

Congress of the United States

Washington, DC 20515

February 28, 2019

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Wray:

In order to help address gaps in the firearms background check system that were highlighted by the February 15 mass shooting in Aurora, Illinois, we request that the FBI immediately conduct a review to ensure that records of felony and domestic violence misdemeanor convictions are being appropriately shared across FBI databases.

Specifically, we request that the FBI conduct a review of the Next Generation Identification (NGI) System to ensure that every NGI fingerprint record associated with a felony or domestic violence conviction is matched with a corresponding State Identification Number (SID) in the Interstate Identification Index (III) database. Such cross-posting of conviction information between NGI and III potentially could have enabled the January 2014 firearms background check of the Aurora gunman to disclose his status as a prohibited felon.

The gunman in the Aurora mass shooting had reportedly been convicted of a felony in Mississippi in 1995 and was thus prohibited under federal law from gun possession. However, Mississippi law enforcement and/or court personnel apparently failed to submit the gunman's arrest or conviction paperwork to the FBI for inclusion in the Criminal Justice Information Services (CJIS) databases that are queried as part of a firearms background check, including the III database. As a result, when the gunman applied for an Illinois Firearm Owner's Identification (FOID) card with the Illinois State Police in January 2014, a State Police query of FBI-CJIS databases reportedly did not reveal a Mississippi SID that would have alerted the State Police about the felony conviction.

However, the Mississippi Department of Corrections apparently *had* submitted the gunman's fingerprint records to the FBI, and when the Illinois State Police submitted the gunman's fingerprints to the NGI database in March 2014 as part of the gunman's concealed carry license application, the resulting NGI record match directed the State Police to the gunman's felony conviction. Had the NGI fingerprint record information about the gunman's felony conviction been cross-checked with a firearms background check database such as the III database prior to 2014, a Mississippi SID could have been generated within the III database that would have revealed the gunman's prohibited status to the State Police before he was able to buy a gun.

We recognize that the effectiveness of the firearms background check system ultimately relies in large part on the diligence of state and local agencies in submitting relevant records to the FBI. We are committed to working with state and local partners to improve their efforts at records submission.

But to the extent the FBI already has fingerprint records in its possession that show an individual is prohibited from gun possession, the FBI must make sure such information is clearly identified in the III or other CJIS databases that are typically queried in firearms background checks. The review we are requesting will help ensure that this is the case. If this review shows that there are felony or domestic violence misdemeanor conviction records in the NGI System that are not also clearly identified in III or other firearms background check databases, we urge to you immediately share this information between the databases.

Thank you for your attention to this important matter. We look forward to working with you to help improve the firearms background check system for the sake of public safety.

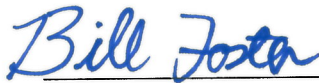
Sincerely,



RICHARD J. DURBIN
United States Senator



TAMMY DUCKWORTH
United States Senator



BILL FOSTER
Member of Congress



LAUREN UNDERWOOD
Member of Congress