



September 20, 2019

MR. JOSHUA EATON
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SOMERVILLE, MA 02144-2516

FOIPA Request No.: 1373314-000
Subject: July 2015 Review of the National Instant
Criminal Background Check System

Dear Mr. Eaton:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
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<input checked="" type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)
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<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

85 pages were reviewed and 53 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- This information has been referred to the OGA(s) for review and direct response to you.
- We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records on individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, D.C. 20001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following website: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

See additional information which follows.

The enclosed documents represent the final release of information responsive to your FOIPA request.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum includes information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes additional standard responses that apply to all requests for records on individuals. Part 3 includes general information about FBI records. For questions regarding Parts 1, 2, or 3, visit the www.fbi.gov/foia website under "Contact Us." Previously mentioned appeal and dispute resolution services are also available at the web address.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIA [5 U.S.C. § 552(c) (2006 & Supp. IV (2010))]. FBI responses are limited to those records subject to the requirements of the FOIA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **National Security/Intelligence Records.** The FBI can neither confirm nor deny the existence of national security and foreign intelligence records pursuant to FOIA exemptions (b)(1), (b)(3), and PA exemption (j)(2) as applicable to requests for records about individuals [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2); 50 U.S.C § 3024(i)(1)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that national security or foreign intelligence records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching those systems or locations where responsive records would reasonably be found. A reasonable search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled and maintained by the FBI in the course of fulfilling law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization and encompasses the records of FBI Headquarters (FBIHQ), FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide and includes Electronic Surveillance (ELSUR) records. For additional information about our record searches visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheets. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **The National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1373314-0

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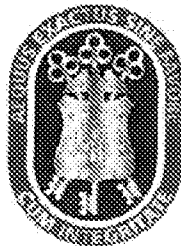
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**INSPECTION DIVISION
OFFICE OF INSPECTIONS**



**INSPECTOR'S REPORT
A REVIEW OF THE CJIS DIVISION'S NATIONAL INSTANT CRIMINAL
BACKGROUND CHECK SYSTEM (NICS)
IN CLARKSBURG, WEST VIRGINIA**



A handwritten signature in black ink, appearing to read "Nancy McNamara", is positioned above a horizontal line.

**Nancy McNamara
Assistant Director
Inspection Division**

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I. EXECUTIVE SUMMARY

(U//~~FOUO~~) **Background:** At the request of the Director, INSD conducted a special review of the Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section in relation to the purchase of a handgun by Dylann Roof, the subject in the 06/17/2015 Emmanuel African Methodist Episcopal (AME) Church shooting in Charleston, SC. This review commenced on 07/14/2015. INSD traveled to CJIS on 07/20/2015 and conducted leadership and staff interviews; reviewed Standard Operating Procedures (SOPs); and assessed the NICS computerized database system.

(U//~~FOUO~~) **Scope and Objectives:** INSD's special review focused on NICS protocols and procedures to assess: (1) the availability and timeliness of actionable intelligence; (2) coordination and information sharing between CJIS and law enforcement agencies; and (3) CJIS Division's oversight and program management preceding the 06/17/2015 church shooting incident. INSD identified Issues and Recommendations which are detailed herein.

(U//~~FOUO~~) **Overview of NICS:** NICS is a DOJ program designed to keep firearms from criminals, the mentally ill, illegal aliens, and people who have renounced their U.S. Citizenship or violate a number of State specific prohibitors. NICS is utilized to determine qualification for receiving or possessing firearms according to federal guidelines. The NICS process includes searching, at a minimum, three federally maintained databases. If applicant identifiers match any entries in the federally maintained databases, a designated set of databases, the "External Manual and Automated Databases," are cross-referenced for resolution.

(U//~~FOUO~~) **NICS Section Structure:** [redacted] full-time Examiners range in grade from GS-6 to GS-9. Examiners are assigned to the NICS Section, within the CJIS Division at Clarksburg, West Virginia. The Examiners are divided into various NICS program roles, to include, the Research and Analysis Team; Appeal Services and Explosives; Command Center; Regional Coordinators; and NICS Index Team. Additionally, NICS manages three regional contract Call Centers, which employ approximately [redacted] Customer Service Representatives (CSSR).

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(U//~~FOUO~~) **NICS Process:** A NICS background check inquiry can follow several paths from inquiry to resolution. To initiate a firearms background check, an applicant must show the Federal Firearms Licensee (FFL) an approved form of photo identification and provide name, sex, race, date of birth, and the state of residence as required on ATF Form 4473. A NICS Transaction Number (NTN) is provided to the FFL and must be recorded on ATF Form 4473. NICS requested applicants submit additional descriptors and unique identifiers to assist in discerning between similar records, because NICS utilized a descriptive based search. The NICS response to

an inquiry consisted of a notice to the FFL stating the transfer of the firearm may Proceed, is Denied, or was Delayed pending further review. FFLs were permitted to legally transfer weapons when the NICS response is Proceed or if exceeding three business days from a Delayed inquiry. The criterion for denying a transfer was based on ten federal prohibitors, as well as, additional state specific prohibitors

(U//~~FOUO~~) **NICS Section Business Process:** NICS operates from 8 am EST to 1 am EST, seven days a week, every day with the exception of Christmas. A NICS inquiry is processed by either CJIS/NICS or a designated state point of contact, which involves state employees querying NICS and conducting the necessary follow up. Thirty six states opted for the FBI to provide the firearms background check function. For the inquiries processed by NICS, the FFL can contact NICS via telephone (Call Centers) or submit requests through the NICS E-Check¹ automated service. At the NICS Section, Examiners work the inquiry through resolution or until all logical leads are awaiting external response. [REDACTED]

[REDACTED] If the inquiry is Delayed, the inquiry is placed in the appropriate regional queue for in-depth research regarding laws or prohibitions specific to a state or region. This was the case in the Roof matter.

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(U//~~FOUO~~) **Roof Case:** On Saturday, 04/11/2015, Roof attempted to purchase a .45 caliber Glock handgun at a gun store in West Columbia, South Carolina. Roof's information was checked in the National Instant Crime Background Check System (NICS) as required by law and Delayed due to potential prohibitors. On the next business day, Monday, 04/13/2015, a Examiner at the CJIS facility in West Virginia, began to process the inquiry. The initial check of Roof's criminal history indicated he was arrested for a felony drug charge. This charge was not enough to Deny proceeding with the transaction and required further inquiry. The Examiner reviewed Roof's criminal history and determined the arresting agency listed on Roof's criminal record was the Lexington County Sheriff's Office (LCSO).

(U//~~FOUO~~) The Examiner determined a case disposition was not listed, then faxed a request to the Lexington County Sheriffs Office (LCSO) requesting more details on the case. Next, the Examiner faxed a similar request to the Lexington County Prosecutor's Office. The LCSO contacted the Examiner and advised the case did not belong to them, and the Examiner should check with the Columbia Police Department (CPD). The Examiner did not locate a listing for the CPD in Lexington County but did locate a listing for the West Columbia Police Department (WCPD). The Examiner contacted the WCPD and was advised there was no record

¹ NICS E-Check is an electronic service, accessed via the Internet, for the NICS Section to directly accept firearms background checks from FFLs. The system automatically conducts the same review as NICS Call Center CSSRs and responds accordingly.

of an arrest of Roof. Court records revealed no convictions. Contacted agencies provided either no definitive clarifying information or did not respond. While the Roof inquiry remained in Delayed status, the Examiner processed other inquiries.

(U//~~FOUO~~) On Thursday, 04/16/2015, the fourth business day from the initial inquiry request, the Brady Transaction Date, the gun dealer exercised his lawful discretion and transferred the gun to Roof. On 06/17/2015, Roof shot and killed nine people attending church services in Charleston, South Carolina.

Summary Findings

(U//~~FOUO~~) The Roof transaction represented one of many paths an FFL inquiry could follow through the complex NICS process. The INSD review identified both areas of exemplary performance and improvement opportunities. Recommendations and identified mitigation opportunities are detailed herein.

(U//~~FOUO~~) **Positive Outcomes**

- The Examiner on the Roof Matter performed as required and in accordance with current policy and procedures.
- NICS Section EM worked proactively to predict and resolve resource and workflow challenges with available in-house resources.
- NICS worked collaboratively as a section and in an "all hands on deck" manner to meet a background check demand which doubled over the past ten years.
- NICS recognized the importance of strong SOPs and devised standardized training for all new Examiners.
- NICS staff articulated dedication and pride in the mission, in spite of heavy workloads and challenges with the receipt of timely information from law enforcement agencies.

(U//~~FOUO~~) **Issues**

- The lack of timely responses and/or incomplete records were primarily responsible for delayed inquiries. Record holders are not required to respond to NICS inquiries.
- Examiners were forced to rely on outdated and inefficient means of communication with various state and local agencies which inhibited effective resolution.
- While demand doubled over the last 10 years, resources remained essentially the same within the NICS Section. Consequently, proactive outreach efforts with agencies and FFLs suffered as resources were pulled to address the increasing number of NICS inquiries.
- To meet statutory requirements, CHS management amended SOPs and curtailed resolution efforts to focus on initial reviews within the Brady Transaction Period.



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- NICS was not required, and therefore did not ensure requests for information to outside agencies were received or reviewed by the recipient agency.
- NICS was not required to proactively review current or new information resources to increase overall effectiveness in conducting firearm background checks. Limited resources and SOPs limited the ability of Examiners to pursue additional datasets. For instance, a query of NDEX, which was reviewed and subsequently not included as a NICS dataset, would have revealed the prohibiting Roof incident report.
- Quality assurance processes were burdensome and reduced manpower available for inquiry resolution. During surge periods, quality assurance was limited to full-time Examiners and the surged workforce was not reviewed.
- Emphasis on inquiry quotas, linking performance to the number of processed inquiries, and regularly redirecting employees from other units to work the high volume of incoming inquiries shifted focus away from resolution and negatively impacted morale.
- NICS examinations are complicated by statutory requirements, including short data purge windows, and increased Examiner requirements to complete reviews in order to verify prohibitors.
- NICS demonstrated the ability to predict surge requirements, however employee schedules were maintained which did not maximize effectiveness.

II. SCOPE AND METHODOLOGY

(U//~~FOUO~~) On 07/20/2015, a six-member INSD team including, an Inspector-in-Charge, two Inspection Team Leaders, two Assistant Inspectors-in-Place, and a Support Operations Specialist, deployed to the FBI CJIS facility in Clarksburg, West Virginia, to conduct the review. The team conducted interviews with management and Legal Instrument Examiner Teams in the NICS Section. INSD's review focused on three areas: (1) the availability, sharing, and timeliness of actionable intelligence; (2) coordination among CJIS units and law enforcement; and (3) CJIS Division's oversight and program management preceding the 06/17/2015 shooting incident at the Emanuel AME Church in Charleston, South Carolina.

(U//~~FOUO~~) INSD conducted a total of 21 interviews. All of the interviews involved personnel assigned to the NICS Section as denoted below:

FBI	Number Interviewed
AD	1
SECTION CHIEF	1
UNIT CHIEF	3
ACTING UNIT CHIEF	2
SUPERVISOR EXAMINER UNIT	2
SUPERVISOR LEGAL ANALYSIS TEAM	1
SUPERVISOR PROGRAM ANALYSIS	1
SUPERVISOR BUSINESS RELATIONS	1
REGIONAL COORDINATOR	2
TRAINING	2
LEGAL INSTRUMENT EXAMINER	4
MAPA	1
Total Interviewed	21

Table I

(U//~~FOUO~~) INSD reviewed NICS Section communications consisting of faxes, reports, Standard Operating Procedures, NICS internal documents, and a NICS SharePoint site. INSD did not review or interview personnel from external agencies.

(U//~~FOUO~~) **Overview of NICS:** NICS is a DOJ program designed to keep firearms from criminals, the mentally ill, illegal aliens, and people who have renounced their U.S. Citizenship or violate a number of State specific prohibitors. NICS is utilized to determine qualification for receiving or possessing firearms according to federal guidelines. The NICS process includes searching, at a minimum, three federally maintained databases: the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS Index.

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(U//~~FOUO~~) **NICS Section Structure:** [redacted] full-time Examiners range in grade from GS-6 to GS-9. Examiners are assigned to the NICS Section, within the CJIS Division at Clarksburg, West Virginia. The Examiners are divided into various NICS program roles, to include, the Research and Analysis Team; Appeal Services and Explosives; Command Center; Regional Coordinators; and NICS Index Team.

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- The Research and Analysis Team processes checks on prospective gun buyers. The Research and Analysis Team employs a staffing level of [redacted] NICS Section employees.
- The Appeal Services and Explosives Team processes customer appeals for Delayed and Denied firearm background checks; to include issuing explosive permits. The Appeal Services and Explosives Team employs a staffing level of [redacted] NICS Section employees.
- The Command Center serves as the central location for all NICS functions, focused on monitoring Examiner activity levels, as well as the Automated Call Distribution. The Command Center has a staffing level of [redacted] NICS Section employees.
- The Regional Coordinators assist Examiners with inquiry dispositions when requested. The Regional Coordinators employ a staffing level of [redacted] NICS Section employees or [redacted].
- The NICS Index Team manages the new record verification process, composed of but not limited to, records received from the Appeal Services and Explosives Team; Immigration and Customs Enforcement (ICE) Submissions; and External Agency Submissions. The NICS Index Team employs a staffing level of [redacted] NICS Section employees.

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(U//~~FOUO~~) Additionally, the NICS Section manages three regional contract Call Centers in Dallas-Fort Worth, Texas; Wheeling, West Virginia; and Barbourville, Kentucky. These call centers employ approximately [redacted] Customer Service Representatives (CSSR) who triage initial telephone NICS inquiries. An organizational chart is referenced in the Roof Case Binder (Appendix K, Section 2).

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(U//~~FOUO~~) **NICS Process:** The NICS process can follow several paths from inquiry to resolution. To initiate a firearms background check, an applicant must show the FFL an approved form of photo identification and provide name, sex, race, date of birth, and the state of residence as required on ATF Form 4473. A NICS Transaction Number (NTN) is provided to the FFL and must be recorded on ATF Form 4473. NICS requested applicants submit additional descriptors and unique identifiers to assist in discerning between similar records, because NICS utilized a descriptive based search. The NICS response to an inquiry consists of a notice to the FFL stating

the transfer of the firearm may Proceed, is Denied, or is Delayed pending further review. FFLs are permitted to legally transfer weapons when the NICS response is Proceed or if exceeding three business days from a Delayed inquiry. The criterion for denying a transfer is based on ten federal prohibitors, as well as, additional state specific prohibitors. The ten federal prohibitors as defined in the Gun Control Act of 1968; Title 18, United States Code (U.S.C.), Sections 921 and 922; Title 27, Code of Federal Regulations (C.F.R.) Part 478.11, are briefly outlined below and incorporated in Appendix A:

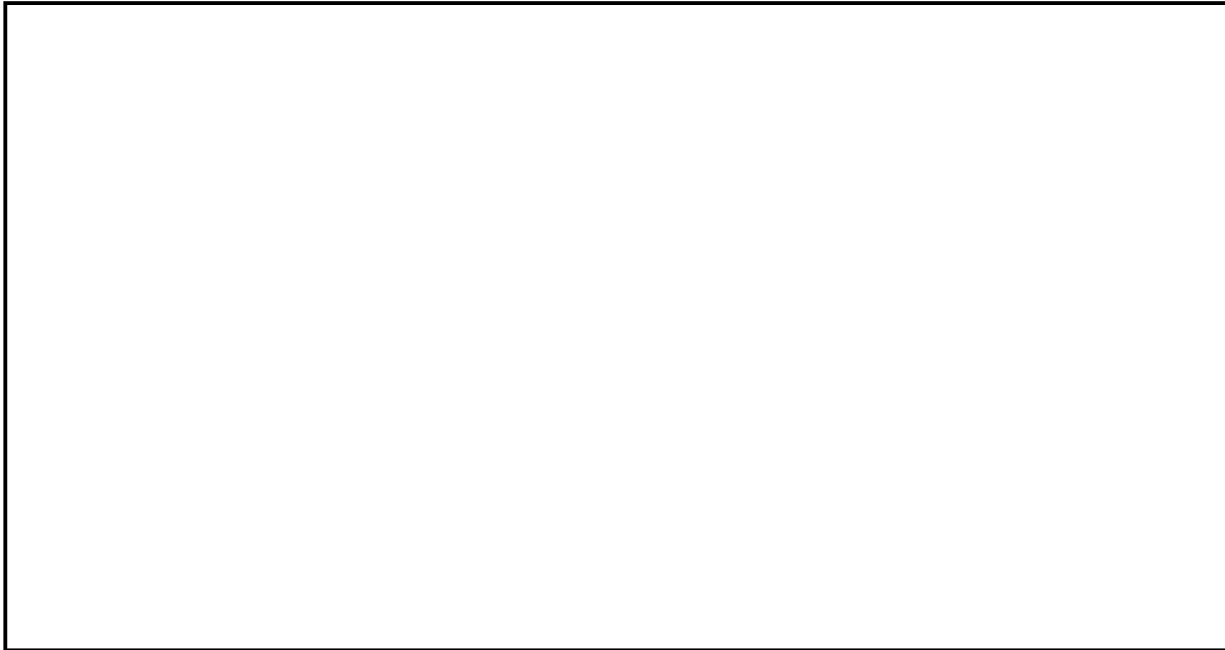
- SECTION 922(g)(1) - PERSONS WHO HAVE BEEN CONVICTED IN ANY COURT OF A CRIME PUNISHABLE BY IMPRISONMENT FOR TERM EXCEEDING ONE YEAR
- SECTION 922(g)(2) - PERSONS WHO ARE FUGITIVES FROM JUSTICE
- SECTION 922(g)(3) - PERSONS WHO ARE UNLAWFUL USERS OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE
- SECTION 922(g)(4) - PERSONS WHO HAVE BEEN ADJUDICATED AS MENTAL DEFECTIVES OR HAVE BEEN COMMITTED TO A MENTAL INSTITUTION
- SECTION 922(g)(5) - PERSONS WHO ARE ALIENS AND ARE ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES
- SECTION 922(g)(6) - PERSONS WHO HAVE BEEN DISCHARGED FROM THE U.S. ARMED FORCES UNDER DISHONORABLE CONDITIONS
- SECTION 922(g)(7) - PERSONS WHO, HAVING BEEN CITIZENS OF THE UNITED STATES, HAVE RENOUNCED THEIR U.S. CITIZENSHIP
- SECTION 922(g)(8) - PERSONS SUBJECT TO A COURT ORDER THAT RESTRAINS THEM FROM HARASSING, STALKING, OR THREATENING AN INTIMATE PARTNER OR CHILD OF SUCH INTIMATE PARTNER, OR FROM ENGAGING IN OTHER CONDUCT THAT WOULD PLACE THE PARTNER OR CHILD IN REASONABLE FEAR OF BODILY INJURY
- SECTION 922(g)(9) - PERSONS CONVICTED IN ANY COURT OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE
- SECTION 922(n) - PERSONS WHO ARE UNDER INDICTMENT OR INFORMATION FOR A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR.

(U//~~FOUO~~) While the majority (91%) of NICS inquiries are resolved within minutes, the absence of complete records and/or unavailable clarifying information requires additional processing to allow for determination of eligibility. Delayed transactions are placed in the "Delayed Queue." In such cases, the Brady Handgun Violence Prevention Act allows the NICS Examiners up to three business days to obtain the missing/clarifying information by contacting local, state, and federal law enforcement agencies. If the information cannot be obtained prior to the expiration of the allotted three business days, also referred to as the Brady Period, and NICS is unable to provide either a Proceed or Deny response, the FFL has the option to legally transfer the firearm. The date on which the transfer may legally occur is called the "Brady Transaction Date."

(U//~~FOUO~~) If the NICS Legal Instruments Examiner, hereafter referred to as Examiner, discovers a NICS firearm transaction is Denied after the Brady Transaction Date, the Examiner must verify if the firearm was transferred by the FFL. The Examiner must also obtain the day of

transfer and select the correct Firearm Retrieval/Referral Ranking Code. The Examiner refers the information obtained from the FFL along with the appropriate Firearm Retrieval/Referral Ranking Code to initiate ATF retrieval of the firearm from the purchaser.

The following is a list of the codes and their descriptions:



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~~(U//FOUO)~~ **NICS Section Business Process:** NICS operates from 8 am EST to 1 am EST, seven days a week, every day with the exception of Christmas. A NICS inquiry is processed by either CJIS/NICS or a designated state point of contact, which involves state employees querying NICS and conducting the necessary follow up. Thirty-six states opted for the FBI to provide the firearms background check function. For the inquiries processed by NICS, the FFL can contact NICS via telephone (Call Centers) or submit requests through the

NICS E-Check² automated service. At the NICS Section, Examiners typically select inquiries from the "Pending Queue" and work the inquiry through resolution or until all logical leads are awaiting external response. [REDACTED]

[REDACTED] If the inquiry is Delayed, the inquiry is placed in the appropriate region queue for in-depth research regarding laws or prohibitions specific to a state or region. This was the case in the Roof matter. The NICS process is depicted on page 11, Figure 1, and incorporated in Appendix B.

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(U//~~FOUO~~) The below chart explains the status of an inquiry as it proceeds through the process.

Inquiry Status	Day Number	Status Explanation
Delayed	1 - 3	Unable to resolve within Brady Transaction Date
Open	4 - 30	Remains in Examiner's personal history for action
Expired	31 - 88	Drops off Examiner's history and is available for action by any Examiner.

Table 2

(U//~~FOUO~~) Examiners pull inquiries out of the Pending Queue or their respective Regional Queue and process accordingly. Transactions exceeding the Brady Transaction Date (third business day) remain in an Open status in the Examiner's history for the remainder of the initial 30 days. Open status allows any examiner to access the inquiry if new information becomes available. After 30 days, the inquiry is removed from the Examiner's history and placed in Expired status, also accessible to all Examiners. At Day 88, the records are purged from the system per statute.

(U//~~FOUO~~) In 2014, NICS received approximately 8,256,688 firearms background inquiries, an average of 22,683 inquiries each day. The NICS Call Centers resolved 5,531,981 of the transactions, with the remainder forwarded to the NICS Section at CJIS. A total of 228,006 of the requests forwarded to the NICS Section were Delayed and went past the three business day Brady requirement. Of those, 172,879 were purged without resolution after 88 days. The NICS Process is depicted below. The 2014 Unresolved NICS Transaction break-down is referenced in Appendix H.

² NICS E-Check is an electronic service, accessed via the Internet, for the NICS Section to directly accept firearms background checks from PFLs. The system automatically conducts the same review as NICS Call Center CSSRs and responds accordingly.

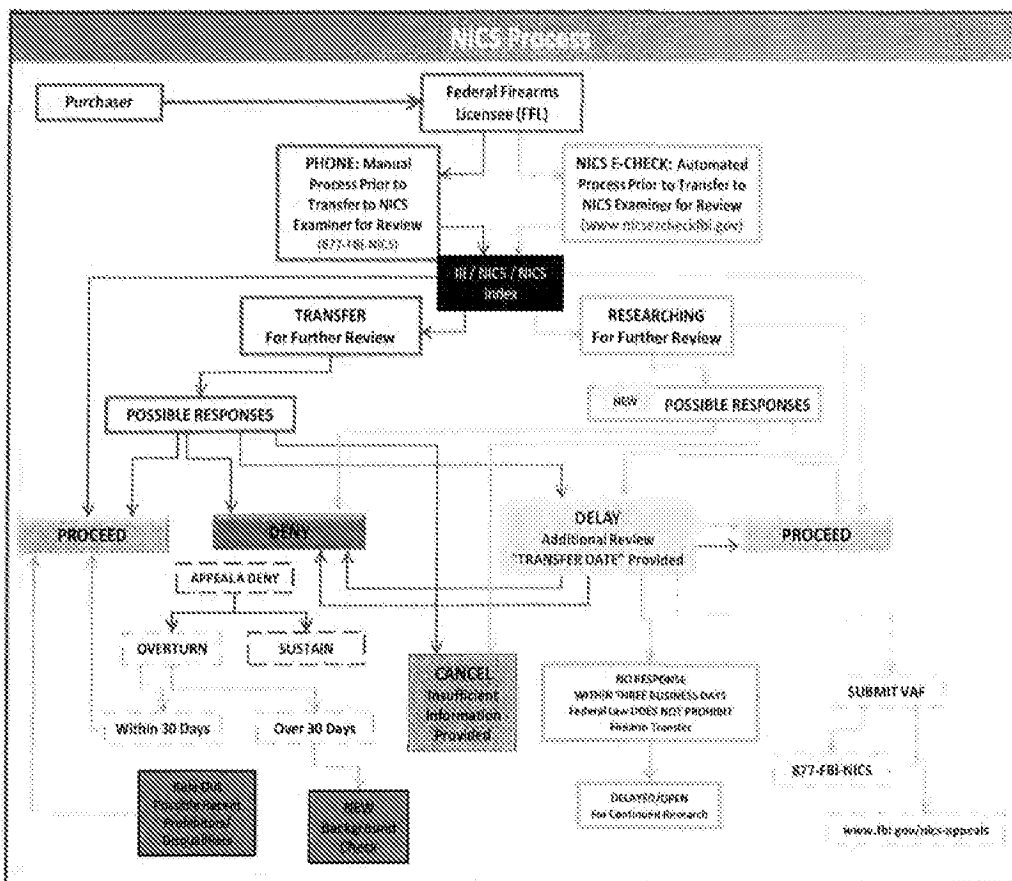


Figure 1

III. THE ROOF CASE

(U//~~FOUO~~) On Saturday, 04/11/2015, Roof went to Shooter's Choice, a gun store located at 944 Sunset Boulevard, West Columbia, South Carolina to purchase a .45 caliber Glock handgun. Roof filled out ATF Form 4473 for the FFL. Question 11e on the form was: "Are you an unlawful user of, or addicted to marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?" Roof checked "No" on the form. If Roof responded affirmatively, the FFL would have terminated the sale and would not have contacted NICS. At 3:58 pm, the FFL contacted NICS as required by law and the telephone call was routed to the Dallas-Fort Worth, Texas Call Center. The CSSR entered information from Roof's ATF Form 4473 into the NICS automated system, which reviewed the three federally maintained databases. A potentially matching identifier was located and at 3:58 pm, the CSSR transferred the FFL to the NICS Section in Clarksburg, West Virginia for additional processing. The telephone call was received by the Examiner in Clarksburg at 4:01 pm.

(U//~~FOUO~~) The Examiner received the transfer from [REDACTED]

[REDACTED] and tried to make a quick determination to Proceed, Deny, or Delay the transaction (NCIC and III records are incorporated in Appendix D). The Examiner identified an III record containing a potential prohibitor, however, the same III record lacked a final disposition. At 4:04 pm, the Examiner advised the FFL the transaction was Delayed and the FFL marked a delayed response in box 21c of the 4473 and noted on the form the firearm could be transferred on 04/16/2015. Due to the additional research required for Roof's inquiry, and also due to the pending backlog of inquiries, the Examiner set the transaction in the Region II Delay Queue for further review by the team responsible for states including South Carolina.

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(U//~~FOUO~~) On Monday, 04/13/2015, Business Day One, at 1:49 pm, a second Examiner pulled the transaction from the Region II Delay Queue and identified an III hit for a felony/drug arrest. The record indicated the arrest date was 03/01/2015, and the arresting agency was identified as the Lexington County Sheriff's Office (LCSO), Originating Agency Identifier (ORI) number, SC0320000. Roof was charged with "MPD, SCH I B,C,LSD and SCH II, COCAINE-3rd/SUB." After reviewing the record, the Examiner identified two potential federal prohibitors. Based on the record revealing a felony arrest: 922(g) (1), Persons Who Have Been Convicted In Any Court of A Crime Punishable by Imprisonment For Term Exceeding One Year could have applied. Further, because the arrest was for drug violations, 922(g) (3), Persons Who Are Unlawful Users of/or Addicted To Any Controlled Substance may also have applied.

(U//~~FOUO~~) The Examiner checked the [REDACTED] and found no additional information. The Examiner checked the [REDACTED] and located the Lexington County Court website www.sccourts.org. The website led the Examiner to the Lexington County Eleventh Judicial Circuit Public Index, The State of South Carolina VS Dylann Storm Roof, Case Number 2015A4021600503. The website provided Roof's address as 10428 Garners Ferry Road, Columbia, South Carolina, along with the arresting officer's name with an address of "#1 Justice Square, Columbia 29201." In short, the website identified Roof as a defendant in a case wherein a disposition was not listed. A disposition confirming one of the aforementioned federal prohibitors would have likely resulted in an immediate Denial. The criminal history report did not identify the Columbia, SC, Police Department (CPD), nor its corresponding ORI, rather it noted the LCSO was the arresting agency³. The LCSO was not involved in the arrest, but did process Roof at the Lexington County jail.

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³ On approximately 6/20/2015 (following the shooting at the AME Church on 06/17/2015), the LCSO amended the III record to reflect CPD as the arresting agency and added CPD as the ORI.

(U//~~FOUO~~) The Examiner generated a Final Disposition Report, Form R-84, which included the pending charges, and faxed it to the LCSO at 1:58 pm in an effort to obtain clarifying information (Appendix E). The Examiner listed information NICS required on the R-84, including an incident report, whether the drugs were field tested, and if Roof admitted to using drugs. At 2:00 pm, the Examiner faxed a similar request to the Lexington County Solicitor's Office. That same day at 4:05 pm, the LCSO faxed the R-84 back to the NICS Section bearing a handwritten note on the R-84 stating, "No arrest or report for this date. The last Arrest was on 02-28-15, Columbia PD will have the report." The note did not contain a telephone number or other identifiers for the CPD. The Examiner reviewed the NICS Section POC List for Region II. The NICS Section POC list was sorted by county and the Examiner was unable to locate a listing for the CPD in Lexington County, but found a listing for the West Columbia Police Department (WCPD) in Lexington County. The Examiner was unaware Columbia, SC was located within two counties, Richland and Lexington, therefore pursued WCPD for the needed information. At 4:07 pm, the Examiner sent the same R-84 information, via fax, to the WCPD requesting the same information previously faxed to the LCSO (Appendix F).

(U//~~FOUO~~) On the second business day, 04/14/2015, at 8:46 am, the WCPD responded via fax with a handwritten note on the R-84 stating, "Not WCPD warrant... This is not a WCPD arrest." Based on experience, the Examiner knew responses from agencies indicating a lack of information may indicate a record existed but was not yet entered into the state's system. The fax requesting information from the Lexington County Solicitor's Office remained outstanding. At this point in the process, the Examiner had "Exhausted all Means"⁴ as all possible agencies were contacted as outlined in the state-specific list maintained by NICS, and all database searches were conducted as defined by NICS SOPs. Since court records revealed no convictions and contacted agencies provided no definitive clarifying information or did not respond, the Examiner left the Roof inquiry in the Delayed Queue and processed other inquiries while awaiting a response from the Lexington County Solicitor's Office. According to NICS protocol, the transaction would remain in Delay status indefinitely or until it was purged per statute from the NICS system.

(U//~~FOUO~~) On Thursday, 04/16/2015, the fourth business day from the initial inquiry request, the Brady Transaction Date, the gun dealer exercised his lawful discretion and transferred the gun to Roof. The Lexington County Solicitor's Office did not respond to the Examiner's request for information. The Roof transaction went from Delay status to Open/Delay status awaiting any new information within the Examiner's inquiry history.

⁴ The term "Exhausted all Means" is defined, referenced, and articulated in SOP 5.15, Documenting Research Comments, Section I, page 11. The section states, "When examiners have exhausted all resources obtaining information, the following must be entered into the transaction. . . All resources identified after reasonable research have been exhausted.(sic)"

(U//~~FOUO~~) On 05/11/2015, the Roof inquiry went from Open/Delay status to Expired/Delayed status and dropped off of the Examiner's history. The inquiry remained in the system pending new developments or statutory purge.

(U//~~FOUO~~) On 06/17/2015, Roof allegedly shot and killed nine people attending church services at the Emanuel AME Church in Charleston, South Carolina.



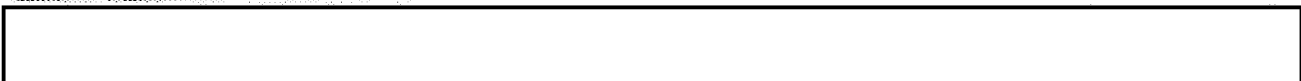
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(U//~~FOUO~~) On 06/20/2015, The III record was updated by LCSO. The updated record stated, "SC0400100 (CPD ORI number) COLUMBIA PD . . . CIT-44-53-370(D)(2) -- MISDEMEANOR, ARREST CHARGE1 --POSS OTHER, CONTROLLED SUB IN SCHED I, TO V -- 1ST, OFFENSE DATE -- 02/28/2015, PALM PRINTS AVAILABLE." (Appendix D)

(U//~~FOUO~~) On 06/24/2015, a separate Examiner contacted WCPD to obtain the incident report. The WCPD reported they were not the arresting agency and did not have this information. The Examiner began to research Columbia, SC and found it covered two counties, Richland and Lexington. The Examiner went online and found contact information for the CPD and called CPD to request information. CPD requested the Examiner to fax the request for information to CPD in order to have a written confirmation of the request. The Examiner faxed CPD a request for the incident report and also requested their ORI identifier. CPD's ORI (SC0400100) is in Richland County, not Lexington County.

(U//~~FOUO~~) On 06/26/2015 CPD faxed the final disposition and incident report to NICS (Appendix G).

(U//~~FOUO~~) On 06/29/2015, the NICS Section processed the incident report from the CPD along with the ORI information. The Regional Coordinator for Region II updated the NICS Region II POC contact list. The same day, the Regional Coordinator contacted the FFL by telephone and instructed him to Deny the transaction (pursuant to NICS SOP Number 3.4). The Regional Coordinator directed the FFL to fax the Roof 4473 Form to the ATF, which served to notify the ATF a prohibited individual was in possession of a firearm.



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(U//~~FOUO~~) A review of the CPD incident report revealed Roof was contacted by the CPD on 02/28/2015 at 8:42 pm. CPD received a complaint from mall security at the Columbiana Centre Mall, 100 Columbiana Circle, Columbia SC, regarding a male wearing all black clothing, entering stores in the mall, and asking employees how many associates were working and what time they closed. A CPD police officer made contact with Roof at the mall, conducted a consent search, and located an unlabeled white bottle containing multiple orange strips in Roof's jacket pocket. Roof advised the officer the strips were Suboxone and Roof admitted he did not have a prescription for the Suboxone. Roof stated he received the Suboxone from a friend. Roof was placed under arrest and charged with possessing Suboxone, a Schedule III narcotic. While the initial contact and investigation occurred on 02/28/2015, the III records denote Roof's arrest date as 3/1/2015.

(U//~~FOUO~~) Federal Prohibitor section 922(g)(3) -- Persons Who Are Unlawful Users of or Addicted to Any Controlled Substance, section 2, prohibits, "A person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician" from obtaining a firearm. Since, the CPD incident report regarding Roof's arrest indicated Roof was arrested for possession of Suboxone, a schedule III narcotic and Roof admitted to using the substance, 922(g)(3) would have applied. Under 922(g)(3), if the Examiner obtained the information in the CPD report, the inquiry would have been Denied. A time-line of events related to the Roof transaction, beginning with the booking date as documented in the III record, is outlined on page 16, Figure 2 and incorporated as Appendix C.

Timeline of Events – Dylann Storm ROOF

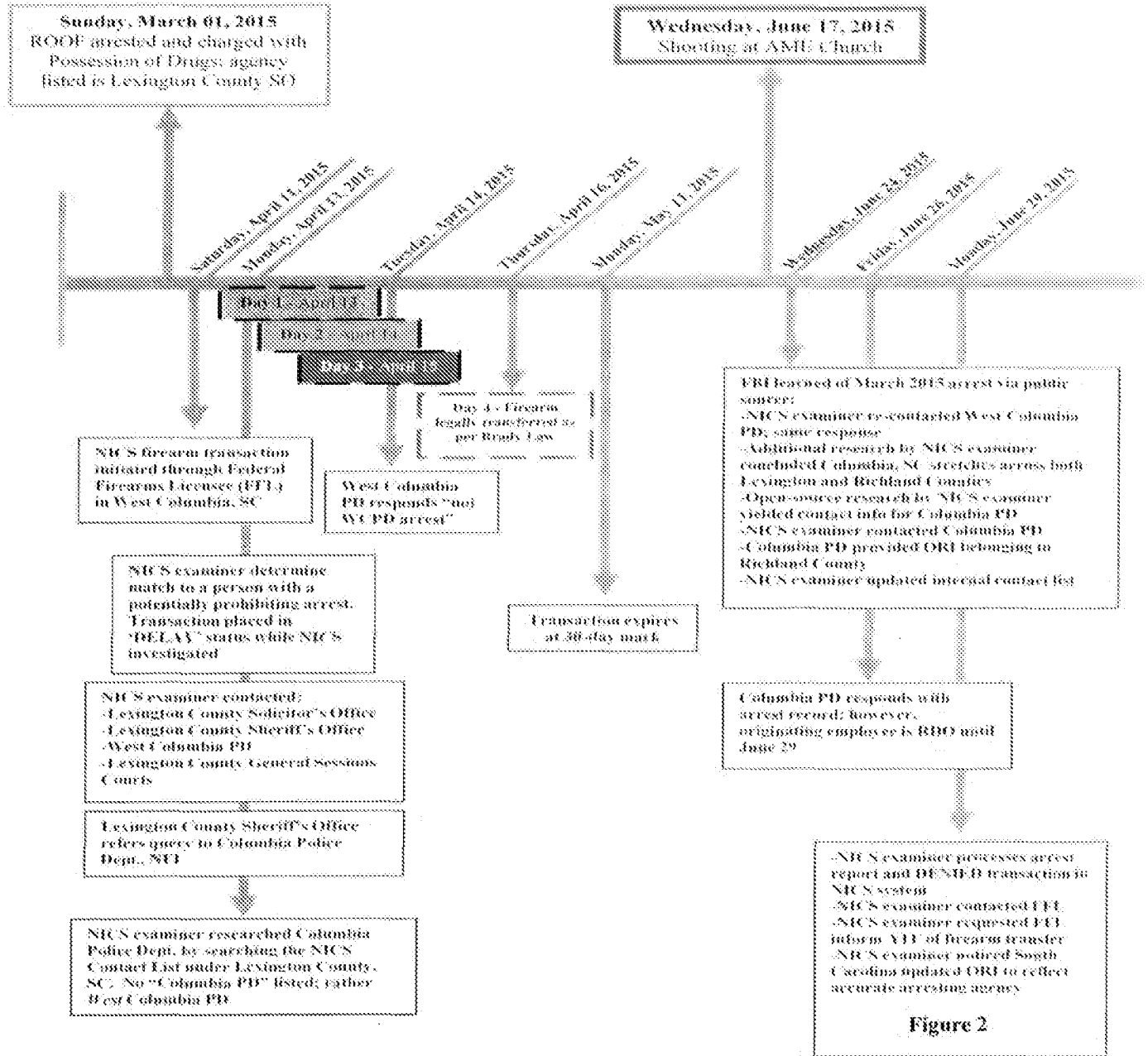


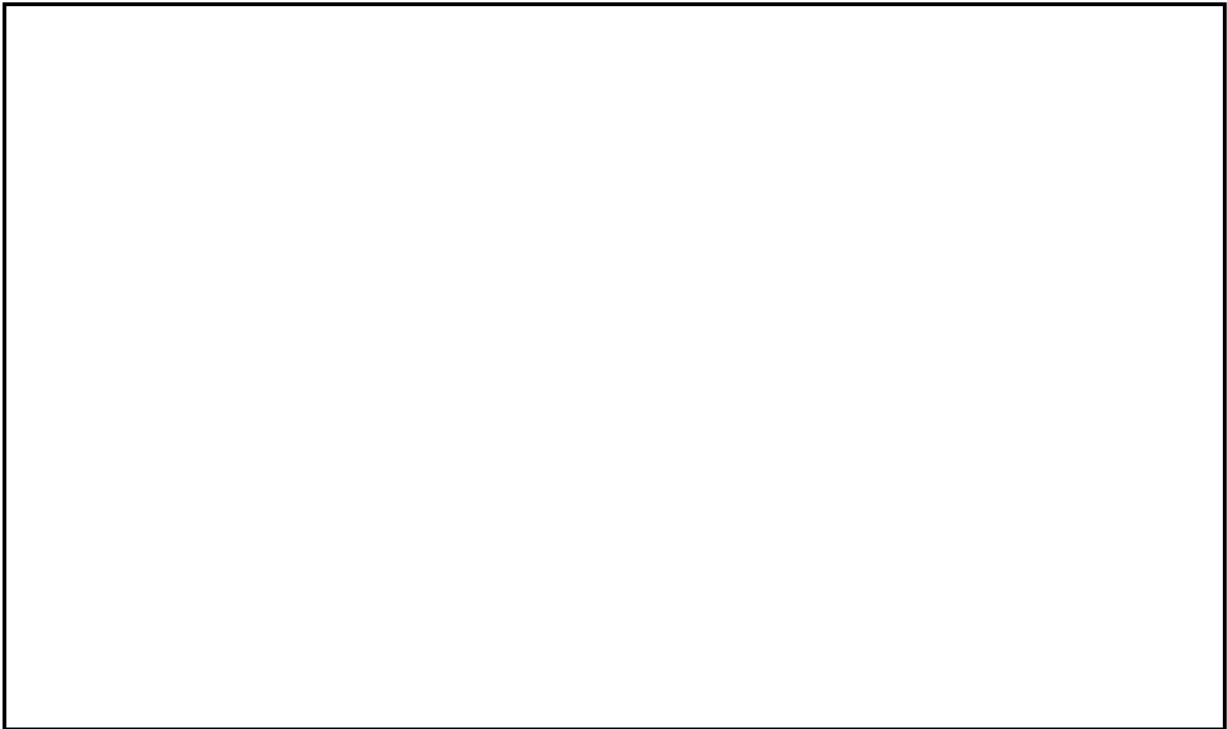
Figure 2

IV. Findings

(U//FOUO) The Roof transaction represented one of many paths an FFL initiated background check inquiry could follow through the complex NICS process. The INSD review identified both areas of exemplary performance and improvement opportunities.

(U//FOUO) **Positive Outcomes:** This section contains specific analysis on effective performance by the NICS Section. In Fiscal Year 2014, the NICS Section resolved 97% of all NICS transactions within three business days, as required by law, with limited resources and systemic challenges.

(U//FOUO) **Positive Outcome 1:** The Examiner on the Roof Matter performed as required and in accordance with current policy and procedures.



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(U//FOUO) **Positive Outcome 2:** NICS Section EM worked proactively to predict and resolve resource and workflow challenges with available in-house resources.



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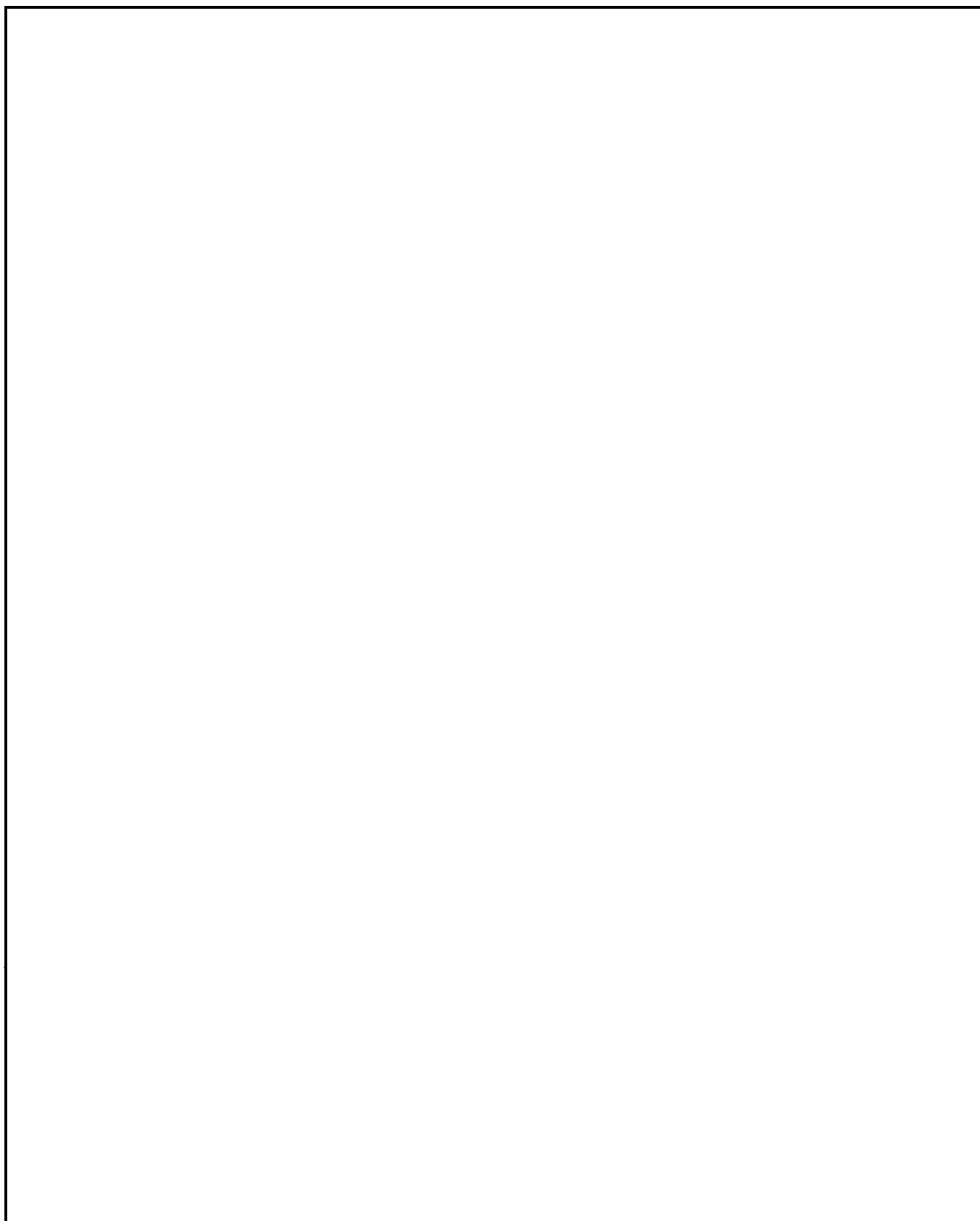
(U//~~FOUO~~) **Positive Outcome 3:** NICS worked collaboratively as a section and in an "all hands on deck" manner to meet a background check demand which doubled over the past ten years.



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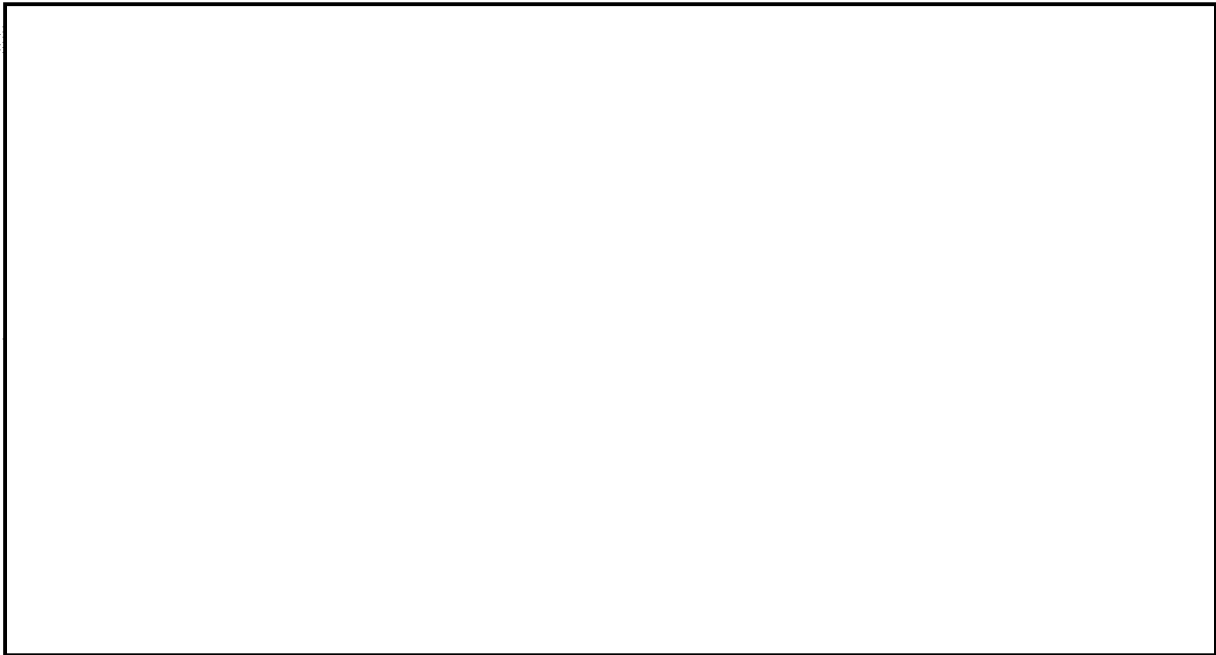


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(U//~~FOUO~~) **Positive Outcome 4:** The NICS Section recognized the importance of strong SOPs and devised standardized training for all new Examiners.



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(U//~~FOUO~~) **Positive Outcome 5:** The NICS Section staff demonstrated dedication and pride in the mission, in spite of heavy workloads and challenges with the receipt of timely information from law enforcement agencies.



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(U//~~FOUO~~) **Issues:** Of the unresolved transactions in Fiscal Year 2014, [redacted] remained in the Delayed Queue exceeding the allowed three days and of those inquiries, [redacted] transactions were purged from the NICS system with no resolution. While [redacted] of the total inquiries, the inquiry volume is large enough for concern. This section contains specifics issues and recommendations identified during the review.

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(U//~~FOUO~~) **Issue 1:** Untimely responses and/or incomplete records represented the primary reasons for delayed inquiries. Record holders were not required to respond to NICS inquiries.



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(U//~~FOUO~~) **Recommendation 1a:** The NICS Section should consider automating external POC lists to ensure Examiners have comprehensive contact information for state/local law enforcement and judicial agencies.

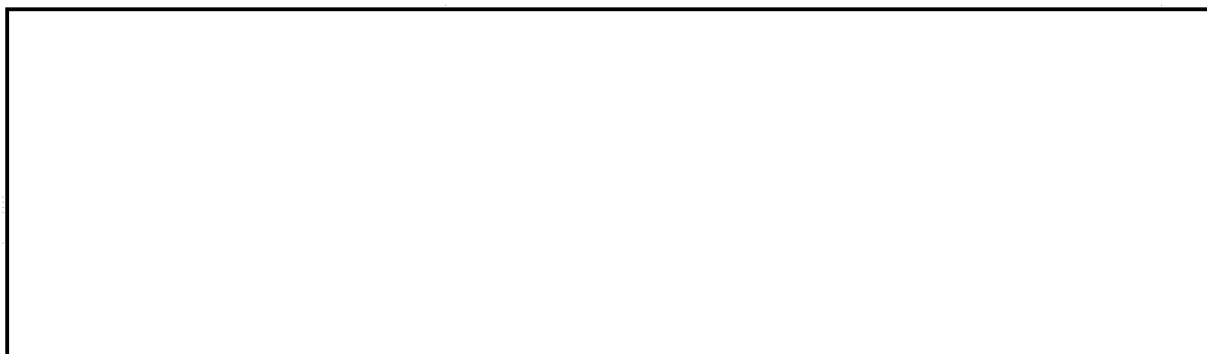
(U//~~FOUO~~) **Recommendation 1b:** The NICS Section should consider leveraging the existing CJS Executive Advisory Policy Board (APB), which is made up of state representatives who meet several times a year, to assist in updating of POC lists, increasing record availability to the NICS Section, or improving agency responsiveness. Additional enterprise outreach efforts should be leveraged, such as the Office of Partnership and Engagement, NJTTF, National Academy, and other similar organizations to assist in updating of POC lists, increasing record availability to the NICS Section, or improving agency responsiveness.

(U//~~FOUO~~) **Recommendation 1c:** The NICS Section EM should consider leveraging relevant Headquarters and Field Office Representatives when an external agency is deemed unresponsive or uncooperative. The FBI Representatives, through proper liaison efforts, could obtain the information in an expedient manner. The NICS Section could potentially utilize field office resources/Task Force Officers/CJIS Coordinators to obtain the information and/or influence uncooperative agencies.

(U//~~FOUO~~) **Recommendation 1d:** Organizations such as the International Association of Chiefs of Police (IACP) and the National Sheriffs Association (NSA) could be utilized to message state, local, and tribal agencies' leadership components on the importance of working with the NICS Section to help prevent the transfer of firearms to prohibited individuals.

(U//~~FOUO~~) **Recommendation 1e:** The NICS Section should consider leveraging OCA to identify potential legislative remedies.

(U//~~FOUO~~) **Issue 2:** Examiners rely on inefficient means of communication with various state and local agencies which inhibited effective resolution.



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(U//~~FOUO~~) **Recommendation 2:** The NICS Section should, at a minimum, consider an SOP wherein an Examiner confirms faxes are received and/or makes personal contact when necessary, and if feasible. The NICS Section should also devise strategies to encourage agencies to update NCIC records and ORI information.

(U//~~FOUO~~) **Issue 3:** While demand doubled over the last 10 years, resources remained essentially the same within the NICS Section. Consequently, proactive outreach efforts with agencies and FFLs suffered as resources were pulled to address the increasing number of NICS inquiries.



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[Redacted]

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[Redacted]

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Recommendation 3a: Efforts should be made to align resource growth with workload.

Recommendation 3b: The NICS Section was approved to backfill [Redacted] positions, of which [Redacted] are Examiners. All [Redacted] are pending final background review. Priority should be given to the adjudication of the pending background reviews.

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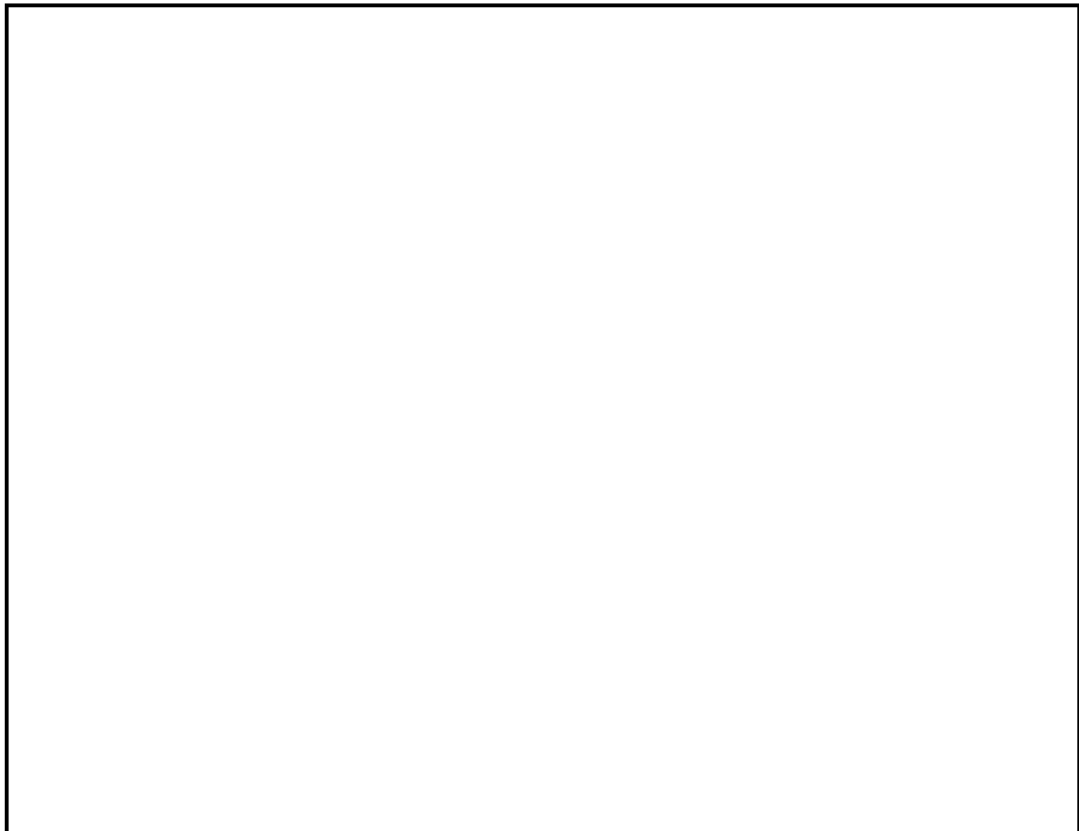
Recommendation 3c: The NICS Section should request resources from DOJ to augment a portion of the [Redacted] FSL needed [Redacted]

[Redacted]

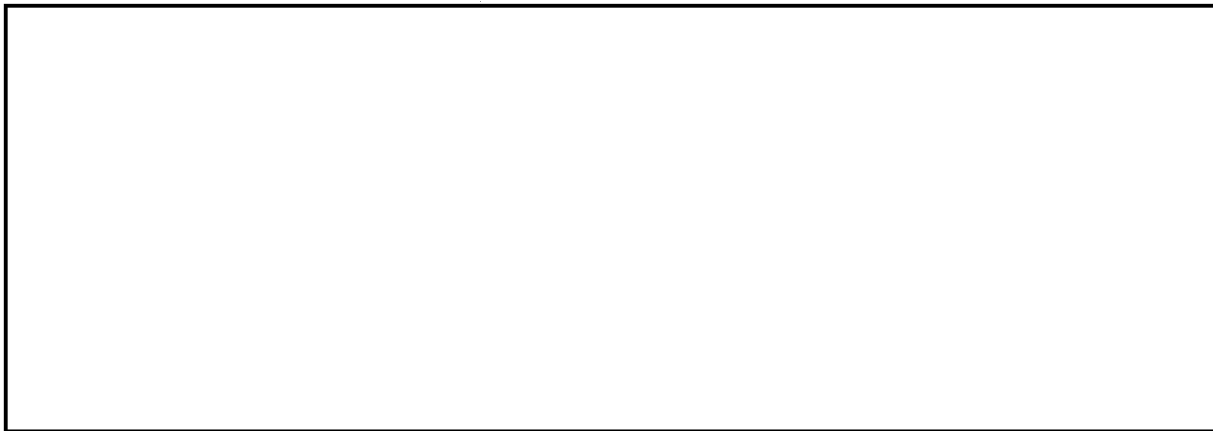
(U//FOUO) **Issue 4:** To meet statutory requirements, the NICS Section management amended SOPs and curtailed resolution efforts to focus on initial reviews within the Brady Transaction Period. The NICS Section should review SOPs to prioritize inquiries exceeding the Brady Transaction Period as well as inquiries within the period.

[Redacted]

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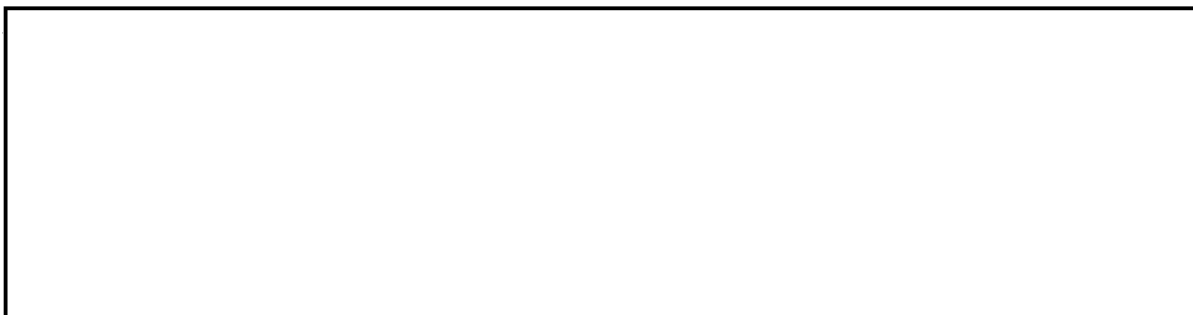
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Recommendation 4: The NICS Section should ensure SOPs prioritize resolution as well as volume.

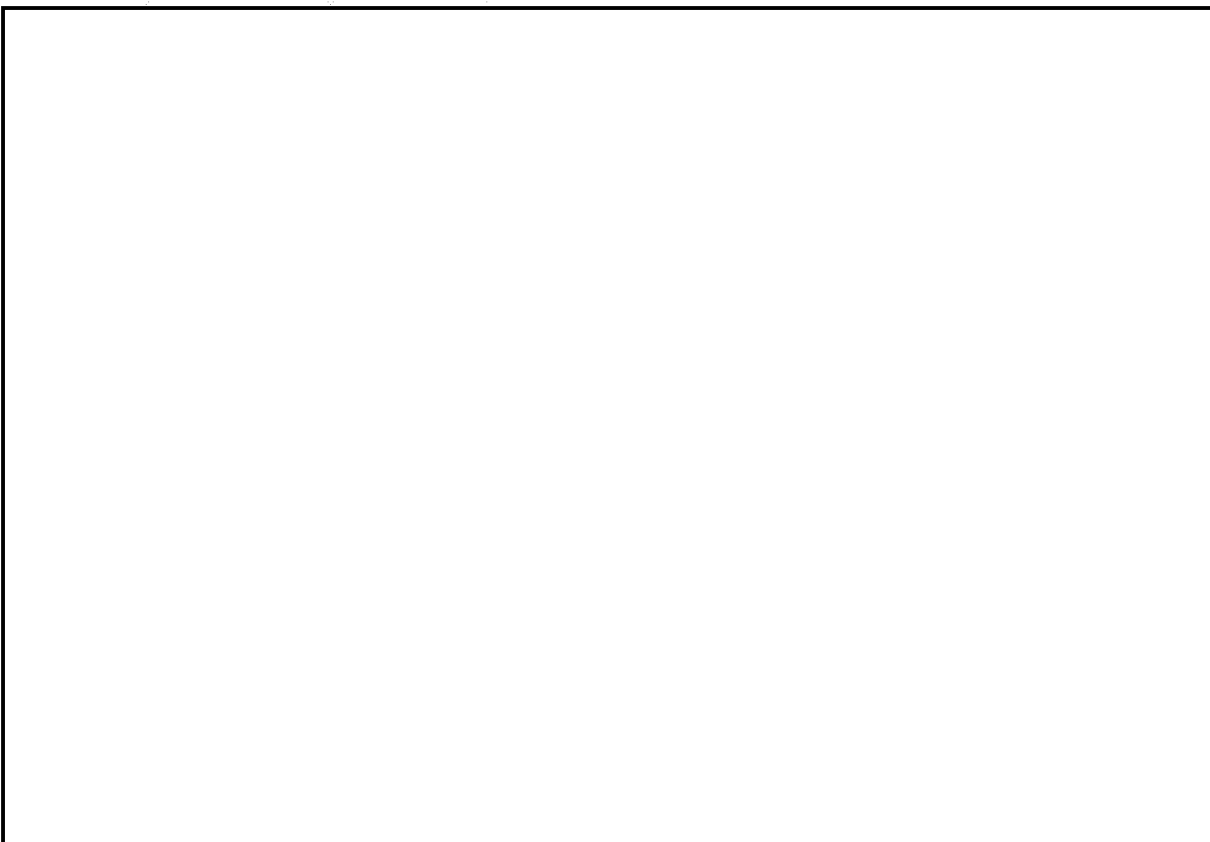
~~(U//FOUO)~~ **Issue 5:** NICS SOPs prioritized volume over resolution allowing Delayed work to be reviewed on Day 3 which met the statutory requirement, but resulted in inquiries exceeding the Brady Transaction Date.



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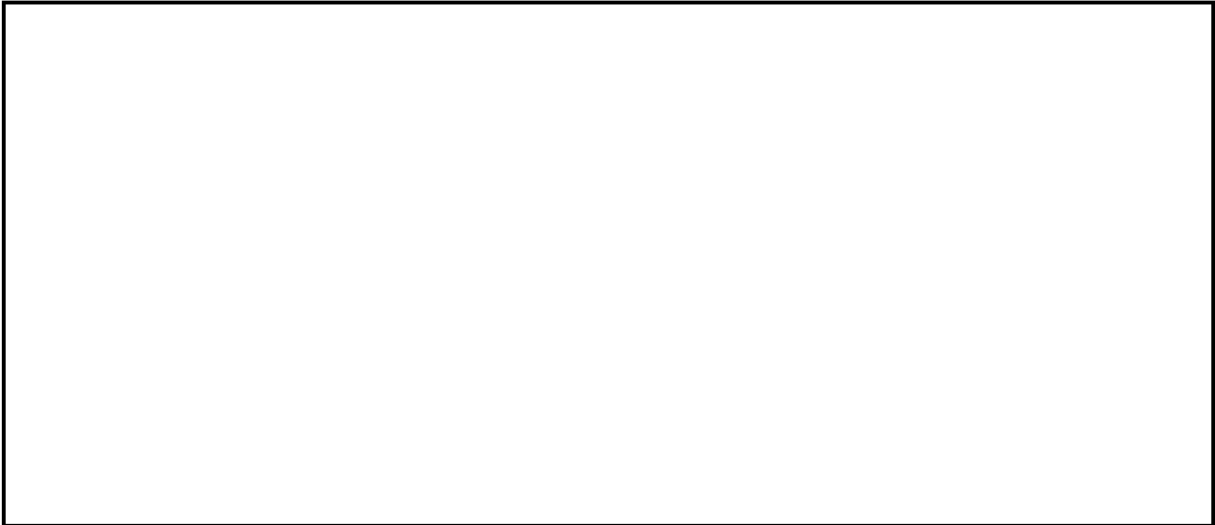
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(U//~~FOUO~~) **Recommendation 5a:** The NICS Section should ensure SOPs result in intended outcomes.

(U//~~FOUO~~) **Recommendation 5b:** The NICS Section should not allow transactions to reach the Day 3 Queue. Delayed work should be reviewed no later than Day 2 in order to provide an agency a minimum of 24 hours to respond to the request for information prior to the expiration of the Brady Transaction Date.

(U//~~FOUO~~) **Issue 6:** The Brady Handgun Violence Protection Act does not define how an agency should respond to requests or require a response, the Act only focused on the sale or

Denial of a firearm within three business days. The NICS Section did not ensure requests for information to outside agencies were received or reviewed by the recipient agency.



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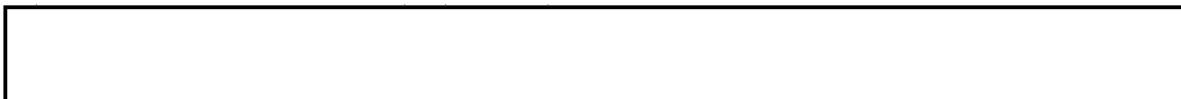
(U//~~FOUO~~) **Recommendation 6a:** The NICS Section should develop an SOP to prioritize efforts to ensure requests for information are received, addressed, and fully exploited.

(U//~~FOUO~~) **Recommendation 6b:** The NICS Section should coordinate with OCA to assess the possibility for legislative relief to facilitate effective NICS Operations.

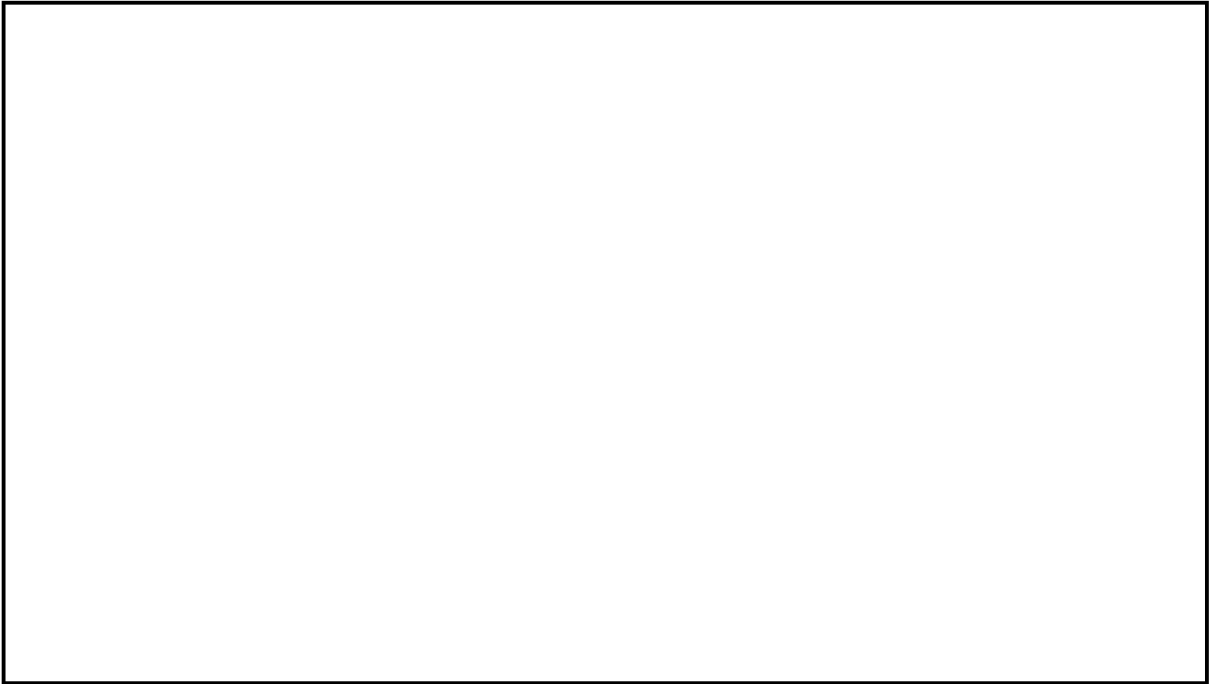
(U//~~FOUO~~) **Issue 7:** The NICS Section did not comprehensively review current or new information resources to increase overall effectiveness in conducting firearm background checks. Ad hoc efforts were undertaken when resources and SOPs permitted.



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(U//~~FOUO~~) **Recommendation 7a:** The NICS Section should seek to identify and review additional database resources or stakeholders both internal and external to the FBI.

(U//~~FOUO~~) **Recommendation 7b:** The NICS Section should continue efforts with DOJ and OGC to clarify the federal rohibitor 922(g)(2) - Persons Who are Fugitives from Justice.

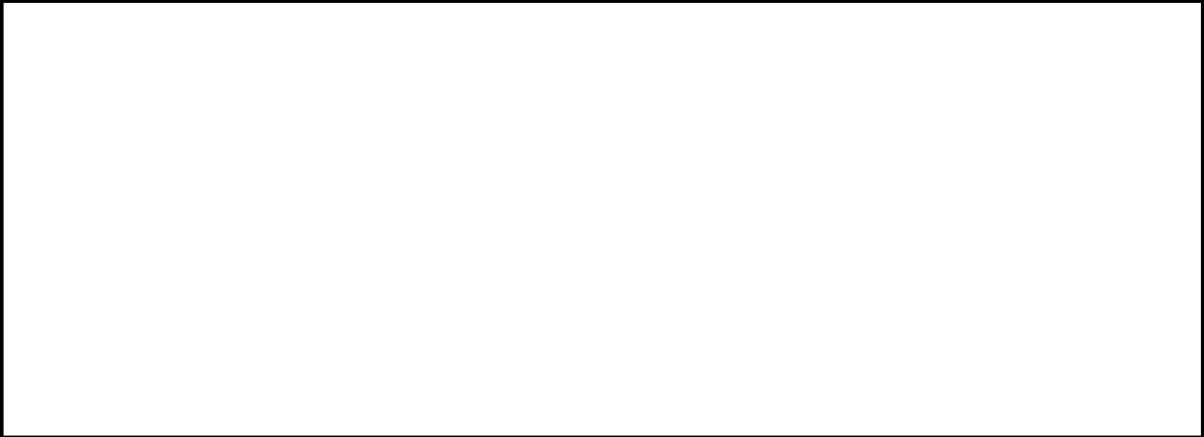
(U//~~FOUO~~) **Issue 8:** Quality assurance processes were resource intensive and reduced manpower available for inquiry resolution. Quality assurance was limited to full-time Examiners and the surged workforce was not regularly reviewed. (The New NICS platform is under development to resolve many of these issues.)



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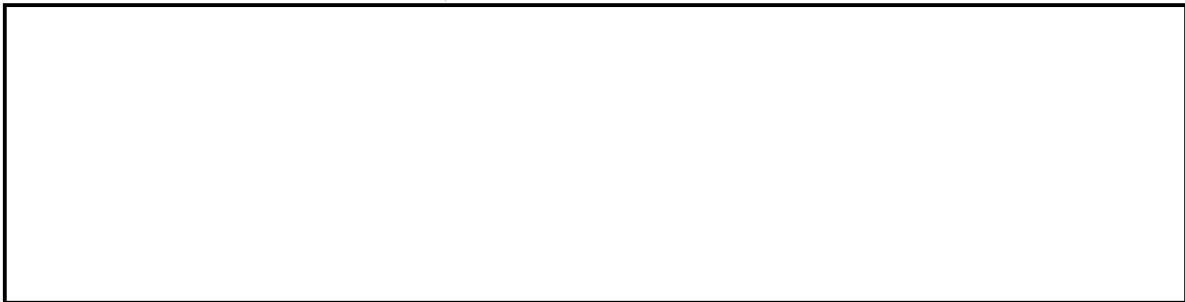


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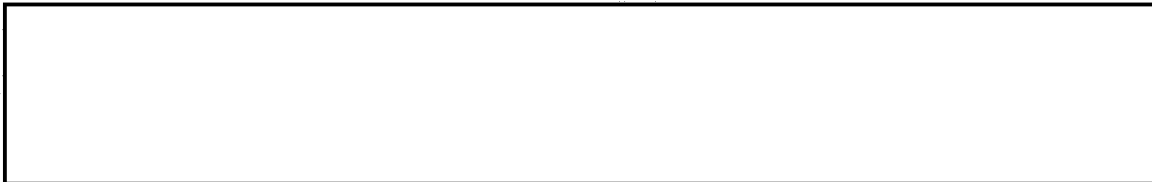
(U//~~FOUO~~) **Recommendation 8a:** The NICS Section should revise QA policy to make the QA process more efficient and comprehensive, especially during periods of Escalation.

(U//~~FOUO~~) **Recommendation 8b:** The NICS Section should consider replacing the GS-6 and GS-7 workforce with an expanded cadre of GS-9s. The higher standards applied to GS-9s, along with appropriate management engagement and oversight, would result in a more capable and experienced work force, improving quality and efficiency.

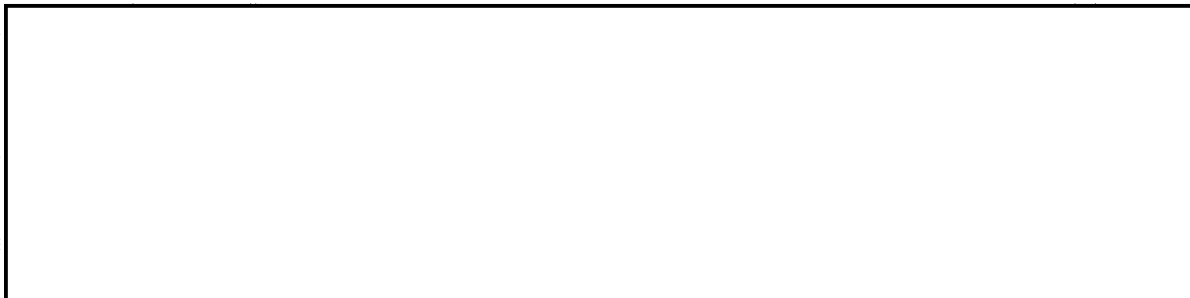
(U//~~FOUO~~) **Issue 9:** Emphasis on inquiry quotas, linking performance to the number of processed inquiries, and regularly redirecting employees from other units to work inquiries, shifted focus away from resolution, and negatively impacted morale.



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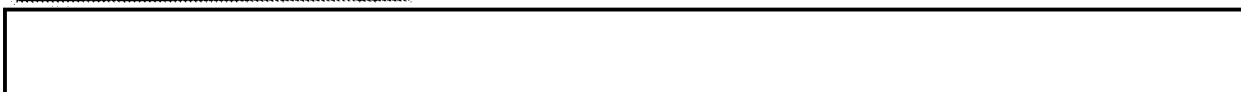
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(U//~~FOUO~~) **Recommendation 9:** The NICS Section should review SOPs regarding inquiry quotas, performance, and Escalation to maximize resource efficiency of inquiry resolution.

(U//~~FOUO~~) **Issue 10:** NICS Section examinations were complicated by statutory requirements, including short data purge windows and increased review required to verify prohibitors.



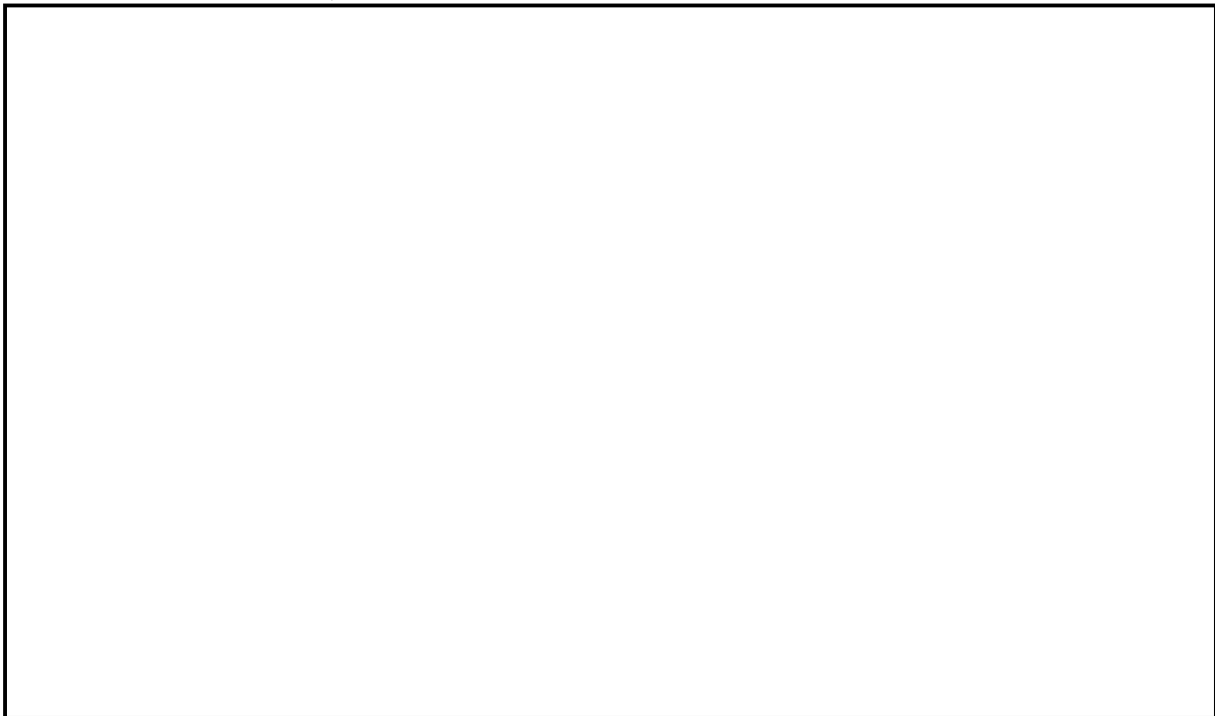
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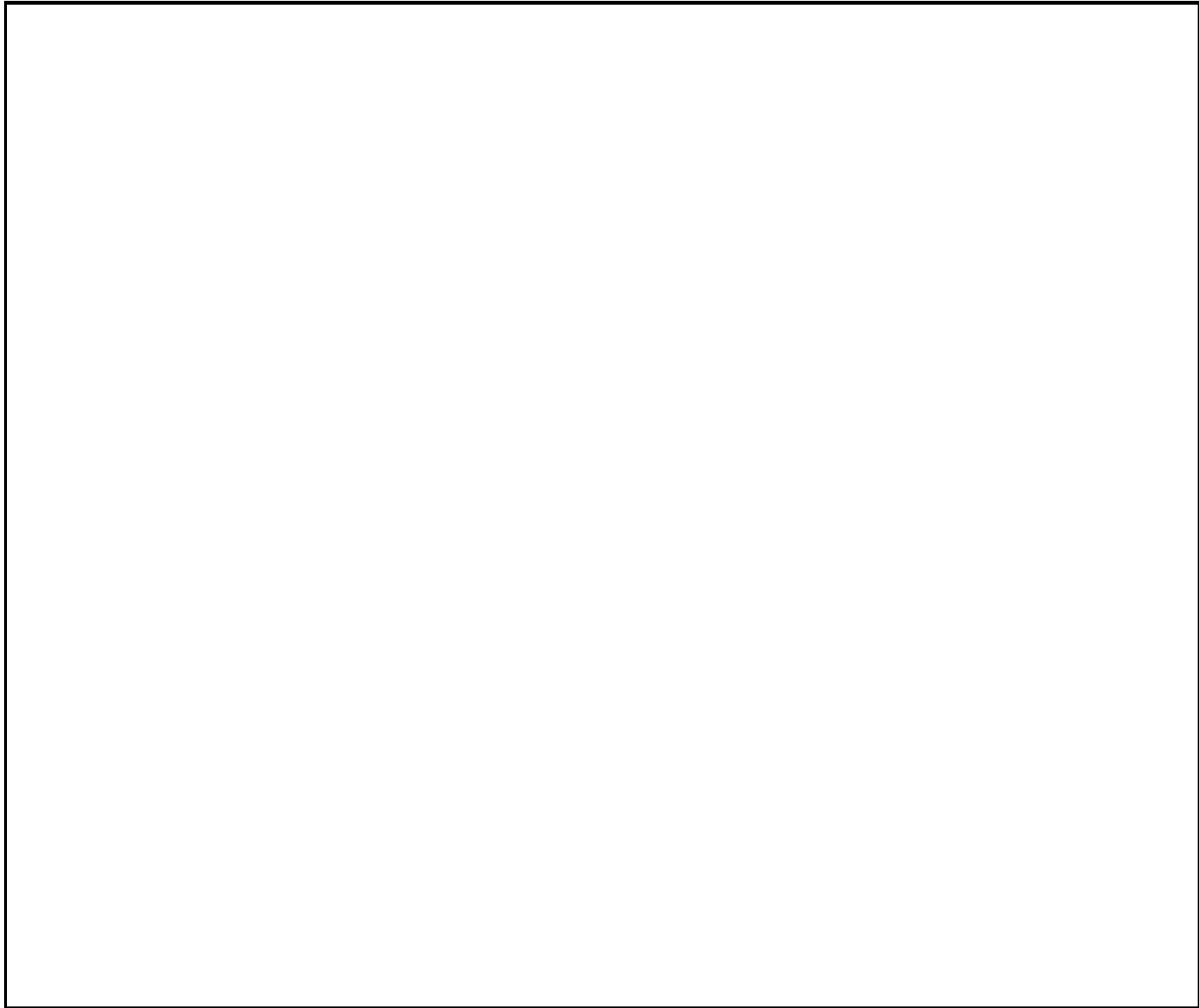
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(U//~~FOUO~~) **Recommendation 10:** The NICS Section should coordinate with OCA to assess the possibility for legislative relief to facilitate effective NICS Operations.

(U//~~FOUO~~) **Issue 11:** The NICS Section demonstrated the ability to predict surge requirements; however, employees maintained schedules which did not maximize effectiveness.



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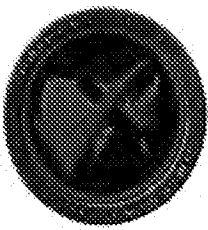


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(U//~~FOUO~~) **Recommendation:** The NICS Section should conduct a review of existing scheduling practices and propose revisions to maximize efficiency.

V. CONCLUSION

(U//~~FOUO~~) The INSD review determined Examiners met established requirements, but the review also exposed challenges and deficiencies in protocols which require careful review to improve performance. Current SOPs and workload limit the flexibility of Examiners to explore databases not prescribed within the SOP and likely inhibited a simple search query, which in the Roof case, would have identified a CPD contact or could have facilitated the acquisition of information enabling the Examiner to identify the prohibited violation. From a corporate perspective, interagency communications, process adjustments, and resources present the most significant challenges. The lack of effective communication and information sharing among agencies routinely results in NICS inquiries exceeding the Brady Transaction Date enabling firearms to be transferred without a full vetting of charges, dispositions, or other prohibitors. Prioritization of the NICS process on volume over resolution increases the risk of unvetted firearm transfers. Allowing Delayed work to be reviewed on Day 3 met the statutory requirement, but increased the likelihood inquiries exceeded the Brady Transaction Date. CJIS management should continue to assess NICS resource alignment to maximize efficiency. Re-aligned resources, the addition of new data sets, and creation of an enhanced surge capacity should be considered.



FEDERAL PROHIBITORS
FBI Criminal Justice Information Services Division
National Instant Criminal Background Check System Section
April 2009

SOURCES: Gun Control Act of 1968; Title 18, United States Code (U.S.C.), Sections 921 and 922; Title 27 Code of Federal Regulations (C.F.R.) 478.11.

SECTION 922(g)(1) - PERSONS WHO HAVE BEEN CONVICTED IN ANY COURT OF A CRIME PUNISHABLE BY IMPRISONMENT FOR TERM EXCEEDING ONE YEAR

A person convicted (including by a general court martial) of any offense punishable by imprisonment for a term exceeding one year, whether or not such term of imprisonment was imposed.

NOTES:

- The term crime punishable by imprisonment for a term exceeding one year does not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or (b) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.
- What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside, or for which a person has been pardoned or has had civil rights restored, shall not be considered a conviction, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

SECTION 922(g)(2) - PERSONS WHO ARE FUGITIVES FROM JUSTICE

- (1) A person who has fled from any State to avoid prosecution for a felony or a misdemeanor.
- (2) A person who leaves the state to avoid giving testimony in any criminal proceeding.
- (3) A person who knows that misdemeanor or felony charges are pending against such person and who leaves the state of prosecution.

NOTES:

- Fugitives from justice do not include persons who are charged with crimes and there is no evidence that they left the state.
- A person is not a fugitive from justice merely because he or she has an outstanding civil traffic citation.

- A person is not a fugitive from justice merely because he or she has an outstanding civil traffic citation.

SECTION 922(g)(3) - PERSONS WHO ARE UNLAWFUL USERS OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE

- (1) A person who uses a controlled substance and has lost the power of self-control with reference to the use of the controlled substance.
- (2) A person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician.

NOTES:

- Unlawful use is **NOT** limited to the use of drugs on a particular day, or within a matter of days or weeks before receiving a firearm; rather the unlawful use only needs to have occurred recently enough to indicate that the individual is actively engaged in such conduct. A person may be an unlawful current user of a controlled substance even though the substance is not being used at the precise time the person seeks to acquire a firearm or receives or possesses a firearm.
- An inference of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time. For example,
 - A conviction for use or possession of a controlled substance within the past year, or
 - Multiple arrests for use or possession of a controlled substance within the past five years if the most recent arrest occurred within the past year; or
 - A person found through a drug test to use a controlled substance unlawfully, provided the test was administered within the past year.
- For a current or former member of the Armed Forces, an inference of current use may be drawn from recent disciplinary or other administrative action based on confirmed drug use (e.g., court-martial conviction, non-judicial punishment, or an administrative discharge based on drug use or drug rehabilitation failure).
- As defined in 21 U.S.C. §802 and 21 C.F.R. Part 1308, the term "controlled substance" includes but is not limited to marijuana, depressants, stimulants, and narcotic drugs. The term "controlled substance" does not include distilled spirits, wine, malt beverages, or tobacco (as those terms are defined or used in Subtitle E of the Internal Revenue Code of 1986, as amended).

SECTION 922(g)(4) - PERSONS WHO HAVE BEEN ADJUDICATED AS MENTAL DEFECTIVES OR HAVE BEEN COMMITTED TO A MENTAL INSTITUTION

(1) A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:

Is a danger to himself or others; or

Lacks the mental capacity to contract or manage his own affairs.

(2) A person found to be insane by a court in a criminal case;

(3) A person found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. §§850a, §876b.

(4) A person formally committed to a mental institution by a court, board, commission, or other lawful authority (including commitment involuntarily, commitment for mental defectiveness or mental illness, or a commitment for other reasons, such as for drug use).

NOTES:

- This term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.
- Mental institution includes mental health facilities, mental hospitals, sanitariums, psychiatric facilities, and other facilities that provide diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.
- In some circumstances, the process by which an agency designates an alternate payee for benefits will meet the criteria for this prohibitor.
- This term does *not* include a person who has been granted relief from the disability through a qualifying federal or state relief from disability program as authorized by the NICS Improvement Amendments Act of 2007.
- This term also does *not* include a person whose adjudication or commitment was imposed by a *Federal* department or agency, and:
 - the adjudication or commitment was set aside or expunged;
 - the person was fully released from mandatory treatment, supervision or monitoring;
 - the person was found to no longer suffer from the disabling mental health condition;

- the person has otherwise been found to be rehabilitated; or
- the adjudication or commitment was based solely on a medical finding without opportunity for a hearing.

SECTION 922(g)(5) - PERSONS WHO ARE ALIENS AND ARE ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES

- (1) An alien who is illegally or unlawfully in the United States.
- (2) Except as provided in 18 U.S.C. § 922(y)(2), an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. §1101[a][26])).

NOTES:

- Permanent resident aliens are not prohibited under this section.
- Aliens who are unlawfully in the United States are not in valid immigrant, nonimmigrant or parole status. The term includes:
 - An alien who unlawfully entered the United States without inspection and authorization by an immigration officer and who has not been paroled into the United States under Section 212(d)(5) of the Immigration and Nationality Act (INA);
 - An alien who is a nonimmigrant and whose authorized period of stay has expired or who has violated the terms of the non-immigrant category in which he or she was admitted;
 - An alien who was paroled under INA Section 212 (d)(5) and whose authorized period of parole has expired, or whose parole status has been terminated;
 - An alien who is under an order of deportation, exclusion, or removal, or under an order to depart the United States voluntarily, whether or not he or she has left the United States.
- Examples of Persons who are in the United States in non-immigrant status
 - An alien who is traveling temporarily in the United States for business or pleasure.
 - An alien who studies in the United States and who maintains a residence abroad.
 - An alien who is a temporary foreign worker.

- Exceptions for Non-immigrant Aliens (18 U.S.C. §922(y)(2))
 - An alien who has been admitted to the United States for lawful hunting or sporting purposes.
 - An alien who is in possession of a hunting license or permit lawfully issued in the United States.
 - An official representative of a foreign government who is:
 - 1) Accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
 - 2) En route to or from another country to which that alien is accredited.
 - An official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State.
 - A foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.
 - An alien who has received a waiver from the Attorney General.

SECTION 922(g)(6) - PERSONS WHO HAVE BEEN DISCHARGED FROM THE U.S. ARMED FORCES UNDER DISHONORABLE CONDITIONS

A person whose separation from the U.S. Armed Forces resulted from:

- (1) A dishonorable discharge; or
- (2) A dismissal adjudged by a general court-martial.

NOTES:

- This term does not include any separation from the U.S. Armed Forces resulting from any other discharge, for example, a bad conduct discharge.

SECTION 922(g)(7) - PERSONS WHO, HAVING BEEN CITIZENS OF THE UNITED STATES, HAVE RENOUNCED THEIR U.S. CITIZENSHIP

A person who, having been a U.S. citizen, has renounced U.S. citizenship either:

- (1) Before a diplomatic or consular officer of the United States in a foreign state pursuant to 8 U.S.C. §1481 (a)(5); or
- (2) Before an officer designated by the Attorney General when the United States is in a state of war pursuant to 8 U.S.C. §1481(a)(6).

NOTES:

- This term does not include any renunciation of citizenship that has been reversed as a result of administrative or judicial appeal.

SECTION 922(g)(8) - PERSONS SUBJECT TO A COURT ORDER THAT RESTRAINS THEM FROM HARASSING, STALKING, OR THREATENING AN INTIMATE PARTNER OR CHILD OF SUCH INTIMATE PARTNER, OR FROM ENGAGING IN OTHER CONDUCT THAT WOULD PLACE THE PARTNER OR CHILD IN REASONABLE FEAR OF BODILY INJURY

A person who is subject to a court order that:

- (1) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; and
- (2) restrains the person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- (3) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child or by its terms expressly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

NOTES:

- The term intimate partner includes the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabits or has cohabited with the person.
- The term actual notice includes, but is not limited to, service of process personally served on the party and service by mail, proof that notice was left at the party's dwelling house or usual place of abode with some person of suitable age and discretion residing therein or proof that the party signed a return receipt for a hearing notice which had been mailed to the party. The does not include notice published in a newspaper.

SECTION 922(g)(9) - PERSONS CONVICTED IN ANY COURT OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE

A person convicted of a local, state, tribal, or federal offense that meets ALL of the following criteria:

- (1) Is a misdemeanor under state, tribal, or federal law, or in jurisdictions which do not classify offenses as misdemeanors, is an offense which is punishable by imprisonment for a term of one year or less, and includes offenses that are punishable only by a fine. (This is true whether or not the statute specifically defines the offense as a "misdemeanor" or as a "misdemeanor crime of domestic violence,") and

(2) Has, as an element, the use or attempted use of physical force (e.g. assault and battery), or the threatened use of a deadly weapon; and

(3) Was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

NOTES:

- A person is NOT considered to have been convicted of a misdemeanor crime of domestic violence if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the jurisdiction in which the proceedings were held provides for the loss of civil rights upon conviction for such an offense), unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms and the person is not otherwise prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

SECTION 922(n) - PERSONS WHO ARE UNDER INDICTMENT OR INFORMATION FOR A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR.

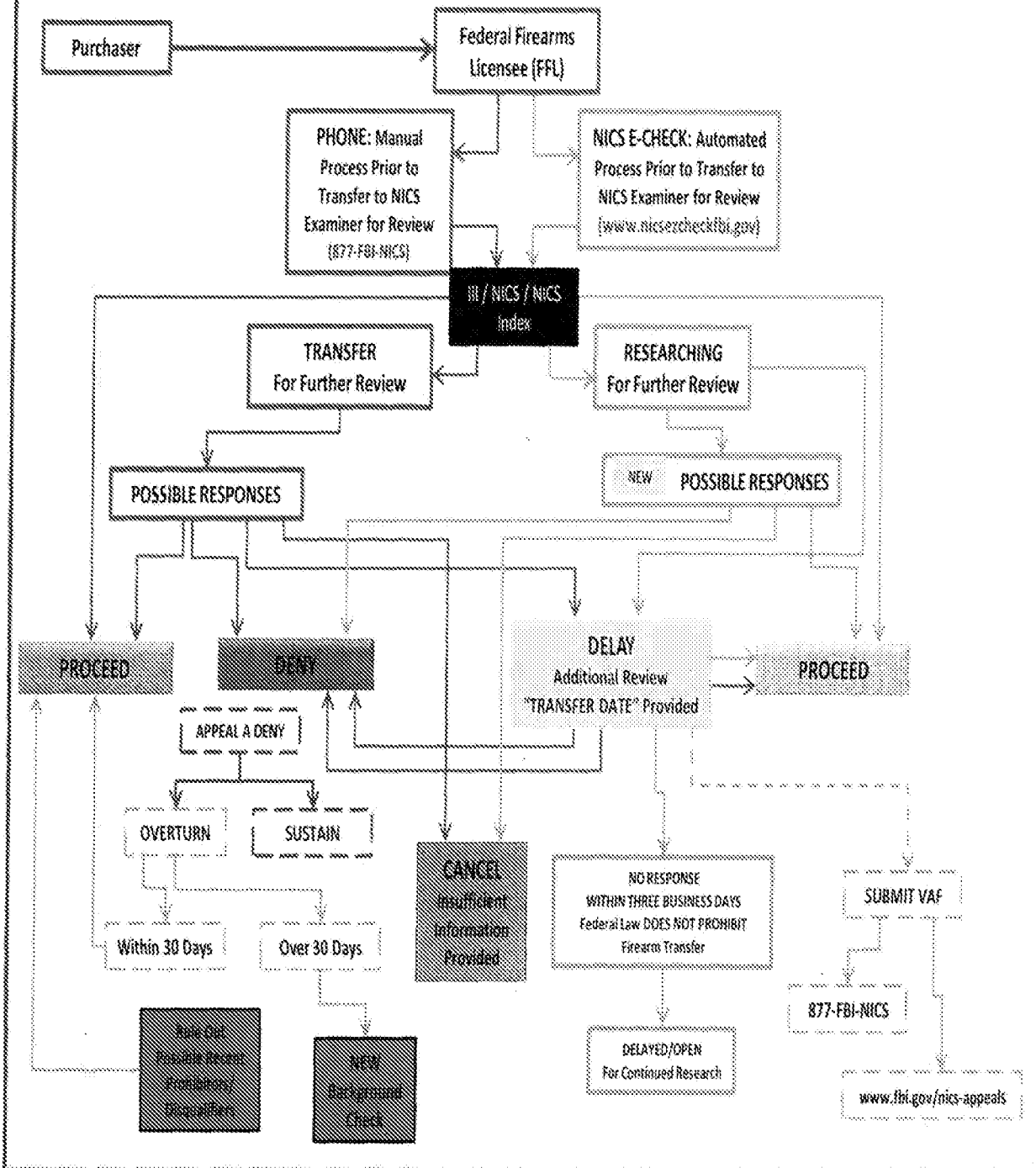
(1) A person under indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(2) A military service member charged with any offense punishable by imprisonment for a term exceeding one year which has been referred to a general court-martial.

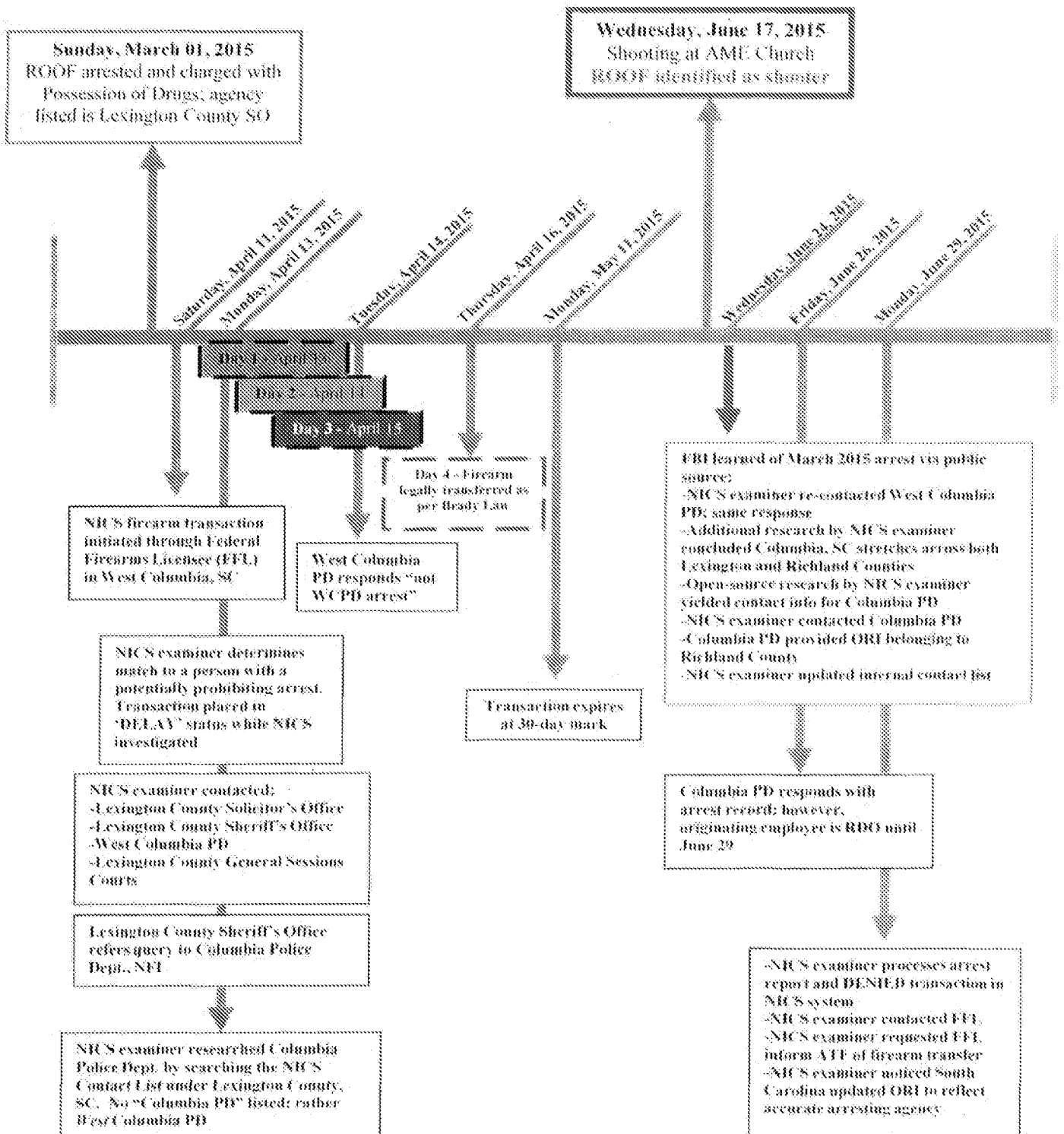
NOTES:

- An information is a formal accusation of a crime, which differs from an indictment because it is made by a prosecuting attorney rather than a grand jury.

NICS Process



Timeline of Events – Dylann Storm ROOF





FBI NICS

National Instant Criminal Background Check System
Federal Bureau of Investigation
Post Office Box 4278
Clarksburg, West Virginia 26302-4278



Transmittal Request for Final Disposition or Police Report

NTN 2WCV-F64

To:

Agency: Lexington Co SO

ATTN: Records

Phone: 803-785-2418

FAX: 803-785-2419

From:

Examiner:

Supervisor:

Phone:

FAX: 1-888-550-6427 (Toll Free)

E-mail:

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b7c

Date Faxed: 04/13/2015

Created Date: 04/11/2015

No. Pages: 2 including cover page

Special Handling Instructions: The pages following this cover sheet contain Personally Identifiable Information (PII).

WHY DOES NICS EXIST?

The Brady Handgun Violence Prevention Act (Brady Act) requires that background checks be conducted through the National Instant Criminal Background Check System (NICS) to determine whether a prospective firearms transfer would violate federal or state law. The Brady Act does not prohibit the transfer of a firearm after three business days unless information is received that dictates the transfer of the firearm should not take place. **Please Note: A firearm may be transferred to a prohibited person if a final response is not received within three business days of the NTN creation date (initial NICS inquiry).**

WHAT CAN I DO TO HELP?

Please provide disposition information on the attached Final Disposition Report (Form NICS-1) or furnish a copy of the police report attached Police Report Request (NICS-MCDV form) and return it to the attention of the NICS Examiner and Supervisor listed above. Thank you for your help.

WHAT IF I DO NOT HAVE THE INFORMATION YOU NEED?

Should you be unable to furnish this information, please indicate below the person or agency which may be able to provide the information requested.

9999175450

Please return this document with any additional documentation.

WARNING

Information attached to this cover sheet is U.S. Government property. If you are not the intended recipient of this information, disclosure, reproduction, or distribution, use of this information is prohibited. (18 U.S.C. § 641) Please notify the originator or the local FBI office immediately to arrange for proper disposition.

R-84 (Rev. 08-31-1999)

FINAL DISPOSITION REPORT

Leave Blank

Note: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the FBI

Criminal Justice Information Services Division without final disposition noted thereon. If no final disposition is available to arresting agency, complete left side and forward the form when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: FBI, CJIS Division, Clarksburg, WV 26306.

FBI No. 		Final Disposition & Date (If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)
Name on fingerprint Card Submitted to FBI Last First Middle ROOF, DYLANN STORM		
Date of Birth 	Sex M	Is this offense drug related? Yes <input type="checkbox"/> No <input type="checkbox"/>
Henry Fingerprint Classification Error FBI 1-B Response State Bureau No. (SID) Social Security No. (SOC) 		
Contributor of Fingerprints (Include complete name and location of agency together with ORI number.) LEXINGTON SO		This Form Submitted By: (Name, Title, Agency, ORI No., City & State)
		Signature _____ Date _____
		_____ Title _____
Arrest No. (OCA)	Date Arrested or Received 03/01/2015	<input type="checkbox"/> COURT ORDERED EXPUNGEMENT: Certified or Authenticated Copy of Court Order Attached.

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b7C

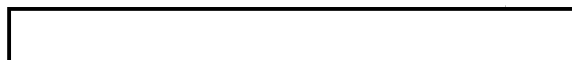
Offenses Charged at Arrest
CHARGE MDP,SCH I B,C,LSD
WARR 20 15A4021600503

PLEASE PROVIDE THE INCIDENT REPORT
-NEED TO KNOW IF FIELD/LAB TESTED
-NEED TO KNOW IF SUBJECT ADMITTED TO DRUGS

THANK YOU

*no arrest or
Report file this
date. The last
arrest was on
2-28-15,
Columbia PD will
have the report*

NTN 2WCV-F64



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b7C

9999175450



FBI NICS

National Instant Criminal Background Check System
Federal Bureau of Investigation
Post Office Box 4278
Clarksburg, West Virginia 26302-4278



Transmittal Request for Final Disposition or Police Report

NTN 2WCV-F64

From

Agency: West Columbia PD

ATTN: Records

Phone: 803-794-0721 X

FAX: 803-791-7843

From: To:

Examiner: [Redacted]

Supervisor: [Redacted]

Phone: [Redacted]

FAX: 1-888-550-6427 (Toll Free)

E-mail: [Redacted]

b6
b7c

Date Faxed: 04/13/2015

Created Date: 04/11/2015

No. Pages: 2 including cover page

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R-84 (Rev. 03-31-1999)

FINAL DISPOSITION REPORT

Leave Blank

Note: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the FBI

Criminal Justice Information Services Division without final disposition noted thereon. If no final disposition is available to arresting agency, complete left side and forward the form when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: FBI, CJIS Division, Clarksburg, WV 26306.

FBI No. 		Final Disposition & Date (If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)
Name on fingerprint Card Submitted to FBI Last First Middle ROOF, DYLANN STORM		
Date of Birth 	Sex M	Is this offense drug related? Yes <input type="checkbox"/> No <input type="checkbox"/>
Henry Fingerprint Classification From FBI 4-B Response State Bureau No. (SID) Social Security No. (SOC)		
Contributor of Fingerprints (Include complete name and location of agency together with ORI number) WEST COLUMBIA PD		This Form Submitted By: (Name, Title, Agency, ORI No., City & State)
		Signature _____ Date _____
		Title _____
Arrest No. (OCA)	Date Arrested or Received 03/01/2015	<input type="checkbox"/> COURT ORDERED EXPUNGEMENT: Certified or Authenticated Copy of Court Order Attached.

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b7c

Offenses Charged at Arrest
CHARGE MDP, SCH I B,C, LSD ADN COCAINE
Case Number: 2015A4021690503
ORIGINAL DOA 2-28-15

Not WCPD Warrant
This is not a WCPD Arrest

PLEASE PROVIDE THE INCIDENT REPORT
-NEED TO KNOW IF SUBJECT ADMITTED TO DRUGS
-NEED TO KNOW IF LAB/FIELD TESTED

THANK YOU

NTN 2WCV-F64

9999175450

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COLUMBIA POLICE DEPARTMENT

"Policing Excellence through Community Partnerships"

FAX COVER SHEET

DATE: 6/26/15

TO:

b6
b7C

NAME OF COMPANY: FBI NICS

FAX #: 888-550-6427

CITY OF COLUMBIA, SC

POLICE DEPARTMENT RECORDS UNIT

NAME: MCJ - Acting Supervisor Records Division

b6
b7C

ADDRESS: 1 JUSTICE SQUARE, COLUMBIA SC 29201

PHONE: FAX: (803) 733-8370

PAGE 1 OF 6

IF ANY PROBLEMS WITH FAX, CONTACT SENDER AT (803) 545-3577

MESSAGE: Re: Dylana Roof

CONFIDENTIALITY NOTICE

THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION WHICH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, DISTRIBUTION OR COPYING OF THIS INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY CALLING THE ABOVE TELEPHONE NUMBER. THANK YOU FOR YOUR ASSISTANCE AND COOPERATION.

Note: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the FBI

Criminal Justice Information Services Division without final disposition noted thereon. If no final disposition is available to arresting agency, complete left side and forward the form when case referred to prosecutor and/or courts. Agency or police as to final disposition should complete this form and submit to: FBI, CJIS Division, Clarksburg, WV 26306.

FBI No. 		Final Disposition & Date (If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.) <i>Still pending</i>
Name on fingerprint card Submitted to FBI Last First Middle ROOF, DYLANN STORM		
Date of Birth Sex M	Is this offense drug related? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Henry Fingerprint Classification Exempt FBI 1-B Response	This Form Submitted By: (Name, Title, Agency, ORI No., City & State)	
State Bureau No. (SIB) Social Security No. (SOC) 	 <u>10/26/15</u> Signature Date	
Contributor of Fingerprints (Include complete name and location of agency together with ORI number.) COLUMBIA PD		<i>Interim Supervisor - RECORDS</i> ORI SC0400100 TRS
Arrest No. (OCA) 	Date Arrested or Received 03/01/2015	<input type="checkbox"/> COURT ORDERED EXPUNGEMENT: Certified or Authenticated Copy of Court Order Attached.

b6
b7C

Offenses Charged at Arrest

MDP, SCH IB, C, LAD AND SCH II COCAINE FEL

PLEASE SEND INCIDENT REPORT WITH NARRATIVE

DID SUBJECT ADMIT TO POSSESSION OR USE?

ALSO, PER OUR CONVERSATION, PLEASE SEND YOUR ORI NO SO I CAN ADD YOUR AGENCY TO OUR CONTACT LIST THANK YOU!!!

NTN 2WCV-F64

9999034051

Please return this document with any additional documentation.

Columbia Police Department ORI = SC0400100

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b7C

INCIDENT REPORT

INFORMATION ONLY

15006932

INCL. ENCL.

EVENT
VICTIM NO. 1
SUSPECT NO. 1
NARRATIVE
PROPERTY EST.
ARRESTIVE

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNTS INVOLVED	TYPE VICTIM
44-53.230 POSSESSION OF SCHEDULE III 35A DRUG/NARCOTIC VIOLATIONS	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DEPARTMENT/DISCOUNT STORE		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input checked="" type="checkbox"/> Soc. Public <input type="checkbox"/> Other <input type="checkbox"/> Livement <input type="checkbox"/> Police Off.

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 100 COLUMBIANA CIRCLE, COLUMBIA, SC ZIP CODE 29212 WEAPON TYPE NONE

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DISPART. TIME	LOCATION NO.
02/28/2015	20:42		02/28/2015	20:42	02/28/2015	20:44	20:45	22:00	501

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED] RELATIONSHIP TO SUBJECT [REDACTED] RESIDENT [] RACE [] SEX [] AGE [] ETH [] DAYTIME PHONE [] EVENING PHONE []

ADDRESS #1 JUSTICE SQ CITY COLUMBIA STATE SC ZIP CODE 29201- LOCATION NO. 212

VICTIM'S NAME (LAST, FIRST, MIDDLE) CITY OF COLUMBIA RELATIONSHIP TO SUBJECT [REDACTED] RESIDENT [] RACE [] SEX [] AGE [] ETH [] DAYTIME PHONE [] EVENING PHONE []

HEIGHT [] WEIGHT [] HAIR [] EYES [] FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. []

ADDRESS #1 JUSTICE SQ CITY COLUMBIA STATE SC ZIP CODE 29201- LOCATION NO. 212

BLINDENRY (ACT) [] YES NO [] EXPLAIN [] COMPLAINT (ANY/NON) BLINDENRY [] YES NO []

VICTIM (S) USING ALCOHOL [] YES NO [] LINK [] DRUGS [] YES NO [] LINK [] TYPE []

INVESTIGATION: [] CHEMISTRY [] DETECTOR/PLASMA [] OTHER [] ALCOHOL [] ASSURED [] *J-This Jurisdiction, S-State, O-Out of State, U-Unknown.

SUSPECT NAME (LAST, FIRST, MIDDLE) ROOF, DYLANN, STORM RACE [] SEX [] AGE [] ETH [] DATE OF BIRTH [] HEIGHT [] WEIGHT [] HAIR [] EYES []

RUNAWAY FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. [] RELATED OFFENSE(S) 35A DAYTIME PHONE [] EVENING PHONE []

WANTED ADDRESS [] CITY [] STATE SC ZIP CODE [] LOCATION NO. 209

WARRANT ARREST SUBJECT NO. (USING ALCOHOL) [] YES NO [] LINK [] DRUGS [] YES NO [] LINK [] TYPE [] ARRESTED (IN/OUT) RESCUE [] YES NO [] DATE/TIME OF OFFENSE 02/28/2015 20:45:00 DATE/TIME OF ARREST []

SUMMONS

DAY OF THE WEEK	HOW REPORTED	OFFICER DISPATCHED OR CALL	OF COMPLAINT WRITTEN IN	DIFF. FACTOR	A- RESISTANCE/HOSTILITY	B- WEAPONS	C- UNFOUNDED CALLS	D- MENTAL SUBJECT	E- COMPLAINT PRE-QUENTLY INTIGATED	F- DOMESTIC	G- NORMAL
1 2 3 4 5 6 7 8	A B C D E F	1 2 3 4 5 6 7 8	1 2 3 4 5 6 7 8	N							

I WAS ON DIRECT PATROL ON THE ABOVE LISTED DATE AND TIME AT THE COLUMBIANA MALL WHEN I RECEIVED A COMPLAINT FROM MALL SECURITY STATING THAT A WHITE MALE WEARING ALL BLACK WAS GOING INTO THE "SHOE DEPARTMENT" STORE AND "BATH AND BODY WORKS" AND ASKING THE EMPLOYEES OUT OF THE ORDINARY QUESTIONS. THE MALL SECURITY GUARD STATED THAT THE EMPLOYEES WERE STATING THAT THE SUBJECT WAS ASKING THEM HOW MANY ASSOCIATES WERE WORKING, WHAT TIME THEY CLOSED, AND WHAT TIME THEY LEAVE. MALL SECURITY THEN POINTED OUT THE SUBJECT AT WHICH TIME I MADE CONSENSUAL CONTACT WITH HIM. UPON MAKING CONTACT WITH THE SUBJECT I CONFIRMED THAT HIS NAME WAS DYLANN S. ROOF, DOB [REDACTED] UPON TALKING WITH MR. DYLANN I ASKED HIM WHY HE WAS ASKING THE EMPLOYEES OF THE BUSINESSES THOSE QUESTIONS. MR. DYLANN THEN BEGAN

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY [] JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY []

TYPE (GROUP)	STOLEN	DAMAGED	BURNED	RECOVERED	SEIZED	TOTAL VALUE

SUBJECT IDENTIFIED YES NO [] SUBJECT LOCATED YES NO [] S.F. [] ACTIVE ADM. CLOSED [] UNFOUNDED [] ARRESTED UNDER 18 [] EX-CLEAR UNDER 18 [] ARRESTED 18 AND OVER [] EX-CLEAR 18 AND OVER []

REASON FOR EXCEPTIONAL CLEARANCE 1 OFFENDER/CAH 2 NO PROSECUTION 3 EXPIRED/RELEAS 4 VICTIM/COOPERATION 5 UNABLE TO LOC

REPORTING OFFICER(S) [] DATE 02/28/2015 22:34:37 UNIT NUMBER [] APPROVING OFFICER [] DATE 03/01/2015 04:17:54 UNIT NUMBER [] FOLLOWUP INVESTIGATION YES NO [] OFFICER []

b6
b7C
b6
b7C
b6
b7C
b6
b7C
b6
b7C

ADDITIONAL NARRATIVE

Agency Name: City of Columbia Police Department	ORI # SC0609100	Report Date/Time: 02/28/2015 20:42	OCA # 13000882
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SPEAKING VERY NERVOUSLY AND STATED THAT HIS PARENTS WERE PRESSURING HIM TO GET A JOB. I THEN ASKED MR. DYLANN IF HE ASKED FOR AN APPLICATION FROM ANY OF THE STORES AND HE STATED THAT HE DID NOT. I AGAIN OBSERVED THAT MR DYLANN WAS BECOMING MORE NERVOUS ACTING AND TAKING MORE TIME TO THINK OF ANSWERS TO MY QUESTIONS. I THEN ASKED MR. DYLANN IF HE HAD ANYTHING ILLEGAL ON HIS PERSON THAT I NEEDED TO KNOW ABOUT AND HE STATED THAT HE DID NOT. I THEN RECEIVED CONSENT TO SEARCH HIS PERSON AT WHICH TIME I LOCATED A SMALL UNLABELED WHITE BOTTLE CONTAINING MULTIPLE ORANGE IN COLOR SQUARE STRIPS LOCATED IN MR. DYLANN'S RIGHT JACKET POCKET. I THEN ASKED MR. DYLANN WHAT THE ORANGE STRIPS WERE AND HE STATED THEY WERE LISTERINE STRIPS. I AGAIN ASKED HIM WHAT THEY WERE AND HE STATED THAT THEY WERE SUBOXONE. I THEN ASKED MR. DYLANN IF HE HAD A PRESCRIPTION FOR THEM AND HE STATED THAT HE DID NOT. I THEN CONFIRMED THROUGH POISON CONTROL THAT SUBOXONE IS A SCHEDULE III NARCOTIC. I THEN PLACED MR DYLANN UNDER ARREST FOR POSSESSION OF SCHEDULE III. POST MIRANDA MR. DYLANN STATED THAT THE STRIPS WERE SUBOXONE AND THAT HE RECEIVED THEM FROM A FRIEND. DUE TO MR. DYLANN BEING ARRESTED I HAD HIS 2000 HYUNDAI ELANTRA (SC TAG KER488) TOWED BY ST ANDREWS TOWING AND I NOTIFIED THE OWNER BY MAIL. I HAD ALL EVIDENCE TAGGED INTO THE PROPERTY ROOM.

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ADDITIONAL VEHICLES

STATUS: 3		RELATED TO: BOOF, DYLANN, STORM		VEHICLE TYPE: P	
VIN AND/OR LICENSE NO. KMHUF35F9T0864087			BOAT HULL NO. AND/OR REG. NO.		
SERIAL AND/OR OWNER APPLIED NO.			STATE SC		
YEAR OF REGISTRATION		YEAR OF EXPIRATION		YEAR 2000	MAKE HYUN
MODEL HYUN-BUN	STYLE 4 DOOR	COLOR BLACK		CID NO.	
COMMENTS SC TAG KER488					
STATUS:		RELATED TO:		VEHICLE TYPE:	
VIN AND/OR LICENSE NO.			BOAT HULL NO. AND/OR REG. NO.		
SERIAL AND/OR OWNER APPLIED NO.			STATE		
YEAR OF REGISTRATION		YEAR OF EXPIRATION		YEAR	MAKE
MODEL	STYLE	COLOR		CID NO.	
COMMENTS					
STATUS:		RELATED TO:		VEHICLE TYPE:	
VIN AND/OR LICENSE NO.			BOAT HULL NO. AND/OR REG. NO.		
SERIAL AND/OR OWNER APPLIED NO.			STATE		
YEAR OF REGISTRATION		YEAR OF EXPIRATION		YEAR	MAKE
MODEL	STYLE	COLOR		CID NO.	
COMMENTS					
STATUS:		RELATED TO:		VEHICLE TYPE:	
VIN AND/OR LICENSE NO.			BOAT HULL NO. AND/OR REG. NO.		
SERIAL AND/OR OWNER APPLIED NO.			STATE		
YEAR OF REGISTRATION		YEAR OF EXPIRATION		YEAR	MAKE
MODEL	STYLE	COLOR		CID NO.	
COMMENTS					
STATUS:		RELATED TO:		VEHICLE TYPE:	
VIN AND/OR LICENSE NO.			BOAT HULL NO. AND/OR REG. NO.		
SERIAL AND/OR OWNER APPLIED NO.			STATE		
YEAR OF REGISTRATION		YEAR OF EXPIRATION		YEAR	MAKE
MODEL	STYLE	COLOR		CID NO.	
COMMENTS					
STATUS:		RELATED TO:		VEHICLE TYPE:	
VIN AND/OR LICENSE NO.			BOAT HULL NO. AND/OR REG. NO.		
SERIAL AND/OR OWNER APPLIED NO.			STATE		
YEAR OF REGISTRATION		YEAR OF EXPIRATION		YEAR	MAKE
MODEL	STYLE	COLOR		CID NO.	
COMMENTS					

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INCIDENT REPORT ADDITIONAL OFFENSES

UCR	OFFENSE	BIAS MOTIVATED	BIAS CODE	STATUS	OFFENDER
		<input type="checkbox"/>	[]	<input type="checkbox"/> Attempt <input type="checkbox"/> Complete	
		<input type="checkbox"/>	[]	<input type="checkbox"/> Attempt <input type="checkbox"/> Complete	
		<input type="checkbox"/>	[]	<input type="checkbox"/> Attempt <input type="checkbox"/> Complete	
		<input type="checkbox"/>	[]	<input type="checkbox"/> Attempt <input type="checkbox"/> Complete	
		<input type="checkbox"/>	[]	<input type="checkbox"/> Attempt <input type="checkbox"/> Complete	
		<input type="checkbox"/>	[]	<input type="checkbox"/> Attempt <input type="checkbox"/> Complete	

INCIDENT REPORT DRUGS

Code	Status	Quantity	Measure	Suspected Type	Check up to 3 types of activity for each							
					Using	Buy	Cultivating	Distributing	Exploiting Children	Operating	Possess	Transport
H	Z	1	GM	OTHER NARCOTICS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AGENCY ID
 SC0400100

CASE NUMBER
 150006592