U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) OPERATIONS

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 since its inception on November 30, 1998. The focus of the FBI Criminal Justice Information Services Division's 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 2017, there were 25,235,215 firearm background checks processed.

Because servicing the FFLs is a priority of the NICS Section, the NICS Section markets the NICS E-Check to FFLs as an opportunity to conduct firearm background checks electronically as an alternative to telephonically. Enrollment in the NICS E-Check continues to grow as the FFLs realize the benefits of the electronic access. In Calendar Year 2017, the usage of the NICS E-Check has grown to 80 percent; up from 76 percent in 2016.

While continuing to process a large volume of firearm background checks, the NICS Section's research proficiencies were enhanced in 2017 after an increase of 1,589,422 records were submitted into the NICS Indices by multiple agencies. The NICS Indices include individuals who have been determined to be federally or state prohibited from possessing or receiving 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 enhance public safety by denying 103,985 firearm background checks in 2017.

The NICS continues to receive system enhancements to improve processing for its users. Internal operational and processing enhancements continue to be identified and prioritized by the NICS users and the technical staff.

As the NICS Section moves forward with the future development of the NICS, we are committed to consistently providing NICS 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.

Robin A. Stark-Nutter

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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 FBI has identified, developed, and implemented improvements to support the NICS Section's mission of enhancing 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 2017 include the following:

- The NICS processed 25,235,215 background checks in 2017: the NICS Section processed 8,638,246 transactions, and state users processed 16,596,969 transactions. From November 30, 1998, to December 31, 2017, the NICS processed a total of 278,452,380 transactions. Of these, the NICS Section processed 120,426,145 transactions, and state users processed 158,026,235 transactions.

- The NICS Section denied 103,985 transactions in 2017. Since its inception, the NICS Section has denied a total of 1,497,714 transactions.

- The NICS Section attempted to reach the U.S. Attorney General-mandated Immediate Determination Rate goal of 90 percent or better by concluding the year with 89.26 percent.

- The NICS Section processed 109,177 background checks for the issuance of explosives-related permits.

- The NICS Section processed 7,015,070 of the total 31,217,685 firearms and explosives transactions submitted via the Internet-based NICS E-Check.

- The NICS Indices records totaled 17,399,461, which is an increase of 1,589,422 records since December 31, 2016.

- 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, 2017, the VAF contained approximately 34,000 entries with an active Unique Personal Identification Number (UPIN). From July 2004 through December 31, 2017, more than 147,100 background checks have been processed using a UPIN.

- The NICS availability averaged 99.36 percent.

- The NICS Section forwarded 6,004 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 (DOJ), and local and state law enforcement agencies. On November 30, 1998, the FBI activated the NICS, designed to instantly respond to background check inquiries for prospective firearm transferees. 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) databases, as 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, 2017, the III records available to be searched by the NICS during a background check numbered 75,950,530.

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, 2017, the NCIC records available to be searched by the NICS during a background check totaled 6,430,380.

NICS Indices: The NICS Indices, a database created specifically for the NICS, contain 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 Indices are not available via the III or the NCIC. As of December 31, 2017, the NICS Indices contained 17,399,461 records.

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 2017, the NICS Section and the Point-of-Contact (POC) states (states that have implemented a state-based NICS program) sent 214,823 such queries to the ICE. From February 2002 to December 31, 2017, the ICE conducted more the 1,186,167 queries in support of the NICS.

2017 NICS Operations

In most cases, the results of a firearm background check yield definitive information regarding an individual's eligibility to possess or receive a firearm. 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 substantiated after three business days, 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.

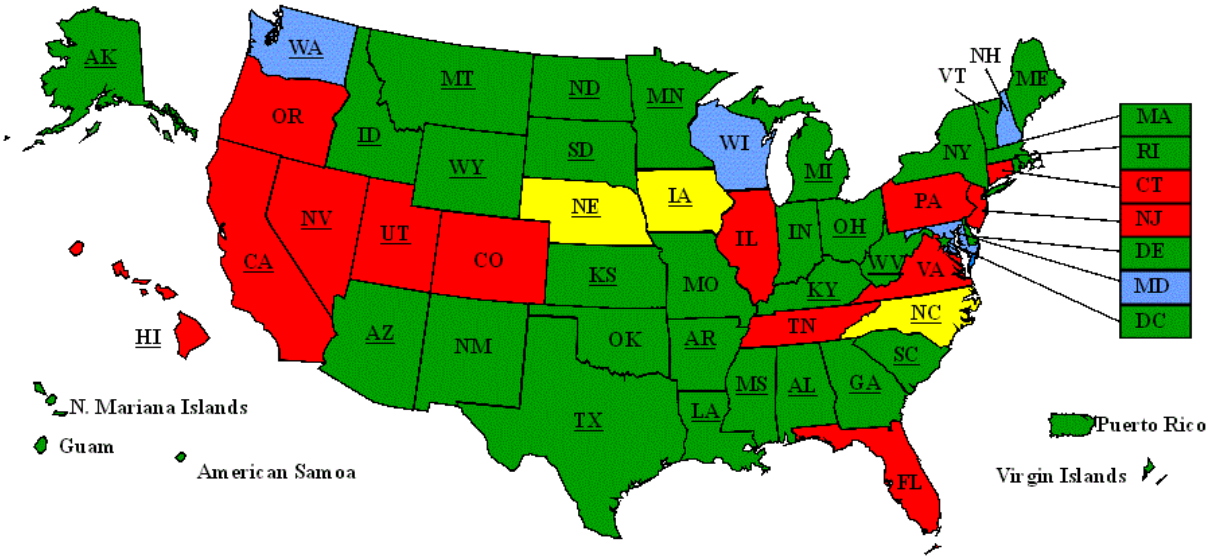
Individuals who believe they are wrongfully denied the transfer of a firearm can appeal the deny decision. The "denying agency" will be either the FBI or the state agency serving as a POC for the NICS. The provisions for appeals are outlined in Title 28, Code of Federal Regulations (C.F.R.), Section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

Extensive measures are taken by the FBI to ensure the security and the integrity of NICS information; however, all contributing agencies are ultimately responsible for the accuracy, completeness, and validity of the information made available to the NICS. The U.S. Attorney General's regulations regarding the privacy and security of the NICS are available on the Internet at <https://www.fbi.gov/services/cjis/nics/about-nics>.

2017 NICS Operations

NICS Participation

The NICS served 50,022 FFLs conducting business in 36 states, 5 U.S. territories, and the District of Columbia in 2017. The FFLs contacted the NICS Section to initiate the required background checks by utilizing the NICS E-Check via the Internet or the telephone. In 2017, FFLs initiated 79.95 percent of the transactions 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.



13 Full Point of Contact (POC) State—Contact state/territory for all firearm background checks including permits
4 Partial POC—Contact state for handgun and FBI for long gun background checks
3 Partial POC— Contact state for handgun permit and FBI for long gun background checks
36 Non-POC—Contact FBI for all firearm background checks
28 Denotes that the State has at least one ATF-Qualified Alternate Permit. The permits are issued by local or state agencies. Please refer to the latest Permanent Brady Permit Chart for specific permit details at <www.atf.gov/rules-and-regulations/permanent-brady-permit-chart>.

Color code	Number of States	Description
Red	13	Full Point of Contact (POC) State—Contact state/territory for all firearm background checks including permits
Blue	4	Partial POC—Contact state for handgun and FBI for long gun background checks
Yellow	3	Partial POC—Contact state for handgun permit and FBI for long gun background checks
Green	36	Non-POC—Contact FBI for all firearm background checks
Underlined	28	Denotes that the State has at least one ATF-Qualified Alternate Permit. The permits are issued by local or state agencies. Please refer to the latest Permanent Brady Permit Chart for specific permit details at <www.atf.gov/rules-andregulations/permanent-brady-permit-chart>

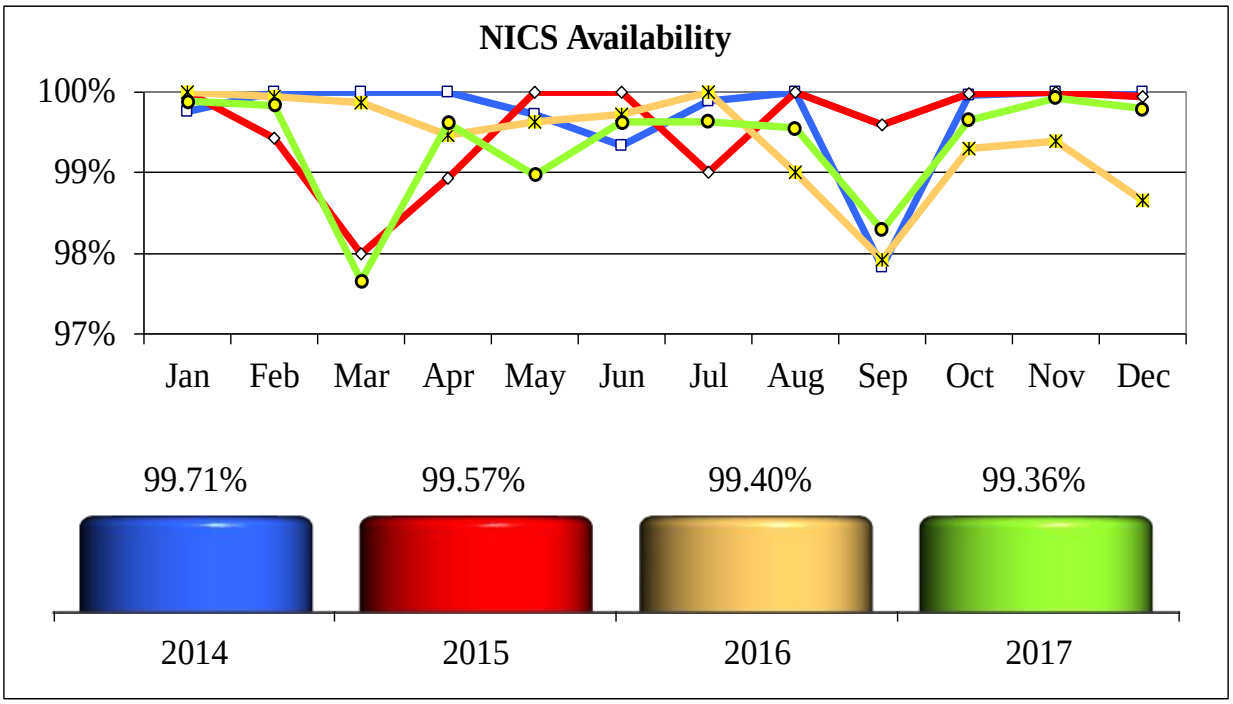
Alternate Permits

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. For an updated listing of U.S. states and territories that issue one or more ATF-approved alternate permits, please visit the ATF website and reference the Permanent Brady Permit Chart.

2017 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 III or the NCIC 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. Decreases in availability are typically due to scheduled maintenance for system upgrades and unscheduled maintenance to resolve any reported system issues.



NICS Availability				
Month	2014	2015	2016	2017
January	99.76%	100.00%	100.00%	99.88%
February	100.00%	99.42%	99.94%	99.83%
March	100.00%	98.00%	99.86%	97.66%
April	100.00%	98.92%	99.46%	99.61%
May	99.72%	100.00%	99.63%	98.97%
June	99.33%	100.00%	99.71%	99.62%
July	99.88%	99.01%	99.99%	99.63%
August	100.00%	99.99%	99.00%	99.55%
September	97.82%	99.58%	97.92%	98.29%
October	99.95%	99.97%	99.29%	99.65%
November	99.99%	100.00%	99.39%	99.92%
December	100.00%	99.93%	98.66%	99.79%
Yearly Average	99.71%	99.57%	99.40%	99.36%

NICS E-Check

The NICS E-Check provides the capability to conduct background checks electronically through a secure Internet connection and has many benefits not available with the use of the telephones through the NICS Contracted Call Centers. Upon receipt of a NICS E-Check request, the NICS Section's staff will process the NICS E-Check by performing a cursory review in an attempt to complete the transaction.

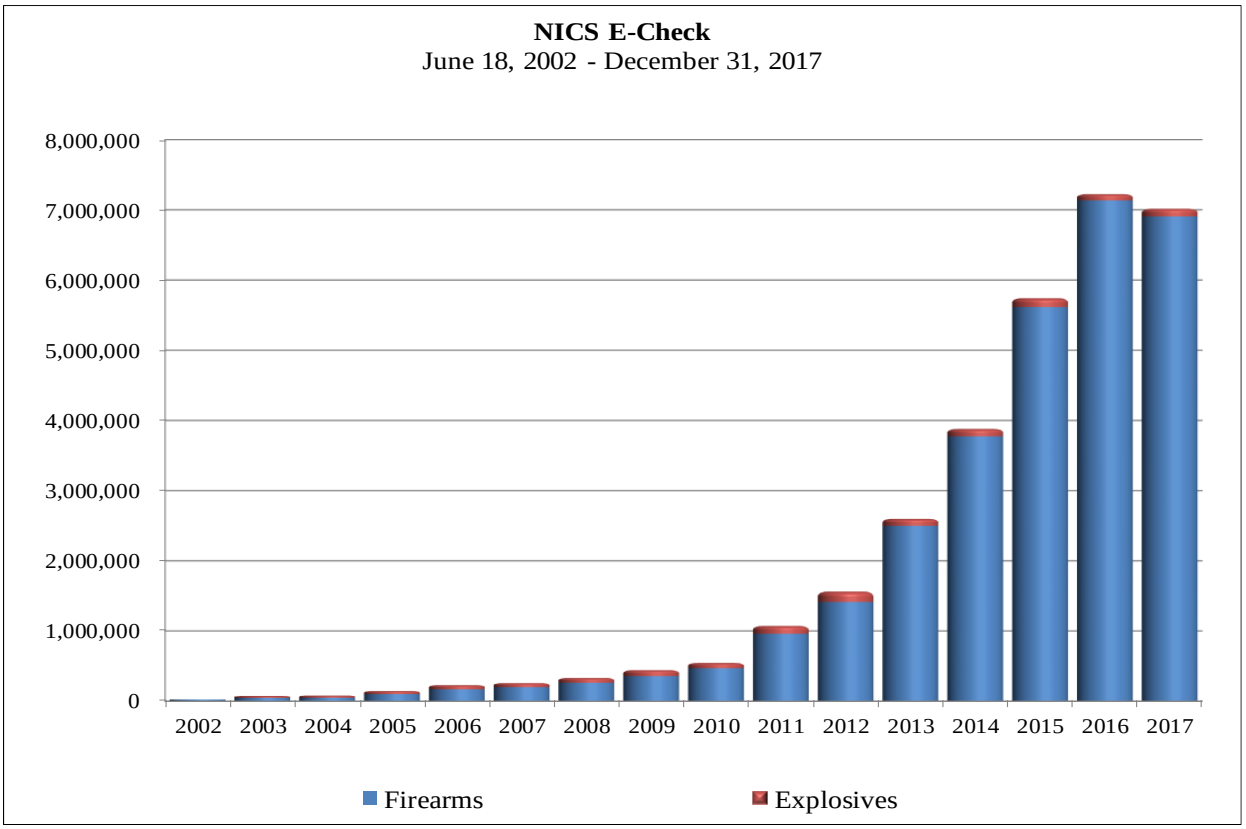
As of December 31, 2017, an estimated 29,600 FFLs were enrolled to submit background checks to the NICS via the NICS E-Check. This represents just over 59 percent of all FFLs located in non-POC states. Some of the major corporations access the NICS E-Check through an Extensible Markup Language process, which does not involve registering through the NICS E-Check website. Therefore, the number of FFLs submitting background checks electronically is actually higher than the number of FFLs enrolled as listed above. Between June 18, 2002, and December 31, 2017, a total of 31,217,685 firearms and explosives background checks were processed via the NICS E-Check. In 2017, there were 7,015,070 NICS E-Check transactions processed. Of the 2017 NICS E-Check transactions, 6,905,913 were inquiries for firearms.

To increase NICS E-Check usage, the NICS Section has undertaken many initiatives. Some of the 2017 initiatives are provided below:

- An initiative to conduct on-site visits to assist FFLs with registration began in 2014 and continued in 2017.
- Promotion of the NICS E-Check at FFL seminars and conferences.
- Submission of articles to the National Pawnbrokers Association magazine.
- Development of a 2018 promotional plan for the NICS E-Check.

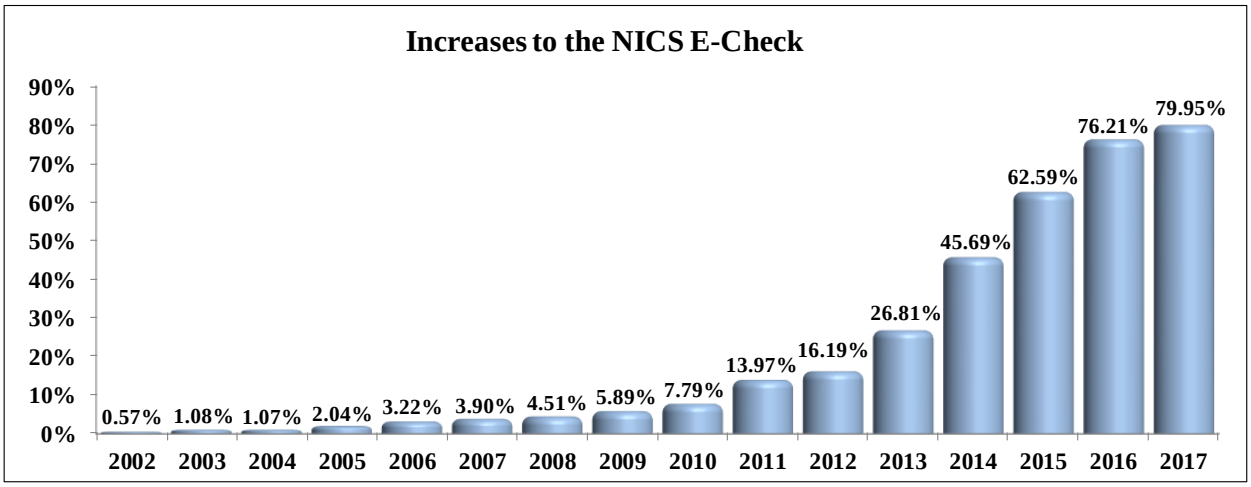
The following two pages contain four charts providing statistical data for the 2017 NICS E-Check.

2017 NICS Operations



NICS E-Check June 18, 2002 - December 31, 2017		
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
2017	6,905,913	109,157

*NICS background checks for explosives began in May 2003.



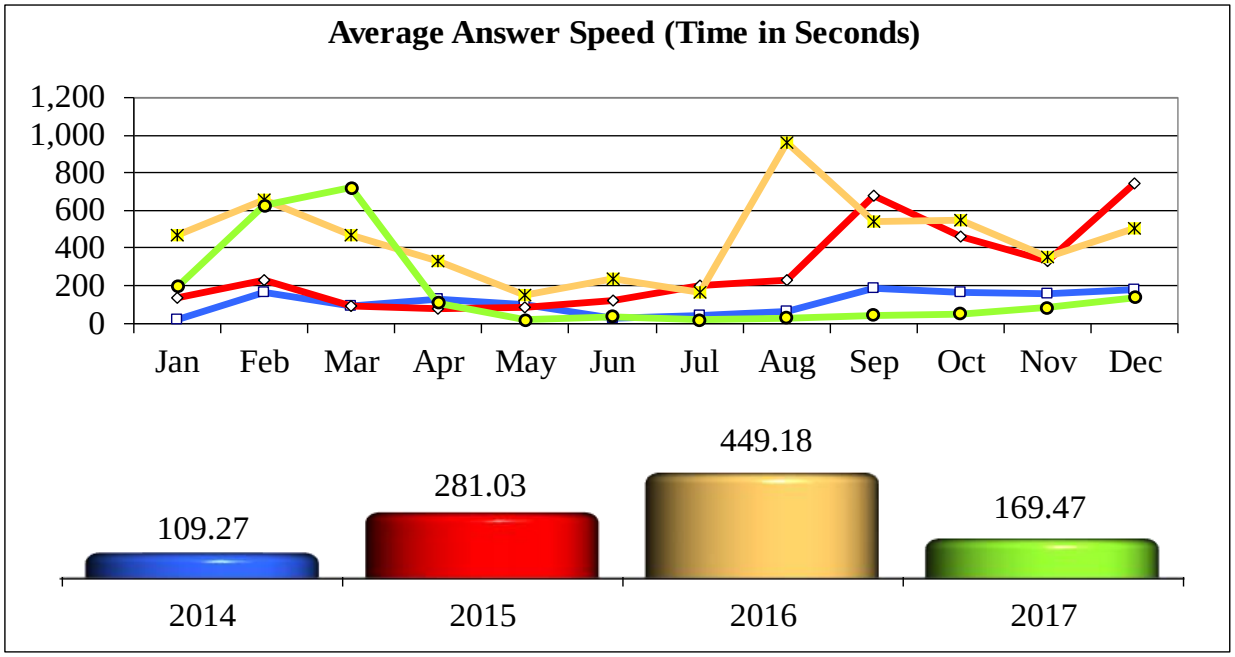
NICS E-Check June 18, 2002 - December 31, 2017	
Year	Percentage of federal firearm background checks processed via the NICS E-Check
2002	0.57%
2003	1.08%
2004	1.07%
2005	2.04%
2006	3.22%
2007	3.90%
2008	4.51%
2009	5.89%
2010	7.79%
2011	13.97%
2012	16.19%
2013	26.81%
2014	45.69%
2015	62.59%
2016	76.21%
2017	79.95%

2017 NICS Operations

Answer Speed

Many call center operations have a target goal of answering 80 percent of calls within 20 seconds. In 2017, the NICS Contracted Call Centers answered 84.94 percent of the 1,732,217 calls handled within 20 seconds. The NICS Contracted Call Centers receive initial calls to process a NICS transaction.

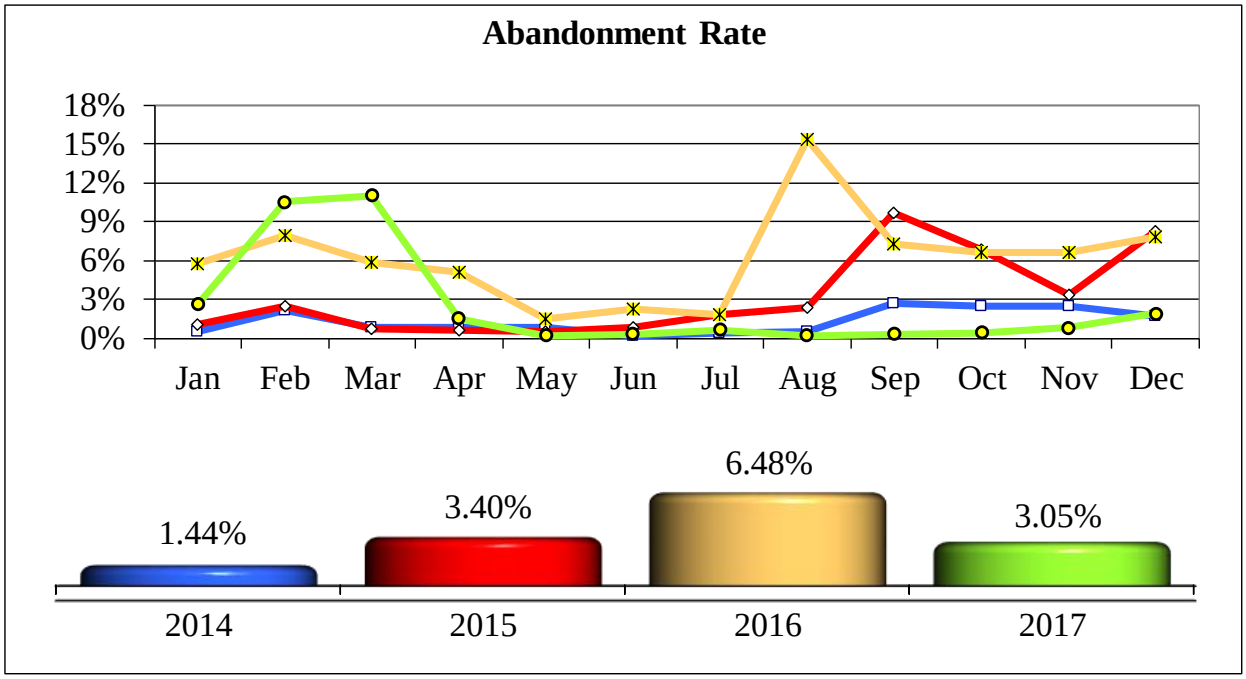
Based on historical data specific to transaction and call volumes, the NICS Section is able to forecast anticipated levels of staffing needed to effectively process incoming work. In 2017, the NICS Section's service level goal for the Transfer Process was set at 80 percent of calls being answered within 20 seconds. The Transfer Process occurs within the FBI when there is a hit record to the transaction. The actual yearly service level achieved in 2017 was 66.91 percent of calls answered within 20 seconds, with an average answer speed for the calendar year of 169.47 seconds (or slightly less than three minutes).



Average Answer Speed (Time in Seconds)				
Month	2014	2015	2016	2017
January	22.94	138.84	471.26	196.44
February	163.57	229.68	655.76	626.86
March	93.35	89.74	465.23	719.71
April	129.03	80.57	329.13	108.77
May	96.65	83.19	149.00	17.94
June	29.37	118.57	239.80	35.63
July	39.35	198.74	165.97	19.10
August	63.16	227.65	962.74	27.42
September	183.00	679.93	539.83	42.63
October	162.65	463.48	544.63	51.45
November	156.67	329.63	354.65	84.20
December	181.10	745.07	502.91	137.10
Yearly Average	109.27	281.03	449.18	169.47

Transfer Process Abandonment Rate

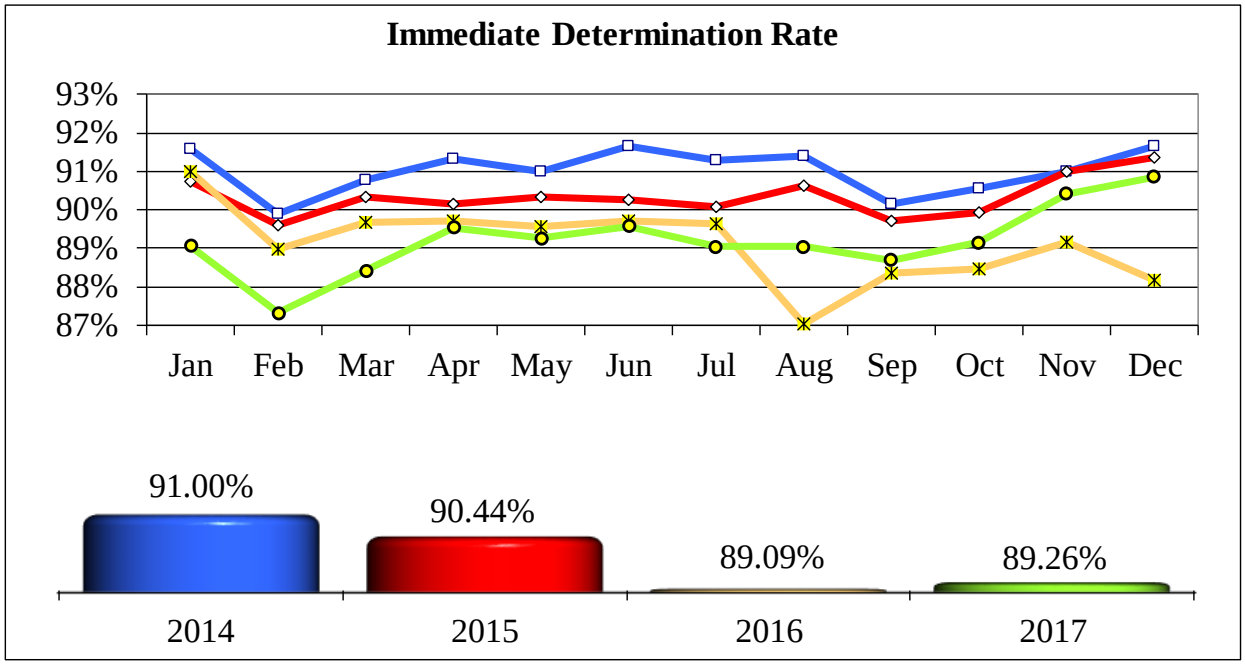
The average time a caller waited for the Transfer Process call to be answered was 169.47 seconds. Depending on the number of incoming calls, the wait time can fluctuate. A caller can and sometimes will prematurely terminate or "abandon" a call. The NICS Section makes every effort to address each call as quickly as possible. All calls are important, so the NICS Section's goal is to limit the level of abandoned calls to less than 1 percent. The average abandonment rate decreased from the previous year to 3.05 percent in 2017.



Abandonment Rate				
Month	2014	2015	2016	2017
January	0.52%	1.03%	5.82%	2.66%
February	2.14%	2.51%	7.94%	10.53%
March	0.84%	0.79%	5.89%	11.04%
April	0.85%	0.66%	5.08%	1.56%
May	0.83%	0.57%	1.51%	0.22%
June	0.22%	0.85%	2.28%	0.32%
July	0.43%	1.89%	1.85%	0.67%
August	0.57%	2.36%	15.38%	0.23%
September	2.71%	9.75%	7.25%	0.35%
October	2.46%	6.82%	6.67%	0.46%
November	2.45%	3.42%	6.65%	0.82%
December	1.77%	8.32%	7.81%	1.95%
Yearly Average	1.44%	3.40%	6.48%	3.05%

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 89.26 percent in 2017 when combining all of the NICS transactions.



Immediate Determination Rate				
Month	2014	2015	2016	2017
January	91.58%	90.75%	90.98%	89.07%
February	89.89%	89.60%	88.98%	87.32%
March	90.79%	90.35%	89.67%	88.42%
April	91.32%	90.15%	89.70%	89.54%
May	91.01%	90.33%	89.55%	89.26%
June	91.65%	90.25%	89.71%	89.57%
July	91.30%	90.08%	89.63%	89.04%
August	91.39%	90.62%	87.03%	89.04%
September	90.15%	89.73%	88.37%	88.69%
October	90.57%	89.95%	88.46%	89.16%
November	90.98%	90.98%	89.16%	90.42%
December	91.65%	91.37%	88.17%	90.86%
Yearly Average	91.00%	90.44%	89.09%	89.26%

2017 NICS Operations

Transactions Created in the NICS

From November 30, 1998, through December 31, 2017, the NICS conducted a total of 278,452,380 background checks. In 2017, background checks submitted to the NICS totaled 25,235,215. Of these, the NICS Section processed 8,638,246 transactions; state users processed the remaining 5,608,875 firearm transactions, and 10,988,094 permit transactions totaling 16,596,969 transactions.

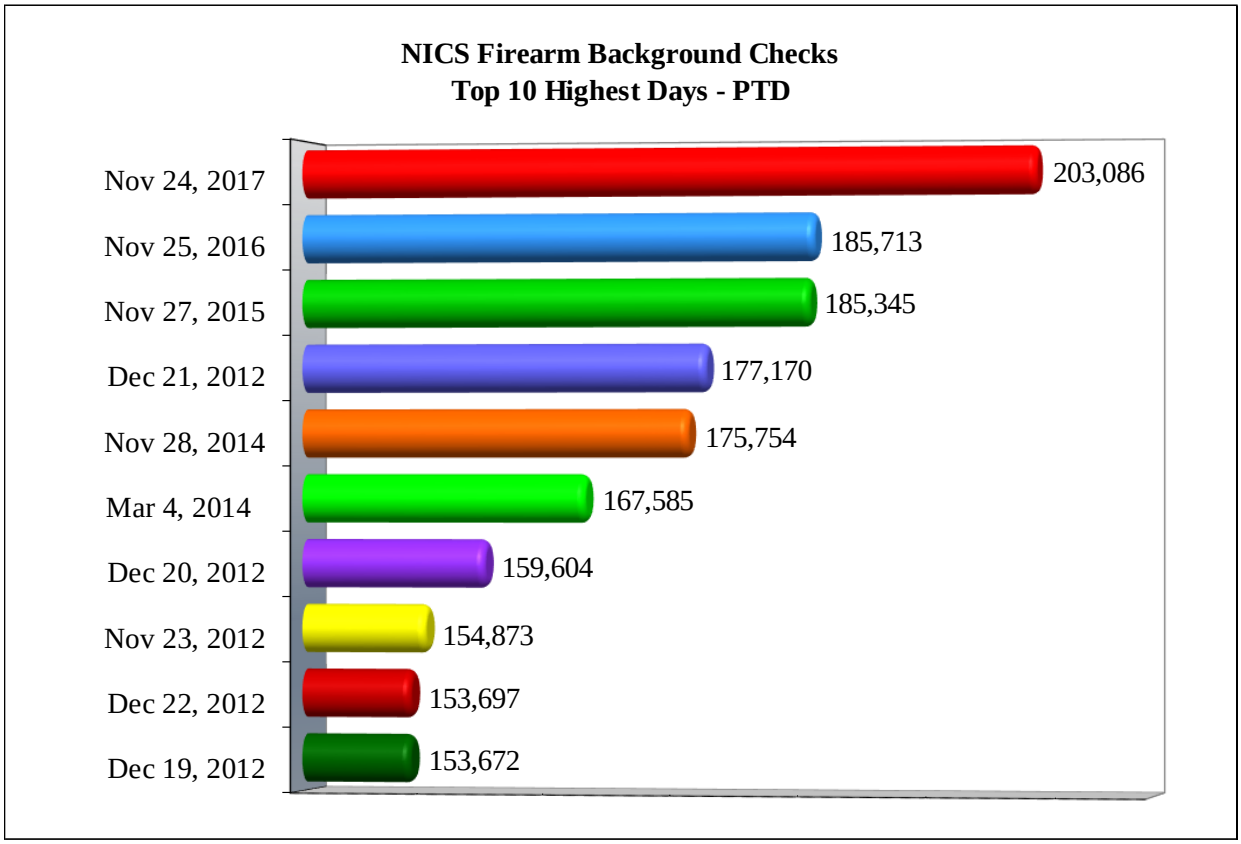
Year	State		Federal	Total	Program-to-Date (PTD) Total
	Transactions	Permits			
1998[1]	308,117	78,169	506,554	892,840	892,840
1999	3,562,403	1,037,700	4,538,020	9,138,123	10,030,963
2000	3,054,953	1,227,814	4,260,270	8,543,037	18,574,000
2001	3,209,955	1,408,310	4,291,926	8,910,191	27,484,191
2002	2,842,269	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
2017	5,608,875	10,988,094	8,638,246	25,235,215	278,452,380
Total	74,068,567	83,957,668	120,426,145	278,452,380	

[1]November 30, 1998 - December 31, 1998

2017 NICS Operations

NICS Peak Season

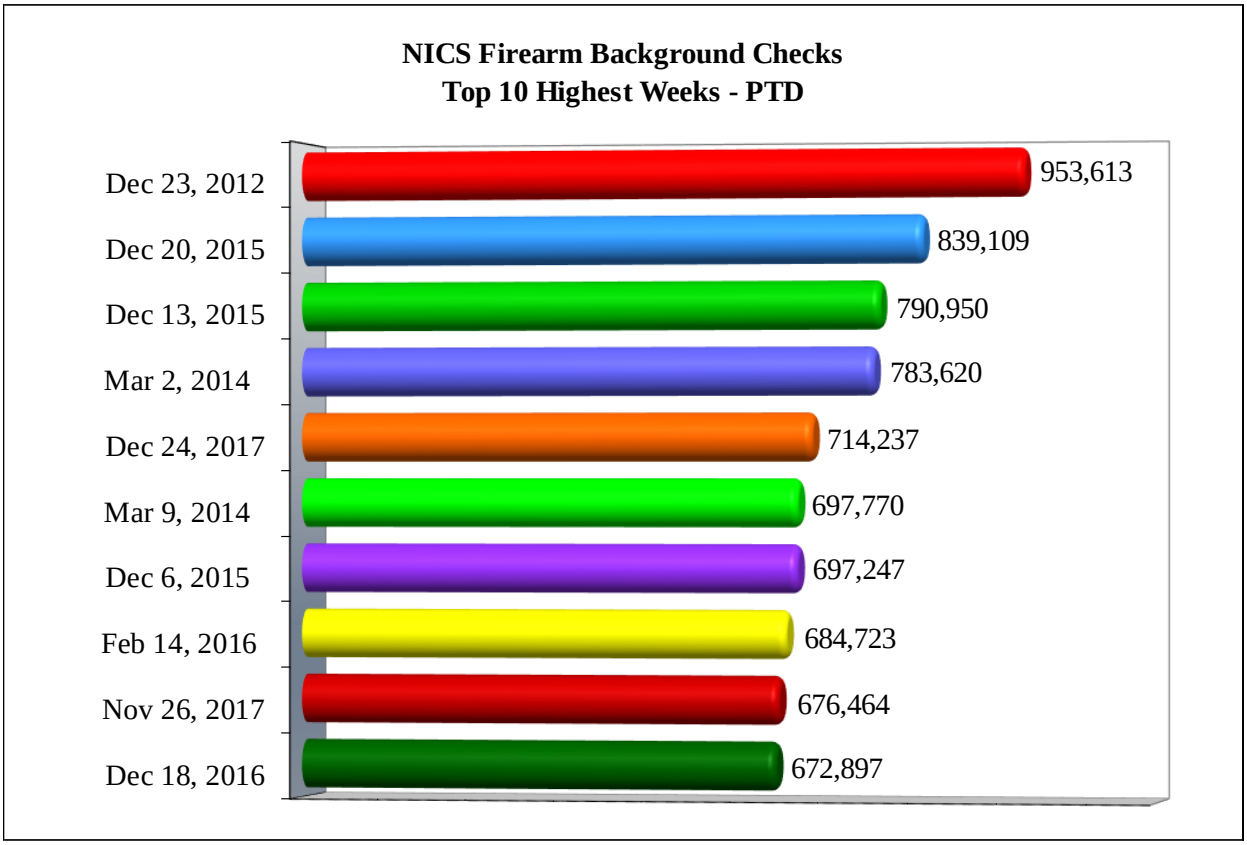
The NICS Section observes an increase in transaction activity associated with major hunting seasons and year-end holidays. Since the inception of the NICS, the day after Thanksgiving continues to be a day the NICS processes a high volume of firearm background checks. In 2017, the day after Thanksgiving ranked as the highest day to date, when the NICS processed 203,086 background checks (see charts below).



NICS Firearm Background Checks	
End Date	Daily Totals
November 24, 2017	203,086
November 25, 2016	185,713
November 27, 2015	185,345
December 21, 2012	177,170
November 28, 2014	175,754
March 4, 2014	167,585
December 20, 2012	159,604
November 23, 2012	154,873
December 22, 2012	153,697
December 19, 2012	153,672

2017 NICS Operations

During 2017, the NICS experienced two of its all-time top weeks for volume of NICS background checks processed (see charts below).



NICS Firearm Background Checks Top 10 Highest Weeks - PTD	
End Date	Weekly Totals
December 23, 2012	953,613
December 20, 2015	839,109
December 13, 2015	790,950
March 2, 2014	783,620
December 24, 2017	714,237
March 9, 2014	697,770
December 6, 2015	697,247
February 14, 2016	684,723
November 26, 2017	676,464
December 18, 2016	672,897

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.

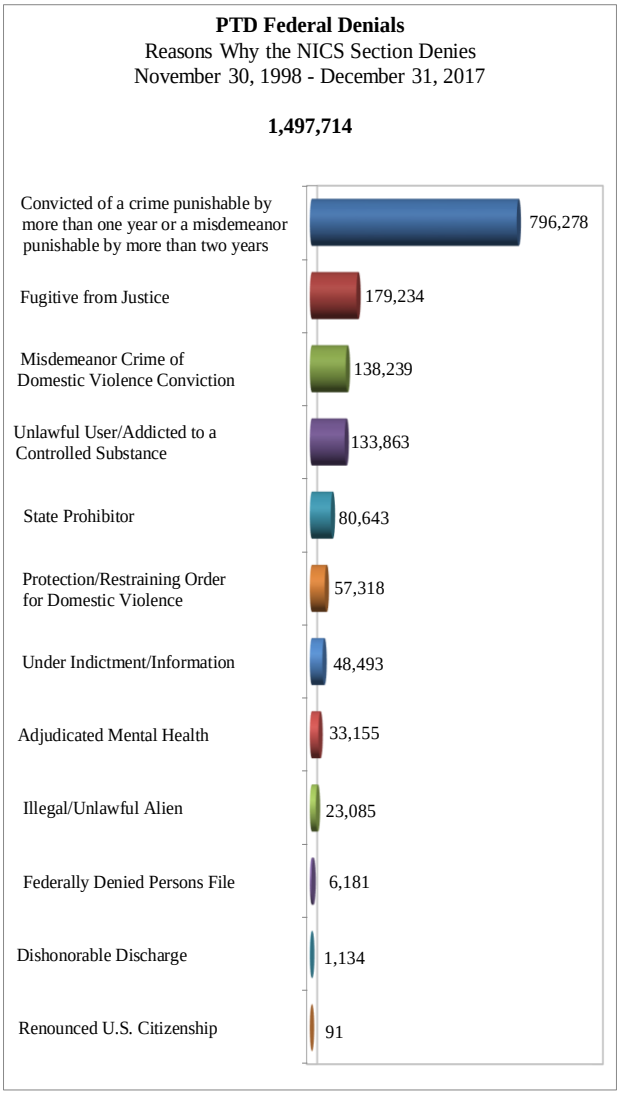
18 U.S.C. §922 (g) (8)
Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner.

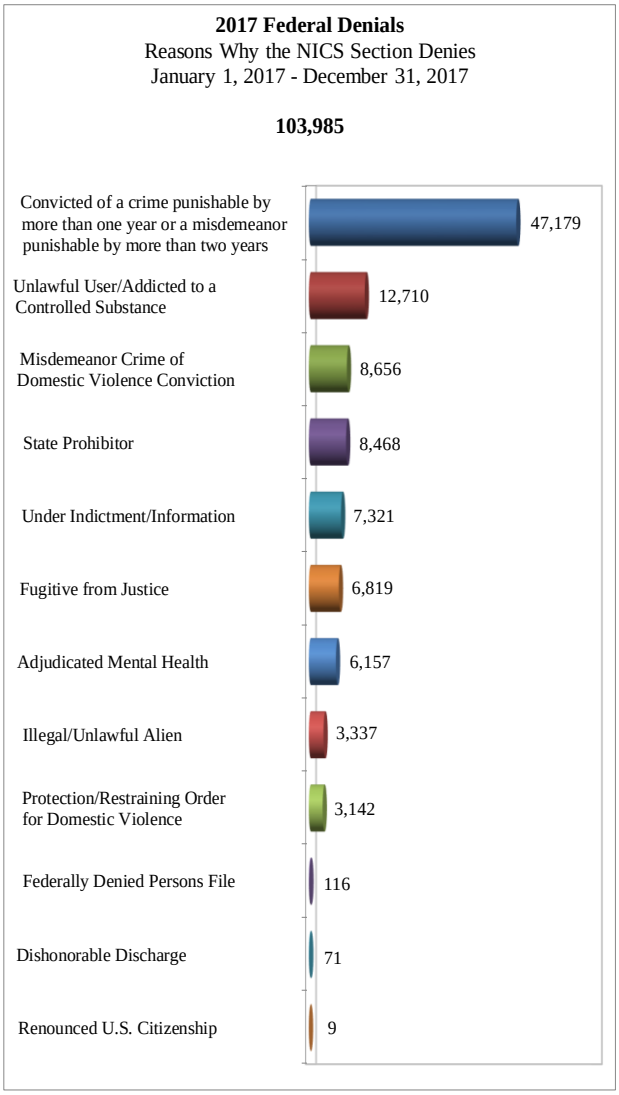
18 U.S.C. §922 (g) (9)
Has been convicted in any court of a misdemeanor crime of domestic violence.

18 U.S.C. §922 (n)
Is under indictment/information for a crime punishable by imprisonment for a term exceeding one year.

Federal Denials

When a NICS background check matches a record 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, 2017, the NICS Section has rendered 1,497,714 firearm denials. Of these, 103,985 denial decisions were provided in 2017. Historically, as well as in 2017, 18 U.S.C. §922(g)(1) is the leading reason for NICS Section denials (see the following charts).





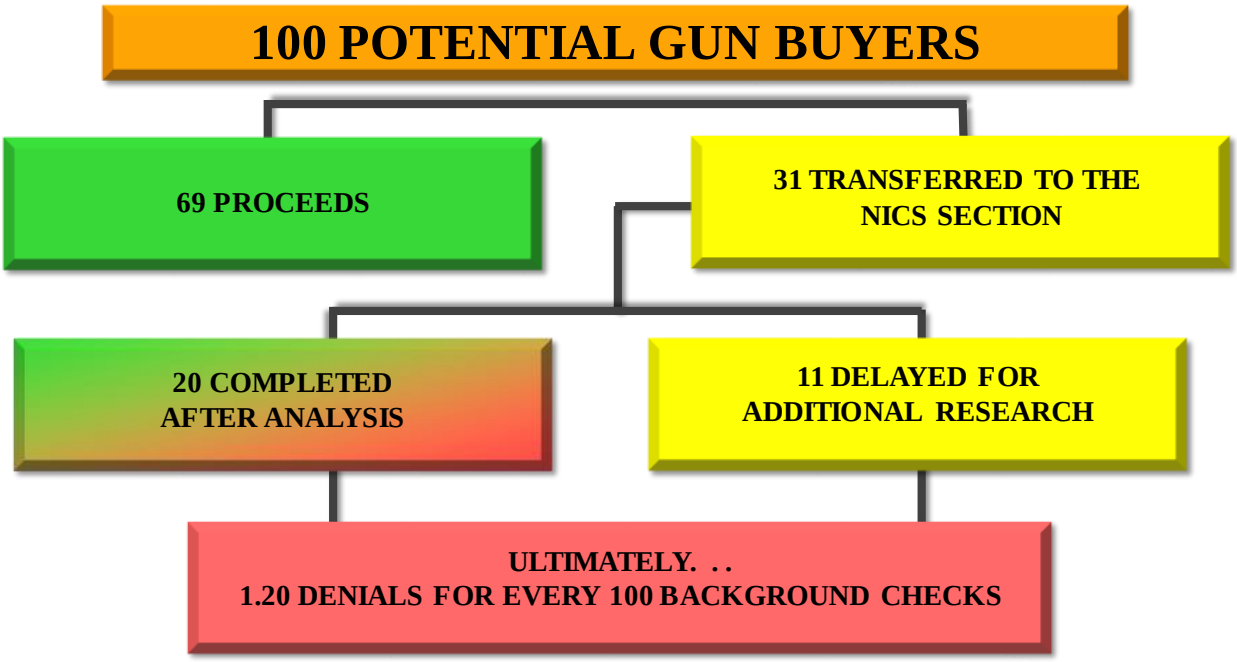
PTD Federal Denials Reasons Why the NICS Section Denies November 30, 1998 - December 31, 2017	
Prohibited Category Description	Total
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	796,278
Fugitive from Justice	179,234
Misdemeanor Crime of Domestic Violence Conviction	138,239
Unlawful User/Addicted to a Controlled Substance	133,863
State Prohibitor	80,643
Protection/Restraining Order for Domestic Violence	57,318
Under Indictment/Information	48,493
Adjudicated Mental Health	33,155
Illegal/Unlawful Alien	23,085
Federally Denied Persons File	6,181
Dishonorable Discharge	1,134
Renounced U.S. Citizenship	91
Total PTD Federal Denials	1,497,714

2017 Federal Denials Reasons Why the NICS Section Denies January 1, 2017 - December 31, 2017	
Prohibited Category Description	Total
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	47,179
Unlawful User/Addicted to a Controlled Substance	12,710
Misdemeanor Crime of Domestic Violence Conviction	8,656
State Prohibitor	8,468
Under Indictment/Information	7,321
Fugitive from Justice	6,819
Adjudicated Mental Health	6,157
Illegal/Unlawful Alien	3,337
Protection/Restraining Order for Domestic Violence	3,142
Federally Denied Persons File	116
Dishonorable Discharge	71
Renounced U.S. Citizenship	9
Total 2017 Federal Denials	103,985

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, 2017, 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.



Firearm Retrieval Referrals

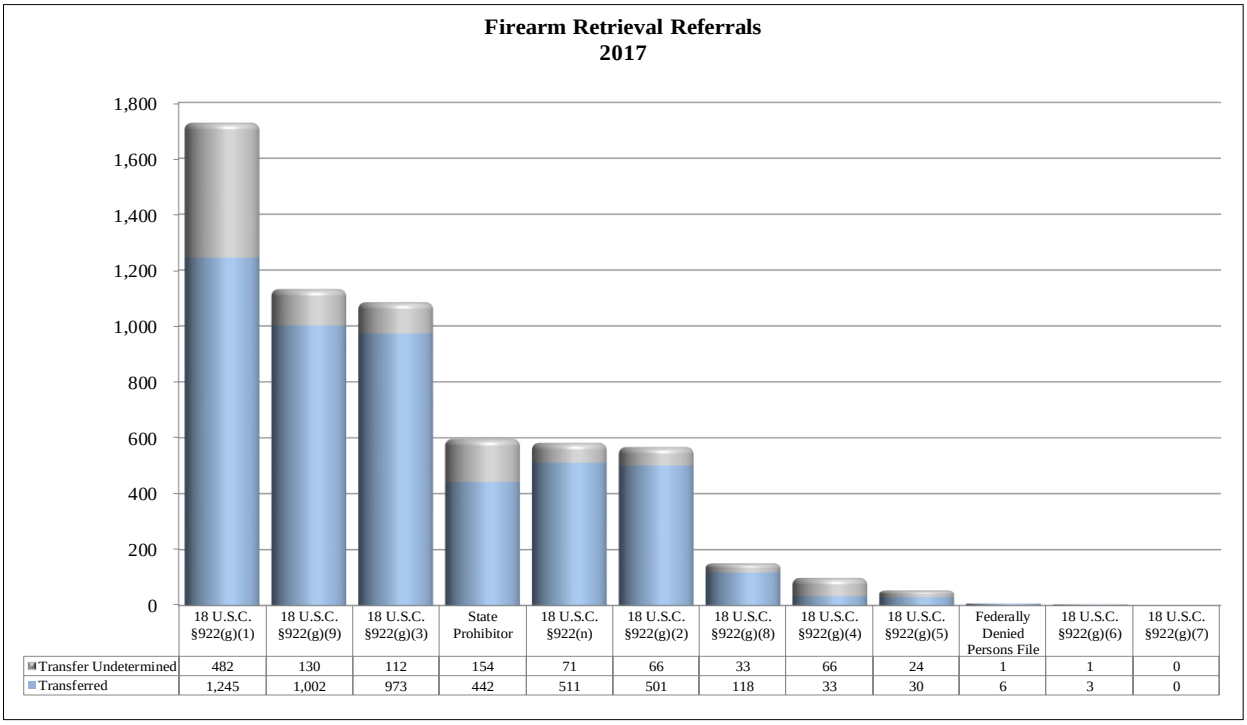
The Brady Act provides a three-business-day timeframe during which the NICS Section conducts research in attempt to acquire all relevant documentation that would allow NICS to render a decision as to the prospective purchaser's eligibility to receive or possess a firearm. If the background check is not resolved within the three-business-day timeframe, it is at the discretion of the FFL whether to transfer the firearm.

The NICS Section is committed to public safety and national security; therefore, the search for all relevant documentation continues beyond the three business days to provide a final determination as stated in the Brady Act. In some instances, the information is subsequently obtained and a final status determined; however, if the final determination results in a deny decision after the lapse of three business days and the NICS Section is advised by the FFL that the firearm was transferred, then the ATF is notified a prohibited person is in possession of a firearm. These instances are referred to as firearm retrievals.

In 2017, of the 6,004 denied firearm background checks potentially involving firearm retrievals referred to the ATF, the NICS Section and the ATF confirmed the FFLs transferred firearms for 4,864 of those checks. The NICS Section and the ATF made attempts to determine if the firearms were transferred for the remaining 1,140 checks referred to the ATF; however, definitive data was unattainable.

The following page contains two charts providing statistical data for the 2017 Firearm Retrieval Referrals. This is the first year statistical data detailing the Prohibition Category for Firearm Retrieval Referrals is being provided.

2017 NICS Operations



Firearm Retrieval Referrals 2017			
Firearm Disqualifications	Prohibited Category Description	Transfer Undetermined	Transferred
18 U.S.C. §922(g)(1)	Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	482	1,245
18 U.S.C. §922(g)(9)	Misdemeanor Crime of Domestic Violence Conviction	130	1,002
18 U.S.C. §922(g)(3)	Unlawful User/Addicted to a Controlled Substance	112	973
State Prohibitor	State Prohibitor	154	442
18 U.S.C. §922(n)	Under Indictment/Information	71	511
18 U.S.C. §922(g)(2)	Fugitive from Justice	66	501
18 U.S.C. §922(g)(8)	Protection/Restraining Order for Domestic Violence	33	118
18 U.S.C. §922(g)(4)	Adjudicated Mental Health	66	33
18 U.S.C. §922(g)(5)	Illegal/Unlawful Alien	24	30
Federally Denied Persons File	Federally Denied Persons File	1	6
18 U.S.C. §922(g)(6)	Dishonorable Discharge	1	3
18 U.S.C. §922(g)(7)	Renounced U.S. Citizenship	0	0
	Total	1,140	4,864

NICS Appeals and Voluntary Appeal File (VAF)

In 2017, approximately 1.20 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 he or she was 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' will be the FBI or the state or local law enforcement agency serving as the POC)."

When individuals wish to challenge the reason of a denial status, a subsequent request must be submitted. This 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, the NICS is required to purge all identifying information regarding proceed transactions within 24 hours of notification to the FFL, so 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 in the order in which they are received. The completion time of a request may be impacted by workload levels. In 2017, due to the 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 2017, the NICS Section received a total of 30,577 initial VAF applications and appeal requests, which resulted in the overturn of 3,977 deny transactions.

The primary reason for the overturned deny decisions in 2017 was the appellant's fingerprints not matching the fingerprints of the subject of the firearms-disqualifying record. Another chief reason deny decisions are overturned pertain to state Identification for Firearms Flags (IFFS) on criminal history records that needed to be removed after further research was conducted.

The VAF was implemented in July 2004 to prevent subsequent delays and erroneous denials of a firearm transfer. Since the availability of the VAF, more than 147,100 transactions have received an immediate background check determination, thus expediting the firearms background check for the applicant. All applicants approved for entry into the VAF receive a Unique Personal Identification Number (UPIN) which they must provide to the FFL during subsequent NICS background checks. The NICS accesses the VAF during the background check process only when a UPIN is provided by the FFL. Since July 2004, over 34,000 lawful firearm transferees received a UPIN and have been entered into the VAF.

The NICS Section established and implemented the Appeal and VAF website in 2011. By accessing the web address <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

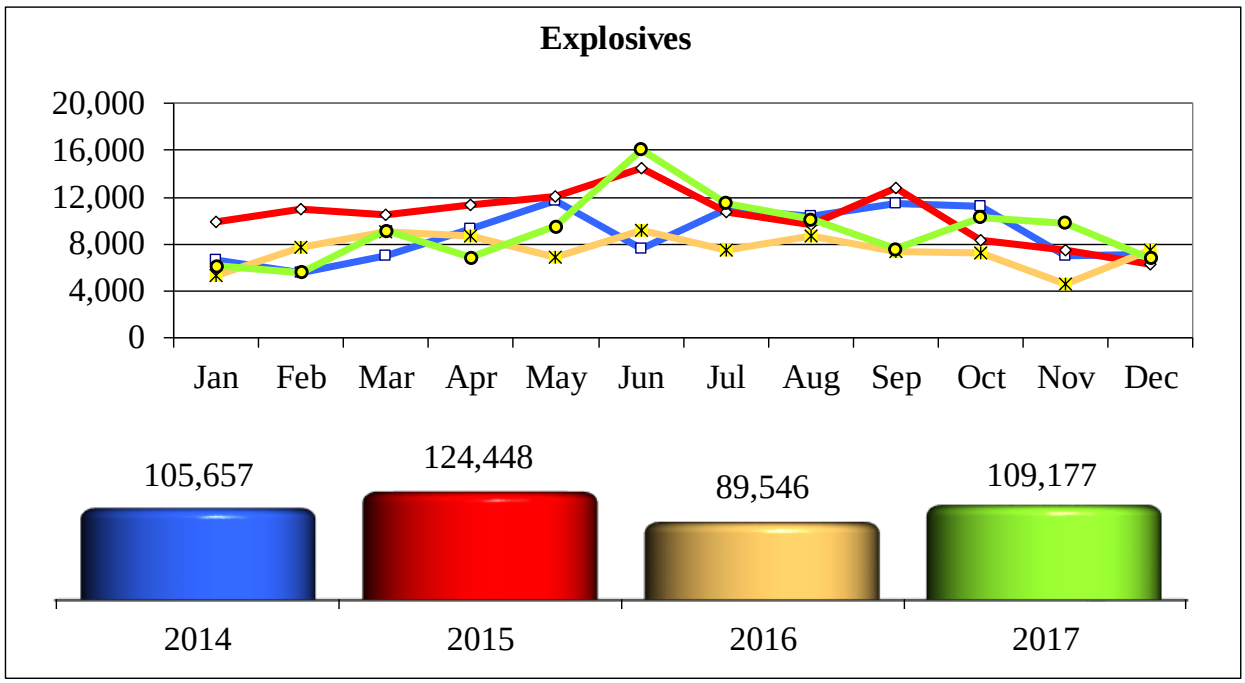
The Safe Explosives Act requires a NICS background check as part of the licensing process for any person who transports, ships, causes to be transported, or receives explosives materials in either intrastate or interstate commerce. The NICS Section performs background checks to determine the eligibility 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 through December 31, 2017, the NICS Section has processed a total of 1,266,801 explosives background checks. Of these, the NICS Section processed 109,177 explosives background checks in 2017.

The following page contains two charts providing statistical data for the 2017 Explosives Background Checks.

2017 NICS Operations



Explosives				
Month	2014	2015	2016	2017
January	6,596	9,839	5,336	6,093
February	5,468	10,971	7,751	5,587
March	6,936	10,442	9,038	9,131
April	9,249	11,356	8,734	6,803
May	11,714	12,093	6,865	9,465
June	7,583	14,427	9,111	16,108
July	10,945	10,782	7,486	11,460
August	10,392	9,688	8,674	10,107
September	11,505	12,795	7,376	7,552
October	11,212	8,365	7,183	10,298
November	7,002	7,406	4,560	9,817
December	7,055	6,284	7,432	6,756
Yearly Totals	105,657	124,448	89,546	109,177

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, a firearms background check is conducted on both current and prospective security officers, whose official duties require access to firearms. The NICS Section processed 136 NRC background checks in 2017.

NICS Indices

When a NICS background check is conducted, the name and descriptive information of a prospective firearms transferee is researched against the name and descriptive information of individuals with records maintained in the databases searched by the NICS. In addition to the III and the NCIC, a search of the NICS Indices is conducted. On June 30, 2017, the NICS Section began referring to the NICS Index as the NICS Indices.

Typically, the information submitted to the NICS Indices is not available in the III or the NCIC. Information made available via the NICS Indices provides the NICS user with an immediate indication that the information, when matched to the prospective firearms transferee, has already been validated to be state and/or federally prohibited from receiving or possessing firearms. The valid match of a NICS Indices hit to a prospective firearms transferee allows the user to render an immediate denial determination. This pre-validation, in turn, provides greater efficiency to a user by eliminating the user's need to conduct additional research to determine if the information is prohibiting for firearms possession/receipt. This pre-validation also allows the NICS Section to utilize the instant denial functionality for those potential firearms transferees that are an exact descriptive match to a NICS Indices hit. This eliminates the NICS Section from manually reviewing each transaction when this circumstance arises.

The NICS Section has dedicated numerous resources in support of the entries made to the NICS Indices, specifically by:

- Training and educating users of the NICS in making NICS Indices entries;
- Participating and interacting at various conferences and seminars, as well as continued participation in state NICS taskforce meetings;
- Making available Liaison Specialists who, being knowledgeable of the NICS Indices processes, can provide real-time assistance;
- Offering legal services and guidance for NICS Indices contributors to assist in determining if a valid prohibition exists for NICS Indices entry;
- Offering technical guidance and support.

The NICS Indices contain descriptive information about persons prohibited (per state or federal law) from possessing firearms pursuant to the Brady Act. The entries contained in the NICS Indices are contributed by local, state, tribal, and federal agencies. Two main methods for making a NICS Indices entry exist. The first method is by a telecommunications network between the FBI and the CJIS Systems Agency utilizing the NCIC Interface. The second method is via batch data transfer or single entry through the Law Enforcement Enterprise Portal (LEEP)

Internet-based connection using the NICS E-Check. Entry via the NICS E-Check functionality within the LEEP is made available to agencies that possess no direct NCIC access, but are still authorized to make entry into the NICS Indices. An application for utilization of the LEEP must be submitted for approval and the agency must have a valid Originating Agency Identifier (ORI), which once activated in the NICS E-Check, is used to complete the batch upload or single entry into the NICS Indices. Agencies that do not possess a qualified ORI may ask the NICS Section for further assistance.

Whether the NICS Indices entries are made via the NCIC connection or via the LEEP, agencies have the ability to enter, modify, supplement, and cancel NICS Indices entries in a "real time" capacity. The contributing agency is responsible for the accuracy and validity of the NICS Indices information and is obligated to remove any entry that is found to be invalid. Once an agency begins to contribute to the NICS Indices, that agency becomes subject to the CJIS Division's audit process. A LEEP application may be obtained by accessing < https://www.cjis.gov/CJISEAI/EAIController>.

In February 2017, a processing change for the fugitive from justice prohibition prompted removal of all NICS Indices entries in the Prohibited Category Code (PCA) "B" until further research could be conducted by the submitter to determine if those cases met the new prohibitive criteria. All applicable NICS Users were notified of the processing change. The states the NICS Section identified as having state prohibitions for active warrants were notified and the related information in the NICS Indices was removed from the PCA "B" and subsequently moved to the NICS Indices State Prohibition, PCA "J" category. The NICS Section provided guidance to the states on how to better navigate the changes to the fugitive from justice prohibition in April 2017, and the NICS Indices PCA "B" was once again made available.

Throughout 2017, consistent entries to the mental health category continued. In addition, the focus seemed to shift to other categories as well. As of December 31, 2017, the following categories saw significant changes since December 31, 2016:

- Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years—entries have increased by over 16 percent.

- Under Indictment/Information—entries have increased by over 143 percent.

- State Prohibition categories—entries have increased by over 254 percent (this is partially attributed to the fugitive from justice processing change).

The NICS Section continues to publish a calendar-year report of the submissions to the NICS Indices on the FBI's website. This report shows data on NICS Indices submissions made by the states and federal agencies as of December 31, of the current year.

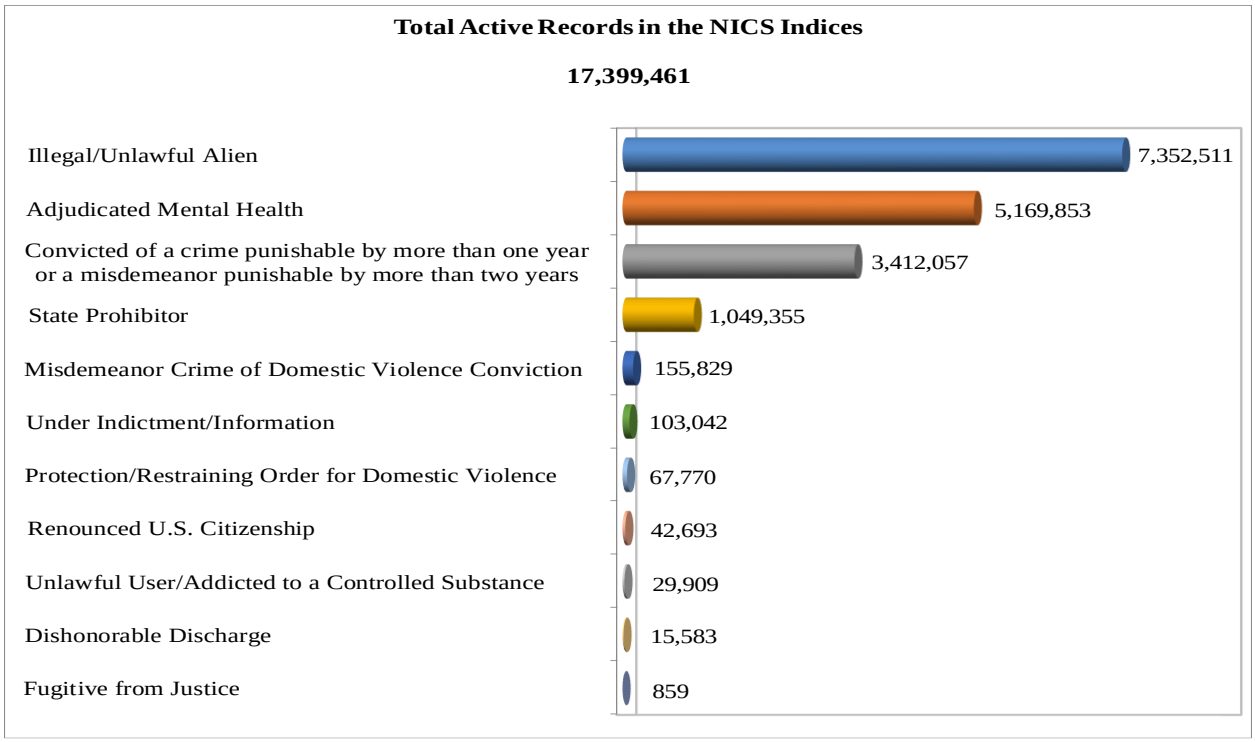
2017 NICS Operations

Active Records in the NICS Indices

A continuing goal of the NICS Section in 2017 was making state and federal prohibiting records available at the national level. Efforts were undertaken for local, state, tribal, and federal agencies to submit records into the NICS Indices. On December 31, 2017, the NICS Indices records total 17,399,461, which includes a 1,589,422 record increase during 2017.

The following page contains two charts providing statistical data for the 2017 Active Records in the NICS Indices.

2017 NICS Operations



Total Active Records in the NICS Indices As of December 31, 2017	
Prohibited Category Description	Total
Illegal/Unlawful Alien	7,352,511
Adjudicated Mental Health	5,169,853
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	3,412,057
State Prohibitor	1,049,355
Misdemeanor Crime of Domestic Violence Conviction	155,829
Under Indictment/Information	103,042
Protection/Restraining Order for Domestic Violence	67,770
Renounced U.S. Citizenship	42,693
Unlawful User/Addicted to a Controlled Substance	29,909
Dishonorable Discharge	15,583
Fugitive from Justice	859
Total Active Records in the NICS Indices	17,399,461

Success, Outreach, and the Future

In 2017, even with the high transaction volume, the NICS Section remained attentive to the needs of the NICS users and customers as demonstrated by the following:

- Disposition of Firearms (DOF)

  Since January 2015, the NICS may be accessed by criminal justice agencies prior to disposing/returning firearms currently under the agency's control to a perspective transferee. The NICS background check assists law enforcement agencies in determining an individual's eligibility to possess or receive firearms in accordance with state and federal law. Currently, 37 states, 8 tribal, and 26 federal agencies process DOF background checks. From January 1, 2017, through December 31, 2017, a total of 40,778 background checks were conducted. Approximately, 2,150 background check denials, equating to a 5.27 percent denial rate, were reported to the NICS during 2017.

- FFL Interactions

  Several opportunities for interaction between the NICS Section and FFLs were offered throughout 2017. Five staff members from the NICS Section attended the Shooting, Hunting, and Outdoor Trade (SHOT) Show in January 2017. The NICS Section's staff hosted and maintained a booth, interacted with event attendees by answering questions and assisting with NICS E-Check enrollments, facilitated training sessions, and participated in a joint Town Hall Meeting with the ATF during forums at the SHOT University.

  In addition to the SHOT Show, the NICS Section interacted with another 126 FFLs in 12 states by assisting with NICS E-Check enrollments during NICS E-Check promotional trips or attending FFL seminars to give presentations.

  At the CJIS Division, the FFLs serviced by the NICS Section were invited to the NICS Retailer Day held on July 25, 2017. Attendees experienced a day of briefings including in-depth topics regarding the NICS along with an opportunity to review a new rendition of the NICS E-Check.

- NICS Indices Outreach

  The NICS Section educates federal and state partners on the NICS Indices and promotes awareness of the mission to enhance public safety through information sharing. During 2017, the Social Security Administration, the Railway Recruitment Board, the Department of Health and Human Services (HHS), the Small Business Administration, the Department of Housing and Urban Development, the U.S. Army, the U.S. Navy, and the U.S. Air Force began making, or continued to make, submissions into the NICS Indices as mandated by the NICS Improvement Amendments Act of 2007. Examples include the following: (1) the HHS progressed to modify the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in 2017. The modification expressly permitted entities, meeting specifications, to disclose descriptive data of individuals predetermined to be disqualified from shipping, transporting, possessing, or receiving a firearm based on 18 U.S.C. §922(g)(4) to the NICS via the NICS Indices. (2) NICS Indices submissions began being received electronically from military agencies via the LEEP in June 2017.

  In addition to federal outreach, the NICS Section continued working with several states in relation to electronic testing of submission to the NICS Indices data, specifically, on state-tested batch submissions via the LEEP that began in 2016 and continued through

January 2017. After resolving multiple issues, over 368,000 additional entries to the NICS Indices were received.

- Tribal Agencies Outreach

  The NICS Section attended four tribal events at various locations across the country to enhance public safety and national security through sharing information. The NICS Section uses the platform to emphasize the importance of making record information, such as complete criminal history records and prohibiting mental health adjudications, available on a national level. The NICS Section will continue to support the DOJ's efforts in addressing connectivity issues and providing support to tribal agencies.

- State Partner Interactions

  The NICS Section met with six POC state agencies and provided support to established state NICS taskforces in seven states and the District of Columbia. The NICS training instructors conducted approximately 40 training sessions to over 360 agencies hosting over 800 attendees in 2017. The NICS trainers used various training methods including on-site training and alternative methods such as teleconference, Microsoft Lync, and Train-the-Trainer. Training sessions were held at the CJIS Division or at the requesting agency's location. The in-person exposure of facilitating events to share information, including new technology and methods of training, benefitted the NICS Section and state agencies.

Looking to the future, the NICS Section will continue to strive to meet the goal to enhance national security and public safety by providing a timely and accurate determination of a person's eligibility to possess firearms and/or explosives in accordance with federal law.