

ERIE WARREN MCKEAN POTTER TIOGA BRADFORD
SUSQUEHANNA WAYNE PIKE LACKAWANNA
WYOMING SULLIVAN LYCOMING CLINTON CAMERON
ELK FOREST VENANGO HUNTINGDON CRAWFORD
CLARION JEFFERSON CLEARFIELD CENTRE UNION
SNYDER NORTHUMBERLAND MERCER MONTOUR
COLUMBIA LUZERNE CARBON MONROE
NORTHAMPTON LEHIGH BUCKS MONTGOMERY
PHILADELPHIA DELAWARE CHESTER BERKS
SCHUYLKILL LEBANON LANCASTER DAUPHIN YORK
ADAMS CUMBERLAND PERRY JUNIATA MIFFUN

PENNSYLVANIA STATE POLICE

Firearms
Annual
Report

FULTON BLAIR BEDFORD SCMERSET CAMBRIA
INDIANA WESTMCRELAND FAYETTE WASHINGTON
GREENE ALLEGHENY BEAVER LAWRENCE BUTLER
ARMSTRONG INDIANA



COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA STATE POLICE 1800 ELMERTON AVENUE HARRISBURG, PA 17110

COLONEL PAUL J. EVANKO
COMMISSIONER

I am pleased to submit to you the Pennsylvania State Police Firearms Annual Report for calendar year 2000.

The Pennsylvania Instant Check System was created in accordance with the Pennsylvania Uniform Firearms Act. The State Police operates the Pennsylvania Instant Check System, which provides for instantaneous background checks by licensed firearms dealers, and county sheriffs. The Pennsylvania Instant Check System enables firearm dealers and sheriffs to ascertain an individual's eligibility to acquire firearms or obtain a license to carry firearms.

The Pennsylvania Instant Check System is one of the most comprehensive and technologically advanced background check programs in the country. The system has enhanced the ability to locate and apprehend fugitives from justice. During 2000, the Pennsylvania Instant Check System identified, and facilitated the apprehension of 129 fugitives. The system has become an important tool for law enforcement and aids in the goal to keep firearms out of the wrong hands while accommodating the lawful sale of firearms in an expeditious manner.

As a public service, the Pennsylvania State Police, Firearms Division web site has been activated, and can be found at "psp.state.pa.us". The web site provides detailed information on the operation of the Firearms Division including statistical reports, form formats for firearm dealers and sheriffs to access conveniently, an information section, and firearm safety tips.

The Firearms Division strives to maintain a positive working relationship and communication with firearm dealers, county sheriffs, law enforcement, and provide service to the public on firearm related issues.

I would like to express my appreciation to the Pennsylvania firearm dealers whose continuing support and compliance has played a critical role in the success of the Pennsylvania Instant Check System. Working together, we help to create a safer community for all citizens of this great Commonwealth. On behalf of all Pennsylvanians dedicated to this purpose, I respectfully present the 2000 Pennsylvania Firearms Annual Report.

Colonel Paul J. Evanko Commissioner

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EXECUTIVE SUMMARY

Pursuant to the Pennsylvania Uniform Firearms Act, the Pennsylvania State Police (PSP) has implemented a firearm background check program, the Pennsylvania Instant Check System (PICS). 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 second full year of operation in 2000. Pennsylvania serves as a Point-of-Contact State for the National Instant Check System operated by the Federal Bureau of Investigation. The PSP is required to comply with both state and federal law in determining an individual's eligibility to acquire and possess firearms.

The PSP work together with the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (ATF) in the investigation and prosecution of individuals attempting to acquire firearms illegally, by networking information and coordinating investigative efforts. During this year, there were 329 files referred to PSP Troops, ATF, and local police departments for investigation. As a result of these referrals, there were 110 arrests reported and 25 convictions.

The firearm background check process consists of comprehensive searches of many databases, including: 1.8 million Pennsylvania criminal history and juvenile records, 164,659* mental health records, approximately 68,000 wanted persons, and federal files containing approximately 38 million criminal history records, and 2 million records on other prohibited persons. Due to the large volume of records in each of the many databases searched to run a single background check, the process may take up to fifteen days to complete when a potentially prohibited offense or condition is identified. (*corrected 9/27/02)

In 2000, PICS conducted 498,027 transactions for sheriffs and firearms dealers throughout the Commonwealth. Of these calls, 59% were approved within minutes by the system, while an additional 31% were approved during the initial call with the assistance of an operator. Therefore, 90% of transactions were approved on the initial call. Calls transferred to an operator either identified a record that required review or were placed from a rotary phone, which requires operator assistance. Approximately 74% of the calls received were for gun checks, 21% were for a license to carry a concealed firearm, and the remaining 5% were requests for information on pending checks.

Of the 498,027 transactions this year, 10,128 were initially denied through prohibitions indicated on the individual's record. There were 4,518 individuals who challenged their denials. Based on continued research, information that was provided by the subject of the background check, and/or receipt of official court records, there were 1,845 challenges that were granted a reversal. The overall approval rate for firearm background check transactions in 2000 was 98%.

A total of 381,441 firearms were reported purchased or privately transferred in Pennsylvania for 2000. Licensed firearm dealers reported 157,674 handgun transactions and 223,767 long gun transactions for the year.

The *Pennsylvania Uniform Crime Report* for 2000 reported 13,020 violent crimes committed involving the use of a firearm.

There were 129 fugitives identified and apprehended as a result of PICS in 2000. Law enforcement authorities are notified immediately, when a fugitive is attempting to purchase a firearm, and is identified through a PICS check.

This report provides statistics and information on the activities of the Pennsylvania State Police, Firearms Division, for calendar year 2000 in compliance with 18 Pa. C.S.A. § 6111.1(i) of the Pennsylvania Uniform Firearms Act.

BACKGROUND

On June 13, 1995, Governor Tom Ridge signed Act 17 into law. Act 17 amended Title 18 of the Pennsylvania Consolidated Statutes, the Pennsylvania Uniform Firearms Act (PUFA). The law included provisions for the PSP to conduct firearm background checks and to collect a \$2.00 fee from firearm dealers for each background check processed and a \$3.00 fee for the sale/transfer of each taxable firearm.

Based on the requirements of Act 17 of 1995, the PUFA, and its subsequent amendments, the PSP has taken an aggressive and technologically advanced approach to the 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 FBI, and the National Instant Check System program. Pennsylvania was established as a Point-of-Contact state, in that, PICS has the responsibility to conduct background checks for all federal firearms licensees within the Commonwealth.

PICS is a database and communications network dependent system which was designed to handle 1.2 million calls a year. It relies on access to a number of databases at both the state and federal level to complete background checks. 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 PSP.

BACKGROUND CHECK DATABASES

The PICS background check process involves accessing both state and federal databases to determine an individual's eligibility to acquire a firearm or license to carry a firearm for the purpose of carrying a firearm concealed on or about one's person or in a vehicle throughout the Commonwealth.

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 PFAs fit the criteria for entry into the National Protection Order File)
- Pennsylvania Wanted/Missing Persons File (wanted persons for which the entering agency will <u>not</u> 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 records 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 498,027 background checks initiated in 2000.

- 59% were automatically approved through the IVR computer. The remaining 41% were forwarded to a PICS operator for assistance.
- 31% of the calls forwarded to PICS operators were subsequently approved during the initial call.
- A total of 90% 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 were used to determine the average length of time taken to complete a background check call for 2000.

- Calls handled through the automated system averaged 2.48 minutes.
- Operator assisted calls averaged 7.97 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 name and phone number of the legal assistant assigned to the file. 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.

- 10,128 denials were issued by PICS operators in 2000.
- 4,518 individuals challenged their denials.
- 2.630 individuals were issued final denials.
- 1,845 denials were reversed.
- 43 cases are pending final disposition.

A total of 112 individuals who were issued final denials appealed their case to the Office of Attorney General. Additional documentation was received that enabled 27 of these cases to be reversed prior to the scheduled hearing date. The following chart reflects the outcome of the remaining cases. Four of the 8 reversals were appealed by the State Police.

2000 APPEALS TO THE OFFICE OF ATTORNEY GENERAL

CASES UPHELD	35
CASES REVERSED	8
CASES WITHDRAWN/CANCELLED	19
CASES PENDING	23
TOTAL APPEALS	85

A total of 37 cases were appealed to Commonwealth Court. All 4 reversals in Commonwealth Court were appealed by the State Police.

2000 APPEALS TO COMMONWEALTH COURT

CASES UPHELD	33
CASES REVERSED	4
TOTAL APPEALS	37

FIREARM SALES AND TRANSFERS FOR 2000

There were 3,226 Pennsylvania Licensed Firearm Dealers in 2000. Refer to Appendix E for a breakdown by county. Under the PUFA, licensed firearm dealers are required to conduct background checks on individuals attempting to acquire either a handgun or a long gun. The dealers are also required to complete and submit the *Application/Record of Sale* form promulgated by the PSP. The form is not required for the sale of long guns, although a background check is still necessary unless the long gun transfer is between 2 private individuals who are both Pennsylvania residents.

Private transfers of long guns between 2 Pennsylvania residents do not have to be conducted through a licensed firearm dealer. Therefore, no background check is conducted.

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

- 381,441 firearms were reported purchased/transferred in Pennsylvania in 2000.
- 157,674 handguns were reported purchased/transferred.
- 223,767 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 2000

The *Pennsylvania Uniform Crime Report* is prepared each year under separate cover by the Pennsylvania State Police. Excerpts of summary data from the 2000 report regarding crimes involving firearms are as follows:

TYPE OF CRIME	TOTAL	FIREARMS	PERCENT
Homicide	576	420	72.9%
Robbery	17,340	7,202	41.5%
Aggravated Assault	27,146	5,398	19.9%

LICENSE TO CARRY FIREARMS/SPORTSMAN'S FIREARM PERMITS

There were a total of 95,334 License to Carry Firearms reported issued by county sheriffs' offices in 2000. 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 2000, there were a total of 8,816 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:

- 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 or fingerprints may be required to distinguish between individuals with similar names and numeric identifiers.

• Individuals denied through PICS have the ability to challenge a denial determination, if they believe they have been denied in error.

In 2000, the following investigations were initiated by the PSP Firearms Division and referred to State Police Troops, local police departments, and the Bureau of Alcohol, Tobacco, and Firearms.

TOTAL INVESTIGATIONS INITIATED	329
Total Referred to PSP Troops	260
Total Referred to Local PD's	51
Total Referred to ATF	18

INVESTIGATION OUTCOMES					
Arrests Reported 110					
Convictions Reported	25				
Prosecutions Declined	43				
Total Disposition Unreported to Date	88				

SYSTEM DOWNTIME

PICS is operational 365 days a year from 8:00 a.m. until 10:00 p.m. for a total of 5,110 hours. Due to 2000 being a leap year, there were 5,124 total operational hours. PICS experienced 136.5 hours or 2.66% of the total operational hours out of service due to technical problems.

- 71% of downtime was due to technical difficulties with federal databases
- 28% was due to Pennsylvania State Police system problems
- 0.8% was due to a combination of technical problems in both the state and federal systems
- 0.2% was due to other technical difficulties

CONCLUSION

The Pennsylvania Instant Check System was developed in accordance with the provisions of the Pennsylvania Uniform Firearms Act. PICS provides a means with which law abiding citizens may acquire firearms without undue or unnecessary restrictions. PICS identifies individuals who are precluded by state or federal law from purchasing a firearm. PICS will not authorize the transfer of a firearm by a licensed dealer to a prohibited person. The data presented in this report indicates that the PICS program is working as intended.

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

YEAR 2000	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
Total PICS Calls	35,852	39,584	49,962	40,016	34,879	32,323	32,437	36,183	42,909	49,637	56,155	48,090	498,027
System-Immediate													
Approvals	21,959	24,287	31,100	23,605	18,674	19,333	19,584	21,372	25,830	29,488	31,717	28,006	294,955
Database Hit-Call to	0.770	40.077	40.000	0.000	0.445	0.500	0.400	0.570	44.040	40.750	44.470	40.500	420, 422
Operator	8,770	10,277	12,680	9,808	9,415	8,508	8,420	9,576	11,216	13,758	14,472	12,523	129,423
Rotary Phone-File Timed													
Out	5,123	5,020	6,182	6,603	6,790	4,482	4,433	5,235	5,863	6,391	9,966	7,561	73,649
	0,:20	3,020	0,102	0,000	0,100	1, 102	.,	0,200	3,000	0,00	0,000	.,	10,010
Average %-System													
Approvals	60.25%	61.40%	62.25%	59 00%	53 54%	50 81%	60 38%	59.07%	60.20%	59.41%	56.48%	58.24%	59.17%
πρριοναίο	00.2070	01.4070	02.2370	00.0070	00.0470	00.0170	00.3070	33.07 /0	00.2070	JJ. 4 170	30.4070	30.2470	33.17 /0

TOTAL TRANSACTIONS CONDUCTED THROUGH PICS IN 2000: 498,027

2000 FIREARM SALES/TRANSFERS REPORTED BY COUNTY

COUNTY	HANDGUN	LONG GUN	COUNTY	HANDGUN	LONG GUN		
ADAMS	1,348	3 456	LACKAWANNA	3,100	3,201		
ALLEGHENY	12,648	•	LANCASTER	6,741	10,045		
ARMSTRONG	934	•	LAWRENCE	1,428	2,509		
BEAVER	3,184	•	LEBANON	3,423	5,242		
BEDFORD	1,203	•	LEHIGH	5,612	5,227		
BERKS	4,667	•	LUZERNE	4,668	7,215		
BLAIR	3,085	•	LYCOMING	2,610	5,466		
BRADFORD	1,074	· ·	MCKEAN	535	1,193		
BUCKS	8,115	•	MERCER	1,096	2,069		
BUTLER	4,062	•	MIFFLIN	452	1,197		
CAMBRIA	1,936	•	MONROE	2,510	2,698		
CAMERON	110	141	MONTGOMERY	6,471	5,557		
CARBON	512	886	MONTOUR	9	24		
CENTRE	1,126	2,746	NORTHAMPTON	2,154	2,797		
CHESTER	2,826	2,842	NORTHUMBERLAND	994	1,836		
CLARION	758	•	PERRY	517	1,147		
CLEARFIELD	3,007	•	PHILADELPHIA	9,375	1,771		
CLINTON	612	1,761		531	800		
COLUMBIA	1,485	•	POTTER	352	695		
CRAWFORD	942	•	SCHUYLKILL	2,521	4,134		
CUMBERLAND	2,046	•	SNYDER	509	2,058		
DAUPHIN	2,569	•	SOMERSET	1,661	4,577		
DELAWARE	5,827	•	SULLIVAN	73	244		
ELK	569	•	SUSQUEHANNA	852	2,127		
ERIE	3,748	· ·	TIOGA	815	3,025		
FAYETTE	3,186	•	UNION	375	863		
FOREST	1		VENANGO	1,183	2,998		
FRANKLIN FULTON	2,179 231	· ·	WARREN WASHINGTON	822	2,176		
GREENE	844		WAYNE	4,963 1,812	5,680		
HUNTINGDON	434	· ·	WESTMORELAND	7,333	2,551 10,211		
INDIANA	1,243	•	WYOMING	209	670		
JEFFERSON	624	•	YORK	4,675			
JUNIATA	158	696		4,073	7,011		
GRAND TOTAL FOR HANDGUNS FOR 2000							
GRAND TOTAL FOR LONG GUNS FOR 2000							
GRAND TOTAL FIREARM SALES/TRANSFERS REPORTED							

Totals include any taxed or non-taxed sales/transfers reported for year 2000.

FIREARM SALES REPORTED BY MONTH FOR 2000

2000	HANDGUNS	LONG GUNS	MONTHLY TOTALS
JANUARY	13,822	14,056	27,878
FEBRUARY	14,247	13,283	27,530
MARCH	16,741	15,639	32,380
APRIL	14,894	16,151	31,045
MAY	11,908	11,861	23,769
JUNE	11,493	12,799	24,292
JULY	11,551	13,753	25,304
AUGUST	10,849	14,584	25,433
SEPTEMBER	11,148	20,475	31,623
OCTOBER	11,972	25,494	37,466
NOVEMBER	13,154	31,250	44,404
DECEMBER	15,895	34,422	50,317
GRAND TOTALS	157,674	223,767	381,441

Totals include any taxed and non-taxed sales/transfers reported for year 2000.

2000 County Statistics for License to Carry Firearms And Sportsman's Firearm Permits

COUNTY	LTC	SFP	COUNTY	LTC	SFP		
ADAMS	660	51	LACKAWANNA	1,519	95		
ALLEGHENY	7,266	511	LANCASTER	4,184	434		
ARMSTRONG	1,172	71	LAWRENCE	937	163		
BEAVER	1,491	291	LEBANON	1,303	97		
BEDFORD	563	88	LEHIGH	3,052	154		
BERKS	2,734	114	LUZERNE	2,862	297		
BLAIR	1,583	25	LYCOMING	1,413	24		
BRADFORD	806	118	MCKEAN	763	62		
BUCKS	4,187	347	MERCER	863	223		
BUTLER	2,014	115	MIFFLIN	449	59		
CAMBRIA	1,351	112	MONROE	800	133		
CAMERON	143	19	MONTGOMERY	3,749	274		
CARBON	752	122	MONTOUR	156	46		
CENTRE	1,019	68	NORTHAMPTON	1,460	146		
CHESTER	2,290	160	NORTHUMBERLAND	1,045	39		
CLARION	448	115	PERRY	568	75		
CLEARFIELD	1,062	121	PHILADELPHIA	4,256	21		
CLINTON	478	25	PIKE	692	203		
COLUMBIA	616	99	POTTER	234	79		
CRAWFORD	1,100	232	SCHUYLKILL	1,792	29		
CUMBERLAND	1,537	160	SNYDER	441	28		
DAUPHIN	2,344	103	SOMERSET	605	155		
DELAWARE	2,882	185	SULLIVAN	120	31		
ELK	552	103	SUSQUEHANNA	594	98		
ERIE	1,379	338	TIOGA	613	52		
FAYETTE	3,576	153	UNION	401	10		
FOREST	103	84	VENANGO	498	144		
FRANKLIN	1,230		WARREN	874	106		
FULTON	225		WASHINGTON	1,759	230		
GREENE	332	124	WAYNE	531	154		
HUNTINGDON	426	98	WESTMORELAND	4,586	337		
INDIANA	979		WYOMING	395	48		
JEFFERSON	706	85	YORK	3,580	160		
JUNIATA	234	12					
	_		OTAL LTC FOR 2000	_	95,334 8,816		
GRAND TOTAL SFP FOR 2000							

LTC - License to Carry

SFP - Sportsman's Firearm Permit

NUMBER OF LICENSED FIREARM DEALERS BY COUNTY FOR 2000

COUNTY	NO. DEALERS	COUNTY	NO. DEALERS			
ADAMS	=	LACKAWANNA	71			
ALLEGHENY		LANCASTER	75			
ARMSTRONG	38	LAWRENCE	24			
BEAVER		LEBANON	32			
BEDFORD	27	LEHIGH	60			
BERKS		LUZERNE	106			
BLAIR		LYCOMING	60			
BRADFORD		MCKEAN	25			
BUCKS		MERCER	53			
BUTLER	=	MIFFLIN	23			
CAMBRIA		MONROE	55			
CAMERON	9		87			
CARBON		MONTOUR	6			
CENTRE		NORTHAMPTON	54			
CHESTER		NORTHUMBERLAND	38			
CLARION		PERRY	27			
CLEARFIELD		PHILADELPHIA	31			
CLINTON		PIKE	27			
COLUMBIA		POTTER	22			
CRAWFORD		SCHUYLKILL	67			
CUMBERLAND		SNYDER	24			
DAUPHIN	_	SOMERSET	49			
DELAWARE		SULLIVAN	9			
ELK		SUSQUEHANNA	40			
ERIE		TIOGA	39			
FAYETTE		UNION	18			
FOREST		VENANGO	27			
FRANKLIN		WARREN	35			
FULTON	=	WASHINGTON	55			
GREENE		WAYNE	32			
HUNTINGDON		WESTMORELAND	162			
INDIANA		WYOMING	18			
JEFFERSON		YORK	109			
JUNIATA	11					
TOTAL LICENSED FIREARM DEALERS FOR 2000 3,22						