



Oregon State Police

Services Division

2023 *FICS Program Overview*

Oregon State Police
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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:

[Oregon State Police : Firearms Instant Check System \(FICS\) : Criminal Justice Information Services \(CJIS\) : State of Oregon](#)

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

2023 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 "Delayed" status until sufficient record information can be obtained to make a final determination. Transactions that require more involved research will be placed into a "Pended" status to allow FICS to complete requests for records and information and receive responses from other agencies and jurisdictions.

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.

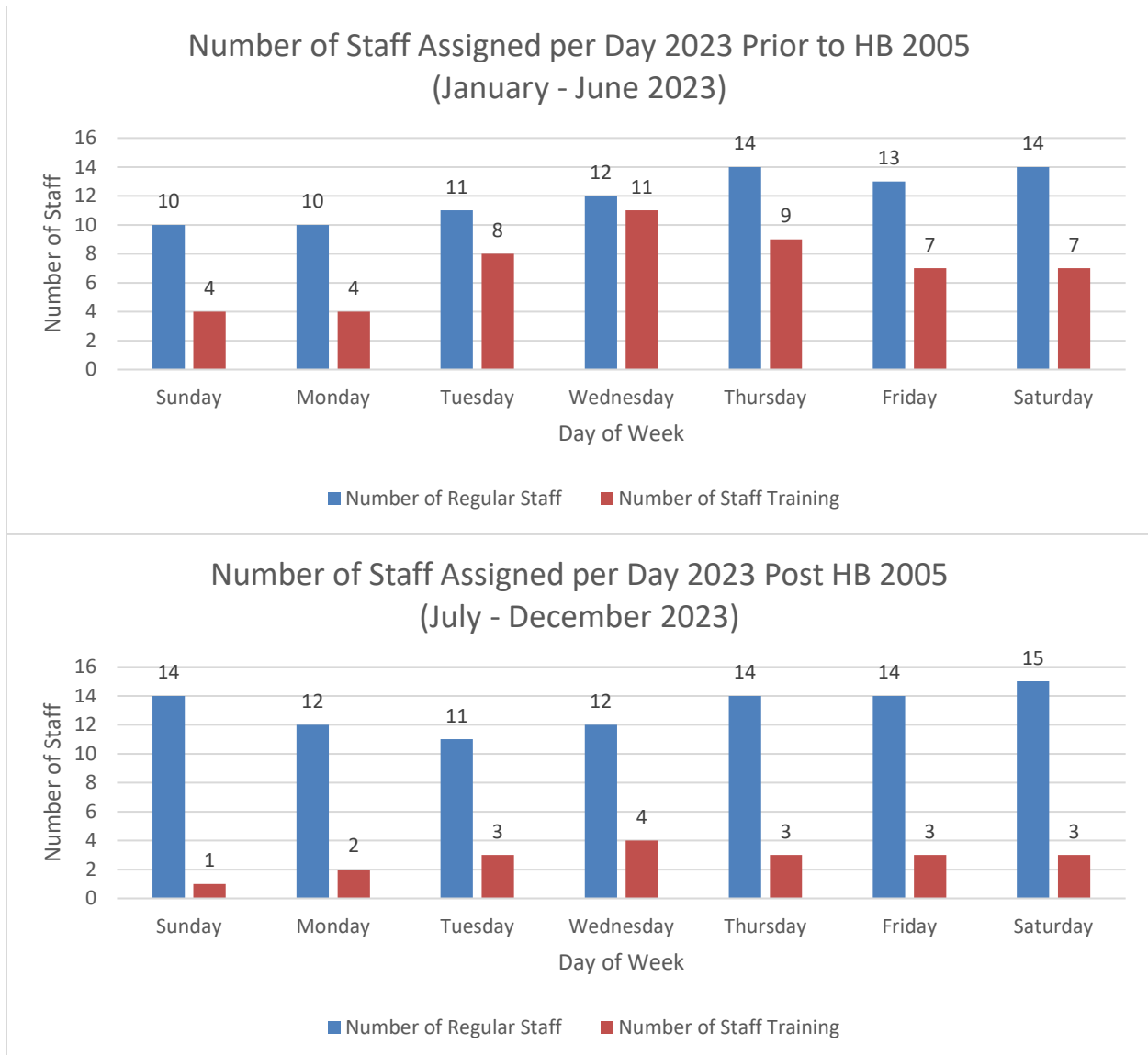
Staffing Levels and Hours of Operation

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 42 permanent employees to include:

- 28 - Public Service Representative 4 (PSR4) background examiner positions,
- 8- PSR4 Limited Duration Positions,
- 2- Office Specialist 2 (OS2) Limited Duration Positions,
- 2 – Supervisor I (shift supervisor) positions,
- 1 - Information Systems Specialist 7 for IT support, and
- 1 – Supervisor II (program manager).

The FICS program currently has 1 vacant permanent PSR4 position, 6 vacant Limited Duration PSR4 positions and 2 vacant Limited Duration OS2 positions that are actively being recruiting for.

The following chart shows the typical staffing levels for each day of the week under normal conditions, excluding the three permanent management positions. Scheduling is based on retail, seasonal and peak volume days of the week while complying with the collective bargaining agreement. "Training" staff include both new staff that are completing training requirements and permanent staff that are taken away from normal duties to facilitate training.



Hiring and Training Staff

New PSR4s require approximately six months of comprehensive training by experienced FICS staff members. PSR4 training covers the use and understanding of multiple record databases. Training includes how to read and interpret criminal history records from all states and territories, research of missing information from arrest cycles, FICS program record keeping requirements and support duties. The complexity and length of training results in staff shortages for normal daily duties to support training needs and contributes to backlogs and delays in background checks.

Vacancies occur at varying times within the FICS unit. While FICS has had the unfortunate experience of new hire staff being unable to meet agency expectations, there has also been a high turnover of trained experienced staff. Shiftwork, wages, and other job opportunities have been the main reasons given by staff for leaving. While the unit continues to fill vacancies as they occur, keeping experienced well-trained staff has been a challenge for the FICS program and has impacted unit operations and service levels.

In July 2023, after the passage of House Bill 2005 during the 2023 legislative session, FICS was able to increase the number of permanent PSR4 positions from 26 to 28. The legislature additionally allowed for 8 Limited Duration PSR4 positions and 2 Limited Duration OS2 positions through the 23-25 biennium. It is believed that by increasing the number of permanent status positions available, FICS will be able to retain more qualified trained staff.

FICS Staffing Levels during 2023						
*LD = Limited Duration						
Month	PSR4 Permanent Funded	PSR4 Permanent Filled	PSR4 LD* Funded	PSR4 LD* Filled	OS2 LD* Funded	OS2 LD* Filled
January	26	26	12	1	4	2
February	26	26	12	4	4	2
March	26	25	12	3	4	2
April	26	24	12	4	4	0
May	26	26	12	3	4	0
June	26	25	12	3	4	0
July	28	23	8	3	2	0
August	28	22	8	3	2	0
September	28	22	8	3	2	0
October	28	20	8	2	2	0
November	28	23	8	0	2	0
December	28	23	8	0	2	0

Historically overtime has been 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:

- 2019 – 15 hours;
- 2020 – 1,354 hours;
- 2021 – 1,225 hours;
- 2022 – 1,519 hours;
- 2023 – 8,358 hours

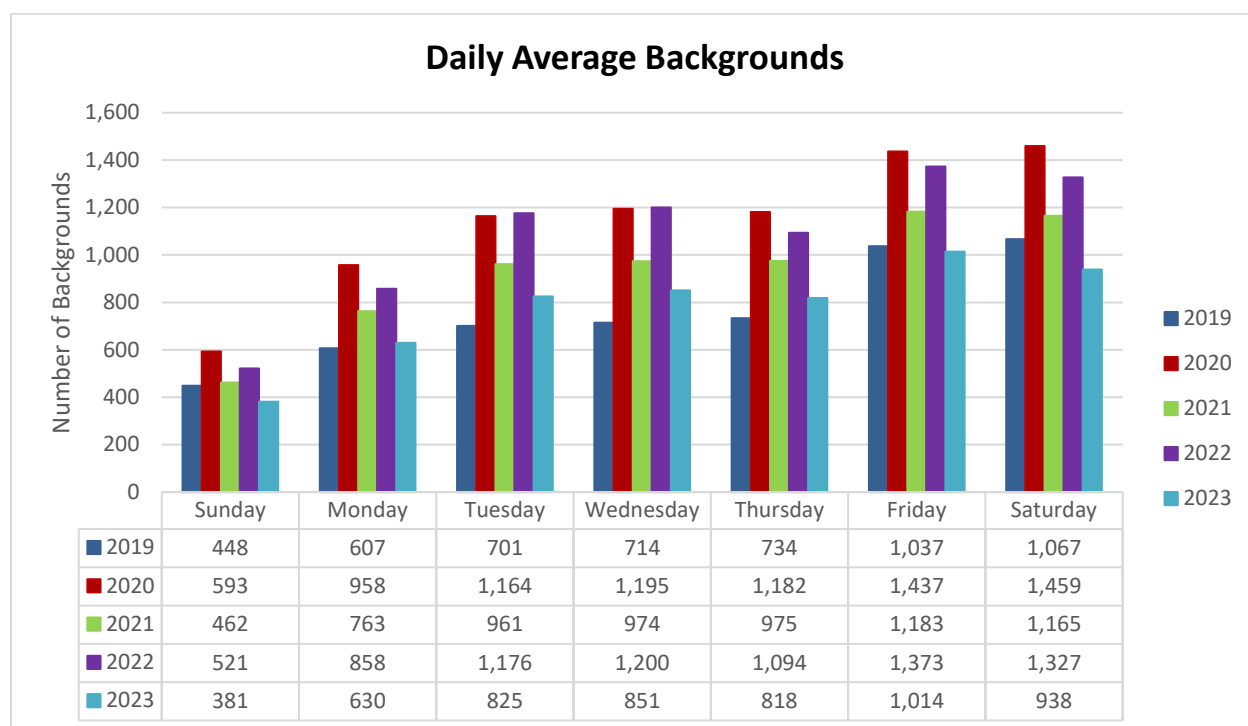
The FICS program continues to experience staff turnover and recruitment difficulty. As we enter a presidential election year in 2024 it is anticipated that the transaction volume will increase. It has been an ongoing trend that FICS experiences an increase in firearms transactions during years with presidential elections as the public responds to the media coverage on political statements and new laws that may be proposed by the legislative body.

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.

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.

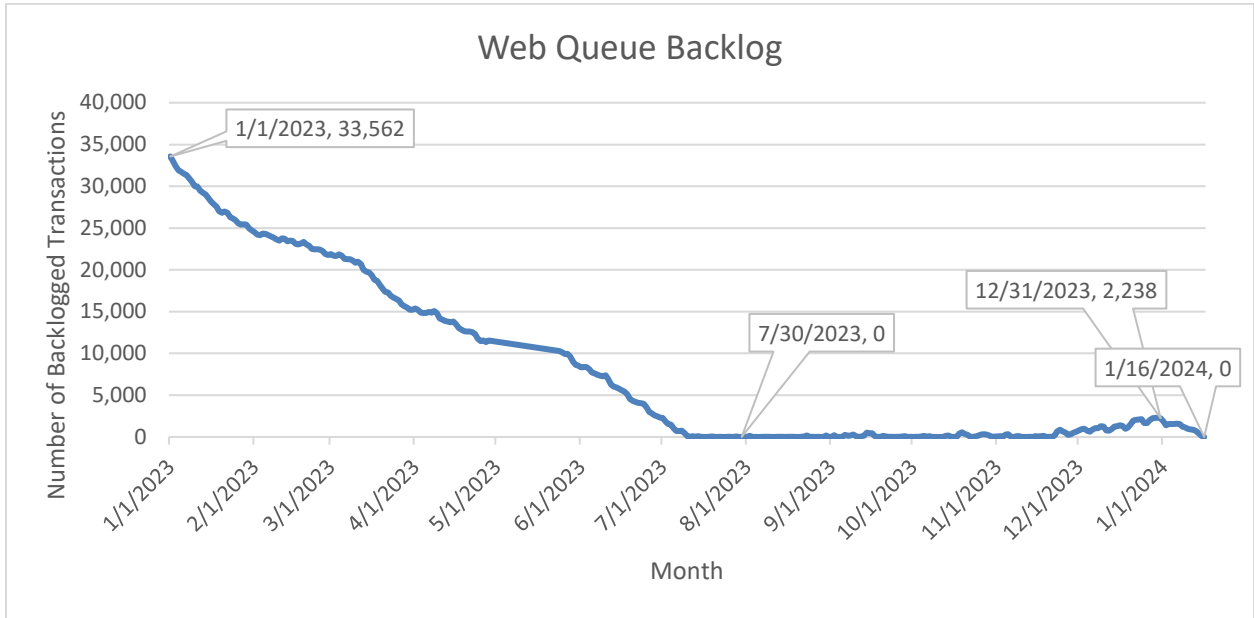
The following chart shows the day-to-day trend for a calendar week.



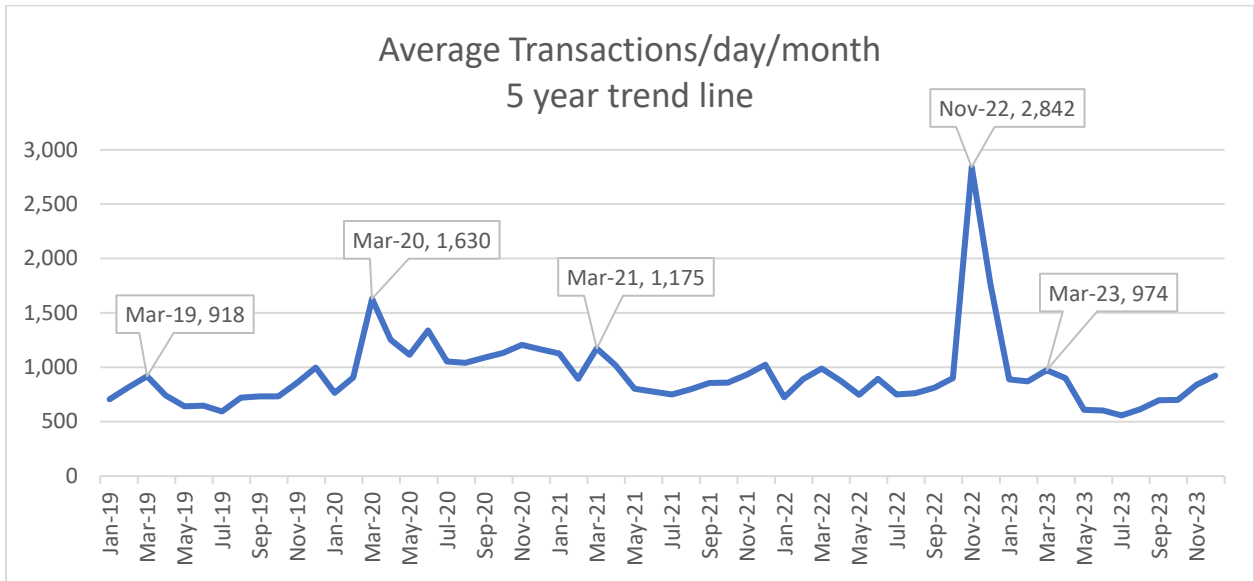
The 2023 total daily average background checks was 780

Backlogs

After the passage of Ballot Measure 114 in November 2022, the FICS program saw record high transaction volumes which resulted in a backlog of 38,792 transactions. At the end of January 2023 that backlog had been reduced by 37% and by mid-July 2023 the backlog had been eliminated entirely. Over the remainder of 2023 FICS worked hard to keep the backlogged transactions to a minimum, maintaining backlogged transactions to less than 100 until the Black Friday weekend when backlog of transactions once again climbed to more than 800. FICS continues to work on reducing these backlogged transactions while also working on newly submitted transactions in the queue and reduced the number of backlogged transactions to 0 again on January 15, 2024.

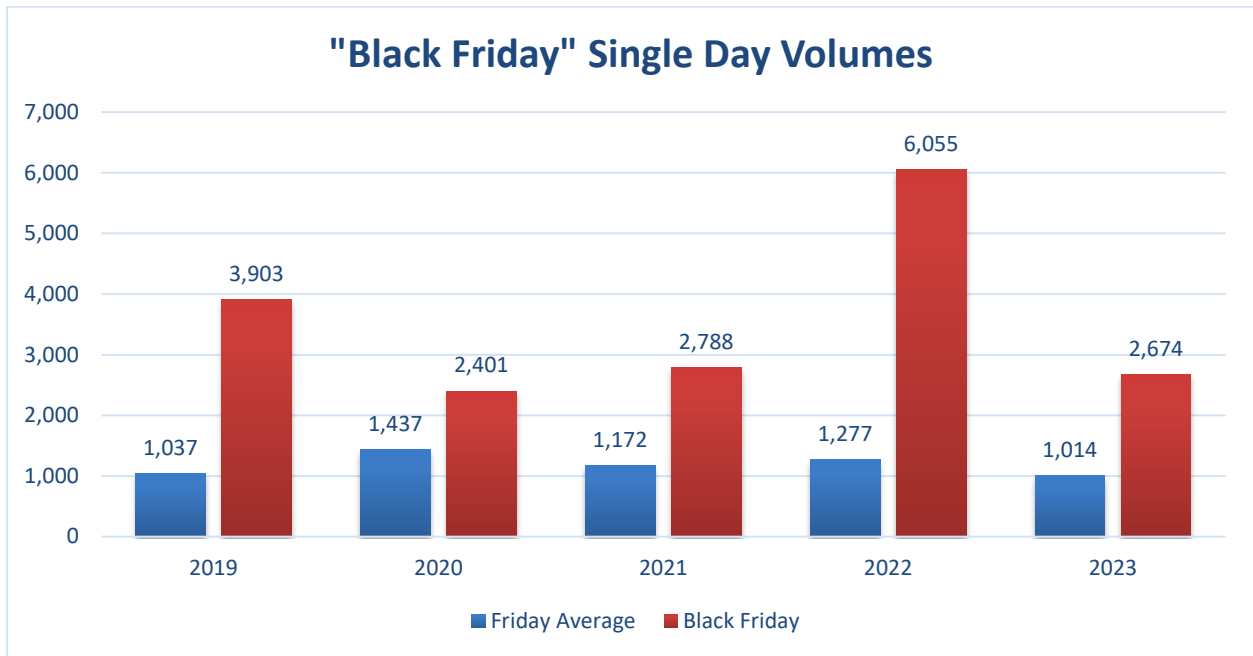


Over the last five years FICS has seen that transactions vary from month to month and year to year depending on holidays and national news cycles. Below is a graph that shows a five-year trend line for average transactions per day by month from 2019-2023. The month with the highest average daily transaction volumes during that year are called out. While “Black Friday”, or the day after Thanksgiving does tend to have the highest daily transactions for a single day each year, we can see that March has historically been the busiest month for firearms transactions.



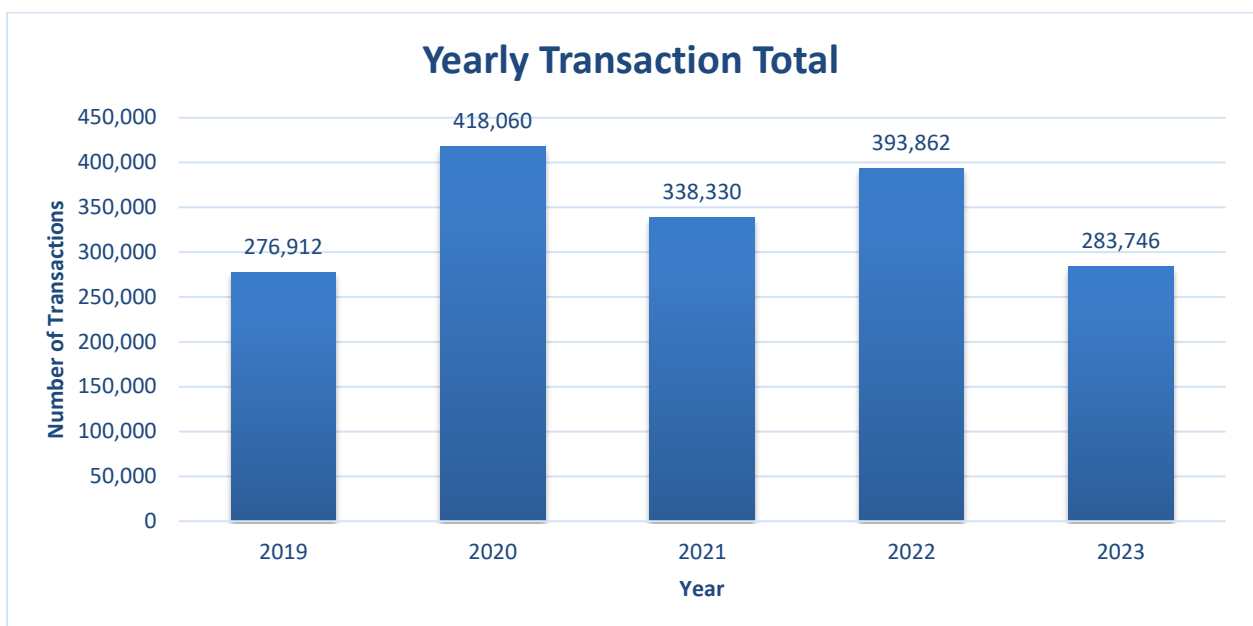
11/25/2022, “Black Friday” in 2022 had the highest single day transaction volume in FICS history with 6,055 transactions. The second highest transaction day was March 20, 2020, which coincided with the COVID 19 national emergency announcement and had a total number of transactions of 3,856.

To illustrate how “Black Friday” transactions impact 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 2023, there were 283,746 background checks requested. This is lower than projected for the year based on historical trends. Forecasting has been done based on the transaction volumes for years 2019-2022. The COVID 19 emergency and Ballot Measure 114 caused historically high transaction volumes in those years. It is believed that the current transaction volume for 2023 is in line with normal Oregon transaction volumes and is in line with the national trend for firearms transactions.



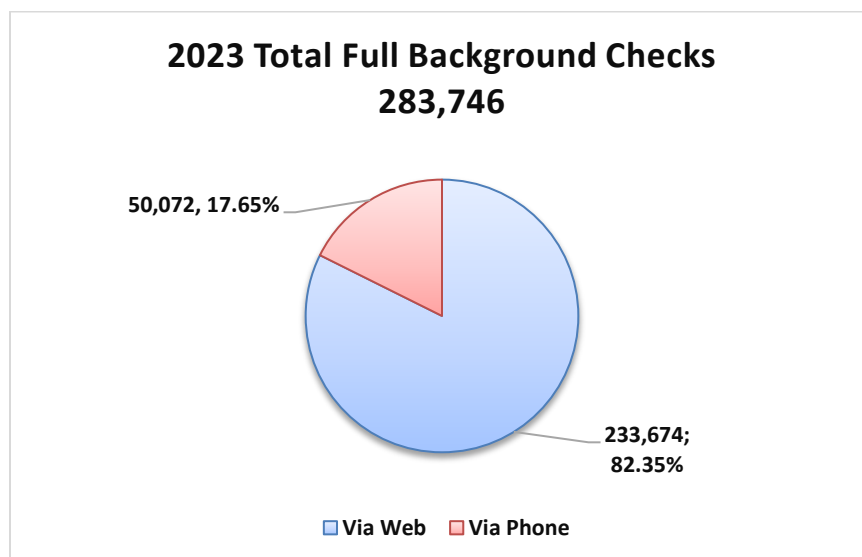
Internet Option Alternative to Telephone Requests

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 80% of the background checks requested by federally licensed gun dealers in 2023 were submitted through the web portal. On April 21, 2023, FICS migrated to a new updated web-based internet site. Prior to go-live with this migration the percentage of background checks requested through the web portal was approximately 69%. After the go-live on April 21, 2023, the percentage of requests through the web portal was 86%. 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. 36% 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.

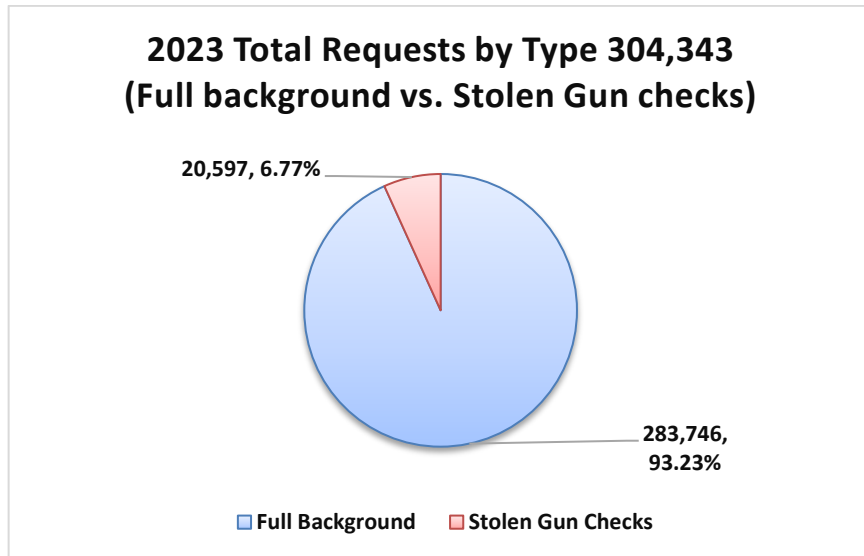
The Bipartisan Safer Communities Act, enacted in 2022, eliminated the option for automatic approvals for firearms transfers to transferees under the age of 21. This impacted the number of background checks that could be auto approved. At this time, it is unclear how much this law change has impacted the percentage or number of background checks that are auto approved.

Checks Requested by Type

A FICS background check for a firearm transfer includes both a criminal history check of the purchaser and a check of the information provided about the firearm being transferred to ensure that the firearm has not been reported stolen. The graph below represents the percentage of full background checks that are submitted by Web Portal or by phone.

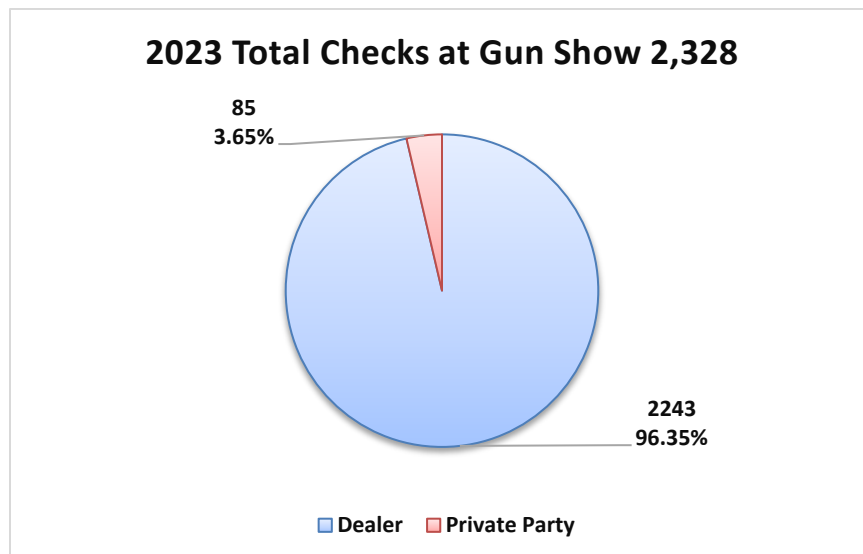


Separately, Oregon law also allows for the public to contact OSP to request an independent stolen gun check. Stolen gun checks are done at no charge; however, these checks contribute to workload and staffing needs within the unit. The following chart show the total number of checks requested of the FICS unit by type in 2023.

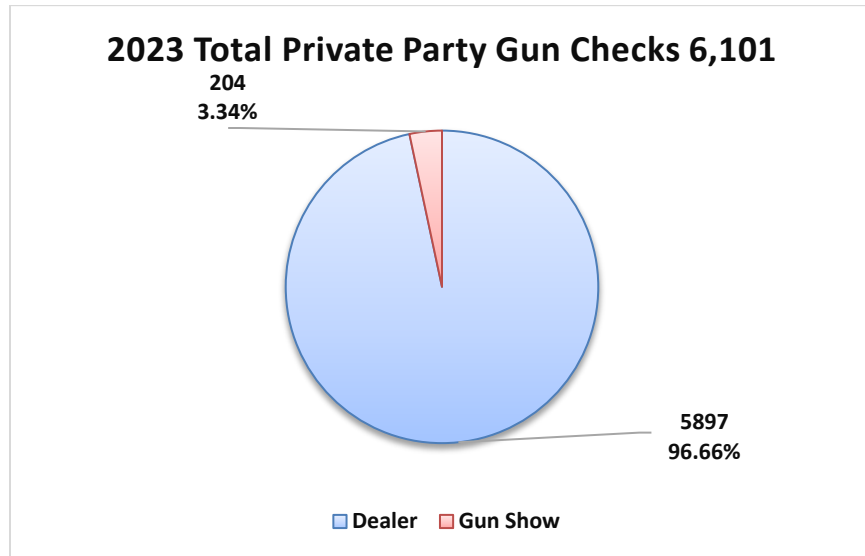


Gun Shows and Private-party Transfers

Ballot Measure 5 in 2000, created ORS 166.436 requiring that any person who transfers a firearm at a gun show shall request a criminal background check via the phone number established in ORS 166.412 before completing the transfer of the firearm.



On August 9, 2015, the Oregon Firearms Safety Act (SB941, which amended ORS 166.412 & 166.433 to 166.441) went into effect requiring a background check for most private-party transfers. This change significantly improved the number of background checks for firearms transfers between private parties by allowing a private party, outside of a gun show, to request a firearms background check through an FFL.

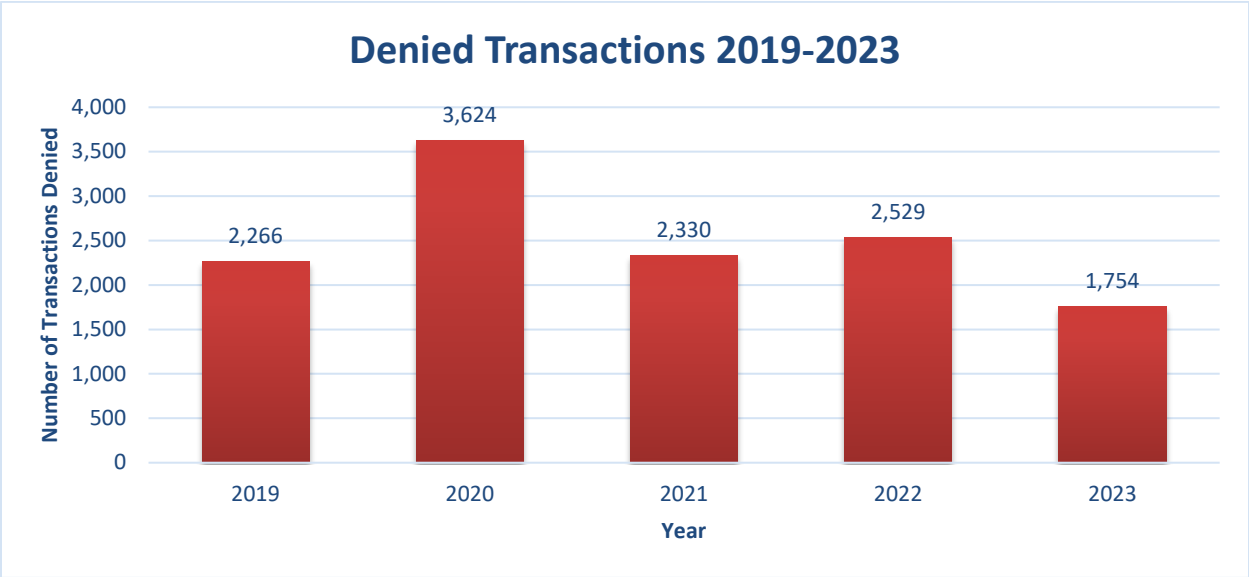
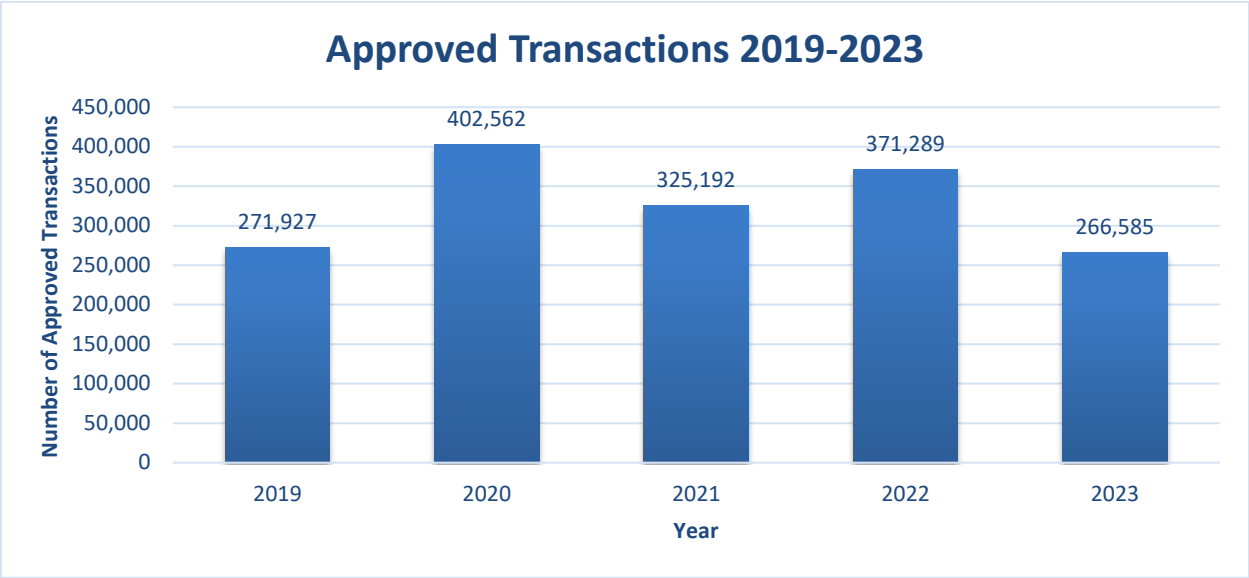


Appendix B at the end of this document provides a breakdown of the total dealer and private-party checks for 2023. This data is also broken down by county based on the zip code from the point of sale provided by the requestor.

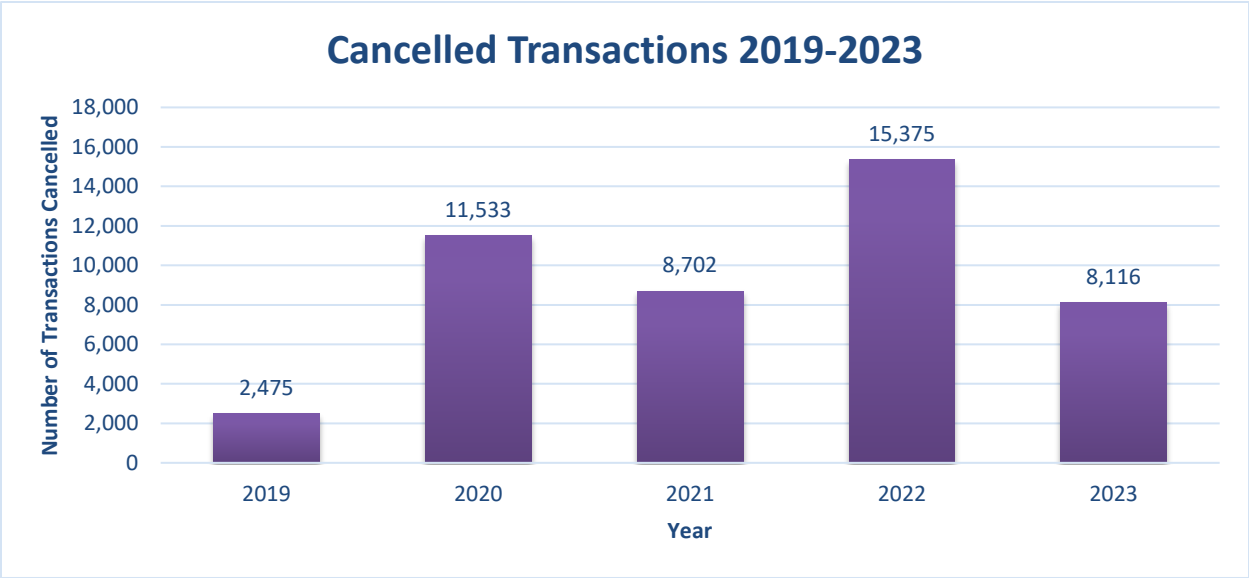
Approved, Denied, Pended, or Cancelled Transactions*

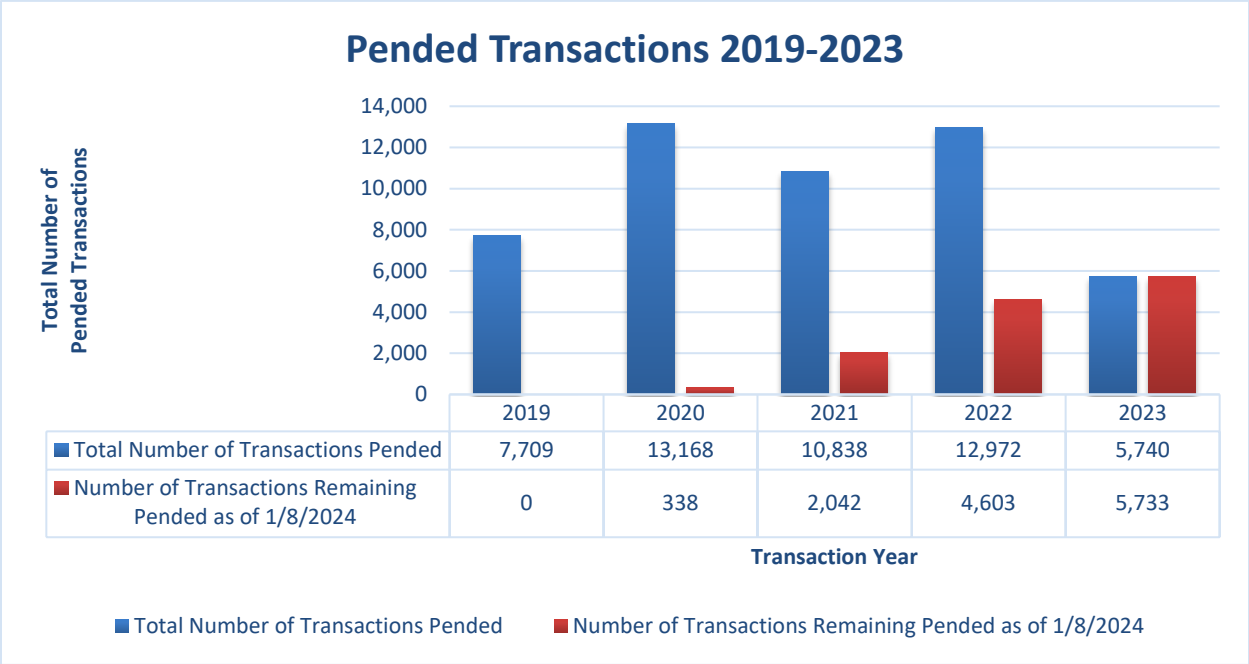
The following charts show the number of transactions that were approved, denied, or cancelled for a transaction year, and the number of transactions that were pended at the point of initial determination. Due to the indeterminate nature of pended transactions, the final determination status and count for each category will change as ultimately each pended transaction will be approved or denied upon completion. In some cases, a transaction may be cancelled by the dealer or purchaser after being pended. A gun dealer may also request to cancel a transaction that has been initiated due to an issue with the identification credentials of the transferee. 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).

*Definitions of terms can be found in **Appendix A** at the end of this document.



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





Transactions that are in “Submitted” or “in Process” status in the system and have not been auto approved or had a determination made by a background examiner to place them into “Approved”, “Denied”, or “Pended” status will cause the totals to shift as those transactions are reviewed. Further, transactions that are cancelled by the transferee or the gun dealer, prior to final determination will also cause a shift in the number of transactions in “Pended” status.

Pended Transaction Record Research

A background check will be placed in a “Delay” status when an auto-approval 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. If further research is required to approve or deny a transaction, the transaction will be placed in a “Pended” status until the records required to make a final determination of “Approved” or “Denied” have been received. 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, months or even years from start to finish. However, every transaction will be assigned a final determination and closed upon the completion of research. The Oregon criminal history will be updated, when applicable, when documentation is received in response to requests sent for research.

Completed Pended Transaction Turn Around Time (TAT) and Status

*As of January 8, 2024

Days to Completion	2019 Number Pended Complete	2019 % TAT	2020 Number Pended Complete	2020 % TAT	2021 Number Pended Complete	2021 % TAT	2022 Number Pended Complete	2022 % TAT	2023 Number Pended Complete	2023 % TAT
0-3	3,165	41.06%	1,402	10.65%	679	6.27%	1,323	10.20%	3	0.05%
4-10	1,642	21.30%	1,057	8.03%	584	5.39%	878	6.77%	0	0.00%
11-14	473	6.14%	310	2.35%	924	8.53%	490	3.78%	1	0.02%
15-30	924	11.99%	626	4.75%	1,077	9.94%	684	5.27%	2	0.03%
31-45	484	6.28%	435	3.30%	323	2.98%	518	3.99%	0	0.00%
46-60	381	4.94%	581	4.41%	279	2.57%	439	3.38%	0	0.00%
61-75	204	2.65%	553	4.20%	351	3.24%	452	3.48%	1	0.02%
76-90	141	1.83%	398	3.02%	294	2.71%	383	2.95%	0	0.00%
91-105	83	1.08%	399	3.03%	264	2.44%	356	2.74%	0	0.00%
106-120	46	0.60%	399	3.03%	229	2.11%	275	2.12%	0	0.00%
121-180	64	0.83%	1,700	12.91%	738	6.81%	1,204	9.28%	0	0.00%
181-365	22	0.29%	2,945	22.36%	1,608	14.84%	967	7.45%	0	0.00%
366+	80	1.04%	2,025	15.38%	1,446	13.34%	400	3.08%	0	0.00%
Open	0	0.00%	338	2.57%	2,042	18.84%	4,603	35.48%	5,733	99.88%
Totals	7,709	100%	13,168	100%	10,838	100%	12,972	100%	5,740	100%

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.

Top Reasons for Transactions to be Placed in Pended Status

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. Historically less than 2% of transactions in Oregon are denied whether they are pended for research or have an immediate determination of "Deny". 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:

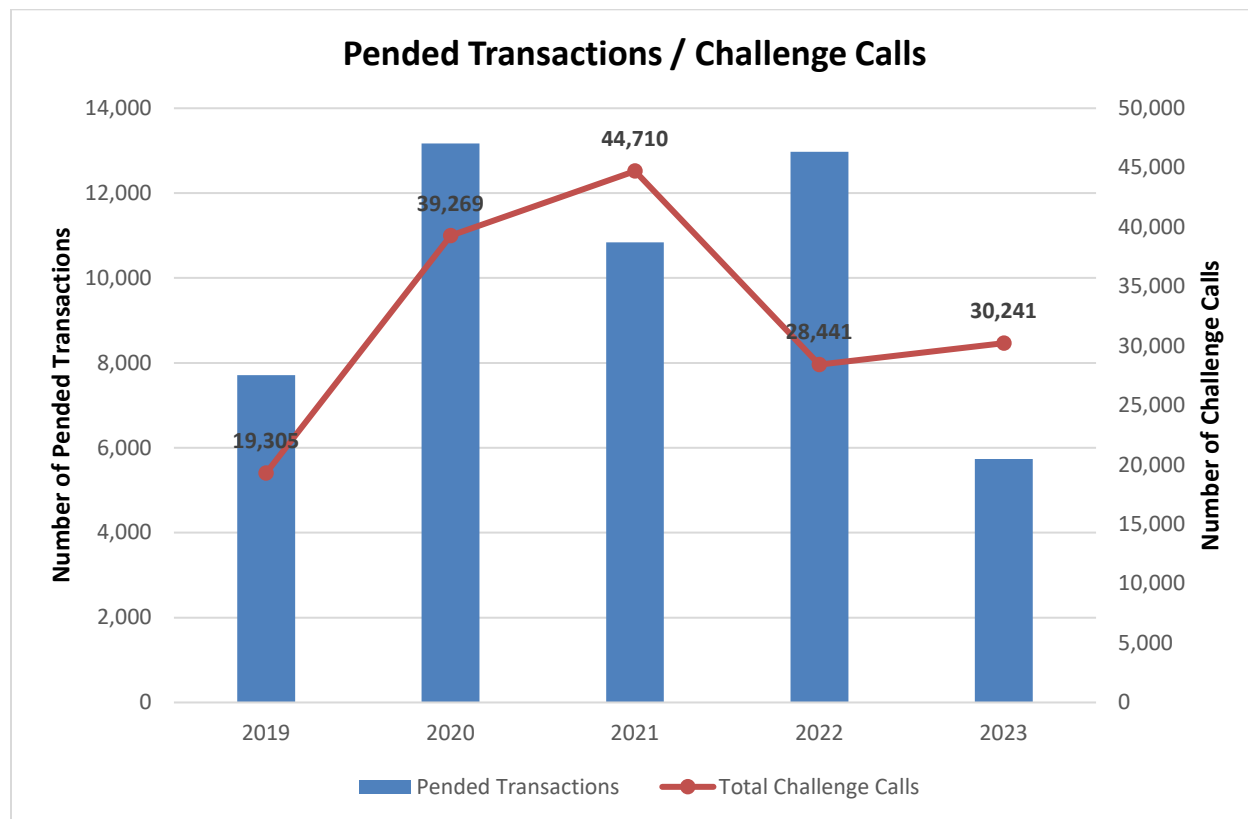
- Charges that could involve domestic violence based on statute, but the records immediately available do not include the details needed to make that determination without research.

- 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

When a transaction is denied, or placed into “Pended” status, the transferee can request the reason for the decision by emailing FICS at OSP.Firearms@osp.oregon.gov, or calling the challenge call line. Due to confidentiality rules, the reason that a transaction was placed in “Pended” or “Denied” status will not be provided to the gun dealer.

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



**Note: There are currently >24,000 calls in the FICS voicemail system and >11,000 unread emails in the FICS mailbox. Low staffing and high transaction volume has greatly impacted FICS ability to answer and return calls from the public.*

¹ Turnaround times on pended 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.

Appendix A

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.
Delayed:	A transaction that is not auto approved and requires a FICS background examiner to make the determination of "Approved", "Pended", or "Denied".
Pended:	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 B

BREAKDOWN OF OREGON FIREARMS DEALER AND PRIVATE PARTY TRANSACTIONS BY COUNTY			
2023			
COUNTY	DEALER ONLY	PRIVATE PARTY	TOTAL ALL TRANSACTIONS
Baker	1,925	22	1,947
Benton	3,930	140	4,070
Clackamas	27,154	481	27,632
Clatsop	2,692	49	2,740
Columbia	3,122	37	3,159
Coos	5,824	78	5,902
Crook	3,003	34	3,037
Curry	1,991	20	2,011
Deschutes	19,895	345	20,240
Douglas	12,325	174	12,498
Gilliam	61	1	62
Grant	943	41	984
Harney	1,006	10	1,016
Hood River	1,570	8	1,578
Jackson	2,0434	324	20,758
Jefferson	1,191	24	1,215
Josephine	7,354	142	7,496
Klamath	7,279	81	7,360
Lake	379	5	384
Lane	25,051	711	25,762
Lincoln	4,232	58	4290
Linn	12,013	146	12,159
Malheur	1,791	11	1,802
Marion	25,325	774	26,099
Morrow	210	2	212
Multnomah	18,969	601	19,570
Polk	3,608	113	3,721
Sherman	51	1	52
Tillamook	1,895	19	1,914
Umatilla	6,947	90	7,037
Union	3,037	48	3,085
Wallowa	683	9	692
Wasco	2,167	34	2,201
Washington	40,908	1,162	42,070
Wheeler	1	0	1
Yamhill	8,592	392	8,984
Grand Total	277,558*	6,187**	283,746
*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 C

5-Year BREAKDOWN OF OREGON FIREARMS TRANSACTIONS DENIED BY CATEGORY						
CATEGORY	DENIED DETAIL	2019	2020	2021	2022	2023
MENTAL HEALTH	MENTAL HEALTH ADJUDICATION ²	92	147	99	131	96
	WANTED PERSON					
	OUTSTANDING FELONY WARRANT	22	53	18	36	38
	FUGITIVE FROM JUSTICE	74	54	16	8	10
PROHIBITED PERSON	CONVICTED OF A FELONY	787	1,521	967	1,060	764
	PRE-TRIAL FOR A FELONY CRIME	54	101	97	52	41
	ASSAULT IV CONVICTION WITHIN LAST 4 YEARS	75	81	56	48	31
	RECKLESS ENDANGERING CONVICTION WITHIN LAST 4 YEARS	62	125	87	70	66
	MENACING CONVICTION WITHIN LAST 4 YEARS	12	34	32	22	16
	STRANGULATION CONVICTION WITHIN LAST 4 YEARS	2	9	4	5	2
	INTIMIDATION II CONVICTION WITHIN LAST 4 YEARS	0	1	0	0	1
	RESTRAINING ORDER	43	82	49	43	49
	PROBATION	421	630	358	300	217
	CONVICTED WITHIN LAST 4YRS FELONY WHILE A JUVENILE	36	25	27	36	27
	DISHONORABLE DISCHARGE FROM ARMED FORCES	1	4	7	7	0
	NON-U.S. CITIZEN	52	87	59	75	66
	CONVICTED DOMESTIC ABUSE**	320	522	374	566	254
	CONVICTED FELON/INSANITY	0	0	0	0	0
	CONVICTED MISD/INSANITY	0	0	0	0	0
	OTHER STATES MISD DISQUALIFIER	11	13	4	7	2
	UNLAWFUL USER CONTROLLED SUBSTANCE	143	93	35	44	33
	FEDERAL FLAG (IFFS)	1	0	0	0	0
	NICS INDEX	14	0	2	0	16
	OREGON COURT FIREARM PROHIBITION	22	34	33	24	23
CONVICTED STALKING*	22	8	6	5	2	
	TOTAL DENIED TRANSACTIONS	2,266	3,624	2,330	2,529	1,754
STOLEN GUN	FIREARM HIT AGAINST POSSIBLE STOLEN GUN	168	133	123	181	167

Note: This data is based on the transaction status at the time this report was generated. 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*

*** Reports prior to 2022 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”.