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DOJ OIG Releases Report on Selected Aspects of the FBI's National Instant Criminal Background Check System

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a report examining selected aspects of the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS).

Under federal law, Federal Firearms Licensees (FFLs) are responsible for ensuring that firearms transfers meet the legal age requirements of both the state in which the sale occurs and also, for individuals who cross state lines to buy a firearm, the purchaser's state of residence. However, the DOJ Office of the Inspector General (OIG) found that while NICS automatically verifies age eligibility under federal law, it does not automatically verify out-of-state purchasers' age eligibility under the age requirement of their state of residence. As a result, the FFL must manually confirm this latter requirement and, if an FFL errs or fails to confirm this requirement altogether, a firearm may be transferred to the out-of-state purchaser in violation of federal law.

For example, after the 2018 school shooting at Marjory Stoneman Douglas High School, the state of Florida prohibited individuals under 21 from purchasing firearms. Nevertheless, in April 2019, an FFL in Colorado transferred a firearm to an 18-year old resident of Florida, apparently without first verifying the purchaser's age eligibility in her state of residence. The NICS system did not conduct an automated check of this requirement and therefore did not prohibit the sale. Subsequently, the purchaser allegedly made threats against Colorado schools, resulting in the lockdown and closure of hundreds of schools, and ultimately the death of the purchaser by an apparently self-inflicted gunshot wound.

Separately, the OIG found that the FBI maintains an adequate process to audit states that conduct all required background checks within the state, in accordance with state and federal laws.

Today's report recommends that the FBI strengthen the controls over the sale of firearms to out-of-state purchasers by updating the NICS background check to verify age requirements of an out-of-state firearm purchaser in both the purchaser's state of residence and the state of sale to ensure basic age eligibility. The FBI agreed with the recommendation.

Report: Today's report is available on the OIG's website at the following link:

<https://oig.justice.gov/reports/audit-selected-aspects-federal-bureau-investigations-national-instant-criminal-background>.

Video: To accompany today's report, the OIG has released a two-minute video of the Inspector General discussing the report's findings. The video and a downloadable transcript are available at the following link:

<https://oig.justice.gov/news/multimedia/video/message-inspector-general-audit-selected-aspects-fbis-national-instant>