

PENNSYLVANIA STATE POLICE

**1999
FIREARMS
ANNUAL
REPORT**



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EXECUTIVE SUMMARY

Pursuant to the Uniform Firearms Act, the Pennsylvania State Police has developed and implemented a firearm background check program, the Pennsylvania Instant Check System (PICS). PICS became operational on July 1, 1998. PICS utilizes a toll-free number and Interactive Voice Response component which was designed to handle 1.2 million calls a year, and when applicable, issue approvals without operator intervention.

PICS completed its first full year of operation in 1999. The system reached its final operating capability with the culmination of the implementation phase of the last administrative database. Pennsylvania serves as a Point-of-Contact State for the National Instant Check System operated by the Federal Bureau of Investigation.

The firearm background check process consists of comprehensive searches of many databases, including: 1.8 million Pennsylvania criminal history and juvenile records, 107,713 mental health records, approximately 700,000 wanted persons, and federal files containing approximately 36 million criminal history records, and 962,472 records on other prohibited persons. The background record process may take up to fifteen days to complete when a potentially prohibited offense or condition is identified.

In 1999, PICS conducted 557,992 transactions for sheriffs and firearms dealers throughout the Commonwealth. Of these calls, 58% were approved within minutes. The remaining 42% were transferred to a PICS operator for assistance. These calls either identified a record that required review or were placed from a rotary phone requiring operator assistance. 30% of the operator assisted calls were approved during the initial call. 70.6% of transactions were approved on the initial call. Approximately 72% of the calls received were for gun checks, 22% were for Licenses to Carry a concealed weapon, and the remaining 6% were requests for information on pending checks.

Of the 557,992 transactions this year, 14,183 were denied through prohibitions indicated on the individual's record. There were 6,301 individuals that challenged their denials. Based on continued research, information provided by the subject of the background check, and receipt of official court records, 2,861 of the challenges were granted a denial reversal. The overall approval rate for firearm background check transactions in 1999 was 97.97%.

In 1999, a total of 396,709 firearms were reported purchased or privately transferred in Pennsylvania. Licensed firearm dealers reported 179,272 handgun transactions and 217,437 long gun transactions for the year.

The *Annual Uniform Crime Report* for 1999 reported 12,386 violent crimes committed involving the use of a firearm.

There were 121 fugitives identified and apprehended as a result of PICS in 1999. Law enforcement authorities were notified when the fugitive's name was entered into the system.

In 1999, PICS began to make investigative referrals to the Bureau of Alcohol, Tobacco, and Firearms; the Pennsylvania State Police; and local authorities, when an individual attempts to buy a firearm and knowingly provides false information on federal and/or state application forms. In 1999, investigations were initiated for 87 of these cases.

This report provides statistics and information on the activities of the Pennsylvania State Police Firearms Division, Pennsylvania Instant Check System, for calendar year 1999 in compliance with 18 Pa. C.S. § 6111.1(i) of the Uniform Firearms Act.

BACKGROUND

With the enactment of Act 17 of 1995, the Pennsylvania Uniform Firearms Act, and its subsequent amendments, the Pennsylvania State Police has taken an aggressive and technologically advanced approach to firearm background check responsibility with the creation of the Pennsylvania Instant Check System (PICS). PICS provides instantaneous records access through a toll-free telephone number and an Interactive Voice Response system (IVR). The system is designed for use by county sheriffs and firearm dealers to ascertain an individual's eligibility to acquire a license to carry a firearm, or obtain a firearm through a purchase or transfer.

The development of PICS required coordination with the Federal Bureau of Investigation, and the National Instant Check System. Pennsylvania was established as a Point-of-Contact state, in that, Pennsylvania has the responsibility to conduct background checks for all federal firearms licensees.

PICS is a database and communications network dependant system. It relies on access to a number of databases at both the state and federal level to complete a background check. Communication problems, or the inability to access any of these databases, will not allow the background check to be completed. Downtime at the federal level is beyond the control of the Pennsylvania State Police.

BACKGROUND CHECK DATABASES

The PICS background check process involves accessing both state and federal databases to determine an individual's ability to acquire a firearm or license to carry a firearm. In addition to the record check databases, PICS also accesses the Pennsylvania Bureau of Motor Vehicle records to derive the complete name, date of birth, and to confirm the social security number prior to the initiation of the background check.

State databases searched:

- Pennsylvania Criminal History Records
- Juvenile Records (contained within the criminal history record file)
- Mental Health File (containing 302, 303, and 304 involuntary commitment information and adjudication of incompetence)
- Pennsylvania Protection From Abuse File (not all Pennsylvania PFA's fit the criteria for entry into the National Protection Order File)
- Pennsylvania Wanted/Missing Persons File (wanted persons for which the entering agency will not extradite, are contained in this file only, not the National Crime Information Center [NCIC] Wanted Persons File)

As a Point-of-Contact State, PICS conducts the check of the Federal databases through the National Instant Check System.

Federal databases searched:

- Interstate Identification Index - Contains criminal history submitted by states throughout the country, and Federal records
- Military Records - Dishonorable discharges from the Armed Services
- Illegal Alien Records
- Renounced Citizenship
- Mental Defectives
- Federal Protection Order File (does not contain Pennsylvania temporary PFA records)
- NCIC Wanted Persons

PICS STATISTICS

There were 557,992 background checks initiated in 1999.

- 58% were automatically approved through the IVR computer. The remaining 42% were forwarded to a PICS operator for assistance.
- 30% of the calls forwarded to PICS operators were subsequently approved during the initial call.
- A total of 70.6% of incoming calls were approved on the initial call. The remaining calls are placed into research and determinations are provided within 15 days. (See Appendix A for additional information).

AVERAGE PICS BACKGROUND CHECK CALL TIME

PICS computer system statistical summaries and telephone company monthly statements were used to determine the average length of time taken to complete a background check call for 1999.

- Calls handled through the automated system averaged 3.12 minutes.
- Operator assisted calls averaged 4.72 minutes.

CHALLENGES TO DENIALS

Upon receipt of a challenge to a denial, the transaction file is pulled and reviewed by the PICS Legal Unit. The initial response to a challenge is mailed within five business days to the individual and includes the phone number for the PICS Legal Unit. The assigned legal assistant works with the individual to obtain information that may lead to a final decision to reverse the denial, or provide the challenger with specific information explaining the reason for denial.

- 14,183 denials were issued by PICS operators in 1999.
- 6,301 individuals challenged their denials.
- 3,377 individuals were issued final denials.
- 2,861 denials were reversed.
- 63 cases are pending final disposition.

A total of 188 individuals who were issued final denials appealed their case to the Office of Attorney General. Additional documentation was received allowing 47 of these cases to be reversed prior to the scheduled hearing date. The following chart reflects the outcome of the remaining cases.

1999 APPEALS TO THE OFFICE OF ATTORNEY GENERAL

CASES UPHELD	73
CASES REVERSED	3*
CASES WITHDRAWN/CANCELLED	25
CASES PENDING	40

*The Pennsylvania State Police has appealed these cases to Commonwealth Court.

FIREARM SALES AND TRANSFERS FOR 1999

Pennsylvania licensed firearms dealers have responsibilities under the Pennsylvania Uniform Firearms Act for the sale and transfer of firearms. Dealers are required to conduct background checks on individuals attempting to acquire either a handgun or a long gun through purchase or transfer. The dealers are also required to complete the *Application/Record of Sale* form promulgated by the Pennsylvania State Police. The form is not required for the sale of long guns, although a background check is still necessary.

Private transfers of long guns are not required to be conducted through a dealer. Therefore, a background check is not conducted to determine the individual's eligibility to possess the firearm on private long gun transactions.

Copies of all *Application/Record of Sale* forms are submitted with the *Surcharge Remittance* form to the Pennsylvania State Police within 14 days of the transaction. Copies of the forms are required to be retained at the dealership for a period of 20 years.

- 396,709 firearms were reported purchased/transferred in Pennsylvania in 1999.
- 179,272 handguns were reported purchased/transferred.
- 217,437 long guns were reported purchased/transferred.

Refer to Appendix B for more information on reported sales by county and Appendix C for reported sales by month.

CRIMES COMMITTED WITH FIREARMS IN 1999

The Pennsylvania Uniform Crime Report is prepared each year under separate cover by the Pennsylvania State Police. Excerpts of summary data from the 1999 report regarding crimes involving firearms are as follows:

TYPE OF CRIME	TOTAL	FIREARMS	PERCENT
Homicide	568	409	72.0%
Robbery	17,926	6,906	38.5%
Aggravated Assault	26,326	5,071	19.3%

LICENSE TO CARRY FIREARMS/SPORTSMAN'S FIREARM PERMITS

There were a total of 109,566 License to Carry Firearms reported issued by county sheriffs' offices in 1999. Background checks are conducted through PICS to determine an individual's eligibility to obtain a License to Carry Firearms.

Sportsman's Firearm Permits are issued by the County Treasurer's office and do not require a background check. In 1999, there were a total of 11,788 permits issued. (See Appendix D for individual county totals regarding License to Carry Firearms and Sportsman's Firearm Permits)

PENNSYLVANIA UNIFORM FIREARMS ACT - ENFORCEMENT

Under 18 Pa. C.S. § 6111(g)(4) of the Pennsylvania Uniform Firearms Act, *...any person, purchaser or transferee who, in connection with the purchase, delivery or transfer of a firearm under this chapter, knowingly and intentionally makes any materially false, oral or written statement, or willfully furnishes or exhibits any false identification intended, or likely to deceive the seller, licensed dealer, or licensed manufacturer, commits a felony of the third degree.*

Before initiating investigations under this section, the following information is taken into consideration:

- In prosecuting an individual for providing false information, it is necessary to prove intent. Many people have been purchasing long guns for years, and even though they have been prohibited all along, they did not realize it until the PICS background check was required.
- Initial PICS denial determinations are not always final denials, and the denial determination, exclusively, is not the determining factor for criminal intent.

- Initial denials may be a result of research that could not be completed in the designated 15-day time frame, or fingerprints may be required to distinguish between individuals with similar names and numeric identifiers.
- Individuals denied through PICS have the ability to challenge the denial if they believe they have been denied in error.

In 1999, the following investigations were initiated by the Pennsylvania State Police Firearms Division and referred to Pennsylvania State Police Troops, local police departments, and the Bureau of Alcohol, Tobacco, and Firearms.

<u>TOTAL INVESTIGATIONS INITIATED</u>	87
Total Referred to PSP Troops	54
Total Referred to Local PD's	14
Total Referred to ATF	18
Other	1

INVESTIGATION OUTCOMES

Arrests Reported	28
Convictions Reported	10
Prosecutions Declined	13
Exceptional Clearance	1
Disposition Unreported	35

SYSTEM DOWNTIME

PICS is operational 365 days a year from 8:00 a.m. to 10:00 p.m. In 1999, there were 108 days in which PICS experienced technical difficulties. Computer downtime ranged from as little as 3 minutes, to as much as 5-1/2 hours. Overall, the system was down a total of 3% of its scheduled operating time.

- 52% of downtime was due to technical difficulties with federal databases.
- 32% was due to Pennsylvania State Police system problems.
- 15% was due to a combination of technical problems in both the state and federal systems
- 1% was due to technical difficulties with the phone lines.

CONCLUSION

The primary goal of PICS is to help ensure public safety. This system was designed to prevent individuals who are prohibited by state or federal law from purchasing a firearm. Data presented in this report indicates the system is functioning in its mission to provide access to data for informed decision making regarding eligibility to purchase firearms.

P.I.C.S. STATISTICS FROM THE I.V.R. COMPUTERS

1999	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
Total PICS Calls	33,802	41,900	53,072	44,965	37,563	34,859	37,442	43,959	47,351	58,069	64,491	60,519	557,992
System-Immediate Approvals	20,410	25,276	27,869	28,510	23,629	22,363	17,537	24,426	24,878	34,228	35,529	36,100	320,755
Database Hit-Call to Operator	8,164	9,115	11,693	10,222	8,372	7,629	7,274	9,507	10,739	14,748	16,262	15,341	129,066
Rotary Phone-File Timed Out	5,228	7,509	13,510	6,233	5,562	4,867	12,631	10,026	11,734	9,093	12,700	9,078	108,171
Average %-System Approvals	60.38%	60.32%	52.51%	63.00%	61.98%	64.15%	46.83%	55.56%	52.53%	58.94%	55.09%	59.65%	57.58%

TOTAL TRANSACTIONS CONDUCTED THROUGH PICS IN 1999 557,992

(Reported as of 8/2/00)

1999 FIREARM SALES/TRANSFERS REPORTED BY COUNTY

COUNTY	HANDGUN	LONG GUN	COUNTY	HANDGUN	LONG GUN
ADAMS	1,518	3,431	LACKAWANNA	3,654	3,697
ALLEGHENY	13,650	10,464	LANCASTER	7,531	9,620
ARMSTRONG	986	1,651	LAWRENCE	1,224	1,832
BEAVER	3,500	2,984	LEBANON	3,669	5,298
BEDFORD	1,351	4,661	LEHIGH	6,721	5,356
BERKS	5,276	5,508	LUZERNE	5,356	6,622
BLAIR	3,711	3,361	LYCOMING	3,107	5,371
BRADFORD	1,142	3,208	MCKEAN	555	1,178
BUCKS	9,248	6,951	MERCER	1,245	1,981
BUTLER	5,995	6,580	MIFFLIN	444	1,201
CAMBRIA	2,089	3,524	MONROE	3,012	2,345
CAMERON	123	132	MONTGOMERY	6,915	4,885
CARBON	562	981	MONTOUR	16	23
CENTRE	1,166	2,750	NORTHAMPTON	2,802	2,890
CHESTER	4,224	2,946	NORTHUMBERLAND	1,318	2,291
CLARION	711	2,226	PERRY	560	1,042
CLEARFIELD	3,592	8,338	PHILADELPHIA	10,757	1,917
CLINTON	637	1,798	PIKE	546	1,007
COLUMBIA	1,311	2,453	POTTER	569	1,111
CRAWFORD	980	2,230	SCHUYLKILL	2,804	4,040
CUMBERLAND	2,329	4,839	SNYDER	709	2,224
DAUPHIN	3,674	3,004	SOMERSET	2,003	4,392
DELAWARE	6,839	2,691	SULLIVAN	82	308
ELK	564	1,347	SUSQUEHANNA	948	2,058
ERIE	4,124	7,334	TIOGA	932	3,093
FAYETTE	3,356	4,303	UNION	306	931
FOREST	1	0	VENANGO	1,040	1,806
FRANKLIN	2,318	4,830	WARREN	878	1,865
FULTON	233	413	WASHINGTON	5,475	5,228
GREENE	1,020	2,236	WAYNE	1,629	2,583
HUNTINGDON	518	1,494	WESTMORELAND	8,231	9,151
INDIANA	1,252	2,694	WYOMING	153	557
JEFFERSON	814	1,391	YORK	5,105	6,130
JUNIATA	162	651			
GRAND TOTAL FOR HANDGUNS FOR 1999				179,272	
GRAND TOTAL FOR LONG GUNS FOR 1999				217,437	
GRAND TOTAL FIREARM SALES/TRANSFERS REPORTED				396,709	

Totals include any taxed and non-taxed sales/transfers reported with surcharge dates that began in 1999 regardless of when they ended.

(Reported as of 08/2/00)

FIREARM SALES REPORTED BY MONTH FOR 1999

1999	HANDGUNS	LONG GUNS	MONTHLY TOTALS
JANUARY	11,793	12,257	24,050
FEBRUARY	14,011	12,246	26,257
MARCH	18,080	16,333	34,413
APRIL	15,133	15,965	31,098
MAY	14,177	13,668	27,845
JUNE	12,433	11,359	23,792
JULY	12,148	11,088	23,236
AUGUST	13,228	13,999	27,227
SEPTEMBER	13,231	17,496	30,727
OCTOBER	15,736	25,998	41,734
NOVEMBER	14,725	30,145	44,870
DECEMBER	24,577	36,883	61,460
GRAND TOTALS	179,272	217,437	396,709

Totals include reported taxed and non taxed sales/transfers.

*December totals include reported surcharge dates that began in 1999 regardless of when they ended.

**1999 County Statistics for
License to Carry Firearms
And
Sportsman's Firearm Permits**

COUNTY	LTC	SFP	COUNTY	LTC	SFP
ADAMS	802	78	LACKAWANNA	1,621	136
ALLEGHENY	9,328	680	LANCASTER	3,296	676
ARMSTRONG	1,497	77	LAWRENCE	1,006	184
BEAVER	1,907	303	LEBANON	1,521	140
BEDFORD	629	105	LEHIGH	2,174	274
BERKS	3,458	143	LUZERNE	3,007	386
BLAIR	1,966	25	LYCOMING	1,457	49
BRADFORD	910	134	MCKEAN	761	33
BUCKS	5,023	431	MERCER	1,043	329
BUTLER	2,467	142	MIFFLIN	453	109
CAMBRIA	1,655	141	MONROE	872	202
CAMERON	158	15	MONTGOMERY	4,871	395
CARBON	854	146	MONTOUR	146	65
CENTRE	1,184	90	NORTHAMPTON	1,792	264
CHESTER	2,678	246	NORTHUMBERLAND	1,226	37
CLARION	592	152	PERRY	677	132
CLEARFIELD	1,139	125	PHILADELPHIA	5,163	13
CLINTON	546	19	PIKE	755	253
COLUMBIA	736	126	POTTER	303	104
CRAWFORD	1,447	310	SCHUYLKILL	2,039	43
CUMBERLAND	1,834	201	SNYDER	502	33
DAUPHIN	2,603	136	SOMERSET	734	156
DELAWARE	2,769	255	SULLIVAN	104	55
ELK	649	103	SUSQUEHANNA	637	120
ERIE	2,048	535	TIOGA	704	95
FAYETTE	3,183	193	UNION	510	16
FOREST	134	114	VENANGO	640	231
FRANKLIN	1,186	306	WARREN	1,226	166
FULTON	265	39	WASHINGTON	2,171	263
GREENE	423	174	WAYNE	629	153
HUNTINGDON	438	182	WESTMORELAND	6,588	407
INDIANA	1,089	214	WYOMING	467	46
JEFFERSON	931	72	YORK	3,638	186
JUNIATA	305	25			
GRAND TOTAL LTC FOR 1999				109,566	
GRAND TOTAL SFP FOR 1999				11,788	

LTC-License to Carry
SFP- Sportsman's Firearm Permit