



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

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To: All Criminal Justice Information Services (CJIS) Users

The Brady Handgun Violence Prevention Act of 1993 (Brady Act) requires the use of the National Instant Criminal Background Check System (NICS) by federally licensed firearms dealers to determine whether a prospective firearm transfer to individuals applying to receive or possess firearms would violate state or federal law. The NICS is a computerized system designed to immediately make such a determination by conducting a search of available records.

A NICS check searches by name and descriptive data for matching records in three databases. These databases are the NCIC which contains information on wanted persons and protection orders; the Interstate Identification Index (III) which contains criminal history records; and the NICS Index which contains the names of prohibited persons as defined in the Brady Act. The NICS Index includes individuals who have been determined to be federally prohibited from receiving or possessing a firearm and the disqualifying information is not available through the NCIC or III systems.

The NCIC's Protection Order File (POF) was established in accordance with the Violence Against Women Act (VAWA), and in support of the Violent Crime Control and Law Enforcement Act which permits information from the NCIC databases, including protection orders, to be disseminated to civil and criminal courts for use in domestic violence and stalking cases. The VAWA also authorizes state and federal criminal justice agencies to enter information into the POF for the purpose of protecting persons from domestic violence and stalking. Additionally, the VAWA amended the Gun Control Act of 1968, making it unlawful for any person who is subject to a qualifying protection order to ship, transport, possess, or receive any firearm.

When analyzing information contained in the POF, the effectiveness of determining an individual's eligibility to receive or possess a firearm becomes a true life saver for a victim, a community, and law enforcement. The FBI CJIS Division's NICS Section would like to make all NCIC POF users aware of two unique tools available to entering agencies when submitting information into the POF. These tools assist all users of the NICS in making an expeditious interpretation of firearm eligibility.

Presently, the POF has two immediate indicators to identify whether a subject is prohibited from the receipt or possession of a firearm. They are the Brady Indicator (BRD) field