

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1348990-0

Total Deleted Page(s) = 6

- Page 58 ~ b5; b7E;
- Page 59 ~ b5; b7E;
- Page 60 ~ b5; b7E;
- Page 61 ~ b5; b7E;
- Page 62 ~ b5; b7E;
- Page 63 ~ b5; b7E;

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

NICS Firearm Background Checks

January 1, 2015 - March 31, 2016

	State	Federal	Total
Background Checks	19,297,531	11,526,580	30,824,111
Denials	81,072	141,334	222,406

NICS Explosive Background Checks

January 1, 2015 - March 31, 2016

	State	Federal	Total
Background Checks	497	146,573	147,070
Denials	Not Requested	Not Requested	Not Requested

Program to Date Appeals Received

Calendar Year	Initial Requests Received
2015	30,279
2016 (April 30, 2016)	16,117
Totals	266,951

All information pertaining to the total number of NICS voluntary appeals that were filed between January 1, 2015 and April 1, 2016.

VAF Applications

Number of initial “VAF Only” applications filed between January 1, 2015 to April 1, 2016—2,001

All information pertaining to the average amount of time it has historically taken to process a NICS denial appeal.

Calendar Year	Appeal "Average Processing Days"
2014	26 "Business" Days
2015	85 "Business" Days

Prior to CY 2014 the "Average Processing Days" included **both Appeal and VAF Receipts** and then were prioritized by first in first out order. Starting CY 2014 Appeal and VAF Receipts were separated and prioritized according to the type of request received and then prioritized by first in first out order. Appeal Average Processing Days includes both Delay and Denied requests.

All information pertaining to the average amount of time it has taken to process a NICS denial appeal since January 2015.

Average Appeal Processing Days (Jan. 1, 2015 - March 31, 2016) =
104 "Business" Days

All information pertaining to the number of appeals that have been successful in the history of the NICS system.

(Denied/Delayed) Appeal Overturns

CALENDAR YEAR	Appeals Overturned
11/30/1998 - 12/31/1999*	2,913
2000	2,434
2001	3,275
2002	3,898
2003	4,245
2004	2,867
2005	2,192
2006	2,967
2007	2,974
2008	3,097
2009	2,736
2010	3,491
2011	3,236
2012	4,020
2013	4,576
2014	4,411
2015	3,625
2016 (March 31, 2016)	498
Total	57,455

All information pertaining to the number of NICS appeals that have been successful since January 1, 2015.

(Denied/Delayed) Appeal Overturns

CALENDAR YEAR	Appeals Overturned
2015	3,625
2016 (March 31, 2016)	498
Total	4,123

SOP Number: 5.5.4	Page 1 of 13	Date last revised: 04/08/2016
Title: IN-HOUSE RESEARCH		

Multiple NTN's with Different Final Statuses
NTN Referencing
Search by Name and FBI #
NGI
NCIC
Multiple NTN's with Different Final Statuses

WEB SITE
LAT
Federal Offenses
Requests LAT CANNOT Process
Discrepancies/Possible Discrepancies

All internal automated systems (NTN Inquiry [by name, FBI, social security number], NGI, NCIC, DDF, ATFRDD, and Web sites) must be checked. The NICS Library (e.g., state information pages, terminology pages) and Westlaw, when applicable, must be researched by the Examiner. The LAT may then be contacted **prior** to calling or faxing any external agency to determine the level/disposition of the arrest charge.

A. NTN INQUIRY

The NTN Inquiry button is found on the status tab of the NTN. The NTN Inquiry button will allow the Examiner to determine if additional NTN's exist for analysis. If an NTN is located, the Record tab is displayed with the corresponding NTN located in the related NTN's window.

The Examiner must select and click the button prior to applying a final status to the NTN. The Examiner is only prompted to select and click the NTN inquiry button after selecting the Deny and the Denying Record buttons; however, the Examiner must select the button prior to selecting the FFL Notified button on all final statuses.

It is considered applying a final status when a transaction is placed into RFC. Examiners performing call backs on **RFC** transactions are not required to perform an NTN Inquiry.

The NTN Inquiry is searched using name, social security number, and record number. An NTN Inquiry must be performed by the Examiner on transactions requiring further research.

If a current transaction exists (delay/open that is actively being processed), notify your Supervisor/Team Leader and have the transaction placed into the correct Examiner/NICS Legal Instruments Examiner Support Staff's ownership. Also, e-mail the Examiner/NICS Legal Instruments Examiner Support Staff who has ownership of the prior transaction and their Supervisor and advise of the new transaction.

Note: Transactions that have exceeded the 30-day time frame (previously known as default Proceed) are not considered a current transaction.

Every NTN must be handled on its own merit. This means if an NTN has been processed for an individual in the past and comments are being cut and pasted, it is the **absolute** responsibility of

the Examiner handling the most current NTN to ensure all procedures are followed. If the previous Examiner neglected to follow an SOP, this does not negate any responsibility to adhere to **ALL** NICS SOPs on subsequent NTNs. This includes forwarding any documentation to DDF scanning and/or the Biometric Services Section's (BSS) IHT7, sending NICS Index submissions, sending Nlets messages, etc.

Multiple NTNs with Different Final Statuses

It is the responsibility of each NOU Examiner to review all multiple NTNs with different final statuses.

Note: Status changes cannot be performed by GS 6 and 7 Examiners. Refer to SOP 5.11 Status Change.

A. Conflicting Multiple NTN's with an Immediate Proceed Due to FFL Error

An FFL Discrepancy must be completed. Refer to SOP 5.20 FFL Discrepancy. The Examiner must also convert the case histories from the delayed or denied transaction and the canceled transaction into a '.tif' file and e-mail the case histories to [redacted] (ATF representative) with a brief message about what the discrepancy is (Example: DOB is conflicting between NTNs).

b6
b7c

If an Examiner identifies an immediate proceed for an individual while conducting an NTN Inquiry for the current transaction that requires further research or is denied, the Examiner must:

- Contact the FFL;
- Verify FFL number and codeword;
- Verify if both NTNs are for the same or different firearm(s);

Same Firearm—Previous Transaction Proceed and Current Transaction Deny

- If the FFL advises the transactions are for the same firearm, the Examiner must cancel the previously proceeded transaction and deny the current transaction. The Examiner must provide the FFL with the canceled status for the previously proceeded transaction and the denied status for the current NTN. Refer to SOP 5.11 Status Change.
- The Examiner must inform the FFL about not submitting duplicate NTNs. Refer to Scripts.

For the previously proceeded transaction:

- The Examiner must verify if the firearm was transferred. If the firearm was transferred, the Examiner must request the FFL to fax or e-mail the ATF Form 4473 to the ATF. See Scripts.
- Comments must be entered into the canceled transaction indicating the firearm was transferred before the third business day due to invalid information being submitted. In the current denied transaction, comments must be entered

indicating that a previously proceeded transaction was canceled and the firearm was transferred due to invalid information being submitted. Refer to SOP 5.15 for minimally required deny comments.

Same Firearm—Previous Transaction Proceed and Current Transaction Delay

- If the FFL advises the transactions are for the same firearm, the Examiner must cancel the previously proceeded transaction and place the current transaction into delayed status. The Examiner must provide the FFL with the canceled status for the previously proceeded transaction and the delayed status for the current transaction.
- The Examiner must inform the FFL about not submitting duplicate NTN's. Refer to Scripts.
- Comments must be entered into the canceled transaction indicating the transaction is canceled due to invalid information being submitted.

Different Firearms—Previous Transaction Proceed Current Transaction Deny

- If the FFL advises the transactions are for different firearms, the Examiner must provide the FFL with the denied status for both the previously proceeded transaction and the current NTN.

For the previously proceeded transaction:

- The Examiner must verify if the firearm was transferred. If the firearm was transferred, the Examiner must request the FFL to fax or e-mail the ATF Form 4473 to the ATF. See Scripts.
- The transaction must also be denied. If the firearm was transferred the Examiner must select the appropriate firearm retrieval code in accordance with SOP 5.12. Refer to SOP 5.10 Applying a Final Status for alternate denial information.
- The Examiner must overturn the transaction to denied status. Refer to SOP 5.11 Status Change.
- Comments must be entered into the transaction indicating the firearm was transferred before the third business day due to invalid information being submitted. Refer to SOP 5.15 for minimally required deny comments.

Different Firearms—Previous Transaction Proceed and Current Transaction Delay

- If the FFL advises the transactions are for different firearms, the Examiner must provide the FFL with the delayed status for the previously proceeded transaction. Refer to Scripts and SOP 5.0
- The Examiner must overturn the previously proceeded transaction to delayed status. Refer to SOP 5.11 Status Change.
- Comments must be entered into the previously proceeded transaction indicating the firearm was transferred before the third business day due to invalid information being submitted. For additional information regarding conflicting statuses refer to SOP 5.6.

B. Multiple NTN's with Different Final Statuses (Denied)

If an Examiner performs a search of the NICS utilizing the NTN Inquiry feature and identifies multiple NTN's with different final statuses for the same individual, the Examiner must include an alert/comment in the research comments of the **denied** transaction(s). See SOP 5.15 section K.

Note: The key to the review is **the date the person became prohibited**. If the date the person became prohibited was **before** the Proceeded date of any transaction(s), then a status change and all related procedures (i.e., firearm retrieval referral) must be completed as soon as possible on the day the Examiner discovers there are multiple NTN's with different statuses. For processing responses, see SOP 5.6.

C. Multiple NTN's with Previous Expired

If an Examiner performs a search of the NICS utilizing the NTN Inquiry feature and identifies **prior Expired** NTN's for the same individual, it will be the responsibility of the Examiner working the current NTN to thoroughly review the Expired NTN's at the time the current NTN is given a final status. The Examiner will determine if the Expired NTN's can be given a final status and apply the final status. The Examiner must take all necessary steps to ensure the final decision for the Expired NTN's adhere to all current SOPs. Refer to Processing Responses SOP 5.6

D. Multiple NTN's with Previous NTN Under Appeal

If an Examiner performs a search of the NICS and identifies any NTN(s) for the same individual that is currently **under appeal** ("A" Status) and the current transaction is being delayed, the Examiner must immediately contact the AST Area Manager via CJIS-UNET e-mail stating the appellant has initiated another background check which is currently in delayed status. The e-mail must include both NTN numbers, and the NOU Examiner must advise which NTN is under appeal. The AST will place a return call to the Examiner and advise what information, if any, may have been received pursuant to the appeal process to aid the Examiner in making his/her decision on resolving the delayed transaction. Any applicable case documentation received by the NOU Examiner must be forwarded to the AST Examiner. **The NOU Examiner must continue to actively work his/her case while waiting on information from the AST. If able to make a final decision on the delayed transaction, the Examiner must apply the final status and notify the AST. The NOU Examiner must not apply a final status to the multiple transactions which was previously placed under appeal.**

NTN Referencing

When an NTN Inquiry shows a previous NTN which is open, the Examiner must review the comments. If additional research is needed, the Examiner must follow up with any necessary action (i.e., faxes, telephone calls). If the previous NTN was a Delay, a Deny or a Proceed, the Examiner can utilize the information from the previous NTN, but cannot reference the NTN in

their comments. If the NTN is a Proceed, this brings up a retention issue. A retention issue may arise should a denied transaction be overturned by appeal or other reasons.

B. Disposition Document File (DDF)

When a hit exists, the Disposition Document File (DDF) tab must be checked on TP and Delay Queue because the search is automatically generated upon the record request.

When a match is determined on a hit in the DDF, all information **must** be checked for potential disqualifiers even if the record responding to the NICS does not indicate any potential disqualifiers. All potential disqualifiers **must** be researched in accordance to established procedures.

The DDF was established to capture disposition information that could not be updated on the NGI from the NICS Section and the BSS. The DDF not only contains disposition information that cannot be updated on the NGI, but it also contains, but is not limited to, incident reports, police reports, and protection orders.

When a subject search is performed, the DDF is automatically searched. If a manual search is applicable, the search must be performed by FBI number, social security number, and subject name as provided on the criminal record. Some examples include: name change for females due to change in marital status or incorrect spelling of name in comparison to the background check screen (example: FBI record indicates James; background check done on Jimmy).

Searching DDF Subject Maintenance

When a record is requested, an automatic search of DDF is conducted. To perform further searches of DDF, go to Admin and select “DDF Maintenance”.

Once the screen appears, enter the information you would like to be searched within DDF.

Search by Name and FBI #

1. Enter the subject’s last name, first name, and/or FBI number (a maximum of 250 records will be returned)
2. Click “Search”
3. If a match is found, it will be displayed within the “Results” field. Double click the appropriate record returned.
4. Click the Documentation tab. Double click on the information returned or highlight and press view. The information will be viewable as a TIF Image.
5. If you would like to attach the documentation located, refer to SOP 5.6.1.

Note: If you receive the error message “The file is LZW Compressed,” please forward the FBI # or file name to the Supervisor of the DRST. The file cannot be viewed until it is converted into a proper format.

C. ATF Relief of Disabilities Database (ATFRDD)

When a hit exists, the ATFRDD tab must be checked on TP and Delay Queue because the search is automatically generated upon the record request.

If hits are returned in the ATFRDD, review all of the ATFRDD hits returned. ATFRDD results are returned based on last name **only**.

1. Compare the records returned to the subject of the background check. All records that are a variation of the subject's name **must** be reviewed to determine if a valid match exists. Example: John, Johnny, Johnnie, Jonathan, Jon, etc.
2. If a valid match is located, the Examiner must request the matching record and type the record information into the research comments section of the transaction.
3. Compare the Relief of Disabilities date of issuance to the criminal history record. Any arrest committed after the date the Relief of Disabilities was granted is not covered by said Relief and must be researched for possible prohibitors, if applicable.
4. Ensure the State of Purchase and State of Residence accepts the ATF Relief of Disabilities. This information is located on each state's Pardon and Restoration of Rights page.

An ATF Relief of Disabilities issued for firearms will also relieve the mental defective federal disability as outlined in Title 27, Code of Federal Regulations (C.F.R.), Chapter 11, Part 478.144 (e). An applicant who has been adjudicated a mental defective or committed to a mental institution will not be granted relief by the ATF unless the applicant was subsequently determined by a court, board, commission, or other lawful authority to have been restored to mental competency, to be no longer suffering from a mental disorder, and to have all rights restored.

D. NEXT GENERATION IDENTIFICATION (NGI)

Using the FNU, the Examiner must search NGI for all potentially prohibiting arrests. The Examiner can search one FNU.

To access NGI:

- Open Internet Explorer.
- Click on NICS OE folder, located on the Favorites bar.
- Select EQHR (III Subject Search). (If website's security certificate error message appears, select "Continue to this website (not recommended)").
- Populate the FBI Number/Universal Control Number (UCN) and the E-mail address fields.

- Select “Submit”.
- The response must be retrieved from e-mail.

The Examiner must document if the arrest was on file, if additional information was located, and if the SID was posted.

Aud “E” - FBI Record has been expunged.

Aud “M” - FBI Record has not been automated.

Aud “U” - Unassigned - identity has not been established

When an arrest cycle is located after running EQHR (III Subject Search) and responds with a (SGT of R with an AOL of Return Arrest Print), no additional research is required. The SGT R arrest cycle does not indicate a new arrest and therefore, does not require further research to be conducted for NICS purposes.

In the event a state record responds on III as "COURT DISPOSITION PENDING CONVICTION STATUS UNKNOWN" check NGI for an IFFS Flag. The record does not have a State IFFS Flag but could have an FBI IFFS Flag which would not be detected due to the record being state owned. To determine whether the record on NGI contains an FBI IFFS Flag, follow the examples below:

Example #1 - Located after descriptive data and just before the arrest data begins.

SID US**12345 DECF N EXPF N ST N NGI N US Y **IFS D** SEAL N

Example #2 - Located in the Court Data - Disposition area of the record.

Court Data

ICN D 12341132412341234123 UCN 12345A DOA 2006/01/01 SGT0
DRE 206/01/01 DLU 2006/01/01 DCA CBL CIDN **IFS D**

Any time an NGI record is listed with **IFS D** the individual has an FBI IFFS Flag. Refer to the IFFS procedure for processing. [5.4.3 IFFS FLAG](#)

If NGI returns the following Special Stop error message, refer to [SOP 5.5.8](#): “NGI returned the following status/error message: A0029-Not authorized to perform requested action. Please send to Special Stops to process.”

E. NCIC

If a SID is not obtained on NGI and there are potentially prohibiting arrests being researched, the Examiner must submit an IQ using the descriptive data located on the record. The Examiner must submit an FQ* utilizing the SID to obtain the state record. This process must be performed in accordance with state information pages.

*It is no longer necessary to initiate an independent FQ on the SID number from the following states which have returned a record to the NICS as part of the III response:

Alabama	Hawaii	Minnesota	North Carolina	Tennessee
Alaska	Idaho	Mississippi	North Dakota	Texas
Arizona	Illinois	Missouri	Ohio	Utah
Arkansas	Iowa	Montana	Oklahoma	Virginia
California	Kansas	Nebraska	Oregon	Washington
Colorado	Kentucky	Nevada	Pennsylvania	West Virginia
Delaware	Louisiana	New Jersey	Rhode Island	Wisconsin
Florida	Maryland	New Mexico	South Carolina	Wyoming
Georgia	Michigan	New York	South Dakota	
Indiana—SID Numbers IN700000 and above				

F. WEB SITE

Refer to state contact pages for approved state-wide Web sites and contact lists for county Web sites. The Web Site Contact Matrix is also located on SharePoint which contains all available Internet Web sites with navigation instructions.

If an Examiner obtains knowledge of an additional Web site not located on the Web Site Contact Matrix, the Examiner must forward the Web site to a Region Coordinator for review.

G. E-MAIL

For e-mails to indicate or address multiple NICS transactions, or to request a Web site be checked, all NICS users must refrain from documenting the NTN and status or the NTN and gun buyer name information in the e-mail on Microsoft Outlook accounts.

E-mail Requests follow the same procedure as Faxed Requests for all DOAs. The following link directly connects to the NICS [E-mail Request](#) form on the Ops Map.

H. WESTLAW AND LEGAL ANALYSIS TEAM (LAT)

**Please refer to NICS Internal LAT Email Requests on [OPs Map](#).

All Examiners evaluate charge information by relying on their own personal knowledge and experience relating to common offenses within their area of expertise. The year of the offense must be considered as statutes may change from year to year. The Examiner must document in the research comments how that knowledge and experience was obtained. See [SOP 5.15](#).

Examiners must consult their **Supervisor and/or Region Coordinator** if unsure how to interpret the information contained in the Criminal History Record for processing direction and clarification (related to SOPs). The LAT must be contacted for clarification on the State Information Pages, Pardon and Restoration Rights pages, etc.

Examiners must access Westlaw for level of offenses or maximum sentence terms for specific DOAs (i.e., charge with specific statute, theft or larceny with a listed amount). Examiners will not research Westlaw for DV, Alcohol/Drugs, State Prohibitors, Comparables, Federal Charges, or Case Law. Examiners will determine which charges to search based on the state and the year of the offense. Utilize the Westlaw Historic Statute Search Guidelines.

Examiners must search by arrest/charge date, not the disposition date. Examiners must utilize the convicted charge if available. Examiners must document findings within the transaction's research comments. See SOP 5.15 for required comments.

For required logon information and to obtain specific steps for searching Westlaw, the Examiners must utilize the Westlaw Training PowerPoint located on the LAT site within SharePoint.

If the Examiner's search of Westlaw results in no information being found, or if the findings result in contradicting information found within the Westlaw search, the Examiners can contact LAT for further assistance.

The LAT must be contacted for Legal Questions (i.e., MCDV, Alcohol/Drugs, State Prohibitors, Comparables, Federal Charges, or Case Law) as outlined below. All Examiners will only contact the LAT if a determination cannot be made by first utilizing Westlaw for level and maximum sentence, referencing materials, and other resources mentioned previously.

All requests for the LAT will be sent via e-mail to the following address from the Global Address List, LAT Delay Queue Requests. The NTN must be listed in the subject line of the e-mail. The reason for request will be entered into the transaction comments. For any special requests or clarifications that cannot/must not be entered into the comments, those details can be entered into the body of the e-mail. Examiners will attach all documents to the NTN and ensure that all comments are up to date prior to sending the request to LAT. No other information is needed in the e-mail except for the Examiner's and Supervisor's contact information so the LAT can contact the Examiner if they have a question regarding their request. To accomplish this, each Examiner must set up a "signature" containing the Examiner's name and extension and their Supervisor's name and extension through the Outlook e-mail. The LAT will notify the Examiner by replying to the original e-mail when the request has been processed and the comments up-dated to the transaction. The LAT will not be putting comments in the e-mail, only in the transaction.

Reasons for Contacting LAT

Possible Misdemeanor Crimes of Domestic Violence (MCDV)

Contact the LAT to determine if an offense, by statute, meets the federal criteria of “use or attempted use of physical force or threatened use of a deadly weapon” if offense is not listed on the DV Examiner Chart located on SharePoint. The LAT will assist in determining if the statute **COULD** meet the criteria. Once it is determined the statute **COULD** meet the criteria, it is then necessary to obtain the records of conviction to determine if the particular case in question **DOES** meet the criteria. Refer to the MCDV procedures, SOP 5.4.9.

The following will assist the NICS Section in the processing of transactions that contain a potential firearm disqualifier for a MCDV for the element of the use or attempted use of physical force or threatened use of a deadly weapon. When requesting additional information from the LAT in regards to a domestic violence-related transaction, you will receive one of three responses. A response of “Possible,” “All Meets,” or “Does Not Meet” will be provided. The following are an explanation of the responses:

Possible: A response of Possible indicates the statute that was listed **does not** contain a subsection or the subsection that was listed has multiple criteria contained within it. Additional research must be performed to obtain the subsection or the element of the subsection in which the subject was actually **convicted**.

Example:

Question: The subject was convicted under MT ST 45-8-101. Does this meet the force element for domestic violence?

LAT Response: The charge of MT ST 45-8-101 is the general statute for disorderly conduct. It is necessary to obtain the specific subsection that the individual was convicted under in order to determine if the force element exists. The charge is “possible” domestic violence related.

Outcome: If a Possible response is received, additional research is required to try and obtain the specific subsection in which the individual was convicted.

All Meets: A response of “All Meets” indicates that the statute or subsection listed meets all of the criteria for use or attempted use of physical force or threatened use of a deadly weapon.

Example:

Question: The subject was convicted under AZ ST 13-120(a) (1). Does this meet the force element for domestic violence?

LAT Response: The charge of AZ ST 13-1203 (a) (1) all meets the force element for the domestic violence criteria. If a conviction and qualifying relationship exist, then the domestic violence criteria has been established.

Outcome: If an “All Meets” response is received, it is necessary to obtain a conviction and qualifying relationship to apply the domestic violence prohibitor for this date of arrest.

Does Not Meet: A response of “Does Not Meet” indicates that the statute or subsection listed does not meet the use or attempted use of physical force or threatened use of a deadly weapon criteria.

Example:

Question: The subject was convicted under GA ST 16-11-39.1. Does this meet the force element for domestic violence?

LAT Response: The charge of GA ST 16-11-39.1 does not meet the domestic violence criteria.

Outcome: No additional research is required for the domestic violence prohibitor for this date of arrest.

The previous examples are guidelines that will be utilized in the processing of transactions that contain potential domestic violence related offenses. If there are any additional questions, the LAT must be contacted via email.

Inquiries Concerning Federal Offenses

Contact the LAT for the level (felony or misdemeanor) of a federal arrest **with** a disposition for any given year.

West Dockets—Contact the LAT before going to outside agencies to check West Docket on federal arrests **with or without** a disposition from **1990 to present**. West Docket is a database containing federal docket information and may indicate a **disposition** and a **level of offense** for federal arrests (refer to Federal Contact Information tab on the Federal Contact list). West Docket does not have military information.

- **Inquiries in Determining Status of an Offense (Felony or Misdemeanor)**

Any federal offense which **could have** received **more** than one year is a felony. A federal offense which could have received one year or less is a misdemeanor. This is referenced in 18 U.S.C. 1 in the Federal Code Book. Maximum probation for a federal misdemeanor or felony is five years; therefore, maximum sentence cannot be determined by probation in determining the status of an offense as a misdemeanor or felony. It is necessary to refer to convicting statute on the date in which the offense **occurred** because the offense may have changed from a misdemeanor to a felony or a felony to a misdemeanor.

For state offenses, the typical maximum punishment for misdemeanors is one year; however, specific states punish misdemeanors for a period of imprisonment exceeding two years. Therefore, for **states that have misdemeanors punishable by imprisonment for a term exceeding two years**, it is necessary to look at the maximum punishment the offense could have received to determine if the offense is a misdemeanor or felony.

- **Request for the NICS Attorney-Advisor**

Any request for the NICS Attorney-Advisor **must** be submitted to the following e-mail address: NICS_Legal_Attorney-Requests. The e-mail must include the following:

- Your name and extension
 - A detailed explanation of your request
 - Who requested the opinion/review
 - The impact to the NICS Section
 - Any attached documentation necessary to perform the review
 - A deadline for your response
- **Assistance the LAT May Be Able to Provide**

A member of the LAT will attempt to assist with dispositions and terminology requests when possible. If necessary, they can update the state terminology page in question.

Requests the LAT CANNOT Process

- **Do not** contact the LAT for the level of theft, receiving stolen property, larceny, or embezzlement charges, unless the value involved in the offense, statute and subsection, or the degree is stated.
- **Do not** contact the LAT for level on an offense/conviction that lists a violation of a specific law or act (Violation Lacy Act, Violation Uniform Controlled Substance Act, Violation Liquor Law), unless you have the specific violation that occurred. The LAT needs to know exactly how the law/act was violated in order to determine a conviction level.
- **Do not** contact the LAT for acronym translations of charges and dispositions. The only tool the team has access to for these translations is the blue "Reference Guide to Aid in Understanding Arrest Abbreviations" book that is available in the reference library. The contributing agency must be contacted for this information.
- **Do not** contact the LAT with procedural questions. These questions are to be directed to your supervisory personnel.
- **Do not** contact the LAT asking them to provide a final status (Proceed, Deny, or Delay). These questions are to be directed to supervisory personnel.
- **Do not** contact the LAT if the level of conviction can be determined by the length of the conviction sentence given (e.g., four years state prison).

If a request has been submitted to the LAT and the response has not been received due to the LAT being unavailable, the Examiner must contact all appropriate agencies and follow the Handoff Procedure, if applicable, to have the LAT response checked for further processing. See SOP 5.9.

If you have contacted or are waiting for a response from the LAT, make sure transaction comments reflect this information.

LAT Requires Clarification or a Revision to a Submitted Inquiry

The Legal Administrative Specialist (LAS) processing the request will e-mail the Examiner, and carbon copy (cc) the Supervisory Legal Instruments Examiner and the Supervisory LAS, for requests in which the Examiner's comments require clarification or revision before the LAT can complete the legal research and provide a response.

The Examiner or Supervisor in the Examiner's absence must update the transaction comments to provide the clarifying information in a timely manner. The Examiner must "Reply All" to the LAS to advise the transaction has been updated with the requested information. Refer to SOP 11.1.2 Legal Analysis (LAT) Responsibilities.

Discrepancies/Possible Discrepancies

Conflicting information pertaining to statutes must be forwarded to the LAT for research, clarification, and validation. Once the conflicting information is validated and resolved, the LAT member will take the appropriate steps to have the information updated.

Whenever an Examiner receives a response from the LAT which they suspect may be inaccurate, inconsistent, or in contradiction with information previously provided by the LAT, the Examiner may forward a request for a review of the information to their Supervisor. The Examiner's Supervisor will review the request and, if in agreement, will forward the request via e-mail to the LAT Supervisor for resolution.

The LAT Supervisor will review the request and affect a timely resolution. After a resolution has been determined, the LAT Supervisor will notify the Examiner's Supervisor of the results of the requested review via return e-mail. The Supervisor will notify the submitting Examiner of the resolution.

SOP Number: 5.5.5	Page 1 of 17	Date Last Revised: 04/07/2016
Title: EXTERNAL RESEARCH		

Outgoing Faxes and Mail

Payment of Court Transcript Fees

Mass Contacts

Waiting for Disposition Information

Entering Information Requests into WFD

Multiple Related Federal DOAs with Missing Disposition

Entering Information Received

Research Comments

Process 2nd Request

All internal research must be conducted and documented **before** making any external contacts.

State/Federal/International Processing Pages/Contact Lists

The Examiner will contact the state POC, the courts, district attorneys, probation offices, arresting agencies, etc. for disposition, level of offense, incident report, etc. via fax, phone, mail, email, and/or Nlets in accordance with the preference indicated on the State Processing Page and Contact List. If the preference indicates that other agencies can only be contacted if no response is received, other agencies must be contacted, as soon as possible after the 10th calendar day.

If the preference indicates the agency is to be contacted as a last resort, the agency must be contacted as follows:

- Contact at the on-set of research if no other agencies have the information available due to record retention.
- Contact as soon as possible when all available agencies have replied, and the needed information was not found or provided.
- Contact as soon as possible after the 10th calendar day if no responses are received from other agencies.

This will ensure that all resources, in keeping with the NICS Standard Operating Procedures and established state contact procedures, are being exhausted. Every effort must be made to obtain the necessary information, in order to reach a final decision on a NICS transaction during the research phase.

The NICS Section maintains an accurate listing of the agencies that request a fee from NICS or will not assist the NICS. The State Contact Lists are updated to reflect these agencies. The NICS has an obligation to make every reasonable effort to obtain information; however, Examiners **must not** contact an agency if: a) its listing states it

charges a fee, since the NICS has no funding for this purpose; or b) its listing states **DO NOT CONTACT**.

For international arrests (Canada or Interpol) please refer to the **International Folder** (located on Share Point). For federal arrests, refer to the **Federal Folder** located on SharePoint. **DO NOT** contact a local or state law enforcement agency for a federal or international disposition.

When researching a possible prohibitor with an ORI similar to the following: "FBI/DATA INTEGRITY CLARKSBURG (AZ0030500)" this is not a federal arrest. The US District Courts must not be contacted. This is a state arrest and must be researched accordingly. The first two letters in the ORI refer to the state of the originating charge. Contact the POC listed on the appropriate state processing page. On R-84, list ORI as Unknown.

When submitting the request, provide the information listed below and any other pertinent information that may be helpful to the agency contacted:

- FNU or State Identification Number (SID)
- Name of Subject
- Date of Birth
- Charge(s) in question
- Arresting agency and arrest number, if available
- Date of arrest

Note: If the disposition is not available, inquire if an indictment, a bill of information or a formal accusation exists.

If an external agency requests to be contacted via email, the Examiner must submit the request via the team 324 email. The Examiner must include the information listed above by either attaching a completed R84 or documenting the information in the body of the email.

On a daily basis, Examiners correspond via telephonic means with law enforcement agencies inquiring about a criminal history or relaying pertinent information regarding possible firearm retrievals. On occasion, an officer may ask for your name to apply to a report. In the past, an Examiner's full name has been given when requested. You are being instructed to relay your **first name and your BRADY ID (4-digit code) only**. If a full name is still requested, the Examiner's first name and Supervisor's last name will be given. All outgoing correspondence (faxes, mail, Nlets messages, and email) must contain the Examiner's first name of their **official bureau name** and first initial of last name, their Brady ID, and the last name of their supervisor. The correspondence **must** not contain any punctuation or any "nicknames" utilized by the Examiner (example: If your official bureau name is Charles, you must utilize Charles, not Chuck).

Outgoing Faxes and Mail

The Examiner must follow the steps below to edit user settings so all outgoing mail and faxes will populate the information accordingly.

1. Select “Forms” on the NICS Toolbar (a window will appear titled “NICS Operations Online Forms”)
2. On the NICS Operations Online Forms window, select “Edit” (a window will appear titled “Examiner User Settings”)
3. In the Examiner User Settings window, the following information must be populated:
 - a. Examiner – First name of official bureau name and first initial of last name (example: . Do not use punctuation.
 - b. Supervisor (example:)
 - c. Extension
 - d. Email – *team 324 address*
 - e. Unit ID
 - f. Brady ID
 - g. Shift (the remaining information will populate based on the shift chosen)

b6
b7C

Email Requests

The Examiner must provide the following information on email requests:

From: First name of official bureau name, first initial of last name, and supervisor’s last name (example:)
Email: *team 324 address*

b6
b7C

Nlets Messages

The Examiner must provide the following information on Nlets Messages:

First name of official bureau name, first initial of last name, and supervisor’s last name (example:) phone number including extension and NICS fax number.

Payment of Court Transcript Fees

If procedure dictates, the Examiner must request a court transcript. Since courts sometimes require payment for court transcripts, the NICS Section, in cooperation with the CJIS Division’s Contract Administration Office, has developed a process to pay the invoices received from the courts for these transcripts. If the court requires payment, the Examiner must request an invoice be sent with the transcript. No payment will be made in advance before the transcripts are received. Advance payments in general are

prohibited by Title 31, United States Code, Section 3324. This statute prohibits the government from paying for goods before they have been received or for services before they have been rendered. The Examiner must, then send the invoice to the attention of the NICS Section Budget Representative, Module A-3. The invoice must include:

- Company letterhead (Court or Court Reporter's business address)
- Case File Number or invoice number
- Date
- Payment Amount
- Payee Name or Remit to Name
- The number of pages transcribed

If the court will not send the transcript without payment in advance, comments must indicate that the transaction will be delayed indefinitely.

Region Coordinators will attempt annually to obtain the agency's cooperation. The Uncooperative Database, contact lists, and Global Address Book are updated with any new information. If a bill or refusal letter is received, forward the information to the Region Coordinator Supervisor.

Note: If a verbal response is received from an agency, the Examiner is required to request a hard copy. Enter comments stating the hard copy was requested. Once the hard copy is received, enter comments and specify where the hard copy was forwarded (DDF, NSU, etc.)

Mass Contacts

Region Coordinators are responsible for dispatching all Mass Contacts. Mass Contacts are agencies that require the NICS to request information from them in a very specific manner. Examiners must forward the Mass Contacts to the Region Coordinator Team using one of the following, unless the State Processing page(s) provides alternate instructions:

Fax:

1-Open WFD, select "fax" as method of contact, complete form as usual. (All contacts will be available in Court Manager)

2-Click on "Request Information", complete form and click "ok"

3-Click on "no cover sheet" and click OK

4-Go to Outgoing Faxes on your Desktop

5-Single click on the R-84 with the corresponding NTN

6-Click on “email this file” at the top left corner of the screen

7-On the email subject line, the Examiner must enter the name of the mass contact. Ex: MT DOC, NY CHRS, California Manual Record, etc.

Note: Delete any data that automatically populates in the subject field before you enter the appropriate Mass Contact Name.

8-Send email to “NICS_Dispositions”

Note: Do not replace steps 4, 5, and 6 with forwarding your initial email confirmation to the Dispositions Folder. The link that would be forwarded could be purged, which would make the link inaccessible.

E-mail:

1. Open WFD, select “email” as method of contact, complete form as usual. (All contacts will be available in Court Manager)
2. Click on “Request Information.”
3. Complete NICS Email Dispo Request Form.
4. E-mail completed Request Form to NICS_Dispositions. Ensure the name of the mass contact is in the email subject line. Ex: MT DOC, NY CHRS, California Manual Record.

Receiving Voice Mail/Answering Machine

If an Examiner receives a voice mail or answering machine while attempting to contact a law enforcement agency or entity for information, the Examiner must **only leave a message if the agency is identified** on the voice mail. If a specific agency is identified on the voice mail, the Examiner may leave a detailed message requesting information. The Examiner must not be divulging any of the purchaser’s information, the Date of Arrest (DOA) or arrest information if the voice mail is unidentified. Divulging this information on an unidentified voice mail could result in a privacy act violation if the message is left at the incorrect number that is not a law enforcement agency or entity. If a message is left requesting police report or disposition information, enter the request in WFD.

Waiting for Disposition Information

All NICS employees are required to utilize the Waiting for Disposition Information (WFD) function for every NICS Transaction Number (NTN) that requires contact with an outside entity (including telephone calls).

The WFD allows each Date of Arrest (DOA) to have its own WFD screen and its own Comment screen called the Complete DOA Comments Screen. The WFD enables the Examiner to see the specific agency contacted, the method of contact, and the information requested from that agency in the summary of request section for each DOA.

Once an Examiner determines that a valid hit has occurred and the record requires contact with an external entity, a WFD Request must be completed for each DOA needing researched. The Examiner will go to “Form” on the Background Check screen and select “Waiting for Dispo.” When the window appears for WFD, the Examiner will see the following fields located on the Disposition Record:

Field Descriptions:

Top Row:

- NTN – Automatically populated (Examiner cannot change).
- DOA – The Examiner must manually enter the DOA requiring additional research. The two options available include manually entering the Month, Day, Year or selecting the information from the drop-down menu (exception Year). The Examiner must click the “Add” button to add a DOA to the drop-down list.
- DOA – The drop-down menu will include all DOAs that have been added by the Examiner.

Second Row:

This is a “system populated” area updated when the Examiner enters information in the other fields.

- Status – Will show working (request submitted), cancel (request canceled) and completed (response received from agency).
- Date of Arrest – DOA requiring additional research.
- State ID - State receiving request.
- Record ID – Identifying Record Number of the hit requiring additional research (Interstate Identification Index (III) – FBI Number; NCIC – Protection Order, Warrant Number, etc.).
- Request Date/Time – Date and Time the request was submitted to the outside agency.
- Response Date/Time – Date and Time the response was received from the outside agency.

- Agency – Name of Agency receiving the request.
- Action Code – Request type (police report, disposition, etc.). The Action Code determines the form generated. Multiple Action Codes cannot be selected but the additional information being requested from the agency can be indicated in the Comments field within the WFD.

Third Row:

This is a “self populated” area where the Examiners are required to complete the fields in the row.

- Record Number – The drop-down list will include the Identifying Numbers of all hits returned. Select or manually enter the appropriate Identifying Number requiring research.
- Action Code – Request type submitted (choose appropriate item from drop down menu).
- Method of Contact– Request type submitted (choose appropriate item from drop down menu).

Fourth Row:

- Agency Contacted – the “Lookup” tab accesses the Global Address Book.
 - If this option is utilized, the State Contacted, ORI, Attention, and Contact Information will be automatically populated.
 - If this option is not utilized, manual entry is required for the above-listed fields.

Note: If the Examiner selects an agency from the “Lookup” tab and needs to make a change, select the “Lookup” tab again and make the necessary change or click the “Clear” tab.

Note: If Fax is selected as the method of contact, the Request Information tab will not activate unless the agency has a fax number in the Global Address Book.

Last Field Row:

Comments – A free text field. Please refer to [SOP 5.15 Documenting Research Comments](#).

Buttons on the Right Side of the Screen:

- Request Information

- Received Before 3 Days**
- Received After 3 Days**
- Received After 30 Days
- Cancel Request
- Save Comments

The second tab in the WFD is the “DOA Comments.” This tab organizes all agencies contacted and all responses received for each DOA requiring additional research.

Entering Information Requests into WFD

Faxed Requests for One DOA:

1. Select the appropriate DOA on the Disposition Record Screen.
 - If the DOA is not listed already, the Examiner manually enters the information and selects “Add.”
2. Choose the Record Number from the drop-down list or manually enter a record number.
3. Select the appropriate Action Code.
4. Select Fax.
5. Select Lookup and add all agencies contacted for the information.

OR

For a single arrest, the Examiner can manually enter the (a) Agency Contacted, (b) State Contacted, (c) ORI, (d) Attention, (e) Contact information if the information is not available in the Global Address Book; however, the Global Address Book must be utilized if the agency is available.

- a. Multiple agencies can be selected; however, the Primary Agency is the only one that will show in the Agency Contacted field.
- b. If multiple agencies are selected using fax as the method of contact and an agency does not have a fax number listed in the Global Address Book, an error message window stating “FAILED to queue for” that agency will appear indicating that a fax was not transmitted.

- c. Only agencies successfully contacted will be updated in the Status screen as well as in the DOA Comments and the Comments Field of the Background Check.
6. Select Request Information.
7. The Populate the Form Fields screen appears. The following information will complete the R-84 that is submitted to the outside entities:
 - a. NTN – Required – The only field pre-populated and cannot be changed.
 - b. Unit ID – Required.
 - c. Brady ID – Required.
 - d. Examiner – First name required but may use full name if requested by agency.
 - e. Supervisor – Last name required.
 - f. FBI Number – Required.
 - g. Subject Name – Required – This information is pre-populated based on the information provided on the search screen. The Examiner is responsible for ensuring the information matches the subject information on the hit (i.e., Alias information). The Examiner may provide any alias information to the agencies contacted by entering the information into the comments field of the R-84.
 - h. Date of Birth – Required – This information is pre-populated based on the information provided on the search screen. The Examiner is responsible for ensuring the information matches the subject information on the hit (i.e., Alias information). The Examiner may provide any alias information to the agencies contacted by entering the information into the comments field of the R-84.
 - i. Sex - Required.
 - j. SID - Optional.
 - k. SOC - Optional.
 - l. Contributor of Fingerprints – Required.
 - m. OCA – Optional.
 - n. Date Arrested or Received – Required.

o. Offenses Charged at Arrest – Required.

After entering the offenses charged at the time of arrest, the Examiner can right click on the field to obtain list of additional comments or manually enter additional comments/questions regarding that DOA below the charge.

Note: The Name and DOB fields on the R-84 can be edited by the Examiner if necessary.

8. Click OK.
9. Click Send.
10. Review Forms Window is displayed.
 - You can select the R-84 and view or edit it as necessary.
11. Click Send All.
12. The next screen to appear is “Add a Coversheet?” Click the appropriate response.
13. Click OK. Popular Cover Sheet Fields window is displayed.
14. Click OK.

Faxed Requests for Multiple DOAs to the Same Agency

Faxed requests for multiple DOAs to the same agency may be completed via WFD by entering each DOA:

1. Select the DOA on the Disposition Record screen.
 - If the DOA is not listed, the Examiner must manually enter the information and select “Add.”
2. Choose the Record Number from the drop-down list or manually enter a record number.
3. Select the appropriate Action Code.
4. Select Fax.
5. Select Lookup and add the agency contacted for the information or manually enter the Agency Name, the State Contacted, the ORI, Attention field, and Contact Information.

6. Click Request Information.
7. Complete the steps as outlined in Step 7 in the above section of Faxed Requests for One DOA.
8. Select OK.
9. Add the next DOA by entering the date and selecting “Add.”
10. Select the appropriate Action Code.
11. Click Request Information.
12. Complete the fields in the “Populate the Form” window and click OK.
Repeat Steps 9 thru 12 for each additional DOA.
13. Click send. Review Forms Window is displayed.
 - You can select the R-84 and view or edit it as necessary.
14. Click Send All.
15. Select the appropriate Action Code.
16. Click OK. Populate Cover Sheet Fields is displayed.
17. Click OK.

Entering WFD for Information Unattainable

1. Enter only one DOA on the Waiting For Disposition Screen and click “Add” to populate the DOA field
2. Select the Record Number from the drop-down list or manually enter a record number
3. Select the Action Code, “U” Information Unattainable, N/A will be automatically entered into the Method of Contact box
4. For Agency Contacted, Select Lookup. Select Add/Change and type into the Address Book “Information Unattainable”
5. Select OK twice to populate information
6. Select Request Information

Note: The Examiner will only enter **one** “Information Unattainable” per transaction after it has been determined no external agencies can be contacted.

Mailed Requests

Mailed Requests follow the same procedure as Faxed Requests for all DOAs with the following exceptions:

1. Select Mail.
2. Select OK. The next screen to appear is “Add a Coversheet?” Select Final Disposition Request. The Examiner must ensure the information listed is correct. The Examiner has the capability to modify the information with the exception of the NTN.

If Mail is selected as the method of contact and the R84 and Final Disposition Request do not print, do not re-enter this request into WFD. The Examiner must go into Outgoing Faxes and print the R84 and Final Disposition Request. The Examiner also has the option to utilize the NICS Online Forms located on the NICS Toolbar and re-enter the information.

Telephone Requests

Telephone Requests follow the same procedure as Faxed Requests for all DOAs with the following exceptions:

1. Select Telephone.
2. Enter appropriate comments.

Email Requests

All NICS users must refrain from documenting the NTN and status or the NTN and name information on Microsoft Outlook accounts. For Emails to indicate or address multiple NICS transactions, or to request a website be checked, NICS employees must refrain from documenting the NTN and name of the gun buyer in the Email. To eliminate the occurrence of such, the NICS employee must verbally request the information. If unable to request the information verbally, an Email containing only the NTN must be sent. All other requesting information must be clearly stated in the comments of the NICS transaction (not the body of the Email): (Reference Section nine of [SOP 10.1](#))

- DOA
- Offense
- State in which the offense occurred
- Federal Offense (if applicable)
- Statute number of offense if available
- Any other specific information regarding the DOA in question

Email Requests follow the same procedure as Faxed Requests for all DOAs with the following exceptions: (The following link directly connects to the NICS [E-mail Requests](#) form on the Ops Map.)

1. Select Email.
2. Enter appropriate comments.

Multiple Related Federal DOAs With Missing Dispositions

If a criminal history posted on NGI provides multiple Federal arrests that appear to be associated with one another and not every associated cycle is updated with disposition information, the Examiner is required to forward the FBI number and all associated Federal DOAs to the IHT7.

Example:

1-ARRESTED OR RECEIVED 01/20/1982
AGENCY- FBI AGENCY (AK0000000)
AGENCY CASE-82CF2

CHARGE 1- POSSESSION C/S WITH INTENT

COURT- ()
CHARGE- SIMPLE POSSESSION
06/05/82 CONVICTED, 6 MO SUSP, 3 YRS PROB

2-ARRESTED OR RECEIVED 01/20/1982A
AGENCY- US MARSHALS (USMAK0000)
AGENCY CASE-82CF6

CHARGE 1- POSSESSION C/S WITH INTENT

3-ARRESTED OR RECEIVED 01/20/1982B
AGENCY- DEA AGENCY (DEA000000)
AGENCY CASE-82CF8

CHARGE 1- POSSESSION C/S WITH INTENT

**Example is not all inclusive.

To forward information, Examiners will enter a WFD request as normal. In the comments field of the WFD entry, the Examiner will enter the keyword: *BSS. Entry of the keyword enables a system report to be generated and forwarded to BSS by the appointed representative.

Entering Information Received

When an Examiner receives a response from outside agencies, the information **must** be entered in either the Research Comments or WFD.

Exception: It is not required to enter “No Record” responses if a decision of proceed or deny can or has been applied to the NTN. However, if a transaction is still in a **delay** status, all “No Record” responses **must** be entered.

Research Comments

If an Examiner is utilizing the Research Comments to enter receipt of information, the Examiner **must** indicate how the information was received (fax, e-mail, mail, telephone call), the agency that provided the response, the date of arrest the information applies to, and the information provided.

Example: An Examiner is researching a 02/10/1999 arrest made by Hammond PD, Indiana for the charge of Battery. The Examiner must utilize WFD to contact Hammond PD for the police report, as well as, Lake County Traffic and Misd Court and Hammond Superior Court for the disposition information.

*If the Examiner receives a fax from Hammond PD with the police report and enters the information in the Research Comments, the comments **must** state:

Fax received from Hammond PD for DOA: 02/10/1999. Review of police report indicates that the victim was a stranger.

*If the Examiner receives an e-mail from Lake County Traffic and Misd Court, the Research Comments **must** state:

E-mail received from Lake County Traffic and Misd Court for DOA: 02/10/1999. Response indicates charges were dismissed. Forwarded e-mail to DRST.

WFD

To enter information received in WFD:

1. Choose the appropriate DOA.
2. Status Bar - Highlight the agency the information was received from.
3. Enter comments in the WFD Comments field indicating the response received.
4. Click the button that corresponds to the date received, “Received Before 3 Days,” “Received After 3 Days,” or “Received After 30 Days.” Comments will populate into the DOA Comments and the Background Check Screen Comments.

Note: 3 Days is considered 3 business days from the date the request was sent.

Display Form

1. Choose the appropriate DOA.
2. Status Bar - Highlight the agency.
3. Review R-84 Form.

Process 2nd Request

1. Choose the appropriate DOA.
2. Status Bar - Highlight the agency.
3. Click “Process 2nd Request”.
4. “Review Forms” window is displayed.
 - You can select the R-84 and view or edit it as necessary.
5. Click “Send All”.
6. The next screen to appear is “Add a Coversheet”. Select the appropriate response.
7. Click “OK”. Populate Cover Sheet Fields window is displayed.
8. Click “OK”.

Cancel Request

1. Choose the appropriate DOA.
2. Status Bar - Highlight the information that needs to be canceled.
3. Enter appropriate comments.
4. Click “Cancel Request.” The comments will populate into the DOA Comments and the Background Check screen.

Save Comments

1. Choose the appropriate DOA.
2. Enter appropriate comments. The comments will populate into the DOA Comments and the Background Check screen.

Work Around

Specific work-around has been identified and is necessary in order to document the request of information for dates of arrest requiring additional research for each NTN. The scenarios requiring a work-around and the details of each work-around are described below:

- Ability to Add “Unknown” Dates of Arrest (DOA) to WFD

The work-around steps are as follows:

- a. Enter the Month, Day, and Year into WFD as follows: 01/01/1900.
- b. Click ADD.
- c. Complete the remaining fields required to fax, mail, telephone, or Email.
- d. In the Comments field, enter appropriate comments indicating the DOA is “unknown.”
- e. Select Request Information.
- f. In the Populate the Forms field for the DOA, remove the date of 01/01/1900 and type “unknown.”
- g. Complete the WFD entry.

The above work-around will be in place until corrected systematically or until it is determined by the NICS Section it is no longer feasible.

Facsimile Transmission Notification

For NICS transaction documentation purposes, the NICS Research Comments must reflect the appropriate contact information, e.g., the name of the agency faxed and the fax number used in the request. The Biscom Fax Server confirmation message “notification for fax” has been modified to read, “Successful Fax: Fax successfully sent to (agency name) at (agency fax number).”

A NICS Section employee may document the NICS Research Comments by copying and pasting the “Successful Fax” confirmation message into the NICS Research Comments field or by manually locating and entering the information. Only data relevant to the transaction must be placed in the comments or attached to the transaction.

Unsuccessful Fax Confirmation

If an unsuccessful fax confirmation is returned to the Examiner's inbox, the Examiner will:

Contact the appropriate Region Coordinator or send an Email to "Region Coordinators," and the Region Coordinator Supervisor advising of the issue that occurred.

The Region Coordinator will verify the contact data in Court Manager and check with the external agency to determine if they are experiencing any fax communication issues.

If the agency advises the Region Coordinator no issues exist, the Region Coordinator will advise the Examiner to attempt to resend the fax from WFD within the NICS Toolbar. If an unsuccessful fax confirmation is returned to the Examiner's inbox, the Examiner will then print their coversheet and R84(s) from their outgoing faxes folder located on the NICS Desktop and manually fax the information to the agency, verifying it was successfully or unsuccessfully sent to the appropriate agency.

The Examiner will need to print the unsuccessful fax confirmation from their inbox, attach the R84/coversheets and successful fax confirmation and send this information to the Region Coordinator.

The Region Coordinator will report the Unsuccessful / Successful Facsimile information to CCSST which will work with the appropriate individuals to resolve any issues that may be affecting outgoing facsimiles.

WFD Inquiry

**Entering information in WFD Inquiry is optional.

The WFD Inquiry feature allows the Examiner to enter comments into purged transactions only indicating which agencies have responded.

Click on the WFD Inquiry tab located on the toolbar.
Click on DOA and agency that responded.
Enter comments and click appropriate tab.

SOP Number: 5.5.5		Date Last Revised: 04/07/2016
Title: EXTERNAL RESEARCH		

Payment of Court Transcript Fees

If procedure dictates, the Examiner must request a court transcript. Since courts sometimes require payment for court transcripts, the NICS Section, in cooperation with the CJIS Division's Contract Administration Office, has developed a process to pay the invoices received from the courts for these transcripts. If the court requires payment, the Examiner must request an invoice be sent with the transcript. No payment will be made in advance before the transcripts are received. Advance payments in general are prohibited by Title 31, United States Code, Section 3324. This statute prohibits the government from paying for goods before they have been received or for services before they have been rendered. The Examiner must, then send the invoice to the attention of the NICS Section Budget Representative, Module A-3. The invoice must include:

- Company letterhead (Court or Court Reporter's business address)
- Case File Number or invoice number
- Date
- Payment Amount
- Payee Name or Remit to Name
- The number of pages transcribed

If the court will not send the transcript without payment in advance, comments must indicate that the transaction will be delayed indefinitely.

Region Coordinators will attempt annually to obtain the agency's cooperation. The Uncooperative Database, contact lists, and Global Address Book are updated with any new information. If a bill or refusal letter is received, forward the information to the Region Coordinator Supervisor.

Note: If a verbal response is received from an agency, the Examiner is required to request a hard copy. Enter comments stating the hard copy was requested. Once the hard copy is received, enter comments and specify where the hard copy was forwarded (DDF, NSU

[redacted] (CJIS) (FBI)

b6
b7C

From: [redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 7:51 AM
To: [redacted] (CJIS) (FBI)
Subject: FW: Phones

From: [redacted] (CJIS) (FBI)
Sent: Thursday, June 09, 2016 9:42 AM
To: [redacted]
Subject: FW: Phones

b6
b7C

For the FOIA request

From: [redacted] (CJIS) (FBI)
Sent: Thursday, October 22, 2015 4:54 PM
To: [redacted]
[redacted]
Subject: Phones

Hey guys,

Starting tomorrow 10/23 all AST is halting all Research/VAF Appeal cases as well as Explosives/Permits. All of our staff will be utilized same as the R and A Examiners. We've already sent up names for Escalation for next week, however change it however you see fit. Please add all of our Teams to the phone and e-check schedules as needed, just a couple exceptions –

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

b6
b7C
b7E

This will remain in effect until further notice [redacted] None of our Teams will be needed under the Escalation plan due already being incorporated.

b5

If you have any questions please let me know.

Thanks!! [redacted]

b6
b7C

[redacted] (CJIS) (FBI)

b6
b7C

From: [redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 7:52 AM
To: [redacted] (CJIS) (FBI)
Subject: FW Thanksgiving workload

From: [redacted] (CJIS) (FBI)
Sent: Tuesday, November 24, 2015 12:31 PM
To: [redacted]
Subject: RE: Thanksgiving workload

b6
b7C
b7E

Sorry, one more item I just thought about! [redacted] Is that being stopped as well? Now I have time to think! Lol

----- Original message -----

From: [redacted]
Date: 11/24/2015 12:25 PM (GMT-05:00)
To: [redacted]
[redacted]
Cc: [redacted]
Subject: Thanksgiving workload

b6
b7C

Looking at the forecast for the next few days and early next week (see attached), we will have checks very, very likely hitting the fourth day without being worked if things remain as they are now. Based on discussions with various staff and [redacted] we are changing the plan for Friday (11/27), Monday (11/30) and Tuesday (12/1). We may also have to put these measures in place on Wednesday (12/2) but are trying to avoid it with the changes for Friday, Monday and Tuesday.

b6
b7C

- 1) [redacted]
- 2) [redacted]

b7E

- 3) [Redacted]
- 4) [Redacted]
- 5) [Redacted]

b7E

In summary, we need everyone's help to get through this week and next; therefore, everyone who can help and work the Queue need to be working the Queue when they are not scheduled for the phones or E-check. I am working very hard to be as transparent as possible and utilizing all necessary NOU and support staff resources to evaluate the forecasts and staffing to minimize the impact all I can. If you have any questions or suggestions, please feel free to let me know. Each Unit Chief should submit names to [Redacted] (and the normal email group) by COB today if possible but no later than COB 11/25 indicating who is capable to work the Queue and who is not. In addition [Redacted] (and group) needs names of available staff for each day next week as we anticipate we will be at Maximum all week. [Redacted] can then staff the E-check and TP schedules as applicable.

b6
b7C

Thanks to everyone for helping out!!

[Redacted] (CJIS) (FBI)

b6
b7C

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 2:51 PM
To: [Redacted] (CJIS) (FBI)
Subject: FW: Thanksgiving workload
Attachments: NICS Escalation Plan Worksheet xlsx

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 2:44 PM
To: [Redacted]
Subject: FW: Thanksgiving workload

b6
b7C

From: [Redacted] (CJIS) (FBI)
Sent: Wednesday, November 25, 2015 7:34 AM
To: [Redacted]
[Redacted]
Subject: FW: Thanksgiving workload

From: [Redacted] (CJIS) (FBI)
Sent: Wednesday, November 25, 2015 7:27 AM
To: [Redacted]
[Redacted]
Cc: [Redacted]
Subject: FW: Thanksgiving workload

b6
b7C

From: [Redacted] (CJIS) (FBI)
Sent: Wednesday, November 25, 2015 7:26 AM
To: [Redacted]
Subject: FW: Thanksgiving workload

Here is what we got

From: [redacted] (CJIS) (FBI)
Sent: Tuesday, November 24, 2015 12:36 PM
To: [redacted]

b6
b7C

Subject: FW: Thanksgiving workload

FYI

From: [redacted] (CJIS) (FBI)
Sent: Tuesday, November 24, 2015 12:26 PM
To: [redacted]

b6
b7C

Cc: [redacted]

Subject: Thanksgiving workload

Looking at the forecast for the next few days and early next week (see attached), we will have checks very, very likely hitting the fourth day without being worked if things remain as they are now. Based on discussions with various staff and [redacted] we are changing the plan for Friday (11/27), Monday (11/30) and Tuesday (12/1). We may also have to put these measures in place on Wednesday (12/2) but are trying to avoid it with the changes for Friday, Monday and Tuesday.

- 1) [redacted]
- 2) [redacted]
- 3) [redacted]
- 4) [redacted]
- 5) [redacted]

b7E

In summary, we need everyone's help to get through this week and next; therefore, everyone who can help and work the Queue need to be working the Queue when they are not scheduled for the phones or E-check. I am working very hard to be as transparent as possible and utilizing all necessary NOU and support staff resources to evaluate the forecasts and staffing to minimize the impact all I can. If you have any questions or suggestions, please feel free to let me know. Each Unit Chief should submit names to [redacted] (and the normal email group) by COB today if possible but no later than COB 11/25 indicating who is capable to work the Queue and who is not. In addition, [redacted] (and group) needs names of available staff for each day next week as we anticipate we will be at Maximum all week. [redacted] can then staff the E-check and TP schedules as applicable.

b6
b7C

Thanks to everyone for helping out!!

[Redacted] (CJIS) (FBI)

b5
b6
b7C

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 7:50 AM
To: [Redacted] (CJIS) (FBI)
Subject: [Redacted]

-----Original Message-----

From: [Redacted] (CJIS) (FBI)
Sent: Thursday, June 09, 2016 10:13 AM
To: [Redacted]
Subject: [Redacted]

b5
b6
b7C

-----Original Message-----

From: [Redacted] (CJIS) (FBI)
Sent: Friday, November 27, 2015 8:33 AM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]

b5
b6
b7C

[Redacted]

[Redacted]

Thanks,

[Redacted]

[redacted] (CJIS) (FBI)

b6
b7C

From: [redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 7:52 AM
To: [redacted] (CJIS) (FBI)
Subject: FW: Hot Topics

-----Original Message-----

From: [redacted] (CJIS) (FBI)
Sent: Monday, November 30, 2015 8:23 AM
To: [redacted]
Subject: Hot Topics

b6
b7C

[redacted]

Please add to Hot Topics.

On November 28, 2015, the Appeal Services Team missed the five business day deadline to respond with the reason for denial on three appeals. Appeal worked was stopped for two weeks due to the delay queue volume.

Thanks,
[redacted]

[Redacted] (CJIS) (FBI)

b6
b7C

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 2:48 PM
To: [Redacted] (CJIS) (FBI)
Subject: FW: Workload Meeting

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 2:46 PM
To: [Redacted]
Subject: FW: Workload Meeting

From: [Redacted] (CJIS) (FBI)
Sent: Monday, December 07, 2015 9:56 AM
To: [Redacted]

b6
b7C

[Redacted]

Subject: FW: Workload Meeting

FYI

From: [Redacted] (CJIS) (FBI)
Sent: Monday, December 07, 2015 9:54 AM
To: [Redacted]
Subject: FW: Workload Meeting

b6
b7C

Please get this out to your teams!

Thanks,
[Redacted]

From: [Redacted] (CJIS) (FBI)
Sent: Monday, December 07, 2015 9:41 AM
To: [Redacted]

b6
b7C

[Redacted]

Subject: FW: Workload Meeting

Please share with staff.

[redacted] not sure who is here and who isn't so please ensure Team Leads receive this.

b6
b7C

Thanks,

[redacted]

From [redacted] (CJIS) (FBI)

Sent: Monday, December 07, 2015 9:40 AM

To [redacted]

[redacted]

b6
b7C

Subject: Workload Meeting

Per our conversation in this morning's workload meeting. Please let your staff know. Thanks!

- [redacted]
- Incoming Appeal Mail will not be processed.
- [redacted]
- Tuesday (12/8) through Friday (12/11)– leave is cancelled for all NICS Section Staff
- NICS will try to minimize as much as possible any leave restrictions; however, Mondays and Tuesdays for the remainder of December will potentially have leave cancelled. Decisions will be made from week-to-week in an effort to minimize the days restricted.
- All days previously provided for NICS as being 0% leave will still be in effect through the remainder of 2015.
- All NICS Section and Division Assistance Staff must report to the NCC if they are working E-Check/TP, but were not scheduled. The NCC will assign functions based on the need and will pull Examiners off to work the delay queue. This includes Supervisors and Area Managers.
- The NICS Management Team is doing all we can to avoid mandatory overtime; however, the potential exists due to the increased volume being received.
- Over the weekend, the NICS Section received 9,728 more E-Check transactions than was forecasted
- We are currently running 30% higher than expected and this will run through Christmas

b7E

b7E

I know it isn't enough, but we thank you and your staff for all of the assistance. Also, hats off to the R&A staff for all of their hard work!

Thanks,

[redacted]

b6
b7C

[Redacted] (CJIS) (FBI)

b6
b7C

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 3:12 PM
To: [Redacted] (CJIS) (FBI)
Subject: FW: Five Day Responses for Appeals

-----Original Message-----

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 3:10 PM
To: [Redacted]
Subject: FW: Five Day Responses for Appeals

b6
b7C

-----Original Message-----

From: [Redacted] (CJIS) (FBI)
Sent: Thursday, December 17, 2015 3:58 PM
To: [Redacted]

[Redacted]

b6
b7C

Subject: FW: Five Day Responses for Appeals

-----Original Message-----

From: [Redacted] (CJIS) (FBI)
Sent: Thursday, December 17, 2015 3:57 PM
To: [Redacted]

[Redacted]

b6
b7C

Subject: FW: Five Day Responses for Appeals

-----Original Message-----

From: [Redacted] (CJIS) (FBI)
Sent: Thursday, December 17, 2015 12:40 PM
To: [Redacted]

[Redacted]

b6
b7C

Cc: [Redacted]

b6
b7C

[Redacted]

Subject: Five Day Responses for Appeals

Please share with the Supervisors and ask them to share with their staff.

The AST has five business days to tell a denied individual the reason for their denial. However, the AST Examiners are not performing any appeal work due to the increased volume. [Redacted]

b5

[Redacted]

[Redacted]

b5
b7E

[Redacted]

Thanks,

[Redacted]

b6
b7C

[redacted] (CJIS) (FBI)

b6
b7C

From: [redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 7:49 AM
To: [redacted] (CJIS) (FBI)
Subject: FW: Backlogs because of surge of staff

FOIA

From: [redacted] (CJIS) (FBI)
Sent: Thursday, June 09, 2016 10:16 AM
To: [redacted]
Subject: FW: Backlogs because of surge of staff

b6
b7C

From: [redacted] (CJIS) (FBI)
Sent: Friday, December 18, 2015 4:13 PM
To: [redacted]
Cc: [redacted]

Subject: RE: Backlogs because of surge of staff

b6
b7C

[redacted]
In light of the sensitivity – the rewrite looks good.

Thanks,

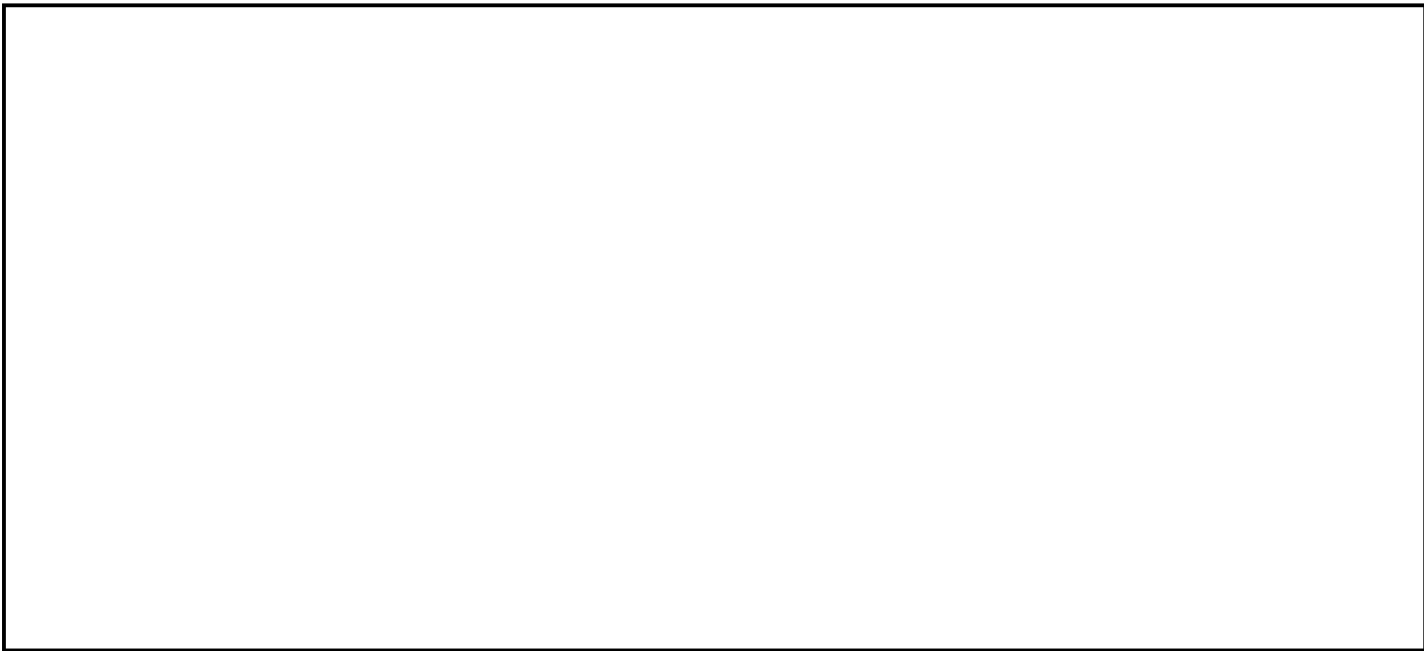
[redacted]
From: [redacted] (FD) (FBI)
Sent: Friday, December 18, 2015 4:08 PM
To: [redacted]
[redacted]
Cc: [redacted]

b5
b6
b7C

Subject: RE: Backlogs because of surge of staff

Hi [redacted]

b5
b6
b7C

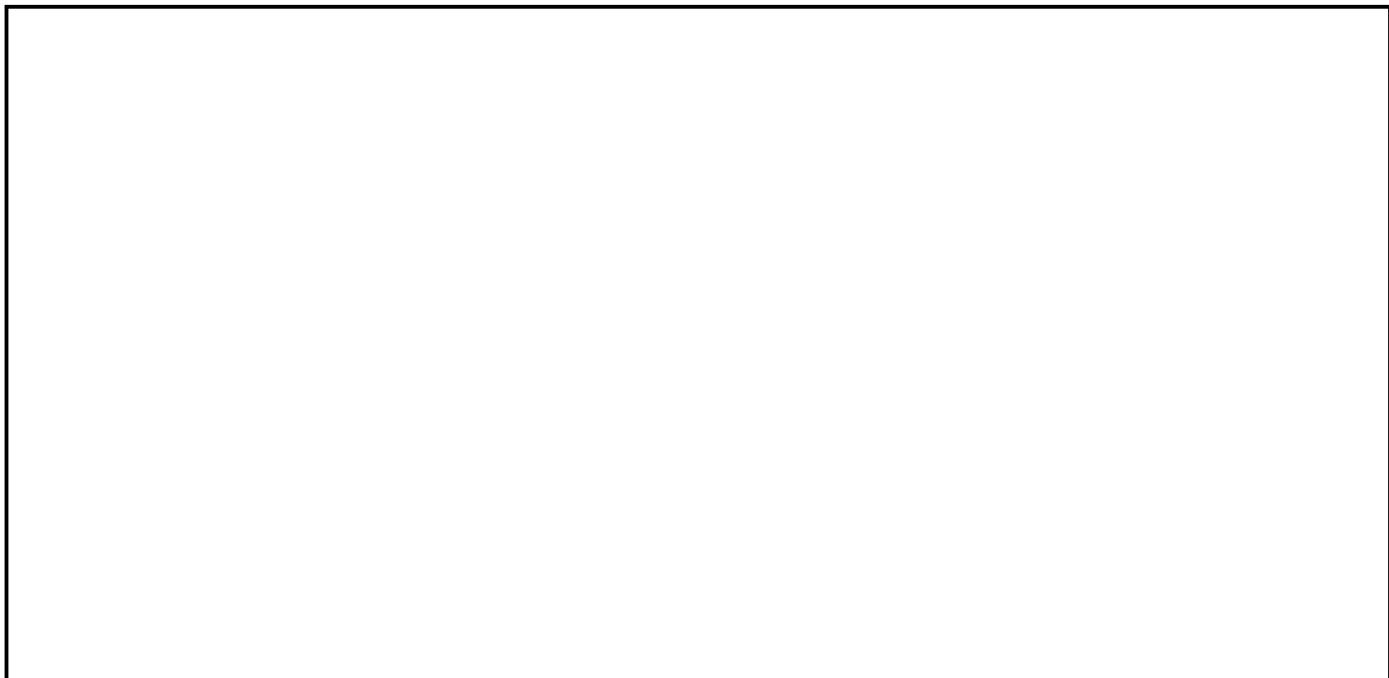


From: [redacted] (CJIS) (FBI)
Sent: Friday, December 18, 2015 2:06 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Backlogs because of surge of staff

b5
b6
b7C

[redacted]

Please see responses below from NICS.



[Redacted]

b5

[Redacted]

FBI CJIS Division
Unit Chief, Financial Management Unit
Module D-3

b6
b7C

Office: [Redacted]

Cell: [Redacted]

Email: [Redacted]

From: [Redacted] (FD) (FBI)

Sent: Friday, December 18, 2015 12:38 PM

To: [Redacted]

[Redacted]

Cc: [Redacted]

[Redacted]

Subject: RE: Backlogs because of surge of staff

b5
b6
b7C

[Redacted]

[Redacted]

Thanks

[Redacted]

From: [Redacted] (CJIS) (FBI)

Sent: Friday, December 18, 2015 12:02 PM

To: [Redacted]

Cc: [Redacted]

Subject: FW: Backlogs because of surge of staff

b6
b7C

[Redacted]

I did not include everyone on the email – wanted to get this to you quickly. Please see [Redacted] note below and the attached.

Thank you,

[Redacted]

From: [Redacted] (CJIS) (FBI)

Sent: Friday, December 18, 2015 11:56 AM

To: [Redacted]

Subject: Backlogs because of surge of staff

b5
b6
b7C

[Redacted]

[Redacted] (CJIS) (FBI)

b6
b7C

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 2:45 PM
To: [Redacted] (CJIS) (FBI)
Subject: FW: Five Day Responses for Appeals

-----Original Message-----

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 2:39 PM
To: [Redacted]
Subject: FW: Five Day Responses for Appeals

b6
b7C

Not sure if this is what you are looking for

-----Original Message-----

From: [Redacted] (CJIS) (FBI)
Sent: Friday, December 18, 2015 5:57 AM
To: [Redacted]

[Redacted]

b6
b7C

Subject: FW: Five Day Responses for Appeals

-----Original Message-----

From: [Redacted] (CJIS) (FBI)
Sent: Thursday, December 17, 2015 3:57 PM
To: [Redacted]

[Redacted]

b6
b7C

Subject: FW: Five Day Responses for Appeals

-----Original Message-----

From: [Redacted] (CJIS) (FBI)
Sent: Thursday, December 17, 2015 12:40 PM
To: [Redacted]

[Redacted]

Cc: [Redacted]
[Redacted]

b6
b7C

Subject: Five Day Responses for Appeals

Please share with the Supervisors and ask them to share with their staff.

The AST has five business days to tell a denied individual the reason for their denial. However, the AST Examiners are not performing any appeal work due to the increased volume. [redacted]

b5

[redacted]

[redacted]

b5
b7E

[redacted]

Thanks,

[redacted]

b6
b7C

[redacted] (CJIS) (FBI)

b6
b7C

From: [redacted] (CJIS) (FBI)
Sent: Tuesday, June 14, 2016 7:52 AM
To: [redacted] (CJIS) (FBI)
Subject: FW: 5 Day Appeal Responses--who to notify?

From: [redacted] (CJIS) (FBI)
Sent: Wednesday, January 13, 2016 1:29 PM
To: [redacted]
Cc: [redacted]
Subject: RE: 5 Day Appeal Responses--who to notify?

b6
b7C

We stopped processing front-end mail on 11/25/2015. [redacted]
[redacted]

b7E

Thanks,
[redacted]

From: [redacted] (CJIS) (FBI)
Sent: Wednesday, January 13, 2016 8:15 AM
To: [redacted]
Cc: [redacted]
Subject: RE: 5 Day Appeal Responses--who to notify?

b6
b7C

[redacted]

After reading through the SMT update I am not clear on when we "began" not processing 5 Day Appeal letters and when we resumed processing 5 Day Appeal letters. If you can provide clarification on that I believe I have all I need.

Thank You!

[redacted]

From: [redacted] (CJIS) (FBI)
Sent: Tuesday, January 12, 2016 5:20 PM
To: [redacted]
Cc: [redacted]
Subject: RE: 5 Day Appeal Responses--who to notify?

b6
b7C

[redacted]—The risks identified thus far include:

[Redacted]

b5

[Redacted]

Let me know if there is anything else you need.

Thanks,

[Redacted]

b5
b6
b7C
b7E

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, January 12, 2016 2:46 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: 5 Day Appeal Responses--who to notify?

[Redacted] However I still need the risks if you can provide those and the message we provided to the appellants when they called the NICS.

From: [Redacted] (CJIS) (FBI)
Sent: Tuesday, January 12, 2016 2:23 PM
To: [Redacted]
Cc: [Redacted]
Subject: 5 Day Appeal Responses--who to notify?

b5
b6
b7C
b7E

[Redacted]

[Redacted]

The paper stalled during the Maximum Escalation and I am able to pick it back up today to work on it.

[Redacted]

NICS Section Workload Management Meeting – Discussion Points:

- The decision was made to go with Maximum Escalation up to 12/25/15 based on expected incoming transaction volume.
- [REDACTED] This will be evaluated on a weekly basis.
- [REDACTED] This will be evaluated on a weekly basis.
- Division Assistance for December 2, 3 and 4, 2015, will be determined by close of business Tuesday, December 1, for staff planning purposes.
- For this week the following leave requirements will be in effect for the NICS Section's staff:
 - o Monday (11/30) – leave was cancelled
 - o Tuesday (12/1)– leave is cancelled
 - o Wednesday (12/2)– NOU Staff 20%, Support Staff N/A, Division Assistance N/A
 - o Thursday (12/3)– NOU Staff 20%, Support Staff N/A, Division Assistance N/A
 - o Friday (12/4)– NOU Staff 10%, Support Staff 50%, Division Assistance N/A
- NICS will try to minimize as much as possible any leave restrictions; however, Mondays and Tuesdays for the remainder of December will potentially have leave cancelled. Decisions will be made from week-to-week in an effort to minimize the days restricted.
- Action for NOU and [REDACTED] Need to determine Division Assistance and any leave restrictions for them for next week.
- All days previously provided for NICS as being 0% leave will still be in effect through the remainder of 2015.
- 11/30/2015 – [REDACTED]
- There is still a maximum total of 12 hours an employee can work for any given day
- NOU Management requested a Section IDR report to gauge performance
- Discussions about work being delayed by those assisting and the number of quicks being processed was raised to support the 5215 transactions processed from the delay queue on 11/30/2015
- December 1, 2014, versus 2015 start of the day Delay Queue comparison:
 - o 2014 – 4684 total transaction
 - o 2015 – 6978 total transactions
- [REDACTED] is working on accesses and logons for Division assistance so that the Command Center can more closely monitor and appropriately assign staff to TP/E-Check and the Delay Queue
- All NICS Section and Division Assistance Staff must report to the NCC if they are working E-Check/TP, but were not scheduled. The NCC will assign functions based on the need and will pull Examiners off to work the delay queue. This includes Supervisors and Area Managers.
- [REDACTED]
- [REDACTED]
- Action for each Unit Chief: If you have staff that cannot work the Delay Queue, please send those names to [REDACTED] in the Command Center no later than COB today (12/1).

b7E

b6
b7C

b7E

b6
b7C

b7E

b6
b7C