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Author(s):	**Dennis DeBacco; Richard Schauffler**
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This resource is part of a series of BJS grant-funded reports on firearm-related background checks. This report highlights the significance of making warrant information available to databases searched during a National Instant Criminal Background Check System (NICS) check. It describes the Congressional requirements established under the Brady Act for entering warrants into databases used by NICS, the challenges of entering warrant records into state and national databases, and improvements states have made making warrant records more readily available to the NICS.

Opinions and/or points of view expressed in this report are those of the author(s) and do not necessarily reflect the official position or policies of the Bureau of Justice Statistics.

State Progress in Record Reporting for Firearm-Related Background Checks:

Fugitives from Justice

by Dennis DeBacco, SEARCH and Richard Schauffler, National Center for State Courts

February, 2017

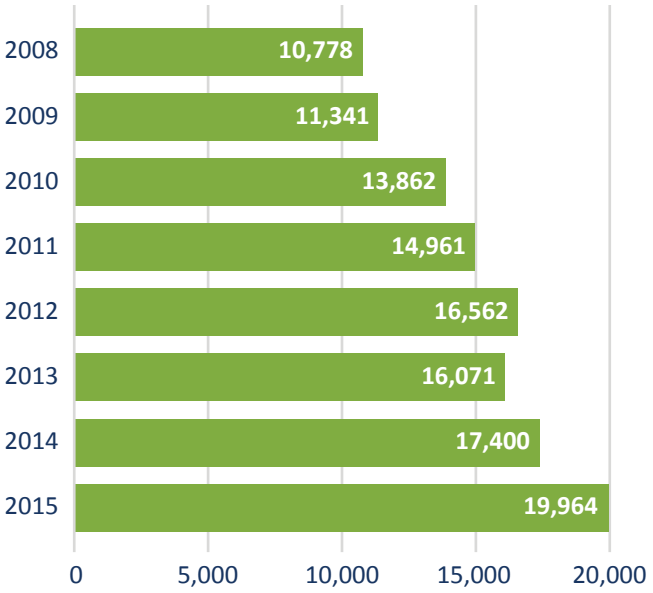
Introduction

Under the Brady Handgun Violence Prevention Act of 1993 (Brady Act), being a fugitive from justice prohibits a person from possessing or purchasing firearms.[1] *The Code of Federal Regulations* defines a "fugitive from justice" as any person who has fled from any state to avoid prosecution for a felony or a misdemeanor; or any person who leaves the state to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the state of prosecution.[2]

Following passage of the Brady Act, the Department of Justice provided guidance for applying this prohibition.[3] Accordingly, individuals with qualifying or prohibiting outstanding warrants in any state or federal database searched as a part of a firearms background check are ineligible to receive firearms from Federal Firearms Licensees (FFLs). As noted in this guidance, the FBI's Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section is not an adjudicative agency. Rather, it is tasked with making immediate administrative determinations about proposed firearm transfers in circumstances that do not permit the in-depth research necessary to determine whether the proposed transferee has fled a state. In order to meaningfully implement the Congressional mandate, the NICS Section relies on valid criminal warrants found in its supporting databases as a prima facie basis to apply a fugitive from justice prohibitor.

When a firearm transfer request is submitted to the NICS Section, NICS queries its supporting databases. If the transferee's identification information matches a warrant record,[4] the NICS Section does further research to confirm that the warrant is still active and that it is for either a criminal felony or non-traffic misdemeanor. If both these conditions are met, then NICS denies the transaction.

Annual Federal Denials - Fugitive from Justice



Source: https://www.fbi.gov/services/cjis/nics

Given the definition of fugitive from justice—coupled with how the NICS Section and Point-of-Contact[5] (POC) states apply the definition to determine a person's eligibility to possess or purchase a firearm— the importance of making warrant information available to databases checked by NICS cannot be overemphasized. This bulletin describes the requirements for entering warrants into databases used by NICS and explains the challenges of entering warrant records into state and national databases. Finally, it describes recent progress made by states in making warrant records more readily available to the NICS.

1 18 U.S.C. §922 (g) (2)
2 Title 27, U. S. Code of Federal Regulations, Subsection 478.11; see also 18 U.S.C. §922 (g) (2)
3 Source: FBI Criminal justice Information Services Division, NICS Section (email communication, April 13, 2016).
4 These matches are also referred to as "hits."
5 Point-of-Contact (POC) states, rather than the FBI, are responsible for conducting NICS background checks for FFLs and determining if a firearms transfer would violate state or federal law. See NICS Participation Map on Page 3 of this report.

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Appealing a NICS Denial

Individuals who believe they are wrongfully denied the transfer of a firearm can appeal the deny decision. The "denying agency" will be either the FBI or the state agency serving as a POC for the NICS. In the event the denying agency is a POC state agency, the appellant can elect to appeal to either the FBI or the POC state. The provisions for appeals are outlined in Title 28, Code of Federal Regulations (C.F.R.), Part 25.10, and Subsection 103(f) and (g) and Section 104 of Public Law 103-159, Sections 103 and 104.

If a NICS denial is based on an active criminal warrant, but the individual is in fact not a fugitive from justice (as that term is defined in the statute), then that person can eliminate the prohibiting fact either by satisfying the warrant or by appealing the NICS denial.

Background

In 1993, Congress passed the Brady Act that, among other things, created the NICS. NICS is the national system that enables FFLs to initiate a background check through the FBI or a State POC. The FBI or POC will check all available records to identify persons who may be prohibited from possessing or purchasing a firearm from an FFL. The records may be included in the following databases.

- National Crime Information Center (NCIC) – An electronic database consisting of 21 files, 10 of which are queried for a NICS-related background check. These files help criminal justice professionals apprehend fugitives from justice, identify terrorists, and verify persons subject to domestic violence protection orders.

- Interstate Identification Index (III) – Administered by the FBI, and participated in by all states, the III is a fingerprint-supported automated criminal records exchange system that includes arrest and disposition information for individuals charged with felonies or misdemeanors. Information that may be available via III includes persons who are fugitives from justice, persons found not guilty by reason of insanity or adjudicated to be incompetent to stand trial, persons found guilty of misdemeanor crimes of domestic violence, and persons under indictment.

- NICS Index – A database, separate from NCIC and III, created specifically for the purpose of conducting a background check for a firearms-related purpose. The NICS Index contains information contributed by local, state, tribal, and federal agencies pertaining to persons prohibited from possessing or purchasing a firearm pursuant to state and/or federal law. While any disqualifying record may be entered into the NICS Index, it is not intended to duplicate information entered in NCIC or III. Instead, the database was designed to house disqualifying information not otherwise available at the national level.

- Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) – Relevant databases of the ICE are routinely queried by the FBI NICS Section, and can be queried by POC states, for non-U.S. citizens attempting to receive firearms in the United States.

States acting as a POC also search additional databases containing state and local court and law enforcement records. Such records may render prospective gun purchasers disqualified under federal and/or state laws. As a complement to this, on January 12, 2016, the International Justice and Public Safety Network (Nlets)[6] implemented Multi-State Query functionality to enable Nlets user agencies to conduct 50-state checks of state warrant databases. This functionality allows the query to be automatically sent to all states that participate in the message type and returns a single merged response.[7] As of July 11, 2016, 15 states (Alaska, Arizona, Florida, Iowa, Kansas, Maine, Massachusetts, Minnesota, Michigan, Nebraska, New Hampshire, Ohio, Texas, Utah, and Wisconsin) are responding to multi-state warrant inquires.

6 Nlets is a private, nonprofit corporation owned by the states. It provides a secure international justice telecommunications capability and information services. www.nlets.org

7 http://wiki.nlets.org/index.php/Special:CaptchaCheck?URL=%2Findex.php%2FSection_37%3A_State_Warrant_Transactions#Multi State_Query_Functionality

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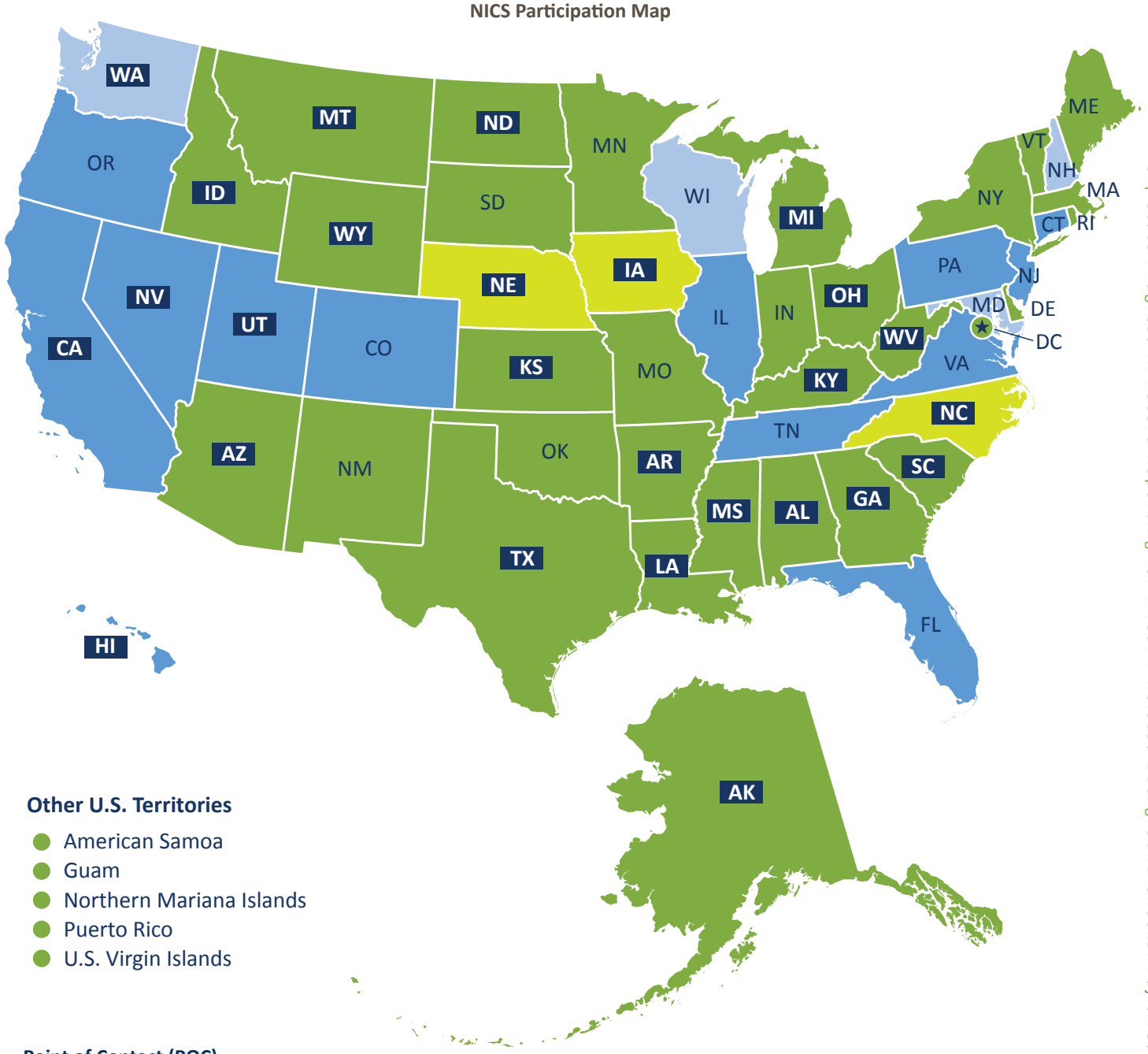
NICS Participation Map



Other U.S. Territories

- American Samoa
- Guam
- Northern Mariana Islands
- Puerto Rico
- U.S. Virgin Islands

Point of Contact (POC)

26 **At Least One ATF-Qualified Alternate Permit —** The permits are issued by local or state agencies.

13 Full 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

Please refer to the latest Permanent Brady Permit Chart for specific permit details at
www.atf.gov/rules-and-regulations/permanent-brady-permit-chart

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Where are NICS Prohibiting Records Reported?

The following lists the firearm purchase-prohibiting categories identified in the Brady Act and shows the federal database in which those records are appropriately stored.

Prohibiting Record Type	Federal Database(s)	
Felony/Serious Misdemeanor Convictions	**III:** Should most appropriately be placed here so they are available for other criminal justice purposes.	**NICS Index:** Should be placed here if not available in III.
Fugitives from Justice	**NCIC:** Should most appropriately be placed here so they are available for other criminal justice purposes.	**NICS Index:** Should be placed here if not available in NCIC.
Unlawful Drug Use	**III:** Arrests and convictions for drug offenses should most appropriately be placed here so they are available for other criminal justice purposes.	**NICS Index:** Information such as admission of use and failed drug tests should be placed here.
Mental Health	**III:** Persons found not guilty by reason of insanity or adjudicated to be incompetent to stand trial should most appropriately be placed here so they are available for other criminal justice purposes.	**NICS Index:** Involuntary commitments to mental institutions for the purpose of treatment should be placed here as they would be otherwise unavailable for firearms background check searches. Persons found not guilty by reason of insanity or adjudicated to be mentally defective should most appropriately be placed here if they are otherwise unavailable through III.
Subjects of Domestic Violence Protection Orders	**NCIC:** Should most appropriately be placed here so they are available for other criminal justice purposes.	**NICS Index:** Should be placed here if not available in NCIC (as well as orders prohibited under state law).
Misdemeanor Crimes of Domestic Violence Convictions	**III:** Should most appropriately be placed here so they are available for other criminal justice purposes.	**NICS Index:** Should be placed here if not available in III or, if conviction is available in III, should also be placed here if qualifying relationship and/or force element is not available in III.
Indictments	**III:** Should most appropriately be placed here so they are available for other criminal justice purposes.	**NICS Index:** Should be placed here if not available in III.
Dishonorable Discharges	**III:** Should most appropriately be placed here so they are available for other criminal justice purposes.	**NICS Index:** Should be placed here if not available in III.
Illegal or Unlawful Aliens	**NICS Index:** Should be placed here as they would otherwise be unavailable for firearms background check searches.	
Renounced United States Citizenship	**NICS Index:** Should be placed here as they would otherwise be unavailable for firearms background check searches.	

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Placing outstanding warrants in NCIC or the NICS Index

Information identifying a person as a fugitive from justice is used for many law enforcement and criminal justice purposes as well as for making firearm suitability determinations through NICS checks on persons seeking to acquire a firearm from an FFL. The NCIC Wanted Person File, the NICS Index and III are the principle databases used to determine if active felony and misdemeanor warrants concerning an individual are on file. In POC states that maintain a state warrant system, decision makers may have the benefit of warrant information not available from the national databases. Agencies are encouraged to enter all warrants into the NCIC Wanted Person File where, in addition to making firearm suitability determinations, records are made readily available for inspection and processing for criminal justice purposes by law enforcement agencies nationwide. When circumstances prevent agencies from entering warrant information into NCIC, active felony and misdemeanor warrants can be entered into the NICS Index. Also, when positive identity is established through the matching of a wanted person's fingerprints against an established criminal history record, a flag is set in III to note the existence of a Wanted Person File entry in NCIC.

Most states and many local jurisdictions maintain automated warrant systems that enable entry, access, retrieval, updating, and cancellation of felony and misdemeanor warrants. Frequently, the state system serves as the conduit for entering information into the NCIC Wanted Person File, and agencies that make inquiries and/or contribute information to NCIC must adhere to well-established entry and file maintenance criteria for each record they enter.

Created in 1967, the NCIC Wanted Person File contains records of individuals who have an outstanding warrant(s) for their arrest. Entry into this file is made immediately after: 1) a court has issued an arrest warrant for an individual or has authorized that an arrest of an individual be made; and 2) extradition and transportation decisions have been made. Wanted Person File entry criteria are as follows:

- An individual (including a juvenile who will be tried as an adult) for whom a federal warrant is outstanding.
- An individual (including a juvenile who will be tried as an adult) for whom a felony or misdemeanor warrant issued by a state court is outstanding.
- Probation and parole violators convicted of felony or misdemeanor offenses.
- A "temporary felony want record" may be entered to establish a "want" entry when a law enforcement agency needs to take prompt action to apprehend a person (including a juvenile) who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing the jurisdiction and circumstances prevent the immediate acquisition of a warrant.[8]

8 NCIC 2000 Operating Manual, Intro 1.1 Criteria for Entry, Wanted Person File

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Challenges and Solutions

Despite the importance of making warrant records available through NCIC, it is widely understood and documented that state and local warrant systems have significantly more records than are reported to NCIC. At the end of 2014, there were 7.8 million active warrant records in state warrant databases and 2.1 million wanted person records in NCIC.[9] This means that over 70 percent of the records in the state databases are not available in NCIC. This comes about largely as a result of the following factors:

Policies limiting which warrants are entered into NCIC due to the workload associated with NCIC record validation requirements.

Originating agencies (those that enter records into NCIC) must both "pack" and validate records. Packing the record means that the person entering the record consults source documents to ensure that as much descriptive information as possible about the subject of the warrant is included in the entry. Validation requires the originating agency to confirm that the record is complete, accurate, and still outstanding or active. Validation is accomplished by periodically reviewing the entry and current supporting documents, and consulting with any appropriate complainant, victim, prosecutor, court, another agency, or other appropriate source or individual. In the event that the originating agency is unsuccessful in its attempts to contact the victim, complainant, etc., the entering authority must make a determination based on the best information and knowledge available whether or not to retain the entry in the file.[10] This must be done within 60-90 days from initial entry and yearly thereafter, as well as any time an entry is modified. Both of these activities are labor intensive and time consuming, causing some courts and law enforcement agencies to be selective in entering warrants into NCIC. Instead, they may opt to only enter them in local or state systems that frequently do not require packing and/or validation.

Policy decisions that limit which warrants are entered into NCIC due to NCIC hit-confirmation requirements.

Once a wanted person record is entered into NCIC, the originating agency is required to be available to provide "hit confirmations" 24 hours a day, seven days a week.[11] Any agency that receives a record in response to an NCIC wanted person inquiry must confirm the hit on any record that appears to have been entered for the subject of the inquiry prior to 1) arresting the wanted person, 2) denying the subject the purchase of a firearm, or 3) denying the subject access to explosives as regulated under the Safe Explosives Act. Confirming a wanted person hit requires contacting the agency that entered the record to:

1. Ensure that the person is identical to the person identified in the record;
2. Ensure that the warrant is still outstanding; and,
3. When applicable, obtain a decision regarding the extradition of a wanted person.[12]

This requirement presents a problem if a court is the custodian of record for the warrant, as most courts are not staffed 24/7. Additionally, many courts do not have direct access to NCIC. To overcome this obstacle, most courts have developed formal agreements with local police and sheriff's offices to enter warrant records on their behalf and provide hit confirmation services as is required by NCIC. Other state courts have partnered with their court of last resort,[13] which may be staffed 24/7, and thus can support after-hours hit confirmations. However, there are many courts (for example, those in states where the court of last resort is not staffed 24/7) that are unable to enter into such agreements and, thus, are unable to enter warrant records into NCIC since they cannot meet the NCIC requirements for 24/7 hit confirmation capabilities.

9 Survey of State Criminal History Information Systems, 2014, Table 5a, (https://www.ncjrs.gov/pdffiles1/bjs/grants/249799.pdf)
10 NCIC 2000 Operating Manual, Intro 3.4, Validation
11 https://www.fbi.gov/services/cjis/ncic
12 NCIC 2000 Operating Manual, Intro 3.5, Hit Confirmation Procedures
13 The court of last resort is the highest court in the state, usually, but not always, named the Supreme Court.

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Wanted person records may not be entered because the warrant from the court does not contain all of the necessary information (data elements) to meet the requirements for inclusion in NCIC.

In addition to administrative data about the originating agency, the following data elements are required for entering a wanted person record into NCIC:

- Name
- Sex
- Race
- Height
- Hair color
- Offense code
- Date of warrant
- Originating agency case number
- Extradition limitation
- Plus one additional numeric identifier (date of birth, social security number, FBI number, operator's license number, passport number, miscellaneous number, etc.)[14]

If any of the above data is missing from the warrant issued by the court, then the record cannot be entered into the NCIC Wanted Person File. However, in many instances, it can be entered into state and local warrant files.

The cost and personnel resources required to extradite and transport wanted persons who have left or fled the jurisdiction.

Before entering a record of a wanted person into NCIC, the entering agency must attempt to determine, to the maximum extent possible, if extradition will be authorized when the individual is located in another state. For NCIC purposes, extradition is the "*surrender by one state to another* of an individual charged with or convicted of an offense outside its own territory and within the territorial jurisdictionof the other. Agencies entering misdemeanor and felony warrants into NCIC must include an extradition code in each record entry."[15] Similarly, when wanted persons are apprehended intrastate, entering agencies must determine if the underlying offense that triggered the warrant entry is severe enough to incur the expense of transporting the individual back to the issuing jurisdiction. Once established, transportation limitations must also be specified in each record entry. When agencies decide not to enter warrants into NCIC because of extradition/transportation limitations, they frequently enter them into local or state administered warrant databases. As a result, law enforcement officials outside of those jurisdictions and the FBI NICS Section are not aware of many outstanding warrants that reside in local and state databases.

14 NCIC 2000 Operating Manual, Intro 2.3, Mandatory Fields for Entry, Wanted Person File
15 NCIC 2000 Operating Manual, 1.1.5 Criteria for Entry, Extradition

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State and local warrant systems often allow multiple warrants from the same Originating Agency (ORI) on the same individual to be entered into their databases (as opposed to NCIC, which does not allow this practice).

This last qualifier illustrates a fundamental misalignment between certain state "warrant" systems and the NCIC "wanted person" system. The original purpose of NCIC was to identify individuals with at least one outstanding warrant, while state and local warrant management systems focus on tracking and managing each individual warrant. Recognizing the limitation of the "wanted person" model, law enforcement and the FBI have worked to address the need for warrant management within the NCIC Wanted Persons File.

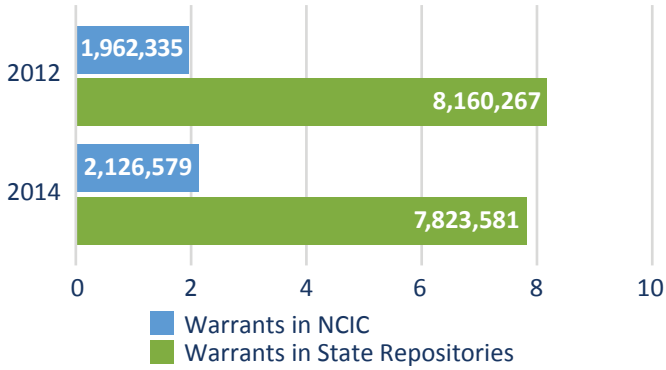
Through the CJIS Advisory Policy Board (APB) and its NCIC Ad Hoc Subcommittee, NCIC is operated under a shared management concept between the FBI and federal, state, local, and tribal criminal justice record contributors and users of CJIS Division systems. The APB enables CJIS Division users to make recommendations to the FBI Director for policy and operational enhancements to the system. In October 2011 the APB approved an Additional Offense (ADO) Field, which is flagged with a Y (Yes) or N (No) indicator. This enhancement provided the first sanctioned means for agencies to affirmatively note in the NCIC record that a warrant issued for an individual contains multiple charges or that additional warrants are issued against the same individual by the same entering agency. When used, this effectively informs contacting agencies of all outstanding warrants regarding an individual by each entering agency. However, this enhancement does not directly address the difference between warrant counts in NCIC and state warrant files.

On December 5, 2011, with a desire to increase the utility of the Wanted Person File, the APB's Warrant Task Force met and developed a recommendation to support the concept of allowing a single originating agency to enter multiple warrants for the same individual into NCIC. At its spring 2012 meeting the APB voted to approve this concept and requested the CJIS Division to develop an implementation plan for technical and policy requirements. This change will be made as part of the planned NCIC 3rd Generation (N3G). When N3G is introduced to the criminal justice community, agencies using the new Wanted Person File will be able to more readily enter multiple warrants for the same individual under a single originating agency identifier. Until N3G becomes operational, however, agencies can enter multiple warrants regarding the same individual by entering the appropriate Y/N flag in the ADO Field.[16]

Availability of Warrant Records at the State and Local Level

Most states have created warrant files to allow courts and the law enforcement community to enter warrants into a state-administered database. At year-end 2014, 40 states, the District of Columbia, Guam, and Puerto Rico reported having their own centralized warrant file.[17]

Warrant and Wanted Person File Record Counts (in Millions)



Source: Survey of State Criminal History Information Systems, 2014, Table 5a
http://www.search.org/resources/surveys/

16 http://www.wdmtoolkit.org/~/media/Microsites/Files/Warrants%20and%20Dispositions/Warrants/Warrants%20vs%20Wanted%20Persons.ashx

17 Survey of State Criminal History Information Systems, 2014, Table 5, (http://www.search.org/resources/surveys/)

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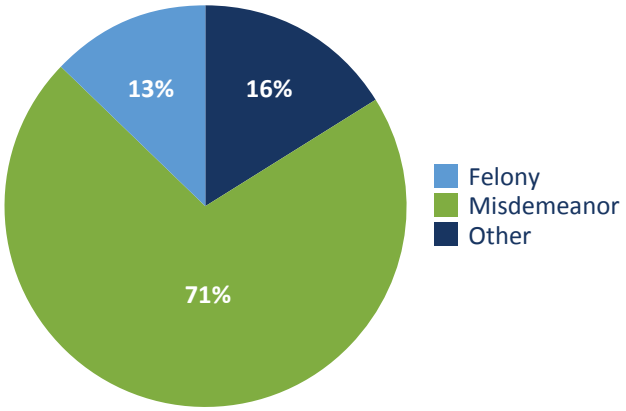
These files often contain warrant records that do not satisfy NCIC entry criteria, but are of interest locally and are actionable by local law enforcement agencies. Also, state warrant systems contain many warrants that are non-extraditable from jurisdictions outside of the issuing state. In states where a state or local agency conducts the NICS check, state warrant files can be queried before issuing a firearms permit or allowing a firearm transfer to proceed.

Breakdown of Warrants in State Warrant Databases - 2014



Source: Survey of State Criminal History Information Systems, 2014, Table 5a
http://www.search.org/resources/surveys/

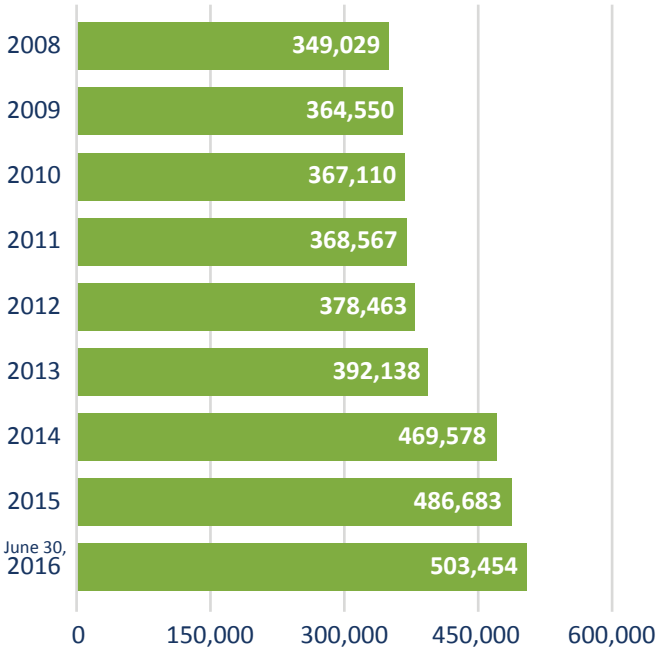
Warrant Records in the NICS Index

Warrant records that meet NICS denial criteria but are not entered into NCIC may be placed in the NICS Index. While placing warrants in the NICS Index does not make them available to law enforcement, it does make them available for firearms background checks.

Importantly, the NICS Index is accessible for all firearms purchases and transfers throughout the country as opposed to those records that only exist within a state or local warrant system.

Once again, the challenge for courts is that they may lack access to their state's Criminal Justice Information Services Agency, which is the primary mechanism for placing records in the NICS Index. However, batch submissions may be submitted via the internet through the FBI's Law Enforcement Enterprise Portal (LEEP).[18] While this requires a court to create a LEEP account, there is no cost as long as there is an existing computer with internet access. Alternatively, courts may partner with a local law enforcement entity to enter warrant records into the NICS Index, requiring far less support in terms of maintaining the records on NCIC.

Active Records in the NICS Index - Fugitives from Justice



Source: https://www.fbi.gov/services/cjis/nics

18 https://www.fbi.gov/file-repository/nics-index-brochure.pdf/view

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NCIC Policy Provides Guidance for Electronic Records as the Source Documentation for NCIC Records.[19]

As many states move toward automating data exchanges, modifications are also being made to NCIC submission requirements. Over a decade ago, the APB began updating outdated NCIC policies to more closely align with agencies using Electronic Records Management Systems (ERMS). The FBI approved the first ERMS submission policy in 2003. Subsequently, the FBI issued substantial updates to NCIC policies regarding information transmitted via ERMS in 2008, 2012, and 2013. The current guidance specifies that second party checks and validation can be performed either manually or by synchronization of databases, when using ERMS. For agencies using ERMS, hit confirmation requests may be confirmed using ERMS because it is considered to be the "source document." These changes were intended to accommodate the use of scanned documents and electronic databases (including court databases), encourage the reporting of information to NCIC, while preserving the quality and accuracy of NCIC records. Allowing for database synchronization and electronic documentation for hit confirmations is particularly helpful for submitting warrant records to NCIC, since these records are often difficult to manually track and validate given their dynamic nature.

Recent Improvements in Entering of Warrant Records in NCIC and the NICS Index

Being a fugitive from justice is the second most common reason for a federal firearm purchase denial[20] and the third most common reason that firearm transfers and permit applications are denied by state POCs and local agencies.[21]

The U.S. Department of Justice, Bureau of Justice Statistics (BJS) has encouraged states to increase the number of records submitted to NCIC and the NICS Index by making grant funding available to states seeking to improve the quality of firearms background checks. Specifically, the National Criminal History Improvement Program (NCHIP)[22] and the NICS Act Record Improvement Program (NARIP)[23] provide funds to states to enhance the availability of disqualifying records through III, NCIC and the NICS Index. Since 1995, NCHIP has made over $666 million dollars available to states and territories to support criminal history record improvement. The NARIP program – which began in 2009 – has awarded over $110 million through 2016 to states for NICS related efforts.

Similarly, in Fiscal Year 2013, the U.S. Department of Justice, Bureau of Justice Assistance (BJA) funded firearm related background check improvement projects and provided grant funding to participating states to receive Technical Assistance under its *Improving the Completeness of Firearm Background Checks through Enhanced State Data Sharing program*. Over $8.5 million was awarded to 12 states, several of which proposed improvements to making warrant records more readily available to the NICS.[24]

19 See: "CJIS Spring 2008 Assessment of NCIC Policies at Agencies Using Electronic Records Management Systems," "CJIS Spring 2012 Proposal to Modify the NCIC Validation Policy and Second-Party Check Requirement," and "CJIS Spring 2013 proposal to modify the NCIC Second-Party Check requirement for and Electronic Records Management System (ERMS)."
20 https://www.fbi.gov/file-repository/federal_denials.pdf/view
21 U.S. Department of Justice, Bureau of Justice Statistics, Background Checks for Firearm Transfers, 2013-14 Statistical Tables, Page 7, Table 5
22 http://www.bjs.gov/index.cfm?ty=tp&tid=47
23 http://www.bjs.gov/index.cfm?ty=tp&tid=49
24 http://grants.ojp.usdoj.gov:85/selector/office?po=BJA&fiscalYear=2013&defaultYear=Y

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State Success Stories

The fluid nature of warrant records and the added requirements of NCIC together can make it challenging for states to make warrant records available at the national level. Several states have focused efforts on improving information exchange capabilities and record reporting overall. These efforts have greatly expanded the number of records that are available for a NICS background check.

Federal grant funds through BJS, such as NARIP and NCHIP, as well as those awarded through the BJA have provided states with resources to develop strategies for overcoming the barriers to reporting accurate, timely, and complete information to state and national databases. Alabama, Florida and Kentucky provide examples of recent successful improvements to warrant processing and availability.

Alabama Statewide eWarrant Service

Prior to the implementation of a statewide e-Warrant service, Alabama's warrant management process was primarily paper-based. While there was a mainframe system, and most counties stored some warrant details and status information on the mainframe, the process was utilized inconsistently. This created problems including the inability to accurately track warrant status between jurisdictions (e.g., the clerk and sheriff), misplaced original warrants, and the inability to serve warrants due to lack of information identifying the subject of the warrant.

To correct these problems, the Alabama Administrative Office of the Courts, in collaboration with the Alabama Criminal Justice Information Center, developed electronic warrant services to track and manage statewide warrants. The electronic warrant system exchanges structured data and warrant images between circuit and district courts, law enforcement, and district attorneys. Accordingly, the electronic warrant system improves the accuracy, completeness, and timeliness of warrants, reducing the incidence of non-service and increasing overall efficiency.[25]

Florida Department of Law Enforcement

The Florida Department of Law Enforcement (FDLE), in conjunction with Florida's law enforcement community, must ensure that the entry of warrants into the Florida Crime Information Center and NCIC are complete, current and accurate to guarantee both officer and public safety. This includes ensuring that individuals with active warrants are denied purchase of firearms. From NARIP funding obtained in 2010, 2011 and 2015, the FDLE is in the final testing phase of implementing an electronic warrant exchange to bridge gaps in reporting and exchanging warrant and wanted person information to state and national files. This project is designed to ensure that warrant information is exchanged and entered into state and national systems in a timely and complete manner. This will assist criminal justice agencies when making appropriate decisions in many different processes; including, the sale and transfer of firearms.

FDLE, in conjunction with the National Center for State Courts, and Florida's state warrants task force created a conceptual business process model, a National Information Exchange Model conformant Information Exchange Packet Documentation, and a full functioning eWarrants prototype website and database. Agencies can effectively interact via a web site with the centralized eWarrants tracking system, providing information and tracking the progress of a warrant as it moves through the approval process.

FDLE is completing final acceptance testing with Florida's 19th Circuit and St Lucie County. Upon completion of final acceptance testing, FDLE has several additional circuits waiting to implement the eWarrants system.

25 http://www.wdmtoolkit.org/State-Initiatives/Alabama.aspx

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Kentucky State Police

In 2008, the Kentucky State Police (KSP) partnered with Kentucky's Office of Homeland Security, the Administrative Office of the Courts and the Attorney General's Office to implement a new electronic warrant system. The statewide eWarrants system has eliminated many inefficiencies of the previous paper based system. With one repository for all warrant and summons information, Kentucky law enforcement officers receive immediate outstanding warrant information. Warrants are being served within hours of issuance rather than days, and electronic warrant information is instantly available to the state's law enforcement community, increasing the safety of Kentucky communities and law enforcement personnel. Prior to implementing the statewide eWarrants System, only 10-15% of warrants (and only 5% of criminal summonses) were being served. Following implementation, over 76% of Circuit bench warrants, warrants of arrest and warrants on indictment are being served. Additionally, over 78% of District bench warrants and criminal summonses are being served statewide.

In 2014, KSP was awarded NCHIP funding to improve the NICS fugitive from justice warrant records. At that time, KSP entered less than 4% of active warrants into the FBI's NCIC Wanted Persons File due to lack of information and/or validation requirements. Further, KSP did not submit active warrants to the NICS Index due to having limited staff and fewer resources than are needed to perform the manual entry, monitoring, and removal of each warrant.

Kentucky's eWarrant system houses approximately 200,000 active warrants at any given time. A previous project utilized 2011 NCHIP funds to create functionality that would automatically add and remove individuals to and from the NICS Index. KSP leveraged both of these systems to identify persons prohibited from firearms purchases due to fugitive from justice status and to automatically transmit these relevant records directly to the NICS Index. When a warrant is issued, the eWarrant program transmits the required demographic information to an application that automatically submits the information to the NICS Index. If or when the warrant is served or recalled, eWarrants notifies the application resulting in removal from the NICS Index. This automated process is completed in real time, providing the most up to date and accurate records available.

Conclusion

The importance of making warrant information available to databases searched during a NICS check cannot be overemphasized. Warrant information used for determining if a person is prohibited from obtaining a firearms permit or from purchasing or possessing a firearm from an FFL is a critical component in making suitability determinations under the Brady Act.

SEARCH NCSC National Center for State Courts BJS

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