



Oregon State Police

Criminal Justice Information
Services Division

2021 FICS Program Overview

Oregon State Police
Criminal Justice Information Services Division
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<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**

2021 Year-end Report

Statutory Requirement for Response to Dealers

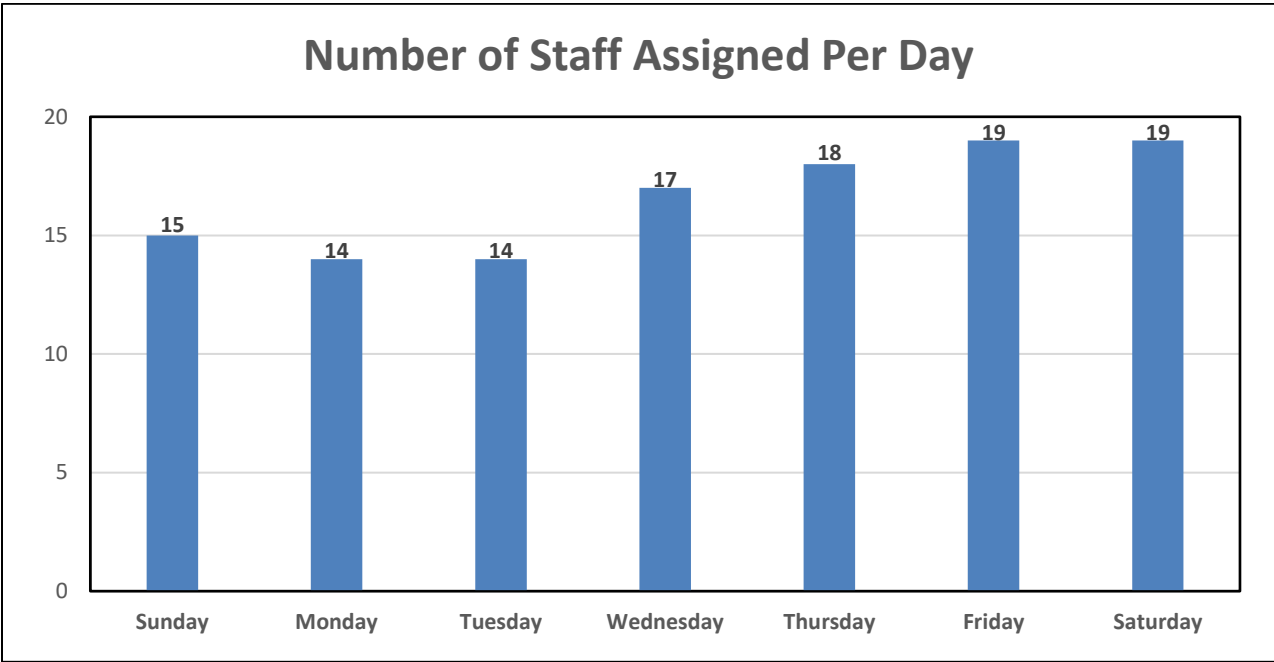
ORS 166.412 requires that OSP maintain an instant check system for conducting criminal background checks for federally licensed gun dealers and private parties prior to the transfer of a firearm. OSP must immediately determine whether the purchaser is qualified or disqualified to complete the firearm 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

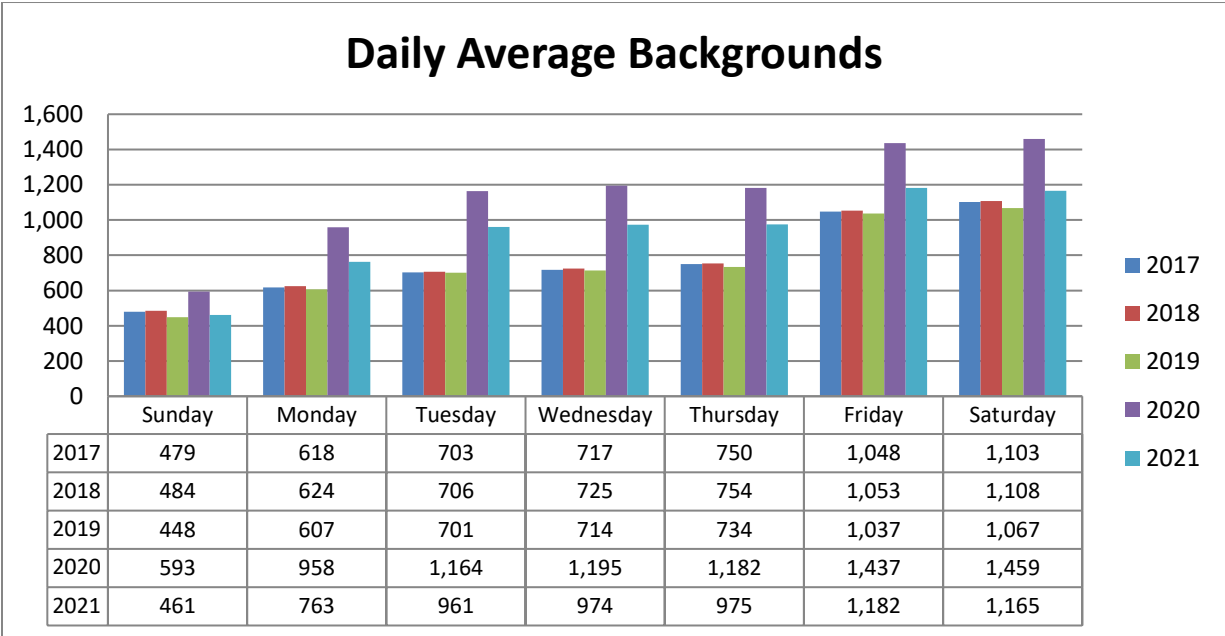
The FICS Unit operates 14 hours a day, 7 days a week, and 363 days a year (excluding Thanksgiving Day and Christmas Day) as required by statute. The FICS unit consists of 26 - Public Service Representative 4 (PSR4) background check positions, 2 - Support Services Supervisor III shift supervisor positions, 1 - Information Systems Specialist 7 for IT support, and 1 - Principal Executive Manager B program manager, totaling 30 permanent staff. In response to the background check backlog created by unprecedented firearm transfer requests during the COVID-19 pandemic, election, and civil unrest, the Oregon State Police sought permission to increase staff positions. The Oregon Legislature authorized 17 positions to include 12 - limited duration PSR4's to complete background checks; 4 - limited duration Office Specialists to conduct research on delayed/pended transfer requests; 1 - limited duration Support Services Supervisor III shift supervisor to support the increased staff positions. Recruitment was in progress as of November 2021.

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.



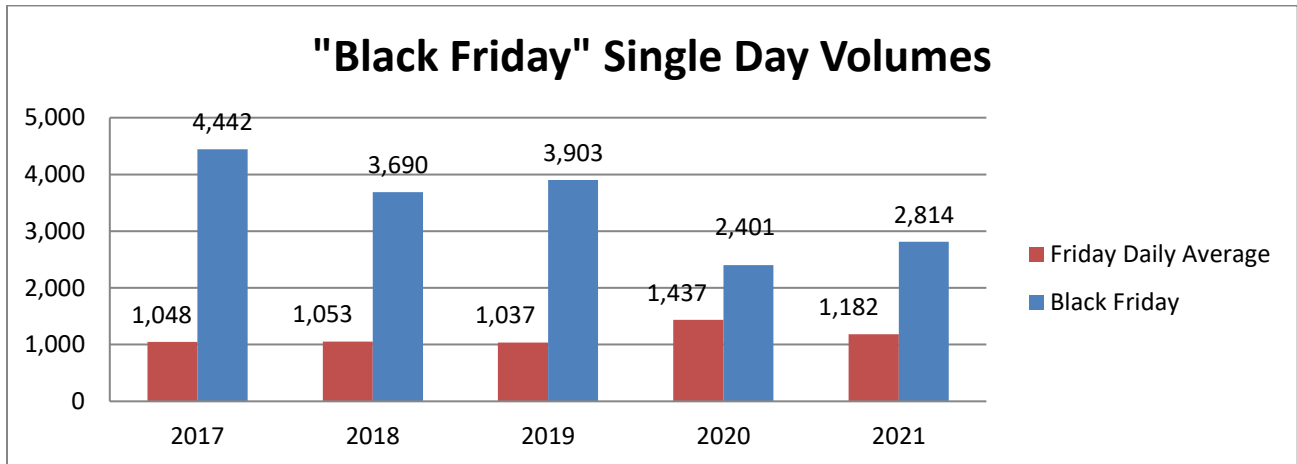
Average Checks per Day

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 fairly 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. National news continues to significantly impact scheduling due to volumes on even the slowest of days requiring 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 a calendar week.



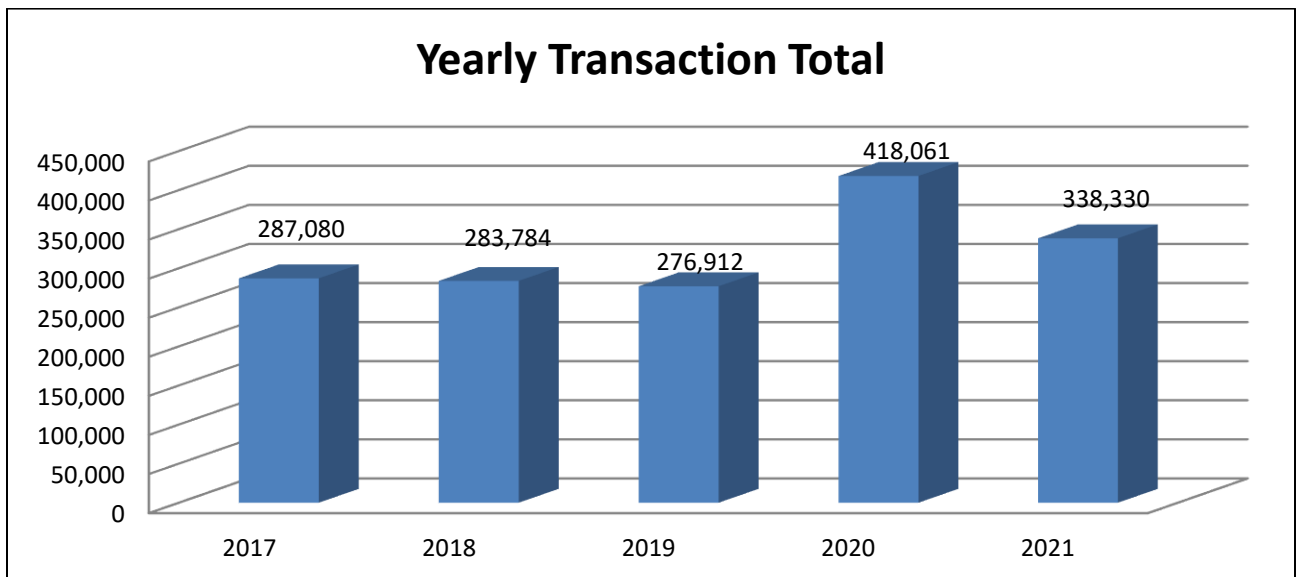
The single highest volume day for firearms background checks both locally and nationally continues to be the day after Thanksgiving, typically known as “Black Friday”. To illustrate how this impacts the FICS Unit, the following shows this single day volume in comparison to the average daily volume for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

- Note in 2020 the highest single day was Friday, March 20th with a total of 3,856 requests for background checks.



Total Transactions

For calendar year 2021 there were 338,330 background checks requested. This is higher than projected for the year based on historical trends, but a decrease from the previous year (2020) volume. Oregon numbers continue to follow the national trend for volume levels.

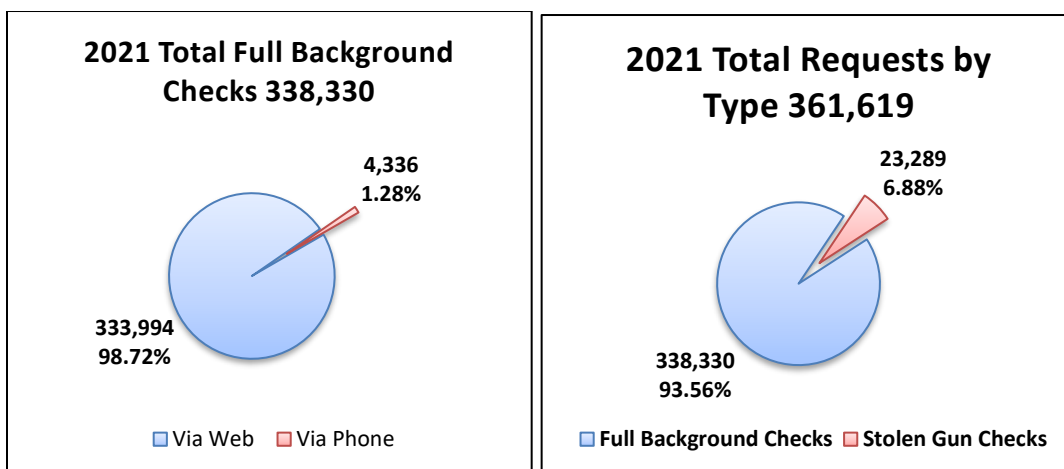


Internet Option Alternative to Telephone Requests

Since June 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. This option is used for approximately 96% of the daily background checks received. While the majority of 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. Approximately 99% of the federally licensed gun dealers that conduct background checks in Oregon used the web portal to submit background checks in 2021.

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.. 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.

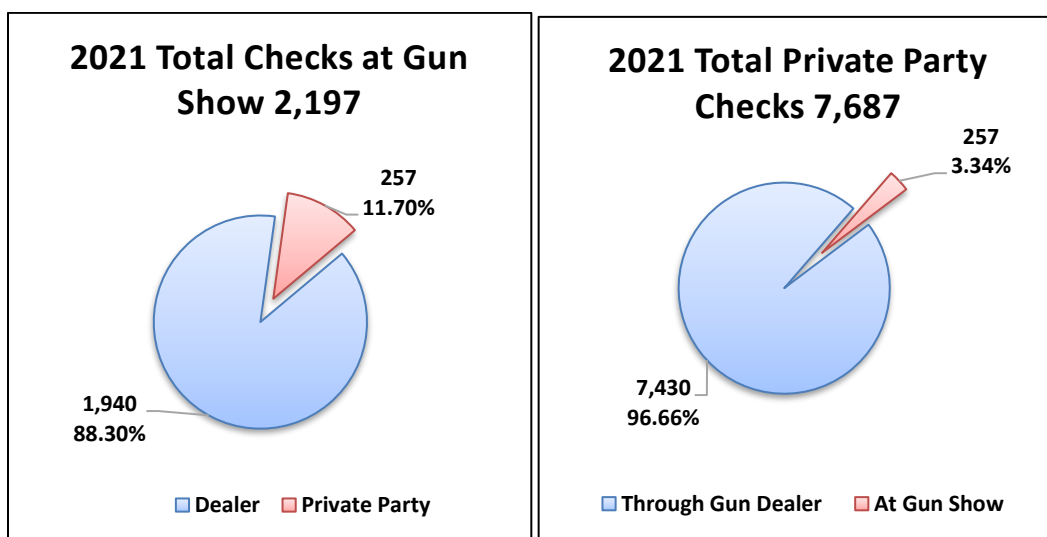


Gun Shows and Private-party Transfers

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 2021.



Appendix A at the end of this document provides a breakdown of the total dealer and private-party checks for 2021. 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 as a result 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 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 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.

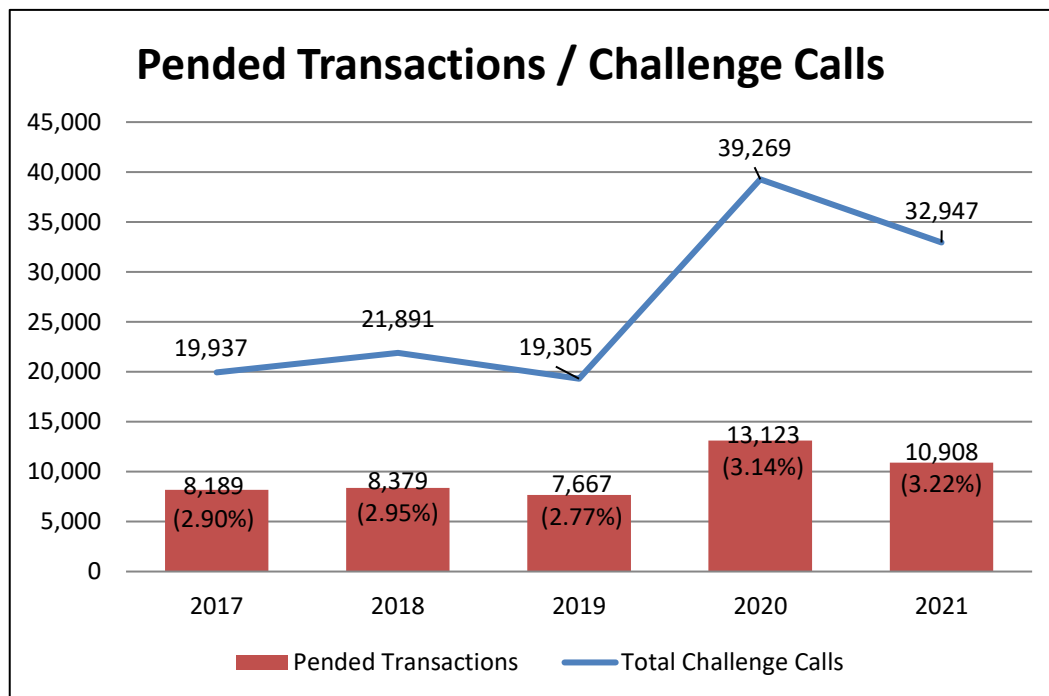
Challenge Call Log

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

¹ Turnaround times on delayed research in FICS are very much dependent on response time 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.

biggest draw of resources away from incoming background checks are the combined total of delayed transfer requests requiring research and challenge calls.

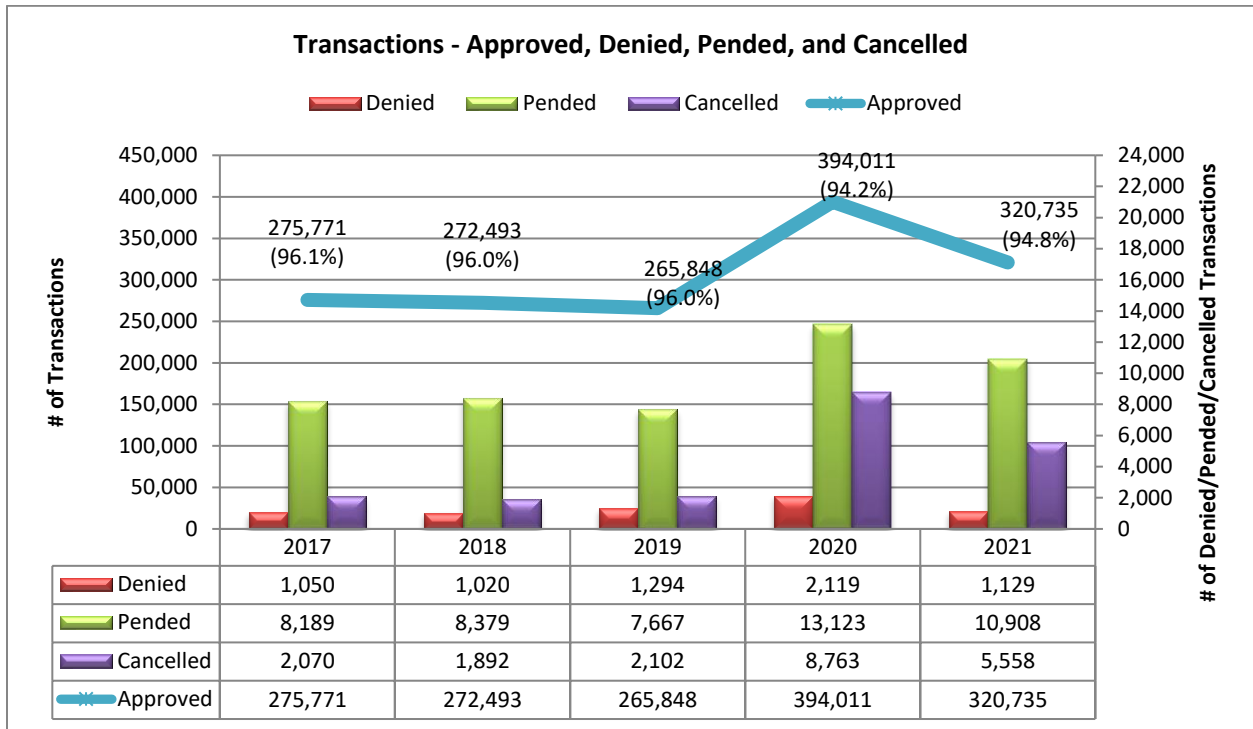
The following chart shows the number of background checks placed into pend status as well as the approximate number of contacts from customers by phone, email, or in person as a result of incomplete pended checks. In 2016, the unit was able to track for the first time the overall activity pertaining to challenge calls, to include both incoming as well as return calls and emails back to customers. This chart illustrates the additional workload and resources necessary to address pended cases over and above the initial research alone.



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 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. 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: 2017 - 648 hours; 2018 – 32 hours; 2019 – 15 hours; 2020 – 1,354 hours and 2021 – 1225 hours.

Prior to 2016 the unit established limited duration (LD) positions to help address the increase of background check request volumes and incoming challenge calls. The addition of permanent staff resources in 2016 allowed the unit to significantly reduce the pended transaction backlog as well as improve the overall turnaround for required record research, which has been the unit’s most labor-intensive part of the background check process. 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 pending transactions they are calling about.

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 of which were awarded. Recruitment began in the fall and the first new employees will begin training in January while candidates for the rest of the new positions are sought after.

Events that occurred throughout 2020 severely impacted service levels within the FICS program in nearly every way possible. Background check volumes soared with the onset of COVID-19, followed by months of social unrest both locally and nationally, as well as stimulus money distribution and finally the presidential election. Impacts of these events were compounded by an unusually high number of absenteeism and staff resource constraints triggered by COVID directives for staff health and workplace safety; personal health and safety needs during historic wildfires in much of the state; the implementation of telework where operational and technical interruptions continually challenge all aspects of this public safety function and the infrastructure that supports it.

OSP will continue to review budget and workload projections to assess any potential 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 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, 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 2021			
COUNTY	DEALER ONLY	PRIVATE PARTY	TOTAL ALL TRANSACTIONS
Baker	2,311	31	2,342
Benton	4,662	171	4,833
Clackamas	32,950	608	33,558
Clatsop	3,813	79	3,892
Columbia	3,257	41	3,298
Coos	6,466	54	6,520
Crook	3,641	49	3,690
Curry	2,789	6	2,795
Deschutes	24,479	539	25,018
Douglas	15,320	133	15,453
Gilliam	64	1	65
Grant	815	6	821
Harney	1,292	5	1,297
Hood River	882	4	886
Jackson	25,786	429	26,215
Jefferson	1,097	6	1,103
Josephine	9,707	142	9,849
Klamath	9,009	102	9,111
Lake	657	18	675
Lane	31,220	870	32,090
Lincoln	5,417	56	5,473
Linn	14,202	276	14,478
Malheur	2,658	3	2,661
Marion	28,723	1,118	29,841
Morrow	208	10	218
Multnomah	22,908	881	23,789
Polk	3,938	160	4,098
Sherman	48	2	50
Tillamook	1,817	31	1,848
Umatilla	8,439	95	8,534
Union	3,775	27	3,802
Wallowa	886	7	893
Wasco	3,158	52	3,210
Washington	46,386	1,375	47,761
Wheeler	2	2	4
Yamhill	7,861	298	8,159
Grand Total	330,643	7,687	338,330

*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	2017	2018	2019	2020	2021	5-Year Average
0-3	44%	46%	49%	11%	39%	38%
4-10	21%	19%	20%	8%	10%	15%
11-14	5%	6%	6%	2%	3%	4%
15-30	10%	10%	12%	4%	6%	8%
31-45	5%	5%	6%	5%	4%	5%
46-60	4%	4%	4%	7%	5%	5%
61-75	3%	3%	2%	6%	4%	4%
76-90	3%	2%	1%	6%	3%	3%
91-105	2%	1%	0%	6%	3%	2%
106-120	1%	1%	0%	5%	3%	2%
121-180	1%	2%	0%	19%	7%	6%
181-365	1%	1%	0%	22%	14%	8%
366+	0%	0%	0%	0%	0%	0%

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

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 2021 as of 2/1/2022.

**2021 actuals will not be finalized until the 2023 report.*

Appendix C

BREAKDOWN OF OREGON FIREARMS TRANSACTIONS DENIED BY CATEGORY						
CATEGORY	DENIED DETAIL	2017	2018	2019	2020	2021
MENTAL	COMMITTED TO MENTAL HEALTH INSTITUTION	15	0	76	119	58
HEALTH	FOUND MENTALLY ILL AFTER 1/90	0	0	0	0	0
	MENTAL DEFECTIVE	56	61	0	0	0
WANTED	OUTSTANDING FELONY WARRANT	18	16	11	19	12
PERSON	FUGITIVE FROM JUSTICE	32	3	5	4	5
PROHIBITED	CONVICTED OF A FELONY	303	348	518	1041	520
PERSON	PRE-TRIAL FOR A FELONY CRIME	42	27	24	56	38
	ASSAULT IV CONVICTION WITHIN LAST 4 YEARS	50	26	48	50	28
	RECKLESS ENDANGERING CONVICTION WITHIN LAST 4 YEARS	55	59	51	91	43
	MENACING CONVICTION WITHIN LAST 4 YEARS	8	17	9	19	15
	STRANGULATION CONVICTION WITHIN LAST 4 YEARS	3	1	1	6	2
	INTIMIDATION II CONVICTION WITHIN LAST 4 YEARS	0	0	0	1	0
	RESTRAINING ORDER	21	26	27	30	12
	PROBATION	289	291	303	443	184
	CONVICTED WITHIN LAST 4YRS FELONY WHILE A JUVENILE	22	20	27	17	12
	DISHONORABLE DISCHARGE FROM ARMED FORCES	1	3	0	3	3
	ILLEGAL ALIEN/RENOUNCED US CITIZEN	19	19	12	36	28
	CONVICTED DOMESTIC ABUSE	76	63	109	125	130
	CONVICTED FELON/INSANITY	0	0	0	0	0
	CONVICTED MISD/INSANITY	0	0	0	0	0
	OTHER STATES MISD DISQUALIFIER	4	3	3	5	2
	UNLAWFUL USER CONTROLLED SUBSTANCE	26	17	30	33	11
	FEDERAL FLAG (IFFS)	4	0	1	0	0
	NICS INDEX	6	9	13	0	0
	OREGON COURT FIREARM PROHIBITION	0	1	13	14	14
	CONVICTED STALKING*			13	7	3
	TOTAL DENIED PERSONS	1050	1010	1294	2119	1101
STOLEN GUN	FIREARM HIT AGAINST POSSIBLE STOLEN GUN	181	186	168	127	118

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*