NO QUESTIONS ASKED

HOW OREGON’S METH USERS AND DOMESTIC ABUSERS SHOP ONLINE FOR GUNS
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A REPORT BY EVERYTOWN FOR GUN SAFETY

APRIL 2015

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EXECUTIVE SUMMARY

On Election Day in November 2000, an overwhelming majority of Oregon voters passed a ballot measure to require background checks for all firearms sold at gun shows. Oregonians voted for this common-sense policy because they recognized that loopholes in state law posed a threat to public safety. Under federal law, all licensed gun dealers must conduct criminal background checks and deny sales to felons, domestic abusers, certain drug addicts, and other dangerous people prohibited from buying guns. But at the time, background checks were not required for individuals buying guns from “unlicensed sellers,” including those at gun shows like Rose City, where Portland police had reportedly observed known gang members asking around for guns “without the paperwork.”

Oregonians closed the “gun show loophole” in 2000 but in the 15 years since, the explosive growth of the internet has profoundly changed commerce, including for firearms. Numerous websites function like Craigslist does for furniture and concert tickets, connecting anonymous strangers who want to meet offline to buy or trade guns in person-to-person transfers. Sales like these are not covered by Oregon’s gun show law.

This investigation is the first of its kind to assess the size of this growing market in Oregon. It shows that this virtual market for unlicensed gun sales has eclipsed the state’s gun shows: unlicensed sellers in Oregon post more gun ads online each week than they sell at gun shows in a full year.

The number of guns listed for sale online by unlicensed sellers is not in and of itself a threat to public safety. But the fact that these guns are offered for sale without background checks is — and Oregon’s criminals know it. When background checks are required, they stop dangerous people from acquiring guns. Since 2007, Oregon gun dealers have run criminal background checks for more than 1.4 million gun sales, blocking more than 30,000 sales because the would-be buyer had committed a felony, a domestic violence crime, or was
otherwise prohibited by law from possessing guns. But Oregon’s criminals know they can go to the online market instead and buy guns from unlicensed sellers with no questions asked.

In addition to measuring the number of unlicensed sales originating online in Oregon, this investigation set out to measure, for the first time, the share of people shopping for firearms online who are prohibited from buying guns. By placing ads on websites where Oregonians sell or trade guns and sampling the would-be gun buyers who responded to the ads in search of firearms, this investigation yielded groundbreaking findings about the threat these gun sales pose to public safety:

- Oregon’s online market for guns is vast. Unlicensed sellers listing guns for sale on just four websites may be transferring as many as 25,000 guns in Oregon each year.

- This dwarfs the number of unlicensed sales conducted at gun shows, which averaged 417 each year between 2000-13 according to Oregon State Police data. Unlicensed sellers in the state post more gun ads online each week than they sell at gun shows in a full year.

- One in 18 people in Oregon trying to get a gun in an unlicensed online sale (5.4 percent) is prohibited from possessing firearms, including convicted domestic abusers and methamphetamine users profiled later in this report.

- This is nearly four times higher than the share of Oregonians who try to buy a gun at a licensed dealer and fail a background check, which suggests that criminals are intentionally exploiting this loophole.

- At this rate, in a single year, just four websites in Oregon would put an estimated 1,360 guns into the hands of felons and domestic abusers.
Federal law prohibits certain narrow classes of dangerous people from possessing guns including felons, people convicted of misdemeanor crimes of domestic violence, and the severely mentally ill. In 1998, the National Instant Criminal Background Check System (NICS) was established to block these people from accessing guns at the point of sale.

Under federal law, licensed firearms dealers are required to conduct an instant check on every buyer. The checks take just minutes, and each year millions of lawful gun purchasers complete them without incident. But tens of thousands of prohibited people also attempt to buy guns from dealers, and the system successfully blocks those sales. In Oregon alone, the background check system has blocked more than 30,000 gun sales to prohibited people since 2007, according to an Everytown analysis of FBI data.2

However, Oregon state law does not require background checks for guns transferred between anonymous parties in online unlicensed sales. These sales take place with no paperwork and no questions asked, which means they make up an unknowable share of total firearm sales in Oregon. But it is certain the number is significant. National surveys in the early 1990s and 2000s found that about 40 percent of recent gun buyers obtained their firearms in transfers that would not require a background check.3 Since 2000, Oregon has required background checks for unlicensed sales at gun shows, but that has done little to plug the loophole in the digital age: unlicensed sellers in Oregon post more gun ads online each week than they sell at gun shows in a full year.4

When convicted felons or convicted domestic abusers obtain guns, they pose an elevated danger to the public. Of people incarcerated in state prisons for firearm crimes, nearly half were prohibited from obtaining guns before their offense.5 Domestic abusers who acquire guns represent an especially potent threat: when a domestic abuser has access to a firearm, his partner has five times the risk of being murdered.6 Law enforcement officers pay an especially high price for weak gun laws. Of people who have shot and killed law enforcement officers in Oregon, more than half were likely prohibited from possessing guns, according to an Everytown analysis.7

Recent headlines are evidence of the danger that meth users and domestic abusers pose when they obtain guns.
Research has repeatedly shown that criminals and other prohibited people rely on unlicensed sales to arm themselves. A national survey of prison inmates found that 77 percent of those incarcerated for a crime committed with a handgun obtained the weapon in a transfer that would not be subject to a background check under federal law. In 2013, Mayors Against Illegal Guns conducted a first-of-its-kind investigation of unlicensed online gun sales which showed that 1 in 30 people seeking firearms on the website Armslist.com had a felony or domestic violence history that prohibited them from possessing a gun. And a subsequent Everytown investigation in Washington State found that 1 in 10 people seeking firearms online there was prohibited under state or federal law. In the wake of that report, Washington residents voted resoundingly to require background checks for all gun sales in the state.

Washington was the 17th state to go beyond federal law to require background checks for all handgun sales, and the weight of evidence now shows that closing this loophole saves lives. In states that require background checks for all handgun sales there are 46 percent fewer women shot to death by their intimate partners, 48 percent fewer law enforcement officers killed with handguns that are not their own, and 48 percent less gun trafficking.

When Missouri repealed a requirement that gun buyers undergo a background check and obtain a permit before obtaining a handgun, the share of likely trafficked guns doubled and the gun homicide rate ballooned by 25 percent. Controlling for other factors, researchers estimate that the change in law was associated with an additional 68 gun homicides each year.

These are not abstract questions in Oregon. In the last decade of available data, 567 residents of the state were murdered with guns, and an additional 3,440 died in firearm suicides or accidents. Methamphetamine use is still rampant in Oregon — more than 1 in 5 adult male arrestees in Portland test positive for it — and contributes to this violence. A case-control study showed that people who use methamphetamine are more likely to commit homicide than those who do not. And numerous recent meth-related murders in Oregon highlight the connection between drug-use and firearm crime.

To assess the role that unlicensed online gun sales play in arming dangerous people in Oregon, this investigation attempts to answer two critical questions:

1. How many unlicensed gun sales are taking place online — and without background checks — across the state of Oregon?

2. What share of Oregon residents seeking guns in these sales have committed felonies or domestic violence crimes that bar them under law from buying guns?
PART ONE: HOW MANY GUNS ARE EXCHANGED IN UNLICENSED ONLINE SALES IN OREGON?

The online market for guns is vast and growing. Dozens of websites like Armslist.com, the self-described Craigslist for guns — each host tens of thousands of ads for unlicensed gun sales and provide a forum for strangers to connect and arrange offline gun transfers, just like Craigslist does for furniture sales and concert tickets. Would-be buyers and sellers can post ads to these websites offering guns “for sale” or to announce their interest in obtaining a firearm with a “want-to-buy” ad. Because federal law does not allow unlicensed sellers to sell guns directly to residents of other states, most websites serve a defined geographic area or allow users to search for ads by state.

When a person seeking a gun identifies a seller (or a person selling a gun identifies a buyer), the two typically negotiate the transfer and arrange to meet offline to complete the transaction. Though users may delete a posted ad once the offered firearm has been sold (or the sought-after firearm obtained), they may also leave the ad online as long as 90 days on some websites. This electronic paper trail creates a unique opportunity to measure the scale of the online firearm market and to assess the individuals using websites to buy guns.

DATA COLLECTION

For this investigation, Everytown identified four websites catering to Oregon residents where self-described unlicensed sellers post ads offering firearms. The websites range in size, with anywhere from hundreds to tens of thousands of firearms listed at any given time. Once each day from June 12, 2014 to January 15, 2015, investigators ‘scraped’ (a software technique for extracting online data) all firearm ads posted by self-described “private sellers.” Scraped ads were manually reviewed and those with duplicated title or body text, “want to buy” ads seeking guns rather than offering them, and ads offering ammunition or accessories but no firearm, were removed.

RESULTS

In total, investigators scraped 14,916 ads featuring firearms for sale over the 217-day period. At that rate, unlicensed sellers in Oregon would post 25,089 firearm ads to just these four websites each year.

Geographic information that unlicensed sellers provide in the firearm ads indicates where guns are being sold or traded in Oregon. Ad-posters usually include a city or county where they would like to conduct the exchange. Of the 14,916 firearm ads identified, 14,907 (95 percent) included geographic information that could be matched to one of Oregon’s 36 counties.

Twenty-two percent of the firearm ads posted by unlicensed sellers were listed in the state’s most populous county, Multnomah County. But controlling for population, Deschutes County had the highest prevalence of for-sale firearm ads listed by unlicensed sellers (609 per 100,000 residents), followed by Marion County (539) and Linn County (535).

<table>
<thead>
<tr>
<th>WEBSITE</th>
<th>“FOR SALE” FIREARM ADS POSTED BY OREGON RESIDENTS</th>
<th>ESTIMATED ANNUAL FIREARMS FOR SALE IN OREGON</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARMSLIST</td>
<td>11,284</td>
<td>18,980</td>
</tr>
<tr>
<td>NORTHWEST FIREARMS</td>
<td>2,366</td>
<td>3,980</td>
</tr>
<tr>
<td>OUTDOORS TRADER</td>
<td>1,182</td>
<td>1,988</td>
</tr>
<tr>
<td>GUN LISTINGS</td>
<td>84</td>
<td>141</td>
</tr>
<tr>
<td>TOTAL</td>
<td>14,916</td>
<td>25,089</td>
</tr>
</tbody>
</table>
UNLICENSED ONLINE GUN SALES IN OREGON

“FOR SALE” FIREARM ADS BY COUNTY
PER 100,000 RESIDENTS

- 401+
- 301-400
- 201-300
- 101-200
- 1-100
- NO DATA

“FOR SALE” FIREARM ADS BY COUNTY
PER 100,000 RESIDENTS

- Deschutes 669
- Marion 539
- Linn 525
- Josephine 517
- Jackson 510
- Multnomah 402
- Lane 398
- Lincoln 365
- Clackamas 356
- Washington 345
- Yamhill 303
- Douglas 254
- Crook 193
- Polk 173
- Columbia 173
- Benton 169
- Clatsop 161
- Gilliam 154
- Tillamook 145
- Jefferson 118
- Wasco 116
- Klamath 97
- Hood River 73
- Coos 70
- Baker 61
- Morrow 61
- Curry 58
- Sherman 56
- Harney 41
- Lake 38
- Umatilla 37
- Union 15
- Walla Walla 14
- Malheur 10
- Wheeler NO DATA
- Grant DATA

NO QUESTIONS ASKED PAGE 7
Every year, millions of law-abiding Americans shop for firearms at licensed firearm dealers. This volume of firearm sales is largely not a public safety concern because, under federal law, those sales are subject to a criminal background check. But the same is not true of unlicensed firearm sales, and the large volume of sales occurring in Oregon — more than 25,000 annually across just four websites — creates an opportunity for prohibited people to evade the background check system and acquire guns.

DATA COLLECTION
To characterize the population of would-be gun buyers in Oregon, Everytown contracted an investigative agency to post ads offering firearms for sale on the website Armslist.com. Between November 11 and December 18, 2014, investigators placed 17 ads.

Using the name, phone number, and/or email address voluntarily provided by respondents to the ads, and comparing it to reverse lookup phone data and other sources, investigators were able to identify 203 unique Oregon residents seeking guns in online, unlicensed sales. The median age was 34 with a range of 18 to 78. Ninety-nine percent (201 of 203) were male.

Investigators then searched court records in the geographic areas where each individual was known to have maintained a current or past address. Any felony convictions, domestic violence misdemeanor convictions, bench warrants, or orders of protection that could be linked to the individual were subjected to legal analysis to determine if they prohibited possession of firearms under state or federal law.

For would-be buyers who had committed prohibiting felony or domestic violence offenses in Oregon, investigators checked with the court of record where the individuals had committed their crimes, as well as the superior court in every county where the individuals had resided since their convictions, to determine whether any had sought to have a prohibition lifted through the process allowed under state and federal law. Investigators also checked with the Executive Office of the Governor of Oregon to determine whether any would-be buyers had received a gubernatorial pardon.

The investigation’s results may understate the share of prohibited buyers in the online market. Investigators only examined criminal records in the jurisdictions where the subscriber was known to have maintained a residence, so individuals who committed prohibiting crimes in other jurisdictions were not identified. Nor did the investigators examine records of non-criminal prohibiting criteria, including serious mental illness, dishonorable discharge from the Armed Forces, and immigration status.

AGE AND GENDER OF WOULD-BE GUN BUYERS IN OREGON

Age could be determined for 200 of 203 would-be gun buyers.
RESULTS

Of the identified individuals seeking guns in unlicensed online sales in Oregon, 5.4 percent (11 of 203) were prohibited from possessing firearms. At this prevalence, gun sales transacted on just four websites could put an estimated 1,360 guns into the hands of felons and domestic abusers in Oregon — and likely many more — in this year alone.

The share of would-be gun buyers with a history of domestic abuse was especially high: more than a quarter of the prohibited gun-seekers had been convicted of a domestic violence crime or were under an active restraining order. This is of particular concern because of the well-documented relationship between access to firearms and fatal domestic violence. The presence of a gun in a domestic violence situation makes it five times more likely that the woman will be murdered. An Everytown analysis of FBI data shows that of 119 Oregon women murdered by their intimate partners in the last ten years, 60 percent were murdered with guns.

Beyond the absolute number of criminals seeking guns online, the high concentration of prohibited buyers is further evidence that criminals may be knowingly flocking to unlicensed sales in order to evade background checks elsewhere. In 2013, Oregon gun dealers conducted 274,302 background checks of which 3,982 were denied — 1.45 percent. In contrast, the share of buyers seeking guns online who are prohibited was 5.4 percent — nearly four times higher. This is a statistically significant difference, meaning it would not have been achieved by chance alone.

A plausible explanation for this disparity is that the background check system is successfully preventing criminals from obtaining guns at licensed gun dealers — but unlicensed sellers who offer an open door for acquiring guns without background checks are attracting them instead. A migration of criminals from licensed dealers to unlicensed sellers is consistent with the data from the background check system, which shows that the share of gun sales resulting in denial fell more than 25 percent between 2000 and 2014.

NATIONALLY, THE SHARE OF WOULD-BE GUN BUYERS WHO ATTEMPT TO BUY GUNS AT DEALERS AND ARE DENIED HAS STEADILY DECLINED
WOULD-BE ONLINE GUN BUYERS IN OREGON: METH USERS

A METH USER IN EUGENE CONVICTED OF NUMEROUS FELONIES

On February 3, 2015, investigators reached a 34-year-old male who had responded to an ad for a Hi-Point handgun. As a convicted felon and methamphetamine user, he was prohibited from possessing firearms.

He had been repeatedly arrested and convicted for methamphetamine possession and other felonies.

In 2008, he was convicted of unlawful possession of a firearm in connection with an attempted robbery.

On the phone, he agreed to pay the investigator $120 cash for a cheap Hi-Point handgun.

CALL TRANSCRIPT

Investigator: It’s a C9. I was asking for $120 for it. It’s in good shape, you know, I just got the pistol and mag.

[Redacted]: Ok. Ok, you know [inaudible].

Investigator: Sorry?

[Redacted]: Just standard bullet rounds? 9mm?

Investigator: Yeah, its 9mm.

[Redacted]: Ok, cool. Yeah, I am interested. Where and when is a good time?

Investigator: I’m outside of [redacted] — I’m not sure where you are.

[Redacted]: I live in [redacted], so not far.

Investigator: Ok. Yeah, I mean, I’m just trying to see who is around — this weekend will probably be good. Are you able to get together?

[Redacted]: Yeah, this weekend would be great. I will be working on Saturday during normal business hours, but I’m free outside of that. Again and I’m free all day Sunday too.

Investigator: Ok. And the price is ok? 120 cash?

[Redacted]: Yeah, yeah.
A METH USER IN PORTLAND WITH A DECADE-LONG CRIMINAL HISTORY

On December 15, 2014, a 29-year-old male offered $100 for a Hi-Point handgun. His felony record and methamphetamine use prohibited him from possessing firearms.

In court documents he indicated that he first used meth in the sixth grade and continues to use it on a weekly basis.

He had been convicted of numerous felonies over the last decade and was under indictment for 10 felony counts stemming from an incident in April 2014.

He used Armslist’s website to email the investigator directly, offering $100 for the gun.
WOULD-BE ONLINE GUN BUYERS IN OREGON: DOMESTIC ABUSERS

A MAN IN NEWBERG WITH AN ACTIVE RESTRAINING ORDER AGAINST HIM

Between November 22 and December 30, 2014, a 48-year-old male responded to two listings advertising handguns. An active restraining order against him prohibited him from possessing guns.

The mother of his child had sought a restraining order against him in 2014 and renewed it on January 15, 2015. The restraining order explicitly prohibited him from possessing firearms.

In court documents she said she was afraid of him, describing how he left “many threatening phone messages about killing me and hurting my family,” and provided evidence from social media that he had sympathized with other men who had murdered their former intimate partners.

The restraining order explicitly prohibited him from possessing firearms.

Shopping Armslist on November 22, 2014, he emailed investigators: “If you have this weapon i will buy it from you saturday.”

9mm S&W Shield

If you have this weapon i will buy it from you saturday.

Glock 19

I am interested in your Glock 19. If you still have it and want to get rid of it i can buy this Friday. Please get ahold of me if you still want to get rid of it.
AN ABUSER IN GRESHAM WITH A PROHIBITING FELONY RECORD

On December 10, 2014, a 25-year-old male texted investigators in response to an ad for a Hi-Point handgun. As a convicted domestic abuser and felon, he was prohibited from possessing firearms.

In 2008 he pled guilty to domestic violence assault against a woman he was living with.

In 2011 he pled guilty to felony burglary.

During this investigation, he called and then texted investigators seeking to buy a cheap Hi Point handgun.

Hey-I called a while ago about the hi point interested in buying it would like to know if you could hold on to it till next wensday and I can give you 130$ for it.
CONCLUSION

This investigation offers a first glimpse at the vast online market where Oregonians exchange guns in unlicensed sales and provides conclusive evidence that criminals are taking advantage of these transfers to evade background checks and obtain firearms.

Oregon legislators could address this threat to public safety by passing a bill requiring criminal background checks on all gun sales and transfers, with reasonable exceptions. Colorado, like Oregon, has required background checks at gun shows since 2000, but in 2013 it passed a law requiring background checks for all gun sales, with exceptions for family, hunting, and self-defense. Instead of meeting in parking lots or at shopping malls, strangers who connect online to sell a gun now meet at a licensed dealer who will run background checks for unlicensed person-to-person sales.

In the first 18 months after the law went into effect, dealers in Colorado conducted nearly 15,000 background checks for sales by unlicensed sellers that were not at gun shows. Background checks for unlicensed sales blocked at least 198 gun sales to criminals or other prohibited people who attempted to buy guns, as well as deterring countless others from attempting to obtain guns at all.27 Contrary to predictions by the law’s opponents that this would deter legal gun ownership, the gun market in Colorado—including sales between unlicensed individuals online—continues to flourish.

Websites that host gun ads are currently exploited by criminals who use them to get their hands on guns with no background check and no questions asked. But they could ensure that the gun sales they facilitate are consummated through federally licensed dealers, who can conduct criminal background checks before transferring guns to the buyers. By establishing safety protocols that prevent people from selling guns to strangers without background checks, websites that host gun ads could function as responsible marketplaces in which guns are exchanged between law-abiding citizens, rather than pipelines feeding guns into the criminal market.
NOTES

4. According to Oregon State Police, between 2000-2013 there were 5,478 background checks for unlicensed sales at gun shows, an average of 417 per year. This Everytown investigation shows that each week on just four websites there are 481 gun ads listed by unlicensed sellers in the state.
15. Daniel Webster, Jon Vernick, & Maria Bulzacchelli, “Effects of State-Level Firearm Seller Accountability Policies on Firearm Trafficking,” Journal of Urban Health, July 2009. To gauge gun trafficking, the authors measured the ratio of likely trafficked guns recovered from crime scenes to the total of guns recovered. A “likely trafficked gun” was defined as having been recovered at a crime scene and not in the possession of its original purchaser within one year of its last legal sale.
22. See ORS §§ 166.274,144.649.
23. At the culmination of the investigation, Everytown shared all evidence of potential wrongdoing with law enforcement authorities in Oregon.
26. Based on the sample size of 203 examined buyers, the margin of error is 2.3 percent to 8.5 percent. The confidence interval is calculated as P +/- 1.96*[(P*(1-P)/n) ^ .5 = 5.4% +/- 1.96(.054*.946/203)^.5 = 2.3% to 8.5%.
NO QUESTIONS ASKED

HOW OREGON’S METH USERS AND DOMESTIC ABUSERS SHOP ONLINE FOR GUNS