
Pistol Purchase Permit Revocations

A Report to the General Assembly



Compiled by the
North Carolina Sheriffs' Association

March 31, 2014
Revised August 5, 2014

Session Law 2013-369

SECTION 17.3. In order to ensure the validity of existing and unexpired permits, no later than January 31, 2014, the sheriff shall determine whether any of these permits are subject to revocation pursuant to the standard set forth in G.S. 14-404(h). If a permit is subject to revocation, the sheriff shall immediately initiate the procedures set forth in G.S. 14-404(h)(1)-(3). No later than March 31, 2014, each sheriff shall submit a written report to the Joint Legislative Oversight Committee on Justice and Public Safety with the results of the review required by this section. The North Carolina Sheriffs' Association may compile the reports and submit a single report with the information from each county in lieu of each county submitting individual reports.

Background

House Bill 937, Amend Various Firearms Laws, was enacted into law on July 29, 2013 and made various changes to gun laws in North Carolina. One change to G.S. 14-404 requires sheriffs to now revoke a pistol purchase permit issued to an individual, "... upon the occurrence of any event or condition subsequent to the issuance of the permit, or the applicant's subsequent inability to meet a requirement...which would have resulted in a denial of the application submitted to obtain the permit if the event, condition, or applicant's current inability to meet a statutory requirement had existed at the time of the application...". This change resulted in sheriffs' offices having to examine five years of pistol purchase permit meaning all pistol purchase permits issued since October 1, 2008 and determine if there were any events or conditions that occurred subsequent to the issuance of the permit that would have caused the sheriff to deny the permit at application.

North Carolina law has required sheriffs to issue permits for the purchase of pistols since 1959. Since the mid 1990's federal law has required persons wishing to purchase a handgun to obtain a permit or, in states that do not issue permits, undergo a check through the National Instant Criminal Background Check System (NICS). General Statute 14-404 outlines the general process by which a sheriff takes an application for a pistol purchase permit (PPP) and completes a criminal history background, is fully satisfied as to the good moral character of the applicant, and determines that the applicant desires the pistol for personal protection, target shooting, collecting or hunting.

The sheriff is further directed by law to determine the criminal and background history of any applicant by accessing computerized criminal history records maintained by the State Bureau of Investigation and the Federal Bureau of Investigation, by conducting a national criminal history records check, by conducting a check through the National Instant Criminal Background Check System (NICS) and by conducting a criminal history records check through the Administrative Office of the Courts. This is a name-based background search.

The sheriff must verify by this background check that it is not a violation of State or federal law for the applicant to purchase, transfer, receive or possess a handgun. Under state law, a permit can not be issued by the sheriff to the following persons:

- (1) One who is under an indictment or information for or has been convicted in any state, or in any court of the United States, of a felony (other than an offense pertaining to antitrust violations, unfair trade practices, or restraints of trade). However, a person who has been convicted of a felony in a court of any state or in a court of the United States and (i) who is later pardoned, or (ii) whose firearms rights have been restored pursuant to G.S. 14-415.4, may obtain a permit, if the purchase or receipt of a pistol permitted in this Article does not violate a condition of the pardon or restoration of firearms rights.
- (2) One who is a fugitive from justice.
- (3) One who is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. § 802).
- (4) One who has been adjudicated mentally incompetent or has been committed to any mental institution.
- (5) One who is an alien illegally or unlawfully in the United States.

- (6) One who has been discharged from the Armed Forces of the United States under dishonorable conditions.
- (7) One who, having been a citizen of the United States, has renounced his or her citizenship.
- (8) One who is subject to a court order that:
 - a. Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;
 - b. Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner of the person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
 - c. Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

While the pistol purchase permit process has evolved somewhat over time, it is rooted in paper applications reviewed by sheriffs' personnel who do manual, individual background checks on each applicant. A sheriff must charge a \$5 application fee for each permit requested. Typically, the number of permits issued to an individual at one time was five or less. H 937 now allows an applicant to request as many permits as they wish.

When a permit is issued, General Statute 14-403 provides for the permit to be valid for five years. A valid permit must be presented to a federally licensed gun dealer or any who conveys a pistol to the permit holder when purchasing or transferring a handgun. The gun dealer or individual retains the permit in their files. The sheriff does not know when or if a permit is used. Sheriffs do keep limited records on permits issued and up until the enactment of H 937, these records were public.

Recently, some sheriffs have gone to an on-line application for the convenience of the applicant and to automate some of the permitting process. Permitium is a company whose web-based software is used by the majority of sheriffs who have adopted the on-line application process.

Sheriffs have issued thousands of pistol purchase permits over the past five years. As sheriffs have gathered their permits for review, the number of permits issued within the last five years was found to be as few as 289 in Tyrrell County and as many as 93,486 in Mecklenburg County.

Pistol Purchase Permit Revocation

Effective October 1, 2013 sheriffs were to begin reviewing all permits less than five years old to determine if there were any events or conditions that occurred subsequent to the issuance of the permit that would have caused the sheriff to deny the permit at application. The review process was to be completed by January 31, 2014 and a report made to the General Assembly by March 31, 2014 on permits subject to revocation. General Statute 14-404 (h) mandates the revocation of permits and requires the sheriffs' offices to conduct ongoing background checks of active permittees. Conducting an ongoing manual case by case review of 289 permits in Tyrrell County or 77,086 permits in Mecklenburg County is nearly impossible. A manual revocation process necessitates a periodic review of State criminal court records and background records through NICS and other connected federal databases for specific events or conditions associated with each permit holder.

The staff of the North Carolina Sheriffs' Association (NCSA) met with staff from the State Bureau of Investigation's Division of Criminal Information (SBI/DCI) and with the staff of Criminal Justice Law Enforcement Automated Data Services (CJLEADS) shortly after House Bill 937 was enacted into law to explore the possibilities of an automated review process for active permits through NICS and CJLEADS data bases. NCSA staff learned that the Commonwealth of Kentucky uses a batch computer process to send all of their active concealed handgun permits to NICS looking for events or conditions that would disqualify the permittee from holding their concealed handgun permit.

The staff at CJLEADS took responsibility for developing a formatted spreadsheet for pistol purchase permit information for all sheriffs' offices to complete and return to CJLEADS for comparison with State court records. Sheriffs' offices received the results of the comparison of permit information with criminal court records in a Subject to Revocation Report. Each event or condition contained in the Subject to Revocation Report was reviewed by sheriff's office staff to determine if the event or condition necessitated a revocation of the permit or permits issued to the permittee. Revocation letters were sent to those permittees whose permits were determined to be in violation of State or federal law and ineligible for a pistol purchase permit. CJLEADS reported to sheriffs' offices Subject to Revocation numbers ranging from as few as 7 permits in Camden County to 2,969 permits in Mecklenburg County. The percentage of permits subject to revocation ranged from 1% in Camden County to 7.6% in Richmond County. One of the factors that seem to influence the numbers was the number of duplicate permittees in the permit file and how they were recorded in the spreadsheet. An individual who routinely purchases permits would be listed many times in the spreadsheet and any matching event or condition found would be reported as many times as the individual was listed in the spreadsheet.

The staff at the SBI/DCI along with the Department of Justice IT Division staff (DOJ/ITD) developed a process for transmitting the sheriffs' offices spreadsheet information to NICS for a comparison with national databases. This proved to be very challenging for a variety of reasons including; specific formatting issues, limitations on the time of day and the number of records that could be submitted, rejection of records that did not contain required data such as gender, the analytics employed by NICS to return non-exact matches (false positives) and a much larger number of returns in the report generated by searching multiple large national databases. The NICS search generated Subject to Revocation Report numbers that were much greater than those reported by CJLEADS. The reports included 165 or 23.5% of permits being subject to revocation in Camden County and 35,488 or 38% of permits being subject to revocation in Mecklenburg County. Several counties had over 50% of their permits reported subject to revocation in the NICS report. The NICS review not only broadened the search criteria and searched much larger databases but also seemed to multiply the number of returns due to duplications of permittees in the file. Many sheriffs' offices had hundreds of potential permit revocations to review from the NICS report and others had thousands.

Technical Development

Sheriffs

Sheriffs' offices faced a wide variety of technology issues with the automation of a Pistol Purchase Permit Revocation process. Following the decision to use a batch process to compare permit information with State court criminal records and national background records, sheriffs had to transfer five years of permit information from electronic or paper files to the CJLEADS spreadsheet. Electronic records had to be exported or copy and pasted into the spreadsheet format and be verified. Paper records had to be recreated in electronic form to be entered into the spreadsheet.

Initially, only a few sheriffs' offices were using the services of Permitium, a web-based permit processing and management software tool, to provide on-line Pistol Purchase Permit application submission and automated administration of the permit process. These few sheriffs' offices had a fully automated process from transferring the permit information into the spreadsheet to uploading of their file to CJLEADS through the review of both the CJLEADS and NICS Subject to Revocation Reports and the preparation of letters of revocation. Permitium provided ongoing support and adapted their software to the needs of the sheriffs' offices throughout the permit review and revocation process.

A major issue faced by sheriffs' offices was the lack of pertinent data for batch processing, particularly for the national background check. Sheriffs' permit file systems were not built with the anticipation of reusing the information to recheck backgrounds. Information including name and address were routinely included in all file systems but information such as date of birth, social security number, gender and citizenship information were not always retained. NICS checks are rejected without valid gender information.

Another major issue faced by sheriffs was the manual review of the Subject to Revocation Reports. The CJLEADS report could be sorted as a spreadsheet. However, the much larger NICS report which contained thousands of records for many sheriffs' offices could not be sorted. The output from NICS was in a

format that required manual review or a third party software. Those sheriffs' offices that were Permitium customers were able to sort their NICS reports after Permitium developed a method to import the reports from the SBI/DCI and to cluster duplicate names.

Office of the State Controller

The staff of Criminal Justice Law Enforcement Automated Data Services (CJLEADS) developed a reporting system that would match the PPP data to criminal data already available in CJLEADS to determine which permittees may be subject to permit revocation. The matching process uses numerous matching criteria to ensure positive matching.

The NCSA worked with the DOJ/ITD and SBI/DCI to send the PPP data through to the FBI for a NICS check. During this process, the need surfaced for several new business rules to ensure quality data for the NICS check. CJLEADS quickly developed business rules to cover these cleansing actions. CJLEADS was able to modify the program and implemented those six rules to "cleanse" the data so that the data could be sent for a NICS check. Later, the determination was made that two additional rules were needed in order to achieve efficient NCIS results. CJLEADS quickly reacted to those needs and successfully implemented those data cleansing actions as well.

The implemented solution addressed the sheriffs' immediate need by providing a secured SAS FTP site where permits can be uploaded to CJLEADS on a regular basis by each sheriff's office. Upon receipt of the permit file, one or more permit reports are generated to inform the sheriff's office that the file was received and accepted. Upon completion of the matching process, the sheriff's office Point-of-Contact is notified by an automated email that the Subject to Revocation Report is available for download and review. The Sheriff's Office is responsible for reviewing the reports, researching data from each, and applying permit updates (such as revocations, application denials, etc.) to the permit worksheet or application. The updated worksheet can then be uploaded to the SAS FTP site for the sheriff's office next reporting cycle. The process is reflected in Figure 1.

CJLEADS piloted these efforts with a small subset of sheriffs' offices (Camden, Cumberland, Mecklenburg, Montgomery, Person, and Wake). With the aggressive timeline for implementation, decisions were made regarding the scope of functionality for the first phase, and the determination was made as to functional areas that could be held for a later release. As progress was made, each pilot sheriff's office provided valuable input to help increase efficiency and ensure usability.

A Memorandum of Agreement was signed between each of the county sheriffs and The Office of the State Controller to allow CJLEADS to store the county PPP data. CJLEADS created a template for each sheriff's office to use when compiling their data from existing records. This template was vetted by the pilot agencies, the NCSA and the DOJ/ITD and SBI/DCI.

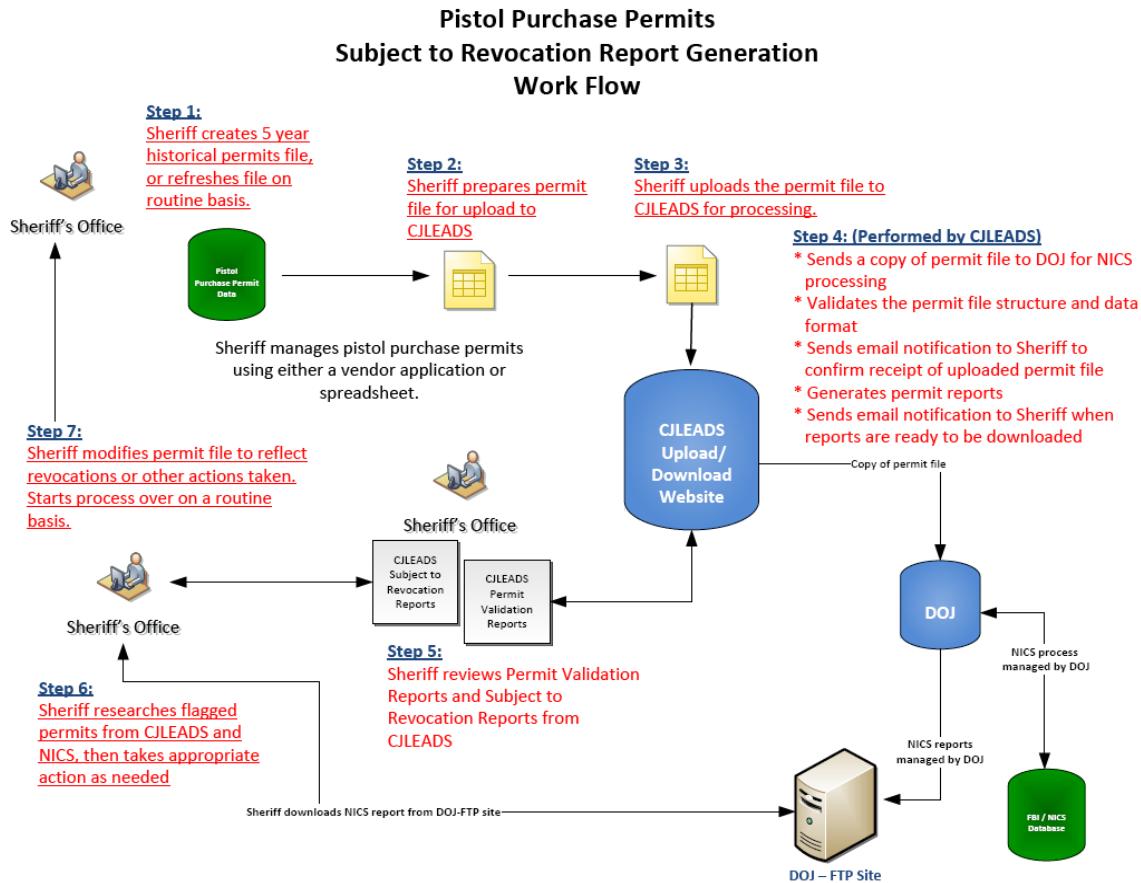
Working with CJLEADS' vendor partner SAS, accounts for each sheriff's office were set up in SAS' file transfer web site and each county contact was personally contacted with their log-in credentials. The CJLEADS team provided each sheriff's office with instructions for compiling all permit information for the last five years into the spreadsheet that would be uploaded to CJLEADS. The CJLEADS team supported the sheriff's offices throughout the process to ensure each had a full understanding of what would be needed to have their data evaluated.

The NCSA, the OSC and SAS CJLEADS teams worked to deploy the PPP process before the January 31, 2014 deadline. CJLEADS successfully implemented the reporting function on January 24, 2014. The sheriff's offices were able to immediately begin uploading their PPP data for matching in CJLEADS and transmittal to the SBI/DCI and DOJ/ITD for NICS checks.

When a sheriff's office submits their PPP data to CJLEADS for matching, the Subject to Revocation Report is provided to the sheriffs' offices the following day. As sheriffs' offices began to receive their Subject to Revocation Reports, CJLEADS received favorable feedback from many sheriffs' offices with comments expressing their relief that a system had been implemented so quickly to assist them with determining which permits may need to be revoked.

Figure 1. below illustrates the process that CJLEADS developed to batch process sheriffs' offices Pistol Purchase Permit files to compare the files to State criminal court files and return a Subject to Revocation Report to the sheriff and to transmit the sheriffs' offices files on to the SBI/DCI and DOJ/ITD for batch processing the files to NICS for national background checks.

Figure 1.



In order for CJLEADS to support the sheriffs' offices in meeting this legislative mandate, a significant number of hours were consumed by both the OSC and SAS CJLEADS teams. Since this mandate did not provide additional funding, CJLEADS supported this development effort within their existing budget. The estimate for the SAS team is 900 hours. The estimate for the OSC CJLEADS team is 1,900 hours.

Department of Justice

From late October through mid-November, the Department of Justice IT Division (DOJ/ITD) and the State Bureau of Investigation's Division of Criminal Information (SBI/DCI) worked with the North Carolina Sheriffs' Association (NCSA) and the Criminal Justice Law Enforcement Automated Data Services (CJLEADS) staff on evaluating possible solutions for processing NICS automated query transactions (QNP or query NICS, including protective orders) in batches and selecting the best solution given the time constraints. DOJ/ITD and SBI/DCI staff spent approximately 245 hours on this part of the project.

DOJ/ITD and SBI/DCI staff configured the DCIN message switch batch interface to perform batch NICS inquiries, developed the initial post-processing script, and worked with NCSA, NICS, and CJLEADS to define and test an input spreadsheet for performing batch inquiries. DOJ/ITD and SBI/DCI staff spent approximately 132 staff hours on this part of the project.

DOJ/ITD and SBI/DCI staff worked with NCSA, CJLEADS, and NICS on refining and testing data verification cleansing of sheriffs' offices spreadsheets and defining and documenting an operational procedure for managing the processing of pistol purchase permit files statewide. DOJ/ITD and SBI/DCI staff spent approximately 192 staff hours on this part of the project.

DOJ/ITD and SBI/DCI staff put into operation the process for completing batch NICS inquiries for pistol purchase permit files received from CJLEADS on behalf of sheriff's offices in late March. Sheriffs' offices were then provided with FTP login information, processing files were received, scripts and post-processing scripts were refined and improved and preparation for input was made. There was significant communications with stakeholders and providing user support to sheriffs' offices. DOJ/ITD and SBI/DCI staff spent approximately 224 staff hours on this part of the project.

Note that in addition to the time spent to date, DOJ/ITD and SBI/DCI staff will have to spend more time identifying and implementing a solution for providing sheriffs with criminal history inquiry logs, which are too large to be delivered through the current mechanism in DCIN for many sheriffs' offices now that so many NICS inquiries are being run.

Also note that the high level of staff hours spent on this project will not be available on a continuous basis. Unless this process is fully automated, which will require improvements on both the CJLEADS and DOJ/ITD and SB/DCI side of the process; DOJ/ITD and SBI/DCI will require additional personnel in order to continue to provide this service to sheriffs on a continuous basis.

The current process DOJ/ITD and SBI/DCI staff is using for processing pistol permit purchase files received from CJLEADS on behalf of sheriffs' offices is as follows:

- CJLEADS sends emails to DOJ/ITD account indicating that new sheriffs' offices pistol purchase permit files are ready for processing.
- ITD manually logs in to the CJLEADS FTP site and downloads the files.
- For each file downloaded, DOJ/ITD determines if another file has already been run for that sheriff's office for the reporting period. If not, DOJ/ITD continues with processing the file. If so, DOJ/ITD does not process the file with one exception. If the file was for a sheriff's office that had an exceptionally high error rate from NICS, then DOJ/ITD emails the designated POC for the sheriff's office asking if this is a corrected file that should be run against NICS again. If so, DOJ/ITD continues processing the file. Note that this part of the process will need to be automated between the sheriffs, CJLEADS and DOJ/ITD in order for DOJ/ITD to continue to process these files on an ongoing basis.
- DOJ/ITD examines the file to make sure that it is not going to have an error rate near 100%, due to the gender field being "Unknown" or empty for all records, for example. If a file is going to be rejected, then DOJ/ITD emails the designated sheriff's office POC informing them of the problem and asking them to correct their data and resubmit it to CJLEADS. Note that this part of the process is only being performed for this first run through the state as a courtesy to sheriffs' offices.
- DOJ/ITD updates its tracking spreadsheet with information about the file and identifies a date for the file to be run against NICS. This scheduling is necessary because the NICS batch process can only support running a maximum of 65,000 inquiries per day based on the capabilities of the DCIN message switch batch interface, NICS hours of operation, and batch throughput throttling requirements imposed by NICS. For Wake and Mecklenburg Counties, whose files have more than 65,000 records, DOJ/ITD and SBI/DCI have to schedule special batch run time periods with NICS.
- For files scheduled to be run the current evening, DOJ/ITD runs the files through a preparation script that creates transaction files in a format that the DCIN message switch batch interface and NICS can accept.
- SBI/DCI sends email to NICS indicating which sheriff's offices are scheduled to run the current evening. The email also includes ORI, number of transactions for each ORI, and sheriff's office point of contact.
- SBI/DCI sends email to sheriffs' offices scheduled to run the current evening.

- DOJ/ITD moves the transaction files to be processed that evening to a staging area on the DCIN message switch server.
- A scheduled job on the DCIN message switch server feeds the files from the staging area to the DCIN message switch batch interface between the hours of 6:00 PM and 1:00 AM seven days a week.
- The DCIN message switch batch interface processes the files one at a time by reading the transactions from the file and sending the automated query transactions (QNP or NICS, including protective orders) transactions to NICS at a rate of approximately 10,800 files per hour.
- The DCIN message switch batch interface receives responses from NICS and places those responses into an output file for the sheriff's office. The batch interface waits for a configured length of time for all responses to be received after the last inquiry for the file is sent to NICS, closes out the sheriff's office output file, and runs a post-processing script on that file.
- The post-processing script reads through the output file to identify hit, no hit, and error responses. The script separates these responses into separate files, creates a summary file with statistics and an index and compresses all of these files along with the input transactions file into a password-protected, encrypted ZIP file. The script sends the ZIP file to a folder on DOJ's FTP server to which only the FTP account provided to that sheriff's office has access. Finally, the script sends an email to the designated POC for the sheriff's office indicating that their NICS results are ready to be picked up at the FTP site. Instructions on how to complete the FTP process and descriptions of the ZIP file contents are included as an attachment to the email.
- After the post-processing script is run, the batch interface proceeds to the next file and the step are repeated until all files scheduled to run that evening are processed.
- The next day, DOJ/ITD updates its tracking spreadsheet with the results of the previous evening's batch run and starts the process all over again.

Permitium

Permitium, a North Carolina company based in Matthews, develops and deploys a suite of online weapons permit processing applications, called PermitDirector, for Sheriffs' Offices across the United States.

Working in conjunction with the CJLEADS team, the DOJ/ITD, SBI/DCI, and the North Carolina Sheriffs' Association, PermitDirector, was augmented to manage the requirements of House Bill 937. Specifically, Permitium developed a user-interface and data-integration with CJLEADS and the SBI/DCI that allowed the Sheriffs' Offices to research revocations online, process them online, and track them online.

This new user-interface help sheriffs manage their pistol purchase permits and comply with the new law and will ensure that the revocation process for pistol purchase permits can be managed efficiently moving forward.

Security and availability are two of the most important aspects of the PermitDirector solution. All data is securely managed via the highest levels of encryption available. All data is backed up, every 15 minutes, to nine logical data centers across the United States. The PermitDirector application has achieved 99.99% availability in North Carolina since its first live date in 2012.

Permitium manages the weapons permits for over 40 North Carolina Sheriffs' Offices and has received authorization to move forward from another 10 offices. Permitium currently manages approximately 450,000 North Carolina pistol purchase permits.

Pistol Purchase Permits Reviewed and Revoked

Note: All the figures in this section were derived from counting values in each individual sheriff's permit file as updated on April 25, 2014. Due to inconsistencies in record keeping from sheriff's office to sheriff's office and in the compilation of each sheriff's office records into a five year database, and despite the attempt to standardize the permit files, there are likely variations in the reported data from county to county. Permit counts may vary from actual numbers due to permit numbering inconsistencies. Permittee counts may vary from actual numbers due to difficulty in identifying and clustering duplicate applicants. Revocation numbers may be understated due to many

sheriffs not having completed the review of the large numbers of permits returned in the NICS reports. Also, there are likely duplications in reported disqualifying events that were reported in both the CJLEADS Subject to Revocation Report based upon State criminal court files and the Subject to Revocation Report generated by NICS. Thus, the numbers presented are the best that can be derived based upon the many variables in the data collection and are a result of a survey of all sheriffs' offices.

Sheriffs' offices in 98 counties compiled and submitted five years of Pistol Purchase Permit files to CJLEADS. Of those 98 sheriffs' offices, one sheriff's office files were outside the valid time period leaving 97 sheriffs' offices submitting 674,806 permits for review representing 344,338 different permit holders. CJLEADS returned 26,637 permits to sheriffs as subject to revocation due to an event or condition that occurred subsequent to the issuance of the permit that would have disqualified the individual from receiving a pistol purchase permit at application.

DOJ/ITD and SBI/DCI staff have batch processed 95 sheriffs' offices files to NICS and NICS returned 195,937 records of individuals with an event or condition that occurred subsequent to the issuance of the permit that would have disqualified the individual from receiving a pistol purchase permit at application but these records required a manual determination if the record belonged to the individual granted a permit. Six sheriff's offices had their data rejected by NICS due to missing data.

Sheriffs have reported revoking **5,255** permits from **2,447** permittees as a result of the background check and review process through April 25, 2014. However, it should be noted that a sheriff has no way of knowing if a permit has been used since issuance. A table detailing permits, permit holders and revocations by county is contained in the report as Attachment A.

Issues

This mandate presented many issues, some of which continue to remain. The issues are summarized as follows:

- Sheriffs' offices did not anticipate a future requirement for reviewing permits for revocation and permit issued files are not inclusive of all data necessary to complete background reviews
- Pistol Purchase Permits are valid for five years from date of issuance and now must be reviewed periodically during the entire period of validity
- Reconstructing five years of Pistol Purchase Permits issued and placing the data into a formatted spreadsheet was a mammoth task for many sheriffs' offices
- Sheriffs' offices are staffed to review and process Pistol Purchase Permit applications and not to conduct periodic reviews of active permits
- Conducting periodic background checks on all active permits manually (researching each name on a weekly or monthly basis) is a nearly impossible task for all sheriffs' offices
- Automating the background recheck process had to be built as no such automated State or federal review process existed
- Sheriffs do not know if an active permit has been used and must assume it has not
- Formatting problems occurred with data submissions to NICS
- NICS batching is limited in numbers of records that can be sent at a time (throttled at 3 records per second) and limited to only 7 hours per day
- NICS name search criteria results in many false positives
- Duplicate names in permit files result in duplicates in the Subject to Revocation Reports
- The time period allowed for sheriffs' offices to complete the permit review and revocation process did not bear any relationship to the complexity of the work
- Sheriffs' offices cannot account for permits claimed to be "lost"
- Gun dealers do not know if a permit has been revoked

Summary

House Bill 937, Amend Various Firearms Laws, was enacted into law on July 29, 2013 and requires sheriffs to now revoke a pistol purchase permit issued to an individual, "... upon the occurrence of any event or condition subsequent to the issuance of the permit, or the applicant's subsequent inability to meet a requirement...which would have resulted in a denial of the application submitted to obtain the permit if the event, condition, or applicant's current inability to meet a statutory requirement had existed at the time of the application...". This change resulted in sheriffs' offices having to examine five years of pistol purchase permit meaning all pistol purchase permits issued since October 1, 2008 and determine if there were any events or conditions that occurred subsequent to the issuance of the permit that would have caused the sheriff to deny the permit at application.

Effective October 1, 2013 sheriffs were to begin reviewing all active permits less than five years old to determine if there were any events or conditions that occurred subsequent to the issuance of the permit that would have caused the sheriff to deny the permit at application. Conducting an ongoing manual case by case review of 289 permits in Tyrrell County or 93,486 permits in Mecklenburg County is nearly impossible. A manual revocation process necessitates a periodic review of State criminal court records and background records through NICS and other connected federal databases for specific events or conditions associated with each permit holder.

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The staff at the State Bureau of Investigation's Division of Criminal Information (SBI/DCI) along with the Department of Justice IT Division staff (DOJ/ITD) developed a process for transmitting the county spreadsheet information to NICS for a comparison with those national databases. This proved to be very challenging for a variety of reasons.

The NICS generated report numbers were much greater than those reported by CJLEADS. The reports included 165 or 23.5% of permits being subject to revocation in Camden County and 35,488 or 38% of permits being subject to revocation in Mecklenburg County. Several sheriffs' offices had over 40% of their permits reported subject to revocation in the NICS report. The NICS reports not only broadened the search criteria and searched much larger databases but also seem to multiply the number of returns due to duplications of permittees in the file.

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Sheriffs have reported revoking **5,255** permits from **2,447** permittees as a result of the background check and review process through April 25, 2014. However, it should be noted that a sheriff has no way of knowing if a permit has been used since issuance. A table detailing permits, permit holders and revocations by county is contained in the report as Attachment A.

This mandate presented many issues, some of which continue to remain. The issues are summarized as follows:

- Sheriffs' Offices did not anticipate a future requirement for reviewing permits for revocation and permit issued files are not inclusive of all data necessary to complete background re-reviews
- Pistol Purchase Permits are valid for five years from date of issuance and now must be reviewed periodically during the entire period of validity
- Reconstructing five years of Pistol Purchase Permits issued and placing the data into a formatted spreadsheet was a mammoth task for many sheriffs' offices
- Sheriffs' offices are staffed to review and process Pistol Purchase Permit applications and not periodic reviews of active permits
- Conducting periodic background checks on all active permits manually (researching each name on a weekly or monthly basis) is a nearly impossible task for all sheriffs' offices
- Automating the background recheck process had to be built as no such automated State or federal review process existed
- Sheriffs do not know if an active permit has been used and must assume it has not
- Formatting problems occurred with data submissions to NICS
- NICS batching is limited in numbers of records that can be sent at a time (throttled at 3 records per second) and limited to only 8 hours per day
- NICS name search criteria results in many false positives
- Duplicate names in permit files result in duplicates in the Subject to Revocation Reports
- The time period allowed for sheriffs' offices to complete the permit review and revocation process did not bear any relationship to the complexity of the work
- Sheriffs' offices cannot account for permits claimed to be "lost"
- Gun dealers do not know if a permit has been revoked

ACKNOWLEDGEMENTS

The North Carolina Sheriffs' Association would like to acknowledge the hard work and long hours of those who worked on this effort in each sheriff's office.

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The NCSA would further like to thank the staff at the State Bureau of Investigation and the Division of Criminal Information (SBI/DCI) and the Department of Justice Information Technology Division (DOJ/ITD) for their many hours of work on designing and implementing the automated processing of permits through the National Criminal Instant Background Check System (NICS).

Finally, NCSA would like to acknowledge the many hours of support Permitium offered sheriffs' offices across the state in their efforts to complete their work.

For additional information, please contact:

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Attachment A

**County Pistol Purchase Permits and
Revocations**

**March 31, 2014
Revised August 5, 2014**

ATTACHMENT A
County Pistol Purchase Permits and Revocations

County Served	Number of Permits	# of permits revoked as of 4/25	# of permittees revoked as of 4/25
Alamance	16,660	115	29
Alexander	453	0	0
Alleghany	424	4	4
Anson	165	0	0
Ashe	3,269	0	0
Avery	1,014	0	0
Beaufort	2,321	22	6
Bertie	1,242	5	5
Bladen	5,483	none	none
Brunswick	11,009	360	157
Buncombe	31,802	220	91
Burke	6,337	38	24
Cabarrus	20,837	116	48
Caldwell	9,885	109	51
Camden	680	0	0
Carteret	3,192	32	29
Caswell	1008	20	10
Catawba	21,378	195	80
Chatham	3,054	32	12
Cherokee	2,228	0	0
Chowan	1,079	0	0
Clay	1,221	9	5
Cleveland	10,384	38	16
Columbus	6,804	0	0
Craven	14,456	67	34
Cumberland	29,214	814	288
Currituck	2,588	0	0
Dare	762	0	0
Davidson	19,959	0	0
Davie	2,103	10	9
Duplin	6,758	13	9
Durham	3,905	12	11
Edgecombe	2,710	19	7
Forsyth	26,728	217	116
Franklin	11,598	163	63
Gaston	29,440	0	0
Gates	287	0	0
Graham	571	0	0
Granville	2,978	0	0
Greene	1,522	8	4
Guilford	43,984	371	158
Halifax	5,881	136	74
Harnett	2,729	8	8
Haywood	4,577	28	14

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County Pistol Purchase Permits and Revocations

Henderson	13,850	30	13
Hertford	1,351	21	18
Hoke	407	133	126
Hyde	193	0	0
Iredell	20,616	175	87
Jackson	2,144	10	5
Johnston	28,634	2	1
Jones	416	1	1
Lee	7,712	37	9
Lenoir	4,678	23	14
Lincoln	8,518	33	12
Macon	2,900	none	none
Madison	311	0	0
Martin	3,669	58	22
McDowell	3,417	16	8
Mecklenburg	93,479	232	to be determined
Mitchell	1,216	1	1
Montgomery	2,898	0	0
Moore	3,595	10	6
Nash	8,133	3	2
New Hanover	16,355	135	45
Northhampton	200+	unknown	unknown
Onslow	12,000	4	2
Orange	2,143	0	0
Pamlico	459	0	0
Pasquotank	2,891	10	8
Pender	1,302	15	6
Perquimans	801	1	1
Person	2,827	13	13
Pitt	10,818	125	104
Polk	1,374	5	2
Randolph	10,133	11	11
Richmond	53	5	5
Robeson	5,987	0	0
Rockingham	4,784	91	45
Rowan	17,402	135	79
Rutherford	3,800	13	4
Sampson	3,477	14	14
Scotland			
Stanly	4,571	32	23
Stokes	5,954	19	11
Surry	8,637	34	34
Swain	885	0	0
Transylvania	1,868	1	1
Tyrrell	291	0	0
Union	26,335	200	166
Vance	4,324	11	6

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County Pistol Purchase Permits and Revocations

Wake	79,251	293	103
Warren	1,278	6	5
Washington			
Watauga	4,364	0	0
Wayne	21,813	62	27
Wilkes	58	0	0
Wilson	3,499	39	39
Yadkin	2,972	14	5
Yancey	1,247	1	1