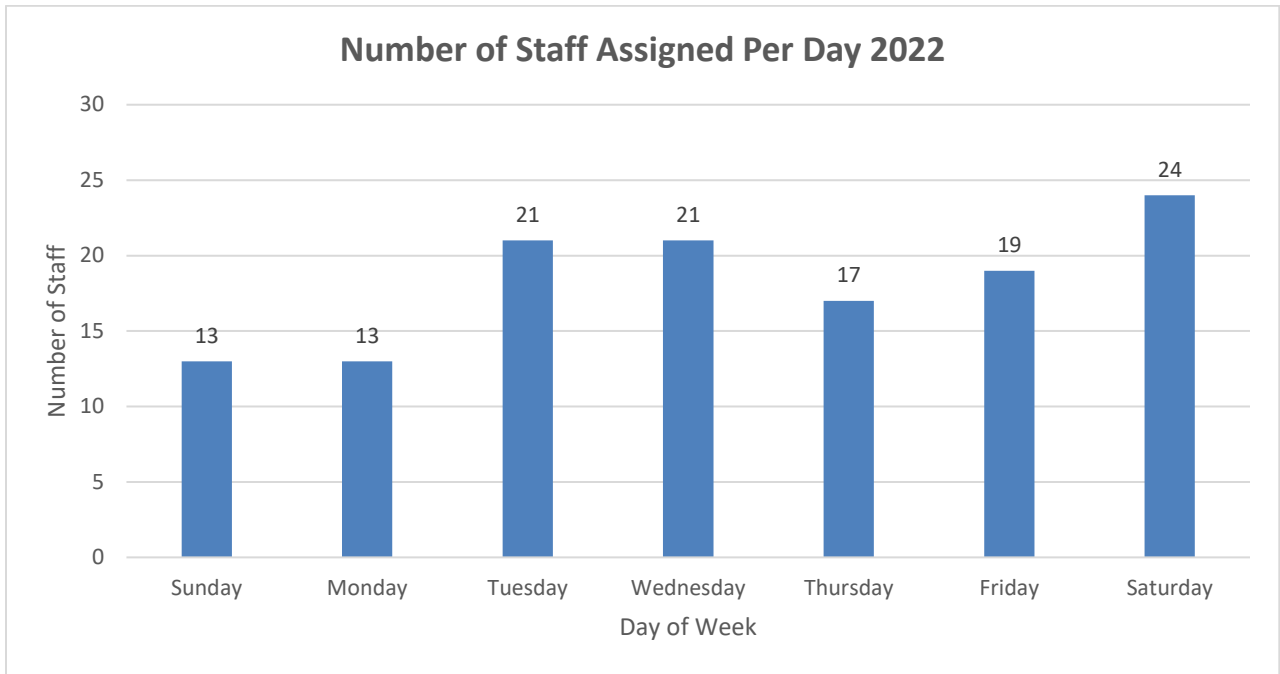
ORS 166.412 requires that OSP maintain an instant check system for conducting criminal background checks for federally licensed gun dealers and private parties prior to the transfer of a firearm. OSP must immediately determine whether the purchaser is qualified or disqualified to complete the firearm 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 gun dealer may deliver the firearm to the purchaser after a defined period (approximately three business days), 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 (excluding Thanksgiving Day and Christmas Day) as required by statute. The FICS unit consists of 30 permanent employees to include 26 - Public Service Representative 4 (PSR4) background examiner positions, 2 – Supervisor I (shift supervisor) positions, 1 - Information Systems Specialist 7 for IT support, and 1 – Supervisor II (program manager). In response to background check backlog created by unprecedented firearm transfer requests during the COVID-19 pandemic, and due to election and civil unrest, the Oregon State Police sought permission in 2021 to increase staff positions. The Oregon legislature authorized 17 limited duration (LD) positions to include 12 PSR4 positions to complete background checks, 4 - Office Specialist 2 (OS2) positions to conduct research on delayed and pended transfer requests, and 1 – Supervisor I shift supervisor position to support increased staff positions. During 2022, FICS recruitment for staff was ongoing. The FICS unit hired 13 - permanent PSR4 positions, 1 - LD PSR4, 2 - LD OS2, and experienced 9 permanent PSR4 separations over 2022 as of 12/31/2022. The FICS Unit has conducted numerous recruitment cycles and have had staff turnover.

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

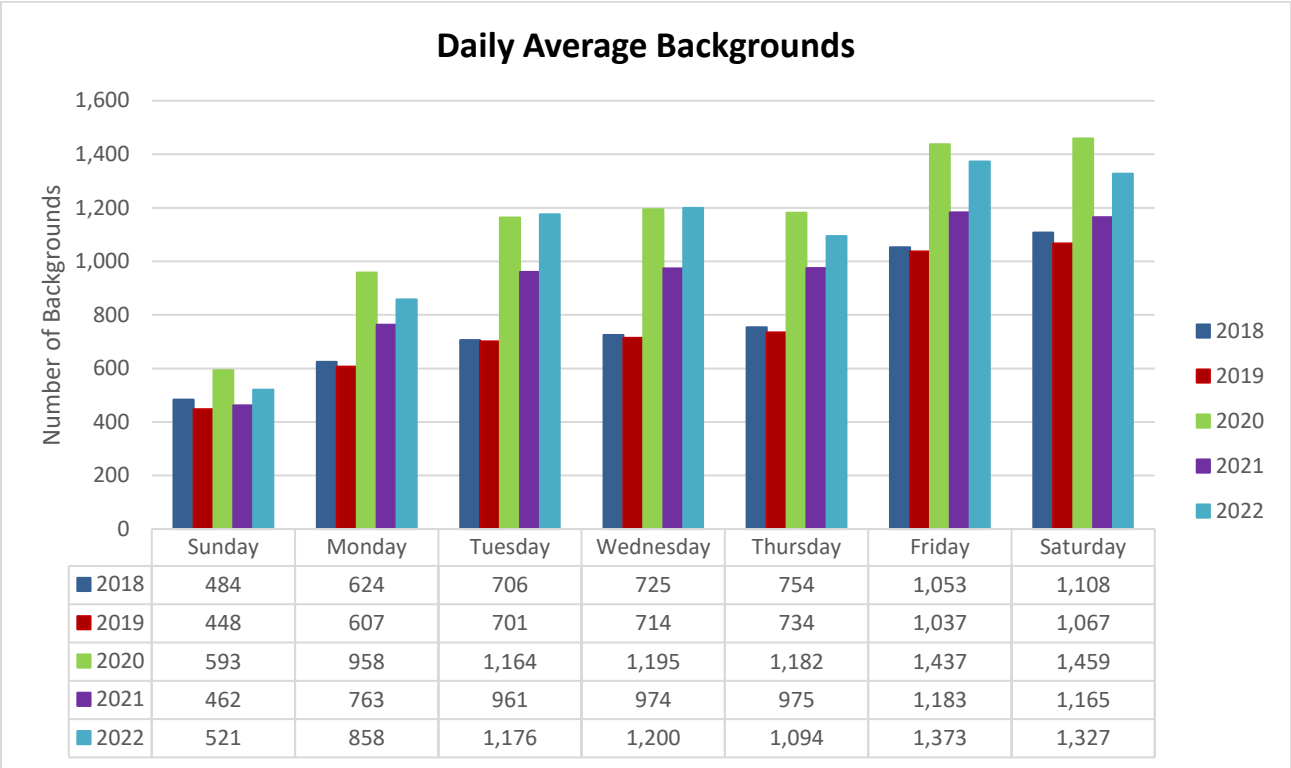


Average Checks per Day

Day of the week volumes have historically guided staffing and scheduling of resources within the unit. Seasonal activity, day of the week, and hour of day have all been consistent historically. Changes in gun show schedules taking place monthly throughout the year has shifted the need to have resources available during different days and hours of the week. Public reaction to national news coverage of civil unrest and election outcomes continues to significantly impact transaction volumes on even the slowest of days, requiring the maximum number of staff available to meet demand for service and turnaround times.

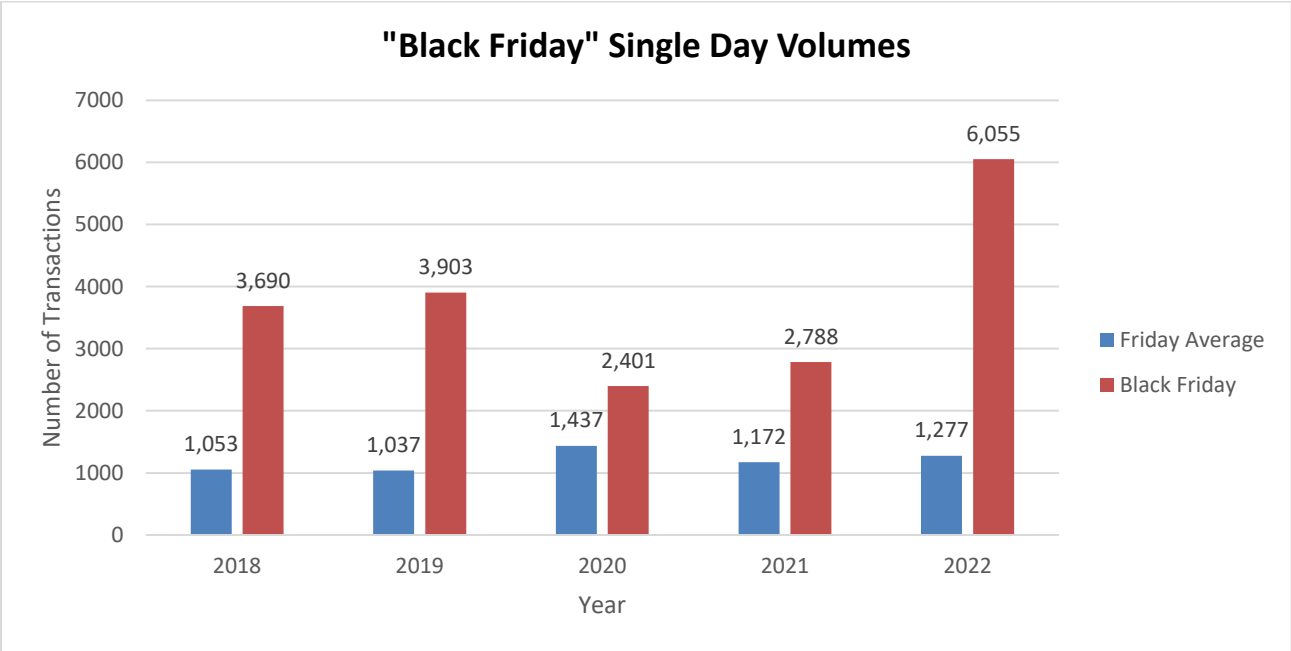
The passage of Ballot Measure 114 in November 2022 increased daily volumes significantly from November through December 2022 and a backlog resulted. Since the increased daily volumes as a result of the passage of Ballot Measure 114 FICS the backlog has been reduced by 37% as of January 31, 2023.

The following chart shows the day-to-day trend for a calendar week.



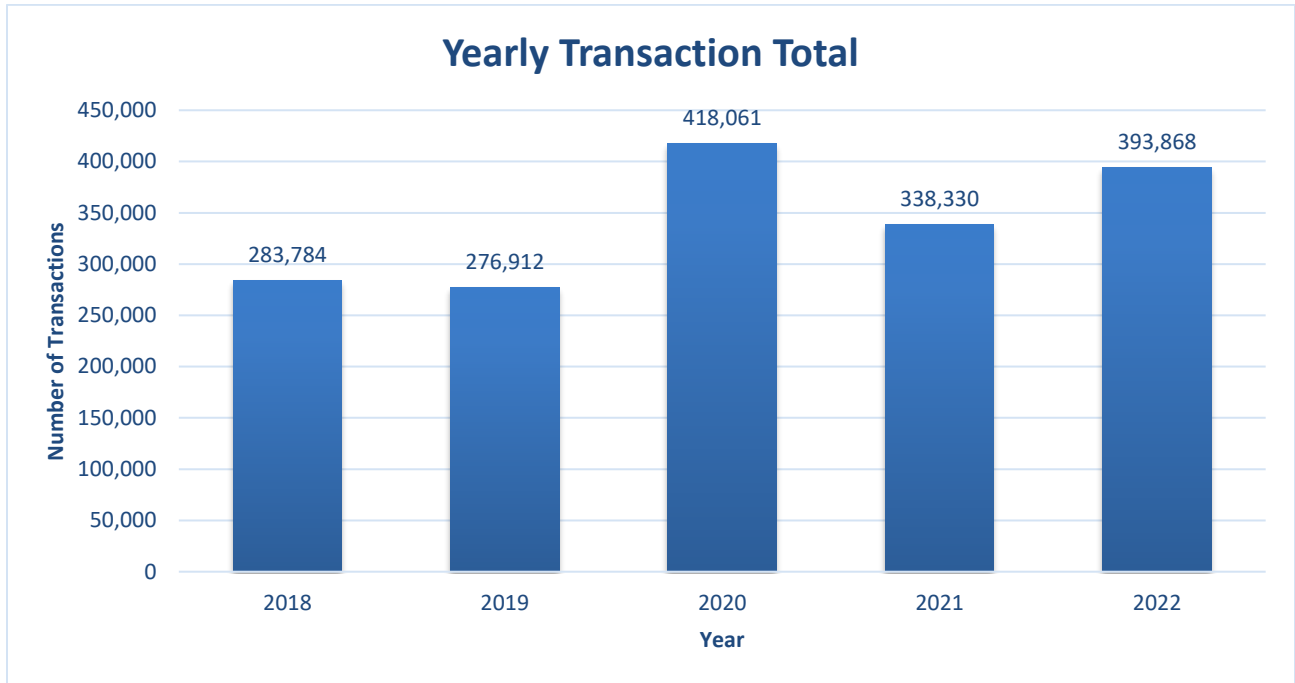
The 2022 total daily average background checks was 1,078.

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 2022, there were 393,868 background checks requested. This is slightly lower than projected for the year based on historical trends, but an increase from the previous year (2021) volume. Oregon numbers continue to follow the national trend for volume levels.

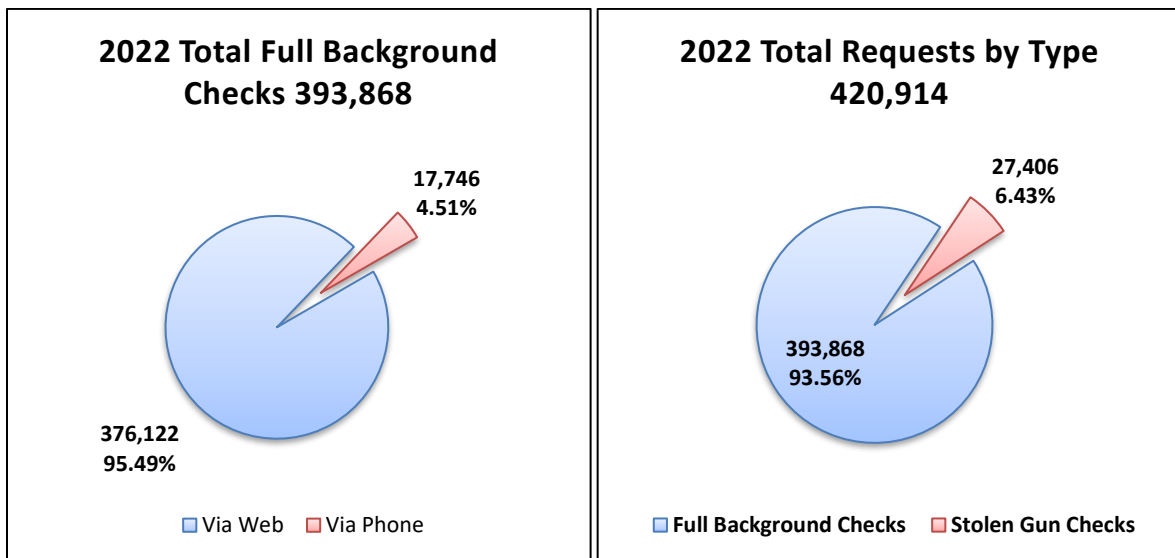


Internet Option Alternative to Telephone Requests

Since June of 2011 the FICS Unit has been providing a web-based internet site for gun dealers to utilize as an alternate to the telephone call-in process. This enhancement allows gun dealers to enter the information required for a background check directly into the website where the information is forwarded to the FICS Unit for processing. Approximately 96% of the background checks requested by federally licensed gun dealers in 2022 were submitted through the web portal. While most web requests require FICS staff to review and complete the check, some checks can be completed automatically without the need for staff assistance, under the right circumstances. On average, approx. 38% of the requests received will process automatically. This automation can occur typically if there are no discrepancies regarding the identification used and there are no possible matches to data within the criminal justice databases used to conduct the background check. This process enhancement has helped significantly to mitigate the impact of the increase in workload. Every web request that does not require FICS staff to complete helps to redirect staff resources to other incoming transactions and reduce customer wait times, conduct research on pended transactions, or make return calls to customers asking about pended background checks.

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 and ensure the firearm has not been reported stolen, in addition to information used during the criminal history check on the purchaser as part of the standard FICS background check process. Oregon law also allows for the general public to contact OSP independent of a FICS check to request a stolen gun check. Stolen gun checks are done at no charge; however, these checks contribute to workload and staffing needs within the unit. There was a slight increase in stolen gun checks in 2022 (27,406) from 2021 (23,289). The following charts show the total number of checks requested of the FICS unit by type.

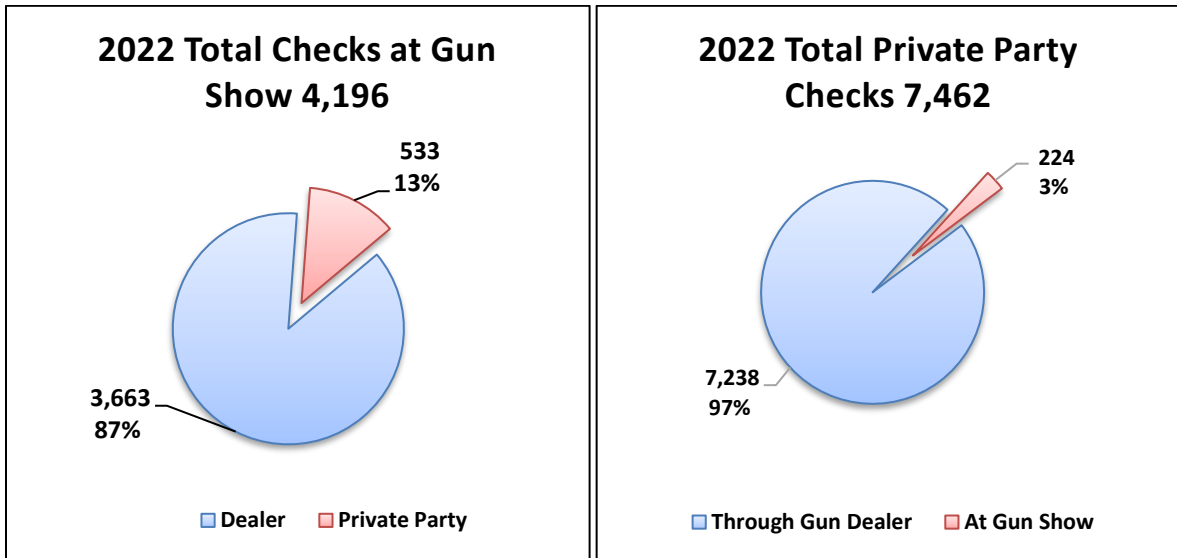


Gun Shows and Private-party Transfers

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, which became ORS 166.412 & 166.433 to 166.441) went into effect requiring 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 were no longer voluntary but required. In 2014, prior to the passage of SB941 (ORS 166.412 & 166.433 to 166.441), 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 2022.



Appendix A at the end of this document provides a breakdown of the total dealer and private-party checks for 2022. 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. When applicable, the Oregon criminal history will be updated because of the research.

Both state and federal laws provide that the gun dealer may deliver the firearm to the purchaser after a defined period (approximately three business days), if OSP does not provide notice that the purchaser has been approved or denied. 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 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 is most often due to incomplete or missing data for an arrest or conviction that could be a potential disqualifier. While most transactions will ultimately be approved, missing details on the records in question require time to obtain information necessary to resolve. The top contributors to a transaction being pended and the need for additional time to resolve each case include:

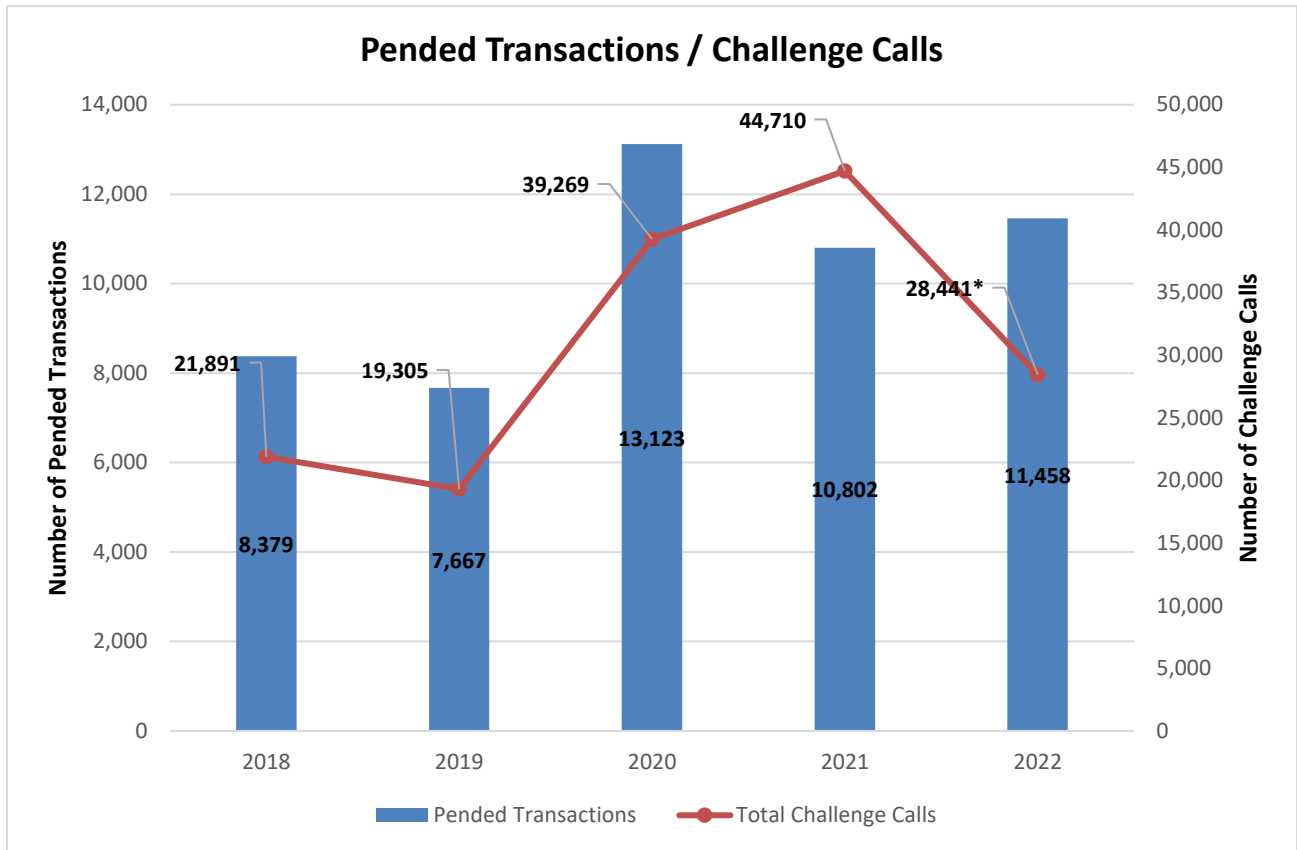
- Charges that could involve domestic violence based on statute, but the records immediately available do not include the details needed to make that determination without research.
- Local, state, and federal agencies that do not have the resources to respond in a timely¹ manner to requests for missing information.
- Charges that could be either felony or misdemeanor, but the records immediately available do not include the details needed to determine the level of crime or the disqualification without research.

Challenge Call Log

The number of persons denied in Oregon each year has remained under 2% since 1996. The number of transactions placed in pend or delay status each year has historically remained between 3-6%, and in each of the last 3 years has been less than 4%. Due to confidentiality, the reason that a person was either denied or pended will not be provided to the gun dealer. However, OSP has provided all gun dealers with an informational handout to give to the purchaser if they should have questions about the status of their background check. The biggest draw of resources away from incoming background checks are the combined total of delayed transfer requests requiring research and challenge calls. The challenge call log contains multiple calls by the same person when their transaction is delayed and in the backlog.

The following chart shows the number of background checks placed into pend status as well as the approximate number of contacts from customers by phone, email, or in person because of incomplete pended checks. This chart illustrates the additional workload and resources necessary to address pended cases over and above the initial research alone.

¹ Turnaround times on delayed research in FICS are dependent on response times from external agencies when the record in question is from another state. Those states are facing their own challenges and response times vary widely from a several days to several months.

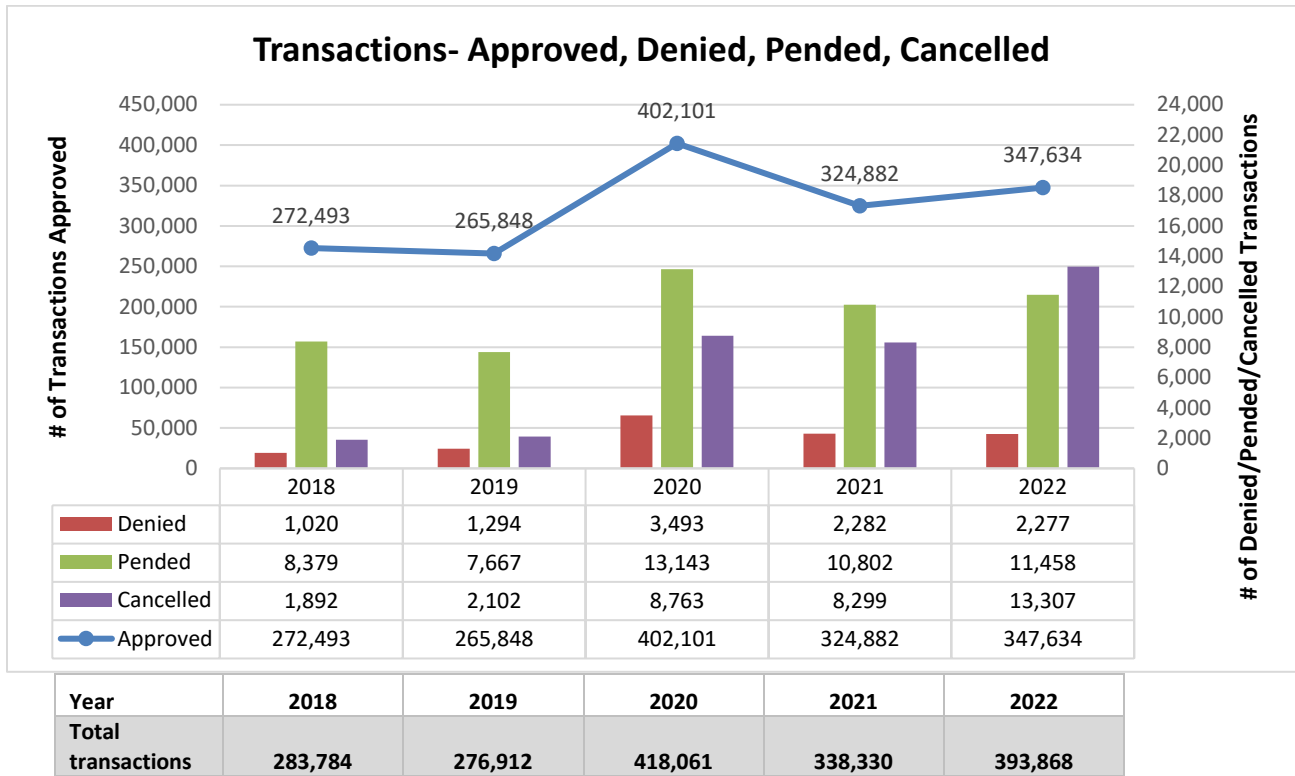


**Note: There are currently >17,000 calls in the FICS voicemail system. Low staffing and high call volume has greatly impacted FICS ability to answer and return calls from the public.*

Approved, Denied, Pended, Cancelled

The following chart shows the number of transactions that were approved, denied, pended, or cancelled at the point the initial determination was provided to the dealer. Due to the indeterminate nature of pended transactions, the final outcome status and count for each category will change as ultimately each pend will be approved or denied upon completion. In some cases, a transaction may be cancelled by the dealer or purchaser after being pended. A check returned for incomplete data, sometimes referred to as “cancelled”, can also occur upon the initiation of a dealer request due to an issue with the identification credential. Two common examples of this are non-matching or invalid identification. This can occur when the purchaser provides identification to the dealer that does not match records being used to validate (such as DMV records) the purchaser’s name, address, date of birth or gender; or the identification provided is not valid (such as suspended, expired).

A breakdown of denied transactions by category can be found in **Appendix C**.



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 PSR4 is approximately six months and requires trained staff to be taken off-line to provide this critical information before a new hire can 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. The complexity and length of the training contributes to backlogged background checks.

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: 2018 – 32 hours; 2019 – 15 hours; 2020 – 1,354 hours; 2021 – 1,225 hours; 2022 – 1,519 hours. The number of overtime hours used in December 2022 was 764. To assist with unprecedented number background checks requested in the end of November, and in December of 2022, staff from outside of FICS worked overtime hours in the FICS unit taking calls so FICS PSR4’s could concentrate on web backlogs. This overtime accounts for 507 of the 764 overtime hours accrued in December 2022.

Pended transactions contribute to challenge call volumes from persons that want to find out why they were unable to leave the store with a firearm. It is common that a person will call multiple times for the same issue, resulting in staff resources being directed away from the research necessary to complete the same pended transactions they are calling about and inflates the number of challenge calls in the challenge call log.

In 2021, in recognition of extended turnaround times in all categories (review of new incoming transfer request, delayed transfer research, challenge calls), OSP sought authorization for several new positions, 17 Limited Duration positions were awarded in September 2021. Recruitment for these positions is ongoing with LD employees moving into permanent positions as they become available. The position authority and funding for the 17 limited duration positions authorized in 2021 will end on June 30, 2023.

In 2022, the passage of Ballot Measure 114 created an unprecedented demand for firearms and firearm background checks in November and December (140,206 in those two months). FICS experienced the single highest day request total for background checks on "Black Friday", November 25, 2022, since records have been kept. This new demand paired with the continuation of staffing level deficiencies due to the residual impacts of the COVID-19 pandemic has created new challenges for the FICS program.

OSP continues to review budget and workload projections to assess the need for additional resources necessary to address workload volumes at the appropriate service level.

Background Check Definition of Terms

- Approved:** No state or federal disqualifications 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 disqualifications (or both) were found as the result of a completed background check. Dealer notified of denied status for their records.
- Pend/Delay:** A transaction that cannot be approved or denied immediately due to incomplete records or missing data. Requires further research 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 delayed or denied.
- Challenge Line:** OSP established a telephone number for customers to contact us, outside of the 1-800 background check number, 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 2022			
COUNTY	DEALER ONLY	PRIVATE PARTY	TOTAL ALL TRANSACTIONS
Baker	2,575	22	2,597
Benton	5,765	223	5,988
Clackamas	39,135	630	39,765
Clatsop	3,950	57	4,007
Columbia	4,268	54	4,322
Coos	7,168	75	7,243
Crook	4,611	41	4,652
Curry	2,711	6	2,717
Deschutes	28,493	511	29,004
Douglas	17,795	203	17,998
Gilliam	95	4	99
Grant	1,001	39	1,040
Harney	1,529	3	1,532
Hood River	2,084	2	2,086
Jackson	27,585	328	27,913
Jefferson	1,348	13	1,361
Josephine	10,646	111	10,757
Klamath	9,253	74	9,327
Lake	730	9	739
Lane	37,499	863	38,362
Lincoln	5,452	46	5,498
Linn	17,213	337	17,550
Malheur	2,628	4	2,632
Marion	34,860	968	35,828
Morrow	261	3	264
Multnomah	25,890	792	26,682
Polk	4,431	129	4,560
Sherman	69	3	72
Tillamook	2,379	27	2,406
Umatilla	9,313	90	9,403
Union	4,205	36	4,241
Wallowa	1,018	9	1,027
Wasco	3,166	43	3,209
Washington	56,067	1,280	57,347
Wheeler	6	1	7
Yamhill	11,196	434	11,630
Grand Total	356,077	7,470	393,865
*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		

Appendix B

PENDEd TRANSACTION TURNAROUND						
Number of days to complete	2018	2019	*2020	*2021	*2022	5-Year Average
0-3	46%	43%	15%	21%	23%	25%
4-10	19%	20%	5%	5%	6%	9%
11-14	6%	6%	2%	2%	2%	3%
15-30	10%	12%	4%	4%	8%	7%
31-45	5%	6%	4%	3%	7%	5%
46-60	4%	5%	5%	3%	6%	4%
61-75	3%	3%	4%	3%	5%	3%
76-90	2%	2%	3%	2%	5%	3%
91-105	1%	1%	3%	2%	4%	2%
106-120	1%	1%	3%	2%	4%	2%
121-180	2%	1%	13%	6%	9%	6%
181-365	1%	0%	22%	15%	21%	12%
366+	0%	1%	18%	32%	0%	10%

*Percentages will continue to shift until pended transactions reach a final determination status (Approved, Denied, or Cancelled)

Percentages have been rounded to the nearest whole number

NOTE: Due to the nature of some transactions remaining open into the new year, this report has been updated to reflect the actuals for each year following a 12-month period; as well as the status of Pended Transactions in 2022 as of 1/23/2022.

Appendix C

BREAKDOWN OF OREGON FIREARMS TRANSACTIONS DENIED BY CATEGORY						
CATEGORY	DENIED DETAIL	2018	2019	2020	2021	2022
MENTAL HEALTH	MENTAL HEALTH ADJUDICATION ²	79	92	145	96	121
WANTED PERSON	OUTSTANDING FELONY WARRANT	25	23	47	18	33
	FUGITIVE FROM JUSTICE	78	76	49	16	8
PROHIBITED PERSON	CONVICTED OF A FELONY	518	787	1483	955	968
	PRE-TRIAL FOR A FELONY CRIME	54	54	94	93	43
	ASSAULT IV CONVICTION WITHIN LAST 4 YEARS	55	75	79	56	41
	RECKLESS ENDANGERING CONVICTION WITHIN LAST 4 YEARS	77	62	123	86	67
	MENACING CONVICTION WITHIN LAST 4 YEARS	23	12	32	32	21
	STRANGULATION CONVICTION WITHIN LAST 4 YEARS	1	2	9	4	5
	INTIMIDATION II CONVICTION WITHIN LAST 4 YEARS	0	0	1	0	0
	RESTRAINING ORDER	60	43	76	49	36
	PROBATION	416	421	618	349	267
	CONVICTED WITHIN LAST 4YRS FELONY WHILE A JUVENILE	26	36	25	27	35
	DISHONORABLE DISCHARGE FROM ARMED FORCES	3	1	4	7	7
	NON-U.S. CITIZEN	54	52	98	59	70
	CONVICTED DOMESTIC ABUSE**	320	320	472	357	517
	CONVICTED FELON/INSANITY	0	0	0	0	0
	CONVICTED MISD/INSANITY	0	0	0	0	0
	OTHER STATES MISD DISQUALIFIER	12	11	13	4	7
	UNLAWFUL USER CONTROLLED SUBSTANCE	97	148	89	35	40
	FEDERAL FLAG (IFFS)	2	1	0	0	0
	NICS INDEX	16	15	0	0	0
	OREGON COURT FIREARM PROHIBITION	6	22	28	33	21
CONVICTED STALKING*	1	13	8	6	5	
TOTAL DENIED TRANSACTIONS		1748	2064	3216	2112	2316
STOLEN GUN	FIREARM HIT AGAINST POSSIBLE STOLEN GUN	165	168	130	122	165

Note: This data is based on the point of initial determination. Due to the nature of pended transactions being completed throughout the reporting period, as well as outside of the reporting period, totals on this document may differ from a final total denied count for any given period.

*ORS 166.255 amended by HB 4145 took effect 01/01/2019

** Previous years reports only reported Oregon Misdemeanor Domestic Violence convictions. This year OSP has updated reporting to reflect both Federal and Oregon Misdemeanor DV convictions.

² 18 U.S.C §922(g)(4) defines a federal prohibition for persons adjudicated as a "Mental Defective" or committed to a mental institution. Previous years reports had split out denials for "COMMITTED TO MENTAL INSTITUTION", "FOND MENTALLY ILL AFTER 1/90", and "MENTAL DEFECTIVE". Currently FICS uses the terminology "MENTAL HEALTH ADJUDICATION"