



*National Instant Criminal Background Check System (NICS) Operations*



2016

## A Message from the NICS Section Chief

*The National Instant Criminal Background Check System, more commonly known as the NICS, has developed in several areas over the years since the inception on November 30, 1998. The focus of the NICS Section remains on servicing Federal Firearms Licensees (FFL) by conducting firearm background checks. Within the first complete month of operation in 1998, a total of 892,840 firearm background checks were processed. A mere humble beginning at that time considering in 2016, a record total of 27,538,673 firearm background checks were processed.*

*Because servicing the FFLs is a priority of the NICS Section, the NICS E-Check was marketed to FFLs as an opportunity to conduct firearm background checks electronically as an alternative to telephonically. To save funding and valuable time, several FFLs elected to utilize the NICS E-Check at an increased rate of 76 percent in 2016 compared to the 63 percent in 2015. With the increased usage, the amount of firearm background checks initiated via the NICS E-Check increased 13 percent over the 2015 total.*

*While processing the unprecedented volume of firearm background checks, the NICS Section's research proficiencies were enhanced in 2016 after an increase of 1,650,428 records were submitted into the NICS Index by multiple agencies. The NICS Index includes individuals who have been determined to be federally or state prohibited from possessing a firearm and the disqualifying information may not be available through the National Crime Information Center or the Interstate Identification Index systems. Being able to view valuable information in a timely manner aided the NICS Section to ensure public safety by denying 120,497 firearm background checks in 2016.*

*On August 9, 2016, the FBI successfully launched the New NICS modernization effort to increase the scalability, flexibility, and functionality of the system. The system is now fully operational and remains stable. As anticipated, challenges have been encountered and overcome since its deployment. Internal operational and processing issues have been identified and prioritized. The NICS business line and technical staff communicate daily to resolve the prioritized issues by testing and preparing fixes for system enhancements.*

*As the NICS Section moves forward with the future development of NICS, we are committed to consistently providing its users and the citizens of the United States with a highly effective and efficient level of quality service in the furtherance of public safety and national security.*

***Kimberly J. Del Greco***

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# *Our Mission*

## FBI

The mission of the FBI is to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners.

## Criminal Justice Information Services (CJIS) Division

The mission of the CJIS Division is to equip our law enforcement, national security, and intelligence community partners with the criminal justice information they need to protect the United States while preserving civil liberties.

## NICS Section

The mission of the NICS Section is to enhance national security and public safety by providing the timely and accurate determination of a person's eligibility to possess firearms and/or explosives in accordance with federal law.

## Executive Summary

The National Instant Criminal Background Check System (NICS) Section of the FBI's Criminal Justice Information Services Division has processed firearm background checks since its inception—November 30, 1998. Since that time, the experience gained enhances national security and public safety by identifying, developing, and implementing improvements to support the NICS Section's mission. The NICS Section strives to provide effective and efficient service to its customers. Highlights of the NICS operations in 2016 include the following:

- From November 30, 1998, to December 31, 2016, a total of 253,217,165 transactions have been processed. Of these, 111,787,899 transactions were processed by the NICS Section, and 141,429,266 transactions were processed by state users. Of the 27,538,673 background checks processed through the NICS in 2016, the NICS Section processed 9,360,833 transactions, and state users processed 18,177,840 transactions.
- The NICS Section denied 120,497 transactions. Since its inception, the NICS Section has denied a total of 1,393,729 transactions.
- The NICS Section strived to meet the U.S. Attorney General-mandated Immediate Determination Rate goal of 90 percent or better by concluding the year with an 89.09 percent.
- The NICS Section processed 89,512 background checks for the issuance of explosives-related permits. Of these, the NICS Section denied 1,810.
- The NICS Section processed 7,223,221 of the total 24,202,615 firearms and explosives transactions submitted via the Internet-based NICS E-Check. The amount of transactions processed via the NICS E-Check in 2016 is a 25.82 percent increase from those processed in 2015.
- The NICS Index records totaled 15,810,039, which is an increase of 1,650,428 records since December 31, 2015.
- The Voluntary Appeal File (VAF) permits the NICS Section to maintain information about persons, with their permission, to prevent future erroneous denials or extended delays of a firearm transfer and document their eligibility to receive firearms. As of December 31, 2016, the VAF contained approximately 32,933 entries with an active Unique Personal Identification Number (UPIN). From July 2004, through December 31, 2016, more than 131,155 background checks have been processed using a UPIN.
- The NICS availability averaged 99.40 percent.
- The NICS Section forwarded 4,170 firearm retrieval referrals to the Bureau of Alcohol, Tobacco, Firearms and Explosives.

## Welcome to the NICS Section...

As a result of the passage of the Gun Control Act of 1968, certain individuals, such as convicted felons, were prohibited from possessing firearms. To strengthen federal firearms regulations, the Brady Handgun Violence Prevention Act of 1993 (Brady Act) required the U.S. Attorney General to establish the National Instant Criminal Background Check System (NICS) for Federal Firearms Licensees (FFL) to contact by telephone, or other electronic means, for information to be supplied immediately as to whether the transfer of a firearm would violate Section 922 (g) or (n) of Title 18, United States Code (U.S.C.), or state law.

The Safe Explosives Act, enacted in November 2002 as part of the Homeland Security Act, requires that persons who export, ship, cause to be transported, or receive explosives material in either intrastate or interstate commerce must first obtain a federal permit or license after undergoing a NICS background check. The Safe Explosives Act was effective on May 24, 2003. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) initiates background checks for explosive permits; however, these checks are processed by the FBI Criminal Justice Information Services (CJIS) Division's NICS Section.

The FBI developed the NICS through a cooperative effort with the ATF, the Department of Justice, and local and state law enforcement agencies. On November 30, 1998, the NICS, designed to immediately respond to background check inquiries for prospective firearm transferees, was activated. For an FFL to initiate a NICS check, the prospective firearms transferee must complete and sign an ATF Form 4473, Firearms Transaction Record. The ATF Form 4473, which collects the transferee's name and descriptive data (e.g., date of birth, sex, race, state of residence, country of citizenship), also elicits information that may immediately identify a transferee as a prohibited person, thereby negating the need to continue the background check process. When an FFL initiates a NICS background check, a name and descriptor search is conducted to identify any matching records in three nationally-held databases managed by the CJIS Division and requests a search of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) if applicable. The following contains statistical data regarding the databases searched:

**Interstate Identification Index (III):** The III maintains subject criminal history records. As of December 31, 2016, the III records available to be searched by the NICS during a background check numbered 73,856,583.

**National Crime Information Center (NCIC):** The NCIC contains data on persons who are the subjects of protection orders or active criminal warrants, immigration violators, and others. As of December 31, 2016, the NCIC records available to be searched by the NICS during a background check totaled 6,162,171.

**NICS Index:** The NICS Index, a database created specifically for the NICS, contains information contributed by local, state, tribal, and federal agencies pertaining to persons prohibited from receiving or possessing a firearm pursuant to state and/or federal law. Typically, the records maintained in the NICS Index are not available via the III or the NCIC. As of December 31, 2016, there were 15,810,039 records in the NICS Index.

**ICE:** The relevant databases of the ICE are searched by the NICS for non-U.S. citizens attempting to receive firearms in the United States. In 2016, the NICS Section and the Point-of-Contact (POC) states (states that have implemented a state-based NICS program) sent 221,563 such queries to the ICE. From February 2002, to December 31, 2016, the ICE conducted more than 971,344 queries in support of the NICS.

## 2016 NICS Operations

In most cases, the results of a firearm background check yield definitive information regarding an individual's eligibility when initiated. However, not all inquiries can be provided a final status during the initial contact with the NICS Section. Many transactions are delayed because of incomplete criminal history records, e.g., a missing disposition or a missing crime classification status (felony or misdemeanor), which is needed to determine if a transaction can proceed or must be denied.

When a validly matched record is potentially prohibiting but is incomplete, the NICS Section must search for the information needed to complete the record. This process often requires outreach to local, state, tribal, and/or federal agencies (e.g., arresting agencies, court systems). The Brady Act allows the FFL to legally transfer the firearm if the NICS transaction is not resolved within three business days. In some instances, the potentially prohibiting records are completed, and the transaction is denied. The NICS Section notifies the FFL of the denial and determines if the firearm was transferred to the buyer. If it was transferred, the NICS Section transmits this information to the ATF for further handling as a firearm retrieval referral.

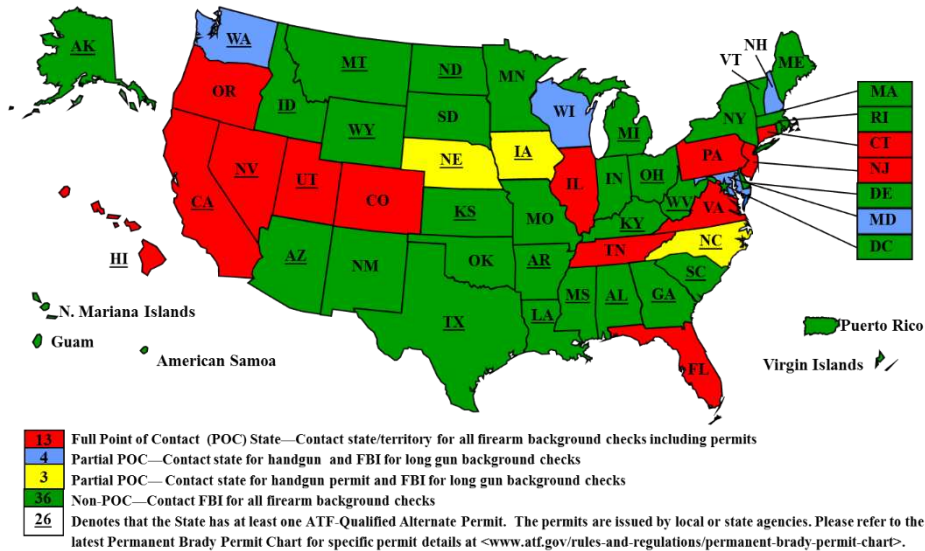
Individuals who believe they are wrongfully denied the transfer of a firearm can appeal the deny decision. The "denying agency" will be either the FBI or the state agency serving as a POC for the NICS. In the event the denying agency is a POC state agency, the appellant can elect to appeal to either the FBI or the POC. The provisions for appeals are outlined in Title 28, Code of Federal Regulations (C.F.R.), Section 25.10.

Extensive measures are taken by the FBI to ensure the security and the integrity of NICS information. The U.S. Attorney General's regulations regarding the privacy and security of the NICS are available on the Internet at <[www.fbi.gov/hq/cjisd/nics.htm](http://www.fbi.gov/hq/cjisd/nics.htm)>.

# 2016 NICS Operations

## NICS Participation

The NICS served 50,071 FFLs conducting business in 36 states, 5 U.S. territories, and the District of Columbia in 2016. The FFLs contacted the NICS Section to initiate the required background checks either via telephone or by utilizing the NICS E-Check via the Internet. In 2016, 76.21 percent of all transactions were initiated via the NICS E-Check. For 7 of the 36 states, the NICS Section processes all long gun transactions, while the states conduct their own background checks on handguns and handgun permits. In addition, 13 states participate with the NICS in a Full-POC capacity by performing all background checks for their states' FFLs.



## Alternate Permits

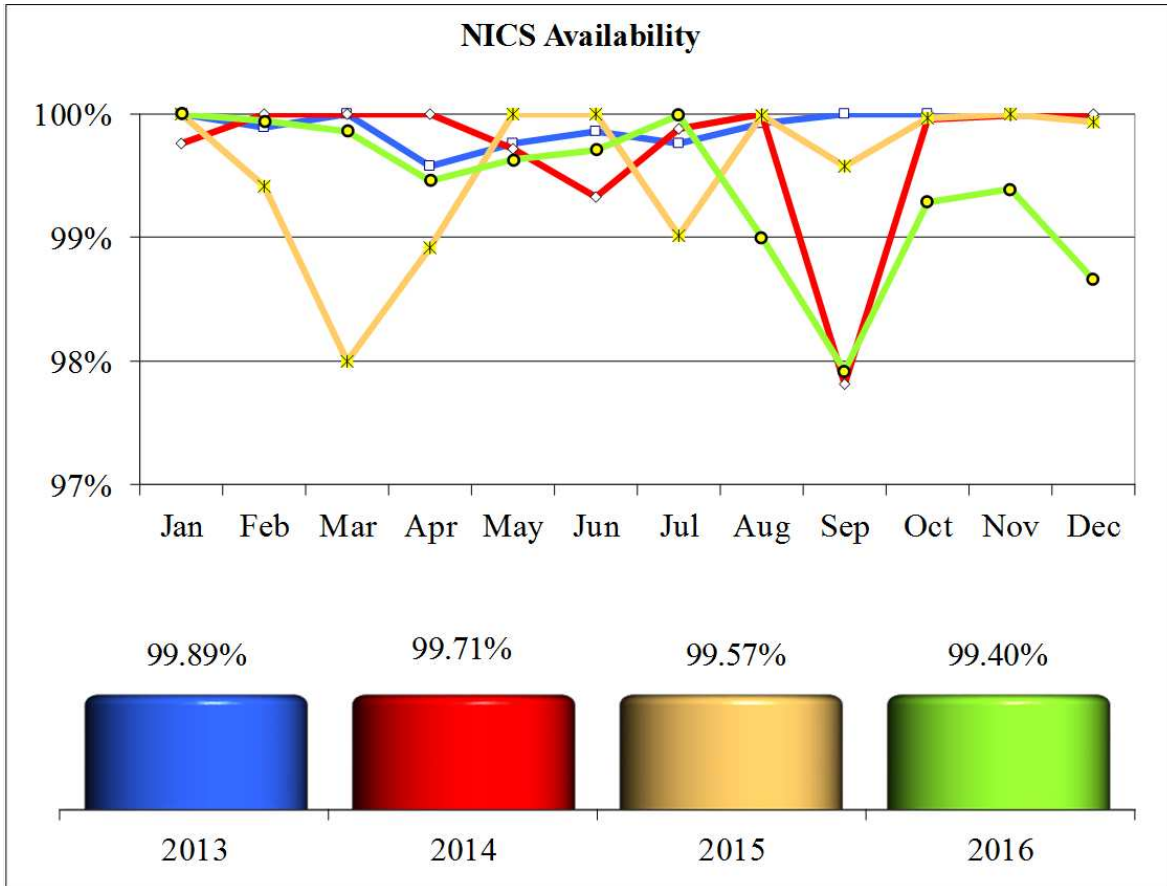
Certain state-issued firearm permits, such as carry concealed weapon permits and permits to purchase, may be qualified by the ATF as permits that suffice in lieu of a NICS background check at the point of sale/transfer. To qualify for an alternate permit, the applicant, in addition to meeting the conditions required by state law, must pass a NICS background check as part of the permit-issuing/renewal process. The state agency responsible for issuing the ATF-qualified alternate permit conducts the NICS check and determines if the subject is eligible, based on state and federal firearm laws. When attempting to obtain a firearm at a licensed dealer, an individual's presentation of a valid alternate permit, issued within the past five years, precludes the need for the FFL to initiate the otherwise required NICS background check for the permit holder. The renewal of an alternate permit requires a background check by the NICS as part of the permit renewal process. Additionally, a NICS background check may be conducted by the issuing agency at any time between the time of issuance and the date of renewal for any firearm permit holder. Such checks are referred to as "revocation" checks, and are conducted by issuing agencies to determine if the permit holder remains eligible to possess the firearm permit.



# 2016 NICS Operations

## NICS Availability

In order to operate as designed, the NICS depends on the availability of the III and the NCIC. If either the NCIC or the III are not available, it impacts the NICS even though the NICS is fully operational. The NICS Section, with the ongoing assistance and technical support of the CJIS Division's Information Technology Management Section, works 24/7 to maximize the availability of the NICS, the III, and the NCIC.



The NICS reported 100 percent system availability for 1 of the 12 months in 2016. Factoring in the remaining 11 months of NICS service, the average system availability for the NICS in 2016 was at 99.40 percent (see chart above, and data on following page).

## 2016 NICS Operations

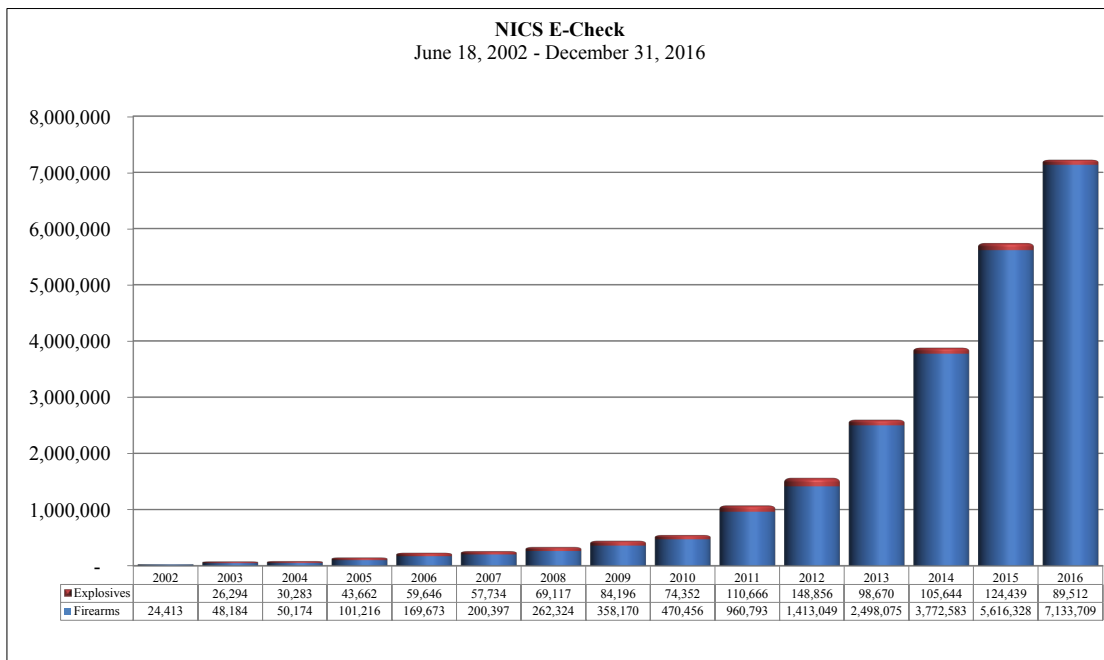
<b>NICS Availability</b>				
Month	2013	2014	2015	2016
Jan	100.00%	99.76%	100.00%	100.00%
Feb	99.89%	100.00%	99.42%	99.94%
Mar	100.00%	100.00%	98.00%	99.86%
Apr	99.58%	100.00%	98.92%	99.46%
May	99.76%	99.72%	100.00%	99.63%
Jun	99.86%	99.33%	100.00%	99.71%
Jul	99.76%	99.88%	99.01%	99.99%
Aug	99.92%	100.00%	99.99%	99.00%
Sep	100.00%	97.82%	99.58%	97.92%
Oct	100.00%	99.95%	99.97%	99.29%
Nov	100.00%	99.99%	100.00%	99.39%
Dec	99.96%	100.00%	99.93%	98.66%
Year	99.89%	99.71%	99.57%	99.40%

# 2016 NICS Operations

## NICS E-Check

In 2016, the NICS E-Check surpassed the long standing method of contacting the NICS Contracted Call Center to initiate NICS background checks. The NICS E-Check provides the capability to conduct background checks electronically through a secure Internet connection and due to New NICS functionality, beginning November 1, 2016, the option was made available 24 hours a day, 7 days a week. Upon receipt of a NICS E-Check request, the NICS Section's staff will process the NICS E-Check in the same manner as the Transfer Process and strive to maintain a service level of 90 percent.

As of December 31, 2016, an estimated 27,824 FFLs were enrolled with the NICS via the NICS E-Check, and the number of users (FFLs and their employees) accessing the NICS E-Check was 37,627. In addition to the FFLs enrolled, over 15 major retailers conduct firearm background checks via the NICS E-Check that cannot be factored into the total number of NICS E-Check users due to the method of computer interface accessed. Between June 18, 2002, and December 31, 2016, a total of 24,202,615 firearms and explosives background checks were processed via the NICS E-Check. In 2016, there were 7,223,221 NICS E-Check transactions processed. Of the 2016 NICS E-Check transactions, 7,133,709 were inquiries for firearms.



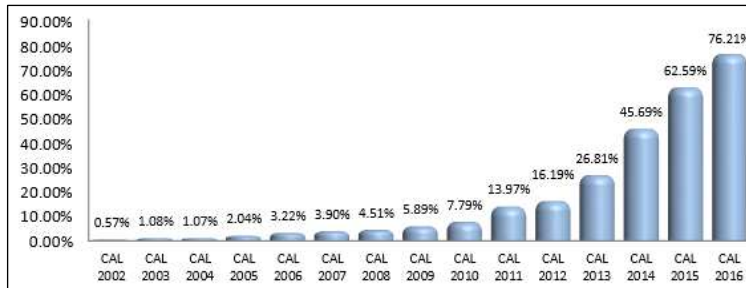
(See data on following page).

## 2016 NICS Operations

NICS E-Check		
June 18, 2002 - December 31, 2016		
Year	Firearms	Explosives
2002	24,413	
2003	48,184	26,294
2004	50,174	30,283
2005	101,216	43,662
2006	169,673	59,646
2007	200,397	57,734
2008	262,324	69,117
2009	358,170	84,196
2010	470,456	74,352
2011	960,793	110,666
2012	1,413,049	148,856
2013	2,498,075	98,670
2014	3,772,583	105,644
2015	5,616,328	124,439
2016	7,133,709	89,512

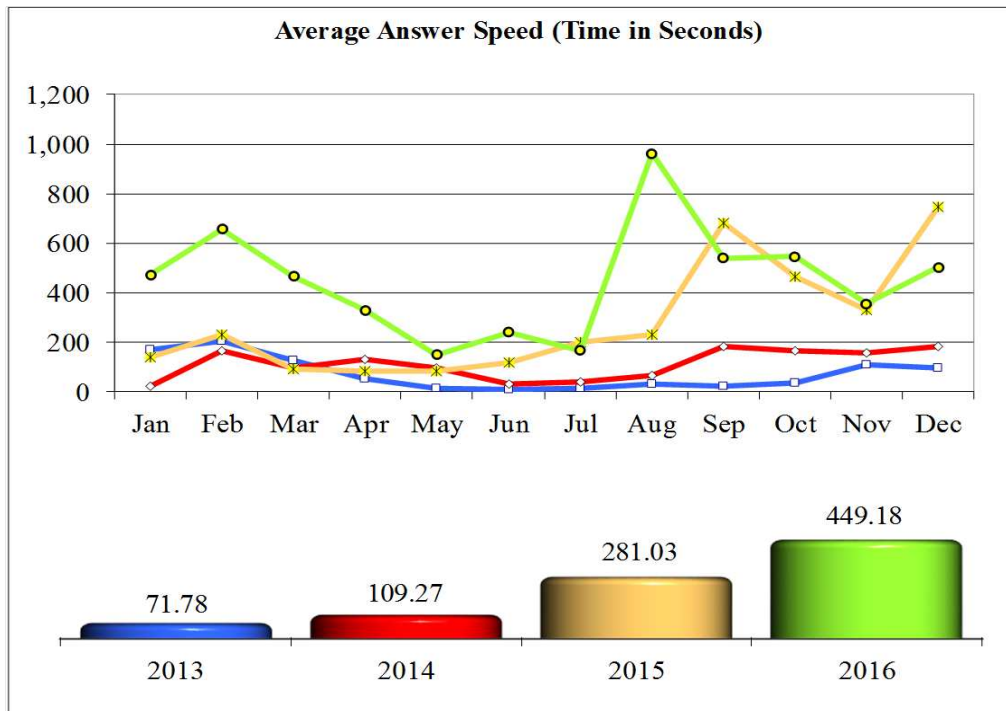
## 2016 NICS Operations

The NICS Section continues to promote the NICS E-Check per the chart below. The NICS E-Check has experienced a steady volume increase since its inception. During 2016, 76.21 percent of all federal firearm background checks were initiated via NICS E-Check.



### Answer Speed

Many call center operations have a target goal of answering 80 percent of calls within 20 seconds. However, the NICS Section's goal is to answer Transfer Process calls (background checks for firearm purchases transferred from the NICS Contracted Call Center to the NICS Section) within 20 seconds. Based on historical data specific to transaction and call volumes, the NICS Section is able to forecast anticipated levels of staffing needed to effectively process incoming work. In 2016, the NICS Section's Transfer Process calls were answered on an average yearly rate of 449.18 seconds due to several months of extremely high call volume.



The Average Answer Speed data noted in the above chart does not include transactions retrieved via the NICS E-Check.

(See data on following page).

## 2016 NICS Operations

<b>Average Answer Speed (Time in Seconds)</b>				
Month	2013	2014	2015	2016
Jan	167.90	22.94	138.84	471.26
Feb	202.50	163.57	229.68	655.76
Mar	126.68	93.35	89.74	465.23
Apr	52.43	129.03	80.57	329.13
May	14.10	96.65	83.19	149.00
Jun	9.30	29.37	118.57	239.80
Jul	10.61	39.35	198.74	165.97
Aug	28.45	63.16	227.65	962.74
Sep	22.23	183.00	679.93	539.83
Oct	35.91	162.65	463.48	544.63
Nov	106.60	156.67	329.63	354.65
Dec	94.97	181.10	745.07	502.91
Year	71.78	109.27	281.03	449.18

## 2016 NICS Operations

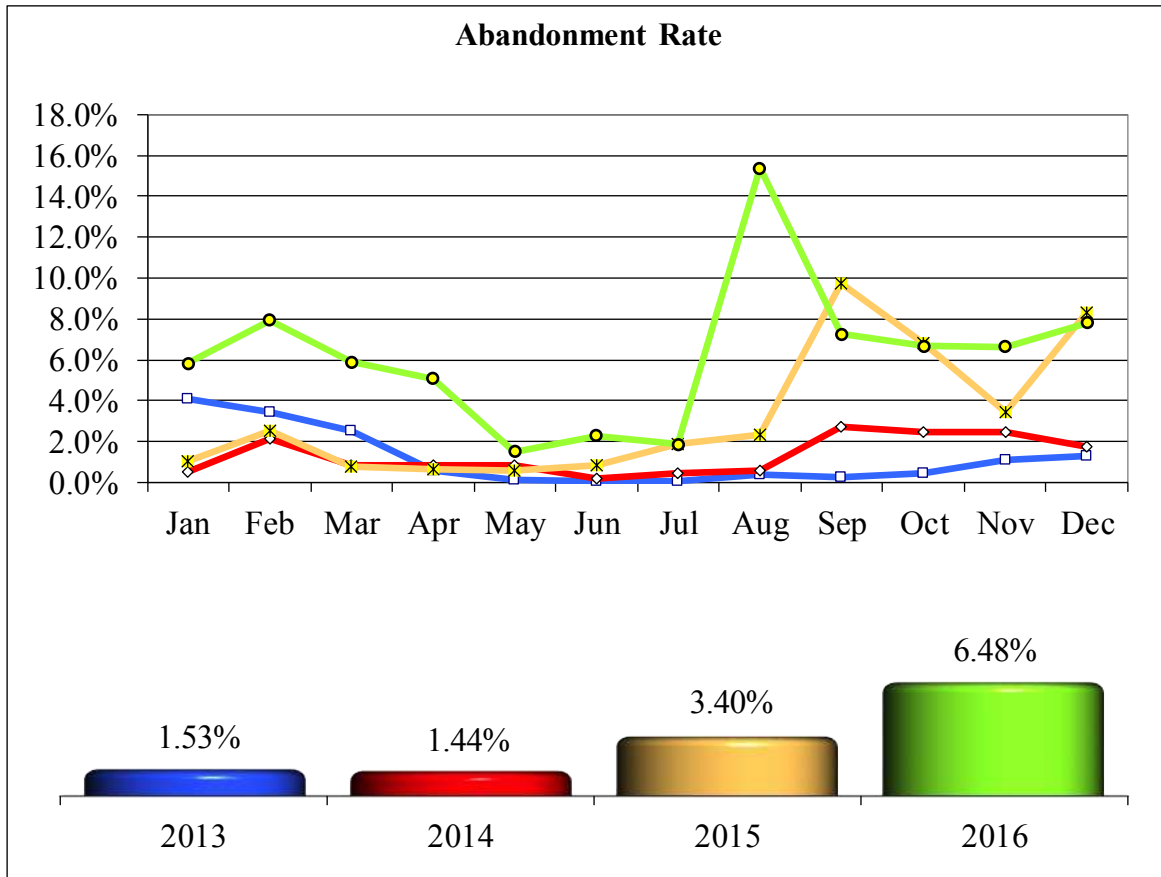
The FFLs have the option of initiating a NICS check by calling the NICS Contracted Call Centers. The Customer Service Representatives (CSR) at the NICS Contracted Call Centers will enter the prospective firearm transferee's name and descriptive information provided by the FFL from the ATF Form 4473 into the NICS to initiate the background check search. If no records are matched in any of the databases searched, the CSRs will advise the FFL the transfer may proceed. If the search returns a hit, the CSR places the FFL on hold and transfers the call to the NICS Section for review, in an attempt to determine the subject's firearms eligibility status while the FFL is still on the telephone.

To manage the increased workload on Tuesdays and Wednesdays during the months of October through December 2016, the NICS Section instituted a temporary process change for transactions initiated through the NICS Contracted Call Centers. Background checks that would have normally been transferred to the NICS Section for further review were automatically placed in a delayed status. The temporary process change would help the NICS Section to dedicate the needed time to quickly resolve transactions and allow the FFLs to avoid being in a holding pattern for extended periods of time while their call was being transferred to the NICS Section. However, it is important to note that various factors, such as the time of day, week, or year, placed demands on the system and the resources of the NICS Section, which directly impacted service levels. In 2016, the NICS Contracted Call Centers answered 87.34 percent of the total 2,273,782 calls received in less than 20 seconds.

# 2016 NICS Operations

## Transfer Process Abandonment Rate

The average time a caller waits for his or her Transfer Process call to be answered is 449.18 seconds. Depending on the number of incoming calls, the wait time can fluctuate. As such, there are times when a caller will prematurely terminate or “abandon” a call. The NICS Section makes every effort to address each call as quickly as possible. Because all calls are important, the NICS Section’s goal is to limit the level of abandoned calls to less than 1 percent. The average abandonment rate increased from the previous year to 6.48 percent in 2016.



The Abandonment Rate data noted in the above chart does not reflect transactions abandoned when a NICS E-Check is initiated.

(See data on following page).



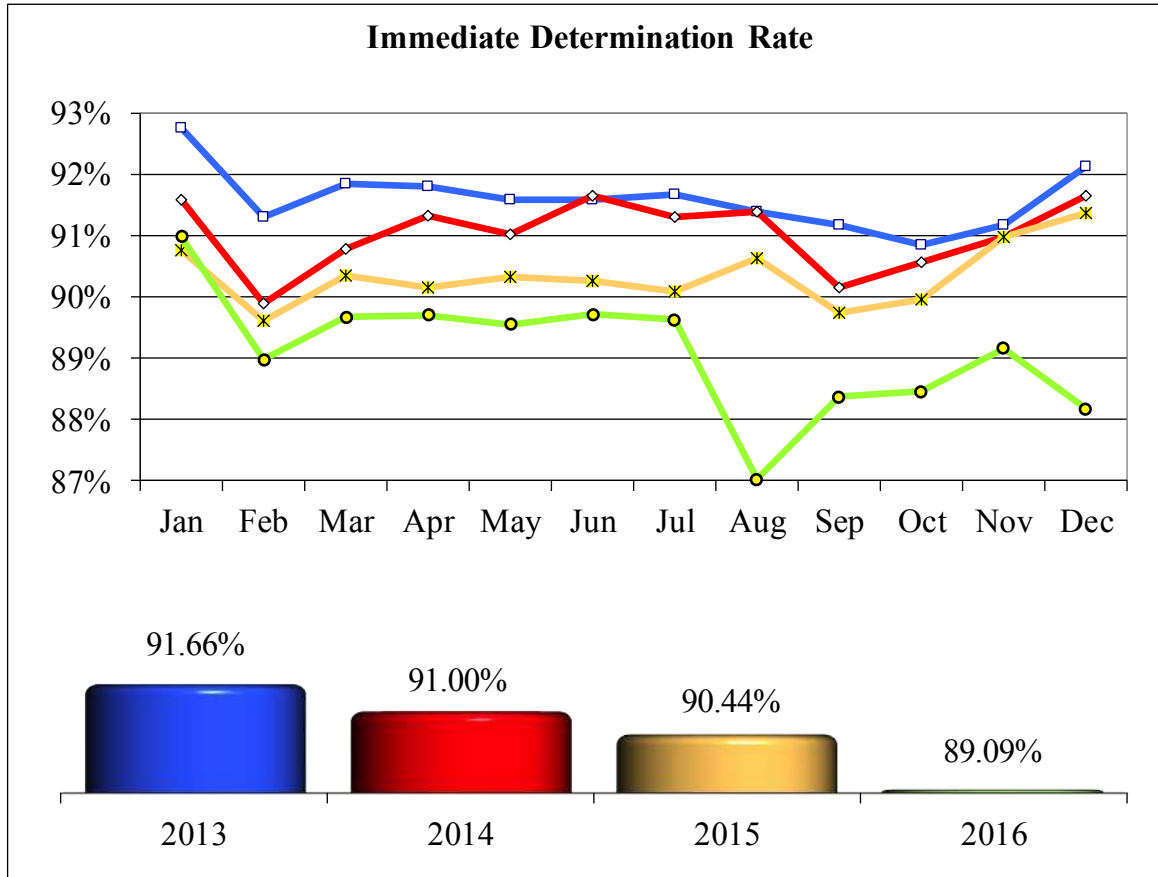
## 2016 NICS Operations

<b>Abandonment Rate</b>				
Month	2013	2014	2015	2016
Jan	4.08%	0.52%	1.03%	5.82%
Feb	3.41%	2.14%	2.51%	7.94%
Mar	2.51%	0.84%	0.79%	5.89%
Apr	0.57%	0.85%	0.66%	5.08%
May	0.13%	0.83%	0.57%	1.51%
Jun	0.09%	0.22%	0.85%	2.28%
Jul	0.09%	0.43%	1.89%	1.85%
Aug	0.39%	0.57%	2.36%	15.38%
Sep	0.23%	2.71%	9.75%	7.25%
Oct	0.47%	2.46%	6.82%	6.67%
Nov	1.13%	2.45%	3.42%	6.65%
Dec	1.31%	1.77%	8.32%	7.81%
Year	1.53%	1.44%	3.40%	6.48%

# 2016 NICS Operations

## Immediate Determination Rate (IDR)

The IDR is comprised of the rate of calls immediately proceeded at the NICS Contracted Call Centers, the rate of transaction determinations provided by the NICS Section while the FFL is still on the telephone, and the data from the NICS E-Check. All three functions require available staff to process the requests being submitted to the NICS. The U.S. Attorney General requires the NICS Section to maintain a 90 percent or better rate of immediate determinations. The NICS Section's IDR averaged 89.09 percent in 2016 when combining all of the NICS transactions.



(See data on following page).

## 2016 NICS Operations

<b>Immediate Determination Rate</b>				
Month	2013	2014	2015	2016
Jan	92.75%	91.58%	90.75%	90.98%
Feb	91.31%	89.89%	89.60%	88.98%
Mar	91.84%	90.79%	90.35%	89.67%
Apr	91.79%	91.32%	90.15%	89.70%
May	91.58%	91.01%	90.33%	89.55%
Jun	91.59%	91.65%	90.25%	89.71%
Jul	91.67%	91.30%	90.08%	89.63%
Aug	91.39%	91.39%	90.62%	87.03%
Sep	91.18%	90.15%	89.73%	88.37%
Oct	90.84%	90.57%	89.95%	88.46%
Nov	91.16%	90.98%	90.98%	89.16%
Dec	92.12%	91.65%	91.37%	88.17%
Year	91.66%	91.00%	90.44%	89.09%

## 2016 NICS Operations

### Transactions Created in the NICS

From November 30, 1998, through December 31, 2016, the NICS conducted a total of 253,217,165 background checks. In 2016, background checks submitted to the NICS totaled 27,538,673. Of these, the NICS Section processed 9,360,833 transactions; state users processed the remaining 6,523,925 firearm transactions and 11,653,915 permit transactions totaling 18,177,840 transactions.

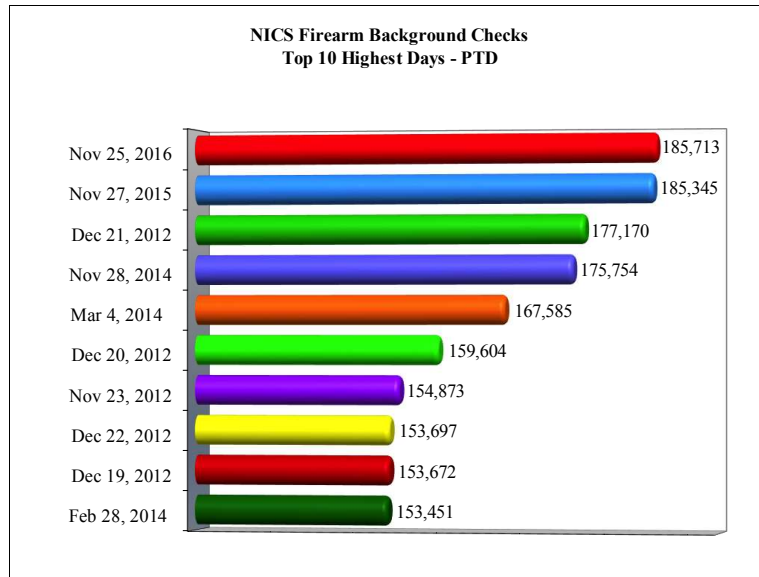
Year	State		Federal	Total	Program-to-Date (PTD) Total
	Transactions	Permits			
1998 <sup>1</sup>	308,117	78,169	506,554	892,840	892,840
1999	3,562,403	1,037,700	4,538,020	9,138,123	10,030,963
2000	3,054,953	1,227,814	4,260,270	8,543,037	18,574,000
2001	3,209,955	1,408,310	4,291,926	8,910,191	27,484,191
2002	2,842,269	1,363,160	4,248,893	8,454,322	35,938,513
2003	2,615,291	1,403,496	4,462,801	8,481,588	44,420,101
2004	2,656,981	1,345,672	4,685,018	8,687,671	53,107,772
2005	2,650,113	1,350,193	4,952,639	8,952,945	62,060,717
2006	2,736,728	2,037,453	5,262,752	10,036,933	72,097,650
2007	2,961,650	3,078,802	5,136,883	11,177,335	83,274,985
2008	3,196,754	3,699,020	5,813,249	12,709,023	95,984,008
2009	3,499,575	4,450,821	6,083,428	14,033,824	110,017,832
2010	3,487,915	4,884,307	6,037,394	14,409,616	124,427,448
2011	4,033,869	5,545,457	6,875,625	16,454,951	140,882,399
2012	5,183,331	5,683,547	8,725,425	19,592,303	160,474,702
2013	5,607,478	6,169,832	9,315,963	21,093,273	181,567,975
2014	4,942,001	7,769,858	8,256,688	20,968,547	202,536,522
2015	5,386,384	8,782,048	8,973,538	23,141,970	225,678,492
2016	6,523,925	11,653,915	9,360,833	27,538,673	253,217,165
<b>Total</b>	<b>68,459,692</b>	<b>72,969,574</b>	<b>111,787,899</b>	<b>253,217,165</b>	

<sup>1</sup>November 30, 1998 - December 31, 1998

## 2016 NICS Operations

### NICS Peak Season

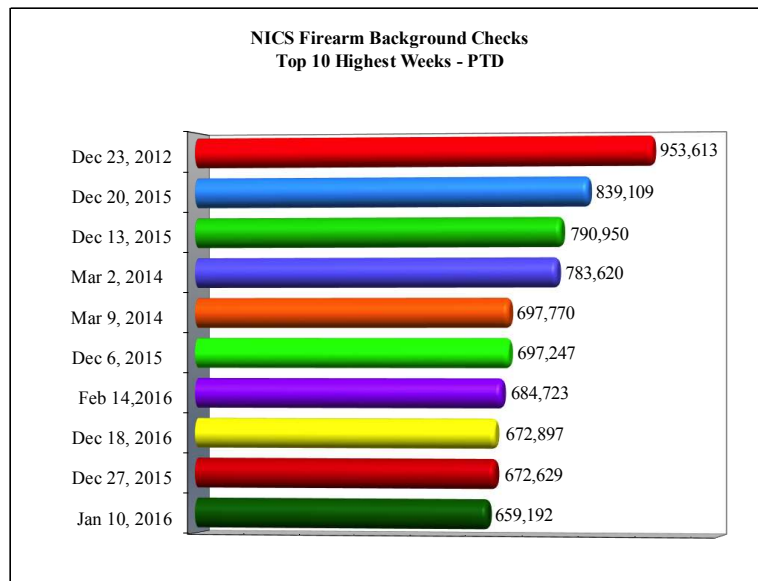
The NICS Section observes an increase in transaction activity associated with major hunting seasons and year-end holidays. Since the inception of the NICS, the day after Thanksgiving continues to be a day the NICS processes a high volume of firearm background checks. In 2016, the day after Thanksgiving ranked as the highest day to date, when the NICS Section's staff processed 185,713 NICS background checks (see chart below).



NICS Firearm Background Checks Top 10 Highest Days - PTD	
End Date	Daily Totals
Nov 25, 2016	185,713
Nov 27, 2015	185,345
Dec 21, 2012	177,170
Nov 28, 2014	175,754
Mar 4, 2014	167,585
Dec 20, 2012	159,604
Nov 23, 2012	154,873
Dec 22, 2012	153,697
Dec 19, 2012	153,672
Feb 28, 2014	153,451

## 2016 NICS Operations

During 2016, the NICS Section experienced three of its all-time top weeks for volume of NICS background checks processed (see chart below).



NICS Firearm Background Checks Top 10 Highest Weeks - PTD	
End Date	Weekly Totals
Dec 23, 2012	953,613
Dec 20, 2015	839,109
Dec 13, 2015	790,950
Mar 2, 2014	783,620
Mar 9, 2014	697,770
Dec 6, 2015	697,247
Feb 14, 2016	684,723
Dec 18, 2016	672,897
Dec 27, 2015	672,629
Jan 10, 2016	659,192

# 2016 NICS Operations

## Federal Prohibitors

A deny decision indicates the prospective firearms transferee or another individual with a similar name and/or similar descriptive features was matched with either federally-prohibiting criteria or state-prohibiting criteria. Federal law prohibits any person from possessing or receiving a firearm who:

**18 U.S.C. §922 (g) (1)**

Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

**18 U.S.C. §922 (g) (2)**

Is a fugitive from justice.

**18 U.S.C. §922 (g) (3)**

Is an unlawful user of or addicted to any controlled substance.

**18 U.S.C. §922 (g) (4)**

Has been adjudicated as a mental defective or committed to a mental institution.

**18 U.S.C. §922 (g) (5)**

Is illegally or unlawfully in the United States.

**18 U.S.C. §922 (g) (6)**

Has been discharged from the Armed Forces under dishonorable conditions.

**18 U.S.C. §922 (g) (7)**

Having been a citizen of the United States, has renounced U.S. citizenship.

**18 U.S.C. §922 (g) (8)**

Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner.

**18 U.S.C. §922 (g) (9)**

Has been convicted in any court of a misdemeanor crime of domestic violence.

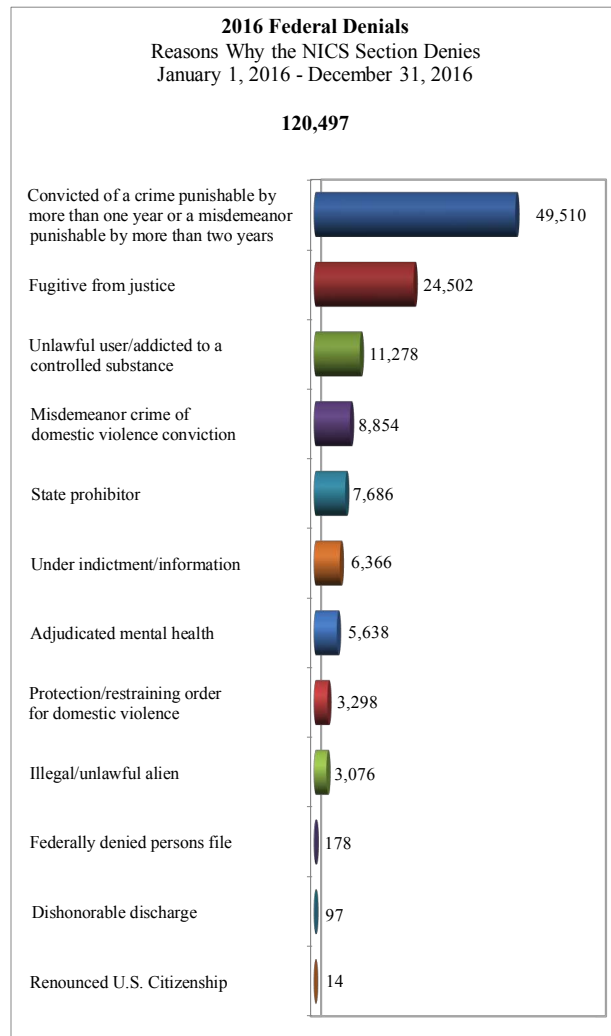
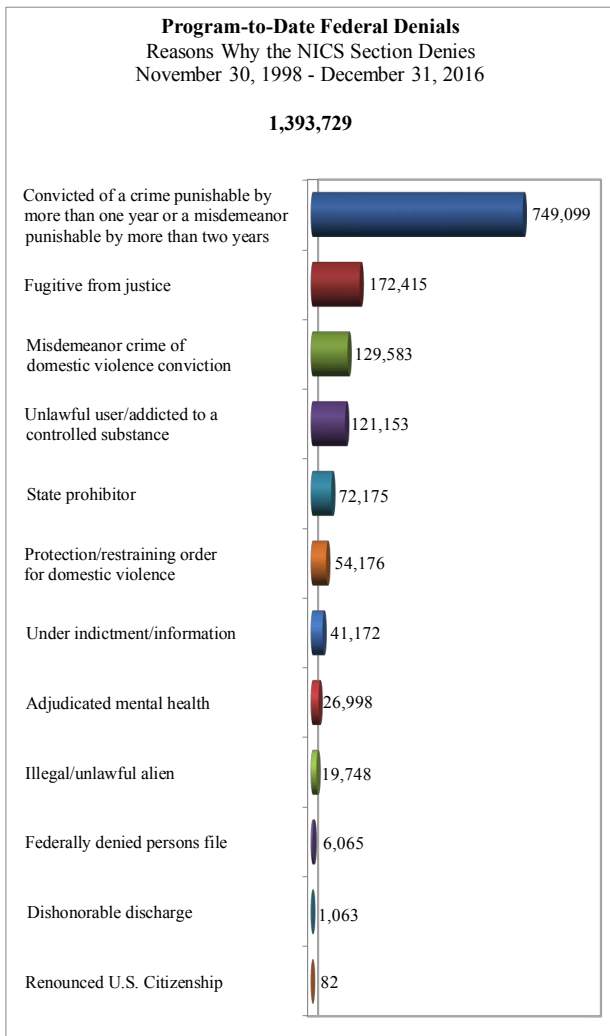
**18 U.S.C. §922 (n)**

Is under indictment/information for a crime punishable by imprisonment for a term exceeding one year.

# 2016 NICS Operations

## Federal Denials

When a NICS background check matches a record holder to the prospective firearms transferee, the NICS Section determines if a federal prohibitor exists. However, if a federal prohibitor does not exist, the NICS Section employee processing the background check must further review the record match(es) to determine if any applicable state law renders the prospective firearms transferee prohibited. From the inception of the NICS on November 30, 1998, through December 31, 2016, the NICS Section has rendered 1,393,729 firearm denials. Of these, 120,497 denial decisions were provided in 2016. Historically, as well as in 2016, 18 U.S.C. §922(g)(1) is the leading reason for NICS Section denials.



(See data on following page.)



## 2016 NICS Operations

<b>Program-to-Date Federal Denials</b> Reasons Why the NICS Section Denies November 30, 1998 - December 31, 2016	
Prohibited Category Description	Total
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	749,099
Fugitive from justice	172,415
Misdemeanor crime of domestic violence conviction	129,583
Unlawful user/addicted to a controlled substance	121,153
State prohibitor	72,175
Protection/restraining order for domestic violence	54,176
Under indictment/information	41,172
Adjudicated mental health	26,998
Illegal/unlawful alien	19,748
Federally denied persons file	6,065
Dishonorable discharge	1,063
Renounced U.S. Citizenship	82
<b>Total PTD Federal Denials</b>	<b>1,393,729</b>

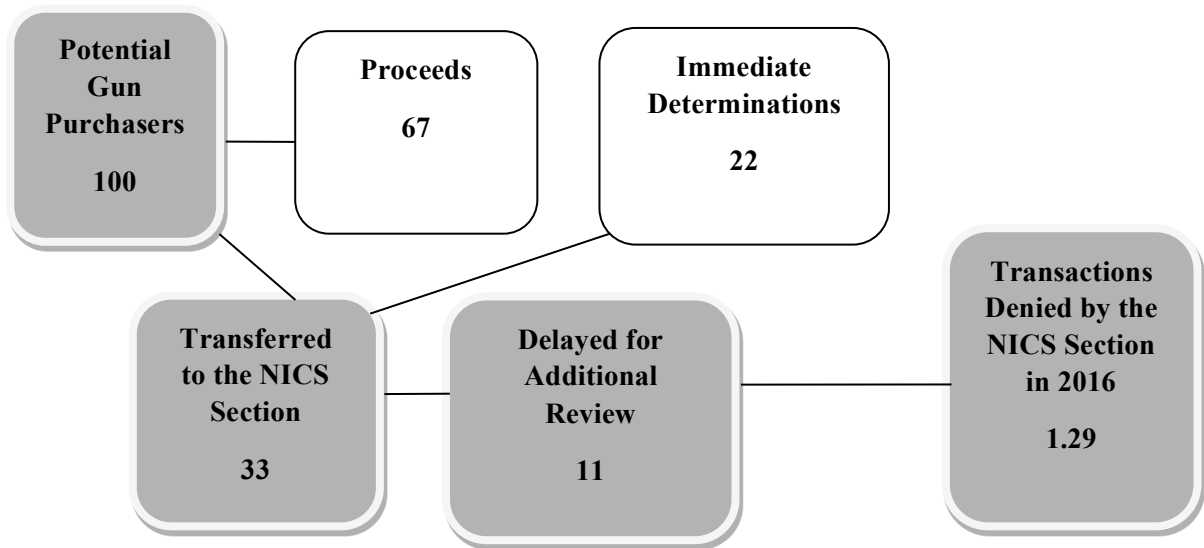
<b>2016 Federal Denials</b> Reasons Why the NICS Section Denies January 1, 2016 - December 31, 2016	
Prohibited Category Description	Total
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	49,510
Fugitive from justice	24,502
Unlawful user/addicted to a controlled substance	11,278
Misdemeanor crime of domestic violence conviction	8,854
State prohibitor	7,686
Under indictment/information	6,366
Adjudicated mental health	5,638
Protection/restraining order for domestic violence	3,298
Illegal/unlawful alien	3,076
Federally denied persons file	178
Dishonorable discharge	97
Renounced U.S. Citizenship	14
<b>Total 2016 Federal Denials</b>	<b>120,497</b>

# 2016 NICS Operations

## Out of One Hundred Checks

Pursuant to 28 C.F.R. §25.6, based on the information returned in response to a NICS background check, the NICS Section provides either a proceed, a deny, or a delay transaction determination to the FFL. If the NICS Section cannot determine a proceed or a deny response during the FFL's initial contact, the transaction is delayed. From January 1, through December 31, 2016, approximately 11 percent of all transactions processed were given an initial delay status.

When a NICS transaction is delayed, the Brady Act allows the FFL to legally transfer the firearm if the NICS transaction is not resolved within three business days. However, the NICS Section continues to search for the information necessary to make a final determination until the transaction is purged prior to 90 days.



# 2016 NICS Operations

## Firearm Retrieval Referrals

Because of the NICS Section's commitment to public safety and national security, the search for needed disposition information continues beyond the three business days to provide a determination as stated in the Brady Act. In some instances, the information is subsequently obtained and a final status determined. However, if the final status (determined after the lapse of three business days) results in a deny decision, and the FFL advises the NICS Section that the firearm was transferred, the NICS Section then notifies the ATF that a prohibited person is in possession of a firearm. In 2016, the NICS Section referred 4,170 firearm retrieval actions to the ATF.

## NICS Appeals and Voluntary Appeal File (VAF)

In 2016, approximately 1.29 percent of the NICS background checks processed by the NICS Section received a final transaction status of deny. Pursuant to the Brady Act, any person who believes they were wrongfully denied the transfer of a firearm, based on a record returned in response to a NICS background check, can request an appeal of the decision. An appeal is defined as "a formal procedure to challenge the denial of a firearm transfer." Pursuant to 28 C.F.R. §25.10, "an individual may request the reason for the denial from the agency that conducted the check of the NICS (the 'denying agency,' which will be either the FBI or the state or local law enforcement agency serving as a POC)." As an alternative, per 28 C.F.R. §25.10, an individual denied by a POC state can elect to submit an appeal to the NICS Section.

When individuals wish to challenge the reason of a denial status, an appeal request must be submitted. An appeal request should include a set of his/her fingerprints as proof of identity if definitive information is being requested. In cases where the matches are refuted by fingerprints, the NICS Section may overturn the subject's deny decision and allow the transaction to proceed. However, because the NICS is required to purge all identifying information regarding proceed transactions within 24 hours of notification to the FFL, in many instances, the process must be repeated when the same transferee attempts subsequent firearm purchases and is again matched to the same prohibiting record.

The NICS Section's Appeal Services Team (AST) processes requests, per the Standard Operating Procedure, in the order in which they are received. The completion time of a request may be impacted by workload levels. In 2016, due to the unprecedented increase in volume of firearm background checks received, the processing of appeal requests was sporadic. However, every opportunity to improve processes and efficiency to better serve the customers was and continues to be explored. The NICS Section's customers should be aware, while processing appeal requests and VAF applications, the AST contacts external agencies in an attempt to gather pertinent documentation, which can be time consuming.

In 2016, the NICS Section received a total of 30,861 initial VAF applications and appeal requests. Of these, 1,114 received were submitted by persons denied by POC state agencies. In 2016, the NICS Section's research resulted in the overturn of 1,834 deny transactions.

The primary reason for the overturned deny decisions in 2016 was the appellant's fingerprints not matching the fingerprints of the subject of the firearms-disqualifying record. Another chief reason deny decisions are overturned on appeal pertain to criminal history records that do not contain current and accurate information.

The VAF was implemented in July 2004 to prevent subsequent delays and erroneous denials of a firearm transfer. Because of the availability of the VAF, more than 131,155 transactions have received an immediate background check determination, thus expediting the mission of the NICS Section. All applicants approved for entry into the VAF receive a Unique

## 2016 NICS Operations

Personal Identification Number (UPIN) which they must provide to the FFL during subsequent NICS background checks. The NICS checks the VAF during the background check process only when a UPIN is provided by the FFL. Since July 2004, over 32,500 lawful firearm transferees received a UPIN and have been entered into the VAF.

The NICS Section established and implemented the Appeal and VAF Web site in 2011. By accessing the Web address <[www.fbi.gov/nics-appeals](http://www.fbi.gov/nics-appeals)>, appellants can electronically begin appealing the reason they were delayed or denied the right to possess or receive a firearm.

### Explosives Background Checks

The Safe Explosives Act requires a NICS background check as part of the licensing process for any person who transports, ships, causes to be transported, or receives explosives materials in either intrastate or interstate commerce. The NICS Section performs background checks to determine the eligibility of a subject to operate as a Responsible Person (RP) in the explosives industry and for all persons designated as Employee Possessors (EP).

The RP and EP background checks are submitted by the ATF directly, via a batch submission to the NICS E-Check, for processing. All results of explosives background checks are forwarded to the ATF. The ATF makes the final determination as to a subject's eligibility to receive an explosives permit.

Since the first explosives background check in 2003, and through December 31, 2016, the NICS Section has processed a total of 1,157,624 explosives background checks. Of these, the NICS Section processed 89,546 explosives background checks in 2016.

### U.S. Nuclear Regulatory Commission (NRC) Background Checks

On September 11, 2009, the NRC issued guidelines for the use of firearms by licensees' and certificate holders' security personnel, as authorized by Section 161A of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2201a). On June 5, 2013, the NRC issued an order (EA-13-0092) designating a class of licensed facilities that were eligible to apply to use the authority granted by Section 161A. Section 161A requires a firearms background check for armed security officers at designated NRC licensees. These licensees applied for the authority provided by Congress under Section 161A and, thus, conduct a firearms background check on both current and prospective security officers, whose official duties require access to firearms. The NICS Section processed 194 NRC background checks in 2016.

# 2016 NICS Operations

## NICS Index

When a NICS background check is conducted, the name and descriptive information of a prospective firearms transferee is searched against the name and descriptive information of subjects of records maintained in the databases searched by the NICS. In addition to the III and the NCIC, a search of the NICS Index is conducted.

Typically, the records submitted to the NICS Index are not available from the III or the NCIC, or may be available but cannot be updated in a manner to readily indicate to a user the existence of a state and federal firearms prohibition. Making such records available via the NICS Index provides the user with an immediate indication the record, when matched to the prospective firearm transferee, has already been validated to be state and/or federally disqualifying. This “pre-validation,” in turn, often eliminates an otherwise lengthy review process where research and evaluation are performed to determine if the record is prohibiting and, ultimately, if the subject is eligible to possess and receive firearms.

Since its implementation, the NICS Section has dedicated numerous resources toward populating the NICS Index, specifically by:

- Training and educating users of the NICS.
- Participating and interacting at various conferences and seminars.
- Establishing NICS Liaison Specialists within the NICS Section who, being knowledgeable regarding the NICS processes, are available to provide real-time assistance.
- Offering legal services and guidance for states in pursuance of making prohibited record information available to the NICS.
- Offering technical guidance and support.

An alternative electronic means to submit disqualifying information to the NICS Index via the Internet became effective August 2016. This method of data transfer through the Law Enforcement Enterprise Portal (LEEP) connection to NICS via the NICS E-Check was made available for agencies that possessed no direct NCIC access. The process equips qualified agencies with the ability to enter, modify, supplement, and cancel NICS Index entries. An application for utilization of the LEEP process must be submitted and approved by the FBI. An Originating Record Identifier (ORI) is required for agencies to enter data into the NICS Index. Agencies not currently possessing a qualified ORI may inquire with the NICS Section for further assistance. Once an account is established, approved agencies have the ability to submit entries in “real time” to the NICS Index. The agency contributing data into the NICS Index is responsible for the accuracy and validity of the information and will become part of the CJIS Division’s audit process.

Since the inception of the LEEP process, many state and federal agencies have opted for sharing information with the NICS. A LEEP application may be obtained by accessing <<https://www.cjis.gov/CJISEAI/EAIController>>.

Another opportunity for the FBI to enhance operational efficiencies was made available in October 2016 due to the deployment of the New NICS. In lieu of a manual transaction review by a NICS Section employee, the NICS Section implemented an automated feature which allows

## 2016 NICS Operations

the NICS to return an immediate denial response on FBI-initiated transactions based on exact matches to a NICS Index record.

In 2014, the Consolidated Appropriations Bill, House of Representatives 83, was passed. This may be cited as the “Consolidated and Further Continuing Appropriations Act, 2015,” and includes a Joint Explanatory Statement published in the House of Representatives section of the Congressional Record, H9307, to include House Report 113-448. As a result of the passage of this appropriations bill, the NICS Section was directed to publish a report on submissions to the NICS Index. This report included detailed data on submissions from each contributor. The published report of NICS Index statistics was released on March 18, 2016. Frequently, upon review of the NICS Index statistics, agencies are confused on why zero entries are made in certain prohibiting categories. The following chart provides information as to where NICS disqualifying information should be placed in support of successful disqualification of firearms and/or explosives:

Prohibiting Category	Federal Databases: The Interstate Identification Index (III), the National Crime Information Center (NCIC), and the NICS Index	
Felony/Disqualifying Misdemeanor Convictions	III: Appropriate to be placed here so information is available for all criminal justice purposes.	NICS Index: Should be placed here if not available in the III.
Fugitives from Justice	NCIC: Appropriate to be placed here so information is available for all criminal justice purposes.	NICS Index: Should be placed here if not available in the NCIC.
Unlawful Drug Use	III: Arrests and convictions for drug offenses should be placed here, made available for all criminal justice purposes.	NICS Index: Information such as admission of use and failed drug tests should be placed here.
Mental Health	III: Persons found not guilty by reason of insanity or adjudicated to be incompetent to stand trial should most appropriately be placed here, made available for all criminal justice purposes.	NICS Index: Involuntary commitments to mental institutions for the purpose of treatment should be placed here; otherwise, they are unavailable for NICS purposes. Persons with mental health adjudications, that meet the prohibition, most appropriately would be placed here if not available in the III.
Protective/Restraining Orders	NCIC: Appropriate to be placed here so information is available for all criminal justice purposes.	NICS Index: Should be placed here if qualified for, but not available in, the NCIC, or if not qualified for the NCIC, but still prohibited by state law.
Misdemeanor Crimes of Domestic Violence Convictions	III: Appropriate to be placed here so information is available for all criminal justice purposes.	NICS Index: Should be placed here if not available in the III or, should also be placed here if qualifying relationship and/or force element is not available in the III.
Indictments	III: Appropriate to be placed here so information is available for all criminal justice purposes.	NICS Index: Should be placed here if not available in the III.

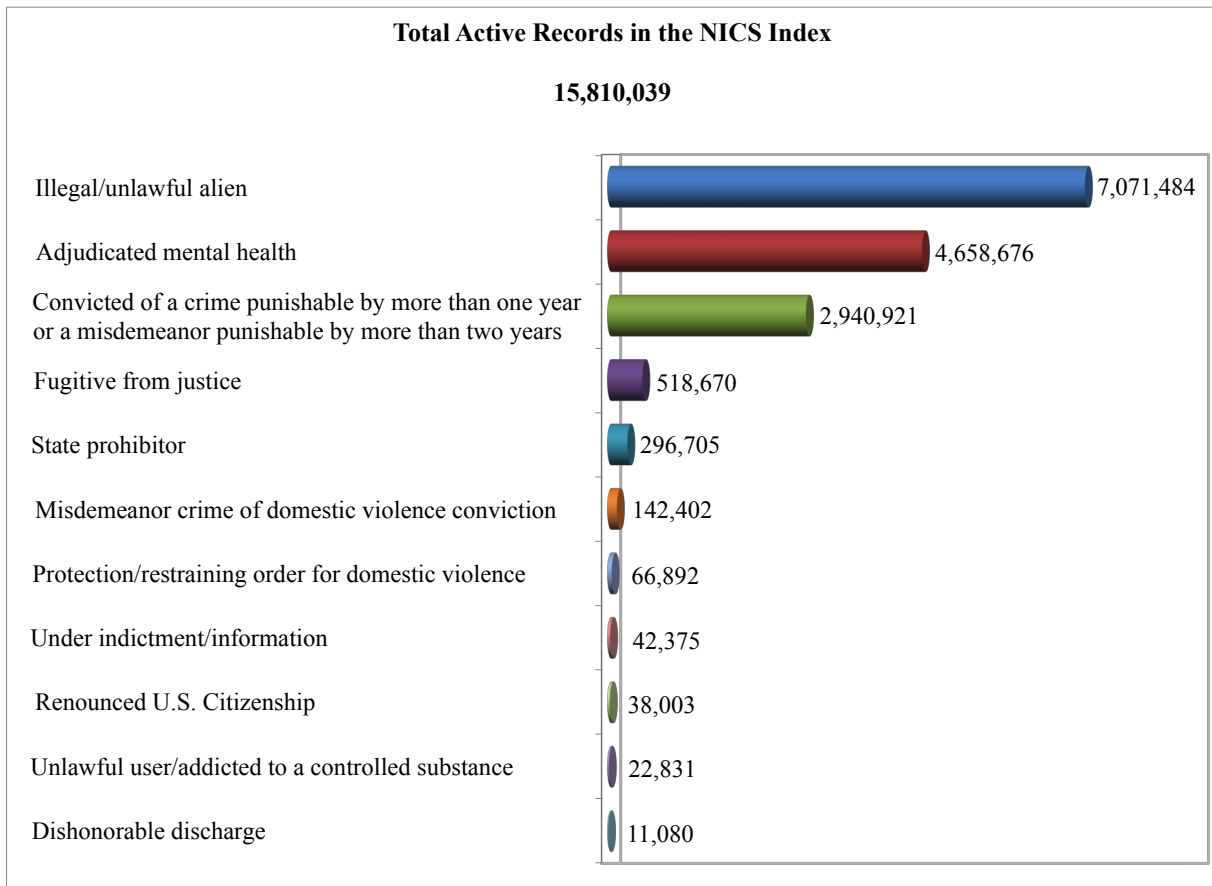
The U.S. Attorney General’s Office sent a letter to each state governor that encouraged the following: participation in the mental health category of the NICS Index, updating criminal history records with disposition information, reporting relationship information on the criminal history record as it pertains to misdemeanor crimes of domestic violence, and encouragement of each state to review the option of serving as a NICS point-of-contact state (if not already).

## 2016 NICS Operations

Also, in March 2016, members of the White House staff offered support in reaching out to states that had few or no entries within the NICS Index mental health category. State information was provided and the White House staff was briefed on the states' status in relation to the mental health NICS Index entries, with the intention of further outreach by the White House staff for those identified states.

### Active Records in the NICS Index

A continuing goal of the NICS Section in 2016 is making state and federal prohibiting records available at the national level. One method is by advocating for local, state, tribal, and federal agencies' submissions of records into the NICS Index. On December 31, 2016, the NICS Index records total 15,810,039, which includes the 1,650,428 record increase during 2015.



(See data on following page).

## 2016 NICS Operations

<b>Total Active Records in the NICS Index</b> PTD As of December 31, 2016	
Prohibited Category Description	Total
Illegal/unlawful alien	7,071,484
Adjudicated mental health	4,658,676
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	2,940,921
Fugitive from justice	518,670
State prohibitor	296,705
Misdemeanor crime of domestic violence conviction	142,402
Protection/restraining order for domestic violence	66,892
Under indictment/information	42,375
Renounced U.S. Citizenship	38,003
Unlawful user/addicted to a controlled substance	22,831
Dishonorable discharge	11,080
Total Active Records in the NICS Index	15,810,039



## Success, Outreach, and the Future

The following is representation of the many areas of successful operation in the NICS Section during 2016:

### New NICS

The highlight of 2016 was the finalization and deployment of the initial operating capability of the New NICS on August 9, 2016. Legacy NICS was developed in the mid 1990s. With any major information technology system such as the NICS, it is important that hardware and software components be replaced and updated to ensure optimal performance. This has proven even more critical in recent years with an unprecedented growth in volume and demand on the NICS. The development and creation of the New NICS was a multi-year project that entailed the collection of thousands of operational requirements, the development of new work-process concepts, upgraded capabilities to allow for greater flexibility, and the development of a communication plan to support this monumental transition for the NICS. The New NICS modernized the legacy NICS by leveraging advances in technology to achieve business and technological efficiencies and to increase scalability, flexibility, and functionality. A few of the benefits gained from phase one of the New NICS are listed below:

- Capability to process work 24 hours a day, 7 days a week. There will no longer be a need for the NICS to be taken out of service nightly for routine maintenance. This feature was enabled on November 1, 2016. The only exceptions are December 25, scheduled maintenance, and unforeseen downtimes.
- Updated name search algorithm for increased accuracy in search results.
- Updated interfaces with the databases queried by the NICS to enhance system reliability.
- Updated user interface for the NICS E-Check service.
- Ability of the FBI to make changes to the system more efficiently and to better position the FBI to quickly react to legislative changes or mandates.
- The purge of “proceeded” transactions will no longer occur during nightly maintenance. The purge will occur for each individual proceeded transaction closer to the true 24-hour time period mandated by law.

As the NICS Section continues to refine the new system, work continues to move forward with the final phase of New NICS. Some of the highlights of phase two include computer telephony integration which will allow users to obtain information in an automated fashion, data sharing features that support independent processes for external partners such as the ATF and state users, and increased automation of FBI operational processes.

### E-Check

The NICS Section has witnessed incredible growth in the use of the NICS E-Check in recent years and as explained earlier on page five. As of the end of 2016, over 76 percent of the NICS incoming background check volume was being initiated via the NICS E-Check. As part of the on-going promotion of the NICS E-Check, NICS Section staff personally visited with 152 FFLs, on-site at their business location, to assist them and their staff with enrollment, access, and usage of the NICS E-Check. The FFLs were visited in the states of Kansas, Missouri, Alabama, Ohio, Montana, Mississippi, Vermont, Indiana, Texas, West Virginia, and Louisiana.

### Disposition of Firearms (DOF)

The DOF, which became effective on January 20, 2015, expanded in 2016. In summary, a DOF firearm background check may be conducted when a law enforcement agency removes a firearm from an individual and takes the firearm into their control. A firearm background check may be conducted to determine an individual’s eligibility to possess or receive a firearm prior to returning it. In 2016, a total of 31,619 DOF firearm background checks consisting of 24,602 handguns and 6,226 long guns, and 791 categorized as other were processed by 36 states and 25

## Success, Outreach, and the Future

federal agencies. Approximately, 1,494 DOF firearm background check denials were reported to the NICS Section in 2016.

### Outreach

The NICS Section strives to make subject matter experts available to support conferences and meetings where NICS is a topic of discussion. As a result, the NICS Section's staff may speak at state conferences across the country on various topics that relate to the NICS such as how the NICS Section's process works, how to participate and share records within the NICS Index, what prohibits a person from purchasing a firearm, and what records are utilized to make these determinations. In addition, the NICS Section's staff is often requested to speak at FFL seminars, and has provided detailed information relevant to the gun dealer population in a total of nine states. Another important area the NICS Section has focused upon in 2016 is with tribal agencies. As part of a larger outreach initiative, the NICS Section visited with several tribes that are working towards improved access and sharing of records.

The NICS Section's training opportunities continued in 2016 by offering numerous events for NICS users. Training was provided to more than 3,134 attendees from 23 states. The NICS Section used various training methods, i.e., on-site training, teleconferences, the Internet, and Train-the-Trainer. Training sessions were held at the CJIS Division or at the requesting agency's location. The exposure of facilitating information sharing/training, while utilizing new technology and methods of training, benefited the NICS Section and state agencies.

When state agency representatives attended training at the CJIS Division, the NICS Section coordinated with various areas within the CJIS Division to ensure the attendees were offered opportunities of professional networking from within the entire Division. The NICS Section conducted several meet and greets, provided information, and offered question-and-answer sessions. Furthermore, the NICS Section offered a guided tour, allowing for state and federal agencies to witness on-going operations of the NICS Section.

At the state level, the benefits provided by Train-the-Trainer sessions allowed for knowledge and resources, once offered only by the NICS Section trainers, to be transferred to the state agencies to conduct training at their discretion. The freedom of opting for the Train-the-Trainer method permitted state agencies to tailor training and customize the NICS Section's presentations to meet their specific state needs. The CJIS Division hosted the 2016 Train-the-Trainer Conference to provide continued support to the Train-the-Trainer state agencies, and facilitate information sharing between the NICS Section, states currently utilizing the Train-the-Trainer method, and state agencies expressing interest in the training method. The four-day conference included an interactive schedule designed to incorporate both attendees on-site at the CJIS Division and through Internet access. This innovative method allowed attendees nationwide to participate in training, group discussions, informational sessions, and workshops. The support network created between the states and agencies throughout the conference facilitated the sharing of new technology, training methods, and building curriculum.

In addition, the NICS Section has an outreach initiative to connect with local, state, tribal, and federal agencies regarding the public safety value of sharing criminal history and related records with the NICS. In addition, the NICS Section enhances public safety and national security through information sharing and continues to foster a proactive role regarding the submission of record information to the CJIS systems searched during a NICS background check. Lastly, the NICS Section emphasizes the importance of making record information, such as complete criminal history records and prohibiting mental health

## Success, Outreach, and the Future

adjudications, available on a national level as well as spotlighting the NICS Improvement Amendments Act of 2007.