

# LEGISLATIVE AUDIT COMMISSION



Management Audit

Department of State Police's  
Administration Of The  
Firearm Owner's Identification Act

April 2012

622 Stratton Office Building  
Springfield, Illinois 62706  
217/782-7097

## Management Audit

### Department of State Police's Administration Of The Firearm Owner's Identification Act

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#### RECOMMENDATIONS – 12

Accepted – 10

Implemented – 2

#### Background

To promote and protect the health, safety, and welfare of the public, Illinois residents are required by the Firearm Owners Identification Card Act to have a valid FOID card in order to possess or purchase firearms or ammunition. The law originally became effective in 1968. The Firearm Owner's Identification Card (FOID) Program is administered by the Firearms Services Bureau (Bureau) within the Illinois State Police (ISP). Although an individual has a valid FOID card, an additional background check will be conducted on the individual at the time a firearm is purchased from a federally licensed firearm dealer, gun show promoter, or gun show vendor. The background check conducted at the time of purchase is also conducted by the Bureau, which administers the Firearm Transfer Inquiry Program.

As seen in Digest Exhibit 1, the Illinois State Police's Firearms Services Bureau received 903,139 FOID applications and approved 879,906 during 2008, 2009, and 2010. The Bureau denied 20,152 of the 903,139 applications during the three-year period. According to ISP, as of January 2011, there were 1,316,508 individuals with active FOID cards in Illinois.

House Resolution Number 89 requires the Office of the Auditor General to conduct a management audit of the Illinois State Police's administration of the Firearm Owners Identification Card Act. The audit is to include the following determinations: eligibility, total number of applicants and the number and reason for

Digest Exhibit 1  
**FOID CARD APPLICATIONS RECEIVED, APPROVED,  
AND DENIED**  
For applications received during 2008 - 2010

	Applications Received	Applications Approved	Applications Denied	Other <sup>1</sup>
2008	285,707	277,727	6,426	1,554
2009	327,442	319,612	6,893	937
2010	289,990	282,567	6,833	590
<b>Totals</b>	<b>903,139</b>	<b>879,906</b>	<b>20,152</b>	<b>3,081</b>

Note: <sup>1</sup> Includes duplicate applications that were cancelled or applications that were pending receipt of additional information.

Source: ISP data summarized by the OAG.

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denial, timely approval/denial of applications, the number and reasons for revocation, and number of referrals for criminal prosecution.

### **Report Conclusions**

The effectiveness of the Illinois Firearm Owner's Identification (FOID) card program operated by the Illinois State Police (ISP) is limited in promoting and protecting the safety of the public. There are significant deficiencies in the reporting of individuals with potentially disqualifying mental health conditions to the Illinois State Police that seriously undermine the effectiveness of the FOID program. In addition, because many of these disqualifying conditions are also required to be reported to the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS), which is used by other states when individuals purchase firearms, the safety of the general public as a whole is at risk.

Auditors reviewed all mental health reports ISP reported receiving from Illinois circuit court clerks during 2010 and determined that only 3 of the 102 circuit court clerks (3%) submitted mental health court orders to ISP as required by the Firearm Owners Identification Card Act. Furthermore, the information submitted by the three circuit court clerks to ISP was missing critical information needed for the FOID card eligibility determination process.

Consequently, in most counties, if the court finds individuals to be a "mental defective" or "intellectually disabled" (terms used by the Act), ISP is not receiving the information needed from the circuit court clerks to revoke or deny FOID cards for individuals from those counties. Unless reported by another source (such as a State-operated mental health facility, hospital, etc.), individuals from those counties could receive or continue to hold a valid FOID card and could use it to purchase firearms and ammunition. During calendar year 2010, only 13 of 105 private hospitals and nursing homes reported admissions to DHS within an average of 7 days.

The audit resolution asked whether the ISP has denied any applications because the applicant provided false information and, if so, whether the ISP made any referrals for criminal prosecution for providing false information.

The audit also found that:

- The Illinois State Police's Firearms Services Bureau did not approve all FOID cards in the required 30 days for the 903,139 applications received during 2008, 2009, and 2010. Over the three-year period, 566,616 of 879,906 (64%) applications were approved within 30 days. In 2008, 40% of cards were approved within 30 days. The processing times improved to 80% in 2009 and decreased to 70% in 2010.

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- ISP did not deny all FOID card applications in the required 30 days. For applications received during 2008, 2009, and 2010, ISP denied 20,152. Over the three-year period, 71% of the denied FOID cards were denied within the required 30 days.
- During 2008, 2009, and 2010, the ISP recorded 21,212 reasons for revocations of FOID cards for 20,227 cardholders. ISP officials estimated that only 30% of revoked FOID cards are returned to ISP.
- ISP did not have written policies and procedures for the FOID card eligibility process and staff received little or no formal training on the process used to determine eligibility.
- ISP did not have enough Customer Service Representatives to handle the volume of calls that are received by the Bureau related to the FOID card program. According to call logs provided by ISP, during the last quarter of 2010, 25,131 of 29,420 calls (85%) were not answered by ISP.
- According to documentation provided by ISP, from July 1, 2009, through June 30, 2011, the State Police spent \$526,919 on overtime for FOID card processing.

The audit contained 12 recommendations; eleven were specifically directed to the Illinois State Police and two were directed to the State Police and the Department of Human Services. The State Police and DHS agreed with all the recommendations.

### **Recommendations**

#### **1. The Department of State Police should:**

- **Update its FOID Card Program Policy and Procedures Manual;**
- **Provide and document formal training to its Firearms Services Bureau staff; and**
- **Update its administrative rules relating to the Firearm Owners Identification Card Act.**

**Findings:** The Firearms Services Bureau did not have up-to-date policies and procedures, up-to-date administrative rules, and did not provide formal training to the Bureau staff related to the process for determining FOID card eligibility. Auditors requested policies and procedures related to the FOID card program. ISP provided the "Crime Studies Procedures Manual" that was out-of-date. Many of the sections date back to 1996-1997. Other sections date back to the 1980's. In March 2012, after the audit was completed, ISP provided auditors with a copy of the IDV Identification Verification Manual from March 2006. As a result of limited written guidance, auditors conducted on-site reviews of the process to witness exactly how the process operates.

Auditors observed eligibility staff perform numerous steps and access numerous data sources in order to determine eligibility. None of the steps were documented by any policy or in any manual.

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Auditors also requested information related to the training that is provided to Firearms Services Bureau staff. An ISP official indicated that "Staff receive informal training from their supervisors, other supervisors, and group meetings.

**State Police Response:** We concur. The Firearms Services Bureau has already identified ways to address this recommendation. The Department has drafted administrative rule changes for the Legal Office's review and submission.

**Updated Response:** Accepted. The Firearms Services Bureau (FSB) is in the process of addressing each of the three areas identified within Recommendation 1. Since the conclusion of the audit, FSB has held two formal training programs for employees. An annual training program for current employees is being developed including a new employee training program for each of the sections. A FOID Procedures Manual is also underway with full implementation by December 2013.

- 2. The Department of State Police should work with Circuit Courts and Circuit Court Clerks to ensure that the necessary prohibiting mental health information is submitted to ISP, as required by the Firearm Owners Identification Card Act, so it can be used by ISP in the FOID eligibility process, as well as submitted to the FBI's National Instant Criminal Background Check System.**

**Findings:** The Firearm Owners Identification Card Act requires that when an individual is adjudicated as a "mental defective" by a court, the court "shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department." According to the Act, the term "mental defective" includes individuals who:

- are incompetent to stand trial;
- are a danger to themselves or others;
- lack the mental capacity to manage their own affairs; or
- have been found not guilty by reason of insanity, mental disease, or defect.

Auditors reviewed all mental health reports ISP reported receiving from Illinois circuit clerks during 2010 and determined that only 3 of the 102 circuit court clerks (3%) submitted mental health court orders to ISP. The Cook, Bureau, and LaSalle Circuit Clerks submitted 121 orders in 2010. In most counties, if the court finds individuals to be a "mental defective" or "intellectually disabled", ISP is not receiving the information needed from the circuit court clerks to revoke or deny FOID cards for individuals from those counties. Unless reported by another source (such as a State-operated mental health facility, hospital, etc.), individuals from those counties could receive or continue to hold a valid FOID card and could use it to purchase firearms and ammunition.

Also, due to the lack of reporting by circuit court clerks in Illinois, ISP could not report all individuals adjudicated as a "mental defective" or "intellectually disabled" to the FBI's NICS, as required by the Firearm Owners Identification Card Act.

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Furthermore, the information submitted by the three circuit court clerks to ISP was missing critical information needed for the FOID card eligibility determination process. Fifty-six of the 121 (46%) orders received from circuit court clerks during 2010 did not contain information determined by ISP to be necessary, including date of birth, gender, or race. Twenty-seven of the 121 (22%) orders from the circuit court clerks were not reported to NICS.

Auditors contacted four circuit court clerks to determine why they were not reporting mental health adjudications to the State Police. Their responses included:

- Kane County Circuit Clerk officials were aware of the requirement and noted that they had not been ordered by the court per statute to report;
- Union County Circuit Clerk officials did not provide a response prior to the completion of the audit.
- Madison County Circuit Clerk officials noted that the court does not order them to report and that it is not always clear from the orders which orders would need to be reported to State Police. The official suggested that State Police should contact the courts regarding this requirement; and
- Sangamon County Circuit Clerk officials indicated they had not been instructed by the court to report; therefore, no reports have been made to State Police. However, Sangamon County officials noted that because of the inquiry, they are working with the Chief Judge to resolve this issue. They are in the process of identifying the orders that should have been reported. The Sangamon County official stated there were approximately 115 dating back to 2008. Once they are all identified, the Clerk's office will send them to the State Police.

**Updated Response:** Accepted. The Department has opened the lines of communication with both the Circuit Clerks and the Illinois Administrative Office of the Courts. ISP command attended the Illinois Association of Court Clerks Training Conference on April 24, 2012 to address the audit findings and discuss legislative changes proposed by the Illinois State Police. The Department worked in coordination with the Circuit Clerks to pass SB 1034 which was signed by Governor Quinn on August 28, 2012 and becomes law January 1, 2013. This new law mandates the court to direct the clerk to provide the adjudicated mental defective information in a form and manner prescribed by the Department of State Police, and shall forward a copy of the court order to the Department. FSB is currently working with the Illinois Administrative Office of the Courts on the development of a form to be used by the courts. FSB staff will also be attending a new clerks training symposium sponsored by the Illinois Administrative Office of the Courts in January 2013.

- 3. The Department of State Police and the Department of Human Services should work with hospitals, nursing homes, clinicians and other entities required to**

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**report prohibiting mental health information to the DHS-FOID system, to ensure that: all required reports are filed; the information is timely, complete and accurate; and voluntary and involuntary admissions are differentiated. In addition, ISP should review its controls to ensure that all mental health matches sent by DHS are properly worked by eligibility staff.**

**Findings:** The Mental Health and Developmental Disabilities Confidentiality Act requires all public or private hospitals and mental health facilities to furnish the Department of Human Services (DHS) with information necessary to determine whether a person is disqualified from receiving or retaining a Firearm Owner's Identification Card. The information is to be reported within seven days. During 2010, 101,563 unduplicated mental health admissions were reported to DHS from private hospitals and nursing homes.

Public and private hospitals and mental health facilities are required to report mental health admissions to DHS. Reporting to DHS is accomplished via a web-based system, called the DHS-FOID Reporting System. This system is developed and maintained by DHS.

Each night, ISP sends a file of active cardholders and applicants to DHS to be matched against the DHS-FOID database. DHS conducts the match. Any matches are reviewed by DHS and are faxed to ISP the following morning.

Eligibility staff at ISP review these faxes and determine whether the match was actually for an individual that has an active FOID card or application. If so, a letter is generated and mailed to the individual that denies the application or revokes the card. When a card is revoked, the letter states that the card has been revoked and it must be immediately returned using an enclosed self-addressed envelope. According to ISP, only 30% of revoked cards are returned.

Auditors noted ISP revoked or denied 23 of the 25 matches sampled within 3 days and another within 5 days. For 15 of the 24 matches that resulted in the revocation of an individual's FOID card, only four of the actual FOID cards were returned to ISP by the cardholder. The remaining nine matches resulted in the denial of the FOID card application.

The remaining match was for a new applicant that received a FOID card even though there was a mental health match identified by DHS. Neither the auditors nor ISP could determine why the card was approved. It was revoked on March 8, 2012.

**Problems with Mental Health Reporting**

Auditors identified several problems which negatively impact the effectiveness and efficiency of the FOID card eligibility process, as well as the firearm eligibility determination process.

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### **No Distinction Between Involuntary and Voluntary Admissions**

Mental health admissions data received by the DHS from private hospitals and nursing homes does not make the distinction between voluntary and involuntary admission. Since State law considers both voluntary and involuntary admissions as firearm prohibitors, the lack of distinguishing between types of admission does not impact ISP's FOID card eligibility determination process. However, under federal law, only individuals adjudicated as a "mental defective" are considered to have a firearm prohibitor and can be reported to NICS. Since there is no distinction between voluntary and involuntary admissions within the DHS data, ISP could not report any individuals with disqualifying mental health admissions from private hospitals or nursing homes to the FBI's NICS database.

On February 7, 2012, auditors met with DHS to discuss why they have not modified their reporting form to require private hospitals and nursing homes to report whether the admission is voluntary or involuntary. DHS officials stated that they would begin working to collect the necessary information from the private hospitals and nursing homes as is necessary for ISP to report to NICS.

### **Not all Required Entities Reporting**

According to DHS, hospitals and nursing homes with psychiatric beds are reporting mental health admissions to DHS; however, DHS did not know whether they are reporting all mental health admissions as required. Auditors asked DHS officials if they had any way of determining whether providers were submitting all required admissions. DHS officials stated that they did not – it would require on-site work at each facility to determine whether all admissions had been reported.

Hospitals and nursing homes with psychiatric beds maintained by the Department of Public Health were reporting to DHS.

DHS also requires clinicians to report individuals that they feel are a danger to themselves or others. DHS officials stated that only a small percentage of the total clinicians are reporting this information. According to a feasibility study released in November 2009, only 41 of 130,000 licensed practitioners and clinicians were reporting. DHS reported that as of March 2012 only 80 clinicians were reporting.

### **Untimely Reporting**

Only 13 of 105 private hospitals and nursing homes reported admissions to DHS within an average of seven days during 2010.

**State Police Updated Response:** Accepted. The Department continues to work with the Department of Human Services (DHS) to improve reporting. Technological improvements have been made to allow hospitals, nursing homes and clinicians to report mental health admissions through a web-based system. Effective September 1, 2012, DHS mandated the private facilities to accurately report by requiring the facility to identify



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the admission category – involuntary or voluntary. Unfortunately there is no recourse for facilities that do not comply with this reporting mandate. Through the Mental Health Records Improvement Task Force, the Department will continue to look for ways to improve compliance and further educate the facilities and clinicians of their responsibility.

**DHS Updated Response:** Accepted and Partially Implemented.

### **Corrective Action Implemented:**

- DHS MIS Clinical Unit has added voluntary/involuntary fields to the Reporting System.
- Changes have been made to the Unified Health System FOID Reporting website to alert all users that new fields were added to the website for their use.

### **Corrective Action to be Implemented:**

- DHS MIS is working with the DHS Office of Clinical, Administrative and Program Support (OCAPS) Manager and DHS Budget Office to obtain adequate funding for the FOID Program and add budgeted headcount for one Information Systems Analyst 1 (ISA-1) and one Information Services Specialist 11 (ISS-2).
- DHS Clinical Unit will work with the Illinois Department of Public Health (IDPH) to create a Reporting System of current Psychiatric beds in private hospitals and nursing homes.

4. **The Department of State Police should ensure that information reported to the National Instant Criminal Background Check System (NICS) is submitted completely, accurately, and timely, and should update it as necessary. The Department should work with DHS to identify individuals with NICS prohibitors prior to June 2008 and should report them to NICS as required.**

**Findings:** According to the Federal Bureau of Investigation, the National Instant Criminal Background Check System (NICS) is a national system that checks available records on persons who may be disqualified from receiving firearms.

In Illinois, the Illinois State Police is the entity designated to conduct the checks to determine whether an individual is disqualified from purchasing a firearm. NICS is one of the data sources used by ISP to determine whether an individual is eligible for a Firearm Owner's Identification card, as well as eligible to purchase a firearm.

As discussed earlier, the Illinois State Police did not report all disqualifying mental health admissions to NICS as required. Effective on June 1, 2008, ISP and DHS were required to enter into a memorandum of understanding (MOU) with the FBI for the purpose of implementing the National Instant Criminal Background Check System in Illinois. ISP is required to report the name, date of birth, and physical description of any person prohibited

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from possessing a firearm. There was no effort made to populate the NICS database with any information on admissions before June 2008.

### **Timeliness of Information Reported to NICS**

Although ISP was required by Illinois law to report mental health prohibitors to NICS effective June 1, 2008, ISP and DHS did not sign the MOU with the FBI until December 15, 2009, and February 20, 2010, respectively. The MOU was signed by the FBI on April 23, 2010. The first mental health events reported to NICS by ISP were in December 2010. In December 2010, ISP reported 5,154 events. The average time it took ISP to report these events from the time the information was entered by DHS was 469 days.

Since April 13, 2011, routine reports have been made to NICS. According to information provided by the ISP, since April 2011, the average days to report events are 56.

### **Inaccurate Information Reported to NICS**

The auditors' review of the information submitted by ISP to NICS identified issues with the accuracy of the information submitted. 6,932 events were for 3,729 individuals. Many individuals had more than one event reported. The information reported had numerous errors including 63 NICS entries from Illinois with incorrectly spelled names, 53 with incorrect dates of birth, and 52 with incorrect social security numbers.

**State Police Response:** We concur. The Department of Human Services and Illinois State Police serve as a pass through for the data when entered by hospitals and nursing homes. We do not feel it is appropriate to correct data that does not belong to our agency. However, for the small number of instances when ISP enters information to be submitted to NICS, a quality assurance program will be developed to ensure the information submitted is accurate. The DHS has recently identified an additional 19,000 records for submission to NICS. The Department's technical team is currently running transmission tests on the data.

**Updated Response:** Accepted. Several components to this recommendation have been implemented by the Department. 19,000 involuntary admission records identified by DHS dating back to 1980 have been submitted to NICS. On September 30, 2012, Phase I of the NARIP Grant/FOID rewrite was completed. This included a comprehensive clean-up of the mental health records at DHS and improved the match process between DHS data and FOID applicant/cardholder data.

**DHS Updated Response:** Implemented.

- DHS MIS Clinical Unit has identified 18,424 records from the State Operated Facility Inpatient System from 1980 through present that had not previously been reported to the National Instant Criminal Background Check System (NICS).

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- The Illinois State Police (ISP) has been provided with the records on March 23, 2012.
- DHS MIS Clinical Unit has added height, weight, eye color and hair color as physical description fields that all reporting entities need to supply so that the data can be passed on to the National Instant Criminal Background Check System (NICS).
- Changes have been made to the Unified Health System FOID Reporting website to alert all users that new fields were added to the website for their use.

**5. The Department of State Police should ensure that its FOID application process, as it relates to minor applicants, meets the requirements found in the Firearm Owners Identification Card Act.**

**Findings:** The Firearm Owners Identification Card Act requires the applicant to submit evidence to the ISP that the applicant is not prohibited from having a FOID card. When a minor, under age 21, applies for a FOID card, the parent or guardian must give written consent. The Act also states that the parent or legal guardian must not be prohibited from having a FOID card and must file an affidavit stating that he or she is not an individual prohibited from having a FOID card.

The application requires the applicant, the minor, to provide the information; however it only requires the parent or guardian to provide their name, date of birth, gender, and Illinois driver's license or State ID number. As a result, the parent or guardian who, according to the Act, must be eligible for a FOID card is not providing all required information to have their eligibility reviewed by ISP.

**State Police Response:** We concur. The Department is in the process of revising the FOID application to include an affidavit as required in the Act. The Department, however, does not believe the parent or legal guardian is required by the Act to answer the questions provided for the applicant on the FOID application. The Department is able to determine the parent's or legal guardian's firearm eligibility as the Act states without the questions being answered. The Department will take this under consideration as the revisions of the FOID application are finalized.

**Auditor Comment:** *ISP requires applicants to answer all questions on the FOID card application so ISP can determine eligibility. Consequently, it seems reasonable that ISP would have the minor's parent or legal guardian provide the same information that is required from any applicant.*

**Updated Response:** Implemented. A new FOID application has been created and printed and is currently being distributed to Federally Licensed Firearm Dealers. The new application will also be available on the ISP website by the end of October 2012.

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**6. The Department of State Police should:**

- **Work with its vendor to ensure that FOID cards are forwarded to the correct mailing address; and**
- **Ensure that it has enough Customer Service Representatives to answer the questions of FOID card applicants.**

**Findings:** During a review of the FOID card process, auditors observed thousands of FOID cards not being delivered to the applicants. State Police officials noted FOID cards are often returned by the post office as undeliverable. The Firearm Owners Identification Card Act places the responsibility on the card holder to notify the ISP of an address change.

According to ISP, if an individual calls about his or her card, the customer service employee checks in the system to see if the card has been returned. If so, the employee retrieves the card and sends it to the applicant. There is no process in place to resend the cards once they are returned to ISP. ISP noted it did not have the staff to try to determine the correct address; however, if the applicant called inquiring about their card, a correct address would be obtained and the card would be re-mailed.

**Customer Service Representatives**

ISP did not have enough Customer Service Representatives to handle the volume of calls that are received by the Firearms Services Bureau related to the FOID card program. These Customer Service Representatives receive calls related to the FOID card application process as well as calls for the Firearm Transfer Inquiry Program (FTIP). According to call logs provided by ISP, the majority of the calls received related to the FOID card program are not being answered.

**State Police Response:** We concur. The Department learned that the envelope being used by the card vendor was not allowing the U.S. Post Office to forward the FOID cards when a forwarding address was on file. The Firearms Services Bureau has already worked with the card vendor to

change the outer envelope the cards are mailed in so the U.S. Post Office can forward the cards when appropriate. Also, if a FOID card is returned to the FOID office and the Department can determine a forwarding address, the Department will repackage the FOID card and mail the card to the applicant's new address. However, in accordance to the FOID Act 430 ILSC 65/13.2, which states it is the applicant's responsibility to notify the

Exhibit 2-5 ISP FOID HOTLINE CALLS 4 <sup>th</sup> Quarter Calendar Year 2010			
	Calls Received	Calls Answered	Calls Abandoned
Oct. 2010	10,257	1,119	9,138
Nov. 2010	9,757	1,299	8,458
Dec. 2010	9,406	1,871	7,535
<b>Totals</b>	<b>29,420</b>	<b>4,289</b>	<b>25,131</b>
Source: Call log provided by ISP.			

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Department of an address change, coupled with the current staffing limitations, the FOID office will not make any further attempts to locate the applicant.

Due to the current fiscal crisis in the state of Illinois, the Illinois State Police like many other agencies, is limited within its budget and personnel resources. Currently, the FOID office has twenty-one customer service lines, but depending on the shift, only two to four customer service representatives are available to answer the calls. On any given day, up to eighty-five percent of the calls are dropped or not answered by a customer service representative. We agree this high percentage of dropped calls is not acceptable. The FOID office is continuing to look at technological advances that may assist applicants with their FOID questions more timely.

**Updated Response:** Accepted. All FOID cards are now being forwarded to applicants that have registered a forwarding address with the US Postal Office. The Department is currently studying ways to improve the customer service call center to include a new voice recognition telephone system and an on-line application status check where an individual can look up the status of their own FOID application.

- 7. The Department of State Police should determine whether it has the statutory authority to issue FOID cards to out-of-state applicants, and if so, develop clear guidance over the process used to determine eligibility.**

**Findings:** The Illinois State Police are issuing FOID cards to applicants who do not live in Illinois even though the Firearm Owners Identification Card Act does not grant them the authority. Auditors identified 391 individuals with out-of-state addresses in the FOID database that had received FOID cards during 2008, 2009, and 2010. Auditors selected 10 and reviewed their applications and files at ISP. It appears from a file review that ISP requires each applicant to provide a copy of their out-of-state driver's license and a letter from the applicant's employer stating that it is necessary for the applicant to have a FOID card in order to perform their job duties. The applicants tested worked for sheriff departments, armored car services, the Department of Corrections, or for a security service. All but one of the 10 provided a copy of their driver's licenses and all 10 provided a letter from their employers.

**Updated Response:** Implemented. The Department introduced SB 1034 which was signed by Governor Quinn on August 28, 2012. This new language codifies the department's authority to issue FOID cards to non-residents who are employed as a law enforcement officers or armed security guards, and to those in the US Military that are stationed in Illinois.

- 8. Since existing management controls over FOID card processing timeliness do not identify applications that are not approved or denied until after the 30 day requirement, the Department of State Police should establish additional**

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**management controls to identify FOID applications that are not being processed timely.**

**Findings:** The Firearms Services Bureau lacks effective controls to ensure timely processing of FOID card applications. Auditors determined that as of November 15, 2011, there were 2,284 applications that were pending more than 30 days on the Jeopardy Report. During a review of the Jeopardy Reports, auditors identified instances where hundreds of applications were hitting the report for the same day. For example, the November 15, 2011, Jeopardy Report contained 2,284 applications of which 2,043 were from October 11, 12, or 13. It appears that these were never processed to be manually worked by eligibility staff.

**State Police Response:** We concur. The Department is currently examining additional ways to monitor turnaround time. The Firearms Services Bureau currently uses a management tool called the "Jeopardy Report." The "Jeopardy Report" lists FOID applications that have been in the queue for thirty days or more. The "Jeopardy Report" will be changed to hit on applications at the point of twenty-five days old rather than the current setting of thirty days old.

**Updated Response:** Accepted. Although some minor improvements have been made since the audit period, the Department received a FFY12 NARIP grant for \$1.65m which will be used for the development of a new case management system to specifically address this recommendation.

**9. The Department of State Police should maintain procurement documentation and ensure that it is available for review as required by the Illinois Procurement Code.**

**Findings:** The Illinois State Police could not produce complete procurement documentation for the contracts related to the FOID card process. Some information was provided, which included bid proposals for the remittance, keying, and scanning. Auditors could not find any decision documents such as evaluations or scoring sheets within the information provided by ISP.

**State Police Response:** We concur. The contracts in question are five years old. It is unclear to the Department what the length of time is for retaining this information. The Illinois Procurement Code appears to be silent in this regard as well as where in the agency the records should be kept. The move from the Armory building to the Franklin Life building further exacerbated the file location problems identified, as well as the transfer of the Department's State Purchasing Officer to the Executive Ethics Commission. This was in accordance with 30 ILCS 500/10-10.

**Updated Response:** Implemented.

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**10. The Department of State Police should ensure that FOID cards are approved or denied within 30 days from the date received as required by law.**

**Findings:** ISP did not process all FOID cards in the required 30 days during 2008, 2009, and 2010. ISP's timeliness of the FOID card approval process improved since 2008. In 2008, only 40% of cards were approved within the required 30 days. The processing times improved to 80% in 2009 and decreased to 70% in 2010.

Over the three-year period under review, 566,616 of 879,906 (64%) applications were approved within 30 days. Applications approved within 30 days are mainly for applicants that have nothing questionable emerge during their background check. Applications not approved within 30 days generally had something questionable in their background or shared a name with someone who did. These applications had to be reviewed manually to ensure eligibility. This manual review increases the eligibility processing time.

Similarly, the Firearms Services Bureau did not deny FOID card applications in the required 30 days. For applications received during 2008, 2009, and 2010, ISP denied 20,152.

14,266 (71%) were denied within the required 30 days, and 5,886 (29%) were denied after the 30-day requirement. On average it took ISP 13.7 days to deny the applications for the 14,266 applications that were denied within the required 30 days.

<p align="center"><b>Exhibit 3-3</b>  <b>TIMELINESS OF FOID CARD APPLICATIONS</b>  <b>DENIED</b>  For applications received during 2008 - 2010</p>						
Year	<=30 Days			>30 Days		
	Avg. Days to Deny	Applications Denied	Percent Denied	Avg. Days to Deny	Applications Denied	Percent Denied
2008	13.7	4,325	67%	90.1	2,101	33%
2009	13.4	5,357	78%	69.7	1,536	22%
2010	13.9	4,584	67%	54.5	2,249	33%
<b>Totals</b>	<b>13.7</b>	<b>14,266</b>	<b>71%</b>	<b>71.2</b>	<b>5,886</b>	<b>29%</b>
Source: ISP data summarized by the OAG.						

**Updated Response:** Accepted. The Department continues to look at ways to address this issue as FOID applications are at a record high and personnel resources continue to dwindle. The Department has been awarded \$1.65m through a NARIP grant which will help to streamline the processing of applications.

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- 11. The Department of State Police should ensure that the FOID card program numbers it reports in its Annual Report are accurate and reliable.**

**Findings:** The information on the numbers of FOID applications received and denied, and the number of FOID cards revoked are not being reported accurately by the State Police. These numbers were provided by ISP for 2010 and were published in the 2009 State Police Annual Report for 2008 and 2009. Auditors reviewed the information in the FOID database, which was provided by ISP, and determined that the published numbers were not accurate.

Exhibit 3-6 INACCURATE FOID NUMBERS REPORTED BY ISP						
	Applications Received		Applications Denied		FOID Cards Revoked	
	Annual Report	FOID Database	Annual Report	FOID Database	Annual Report	FOID Database
CY08	278,374	285,707	8,622	6,426	6,311	6,662
CY09	326,008	327,442	10,222	6,893	5,952	6,701
CY10	287,552 <sup>1</sup>	289,990	8,701 <sup>1</sup>	6,833	5,712 <sup>1</sup>	6,864
<b>Totals</b>	<b>891,934</b>	<b>903,139</b>	<b>27,545</b>	<b>20,152</b>	<b>17,975</b>	<b>20,227</b>
Note: <sup>1</sup> 2010 numbers provided by ISP – 2010 Annual Report had not been released.						
Source: Illinois State Police Annual Reports and OAG analysis of FOID database.						

**State Police Response:** We concur in part. The method the Department uses in reporting its numbers in the Annual Report is through an application that was not built for this type of reporting. We do not believe our numbers are inaccurate as stated, but instead believe our methodology is different, not wrong. The system runs monthly reports based on activity of the FOID operators. For example, an operator may code a denial on one application two different times for different reasons; the Auditor General stripped out any actions they saw as 'duplicate.'

**Updated Response:** Accepted. We stand by the numbers submitted in the Department's Annual Report; however, we recognize there may be another methodology for reporting some statistics. As we continue to rewrite the FOID system, a better accounting system will be built into the case management system to provide accurate and reliable numbers.

- 12. The Department of State Police should evaluate its staffing needs and determine whether it should hire additional staff to assist with the FOID card process instead of supplementing staff hours through the use of costly**



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**overtime. Additionally, ISP should review and strengthen its controls over requests for overtime payment.**

**Findings:** The Firearms Services Bureau spent hundreds of thousands of dollars on overtime for its employees to process FOID card applications. According to documentation provided by ISP, from July 1, 2009, through June 30, 2011, the State Police spent \$526,919 on overtime for FOID card processing. Three employees accounted for \$239,156 of the \$526,919 (45%).

In addition to the large amount of overtime costs for the program, the ISP did not have effective controls over the approval and documentation of the overtime worked. Auditors identified three instances where overtime was requested and approved more than once by the same person for the same day. Several of the overtime payment requests listed different but overlapping times worked. Additionally, the requests often listed different work activities performed.

**State Police Response:** We concur. Although the Department believes technical advancements with a FOID system rewrite will be helpful, further evaluation concerning current staffing is warranted given the record influx in applications and gun purchases. However, the Department anticipates that in mid-2013, there will be a significant decrease in the renewal of FOID cards due to the change from a 5-year card to a 10-year card. The Department is hopeful this will help in alleviating some of the staffing pressures currently placed on the Bureau. In regards to overtime payment, the Department has been made aware of three instances in which overtime was submitted in duplicate. This was due to a supervisor out on medical leave, and the employee resubmitting the same overtime request to another supervisor in the Bureau. This was immediately caught by the Bureau Timekeeper and corrected before submitted for payment. The Department believes the system worked appropriately in these three instances. However, the Department does agree controls should be strengthened for the process of approving overtime and the documentation of the work performed.

**Updated Response:** Accepted. Controls have been implemented in regards to overtime. All employees must have overtime pre-approved and provide written documentation of the work performed to both the supervisor and the timekeeper.