

Table 8. ATF investigation of National Instant Criminal Background Check System (NICS) denials by the FBI, 2009

	Total	Percent
FBI denials referred to ATF Brady Operations	71,010	100 %
Brady Operations referrals to ATF field divisions^a		
Total referred to field	4,681	6.6 %
Delayed denials ^b	2,390	3.4
Standard referrals ^c	2,291	3.2
Not referred to field	64,221	90.4
Not referred and overturned	2,108	3.0
Reasons for referrals to ATF field divisions		
Subject to protective order	1,343	28.7 %
Domestic violence misdemeanor	1,149	24.5
Convicted felon	1,057	22.6
Unlawful user of controlled substance	418	8.9
Under indictment or information ^d	375	8.0
Fugitive from justice	257	5.5
Illegal or unlawful alien	42	0.9
Adjudicated mentally defective	32	0.7
Other reasons ^e	8	0.2

Note: Total may not sum to 100% due to rounding.

^aA denial is referred if it is likely to merit prosecution under ATF and U.S. Attorney criteria.

^bA firearm may be obtained during an "open transaction" where the FBI has not completed a check in 3 business days and the dealer is allowed to transfer the firearm. If the FBI completes the check and finds that the buyer is prohibited, a delayed denial referral is made to ATF.

^cA standard referral involves a person who is not allowed to receive a firearm because the FBI found a prohibitory record within 3 business days.

^dAn "information" is a formal accusation of a crime, which differs from an "indictment" because it is made by a prosecuting attorney rather than a grand jury.

^eThe category "other reasons" is compiled from four other prohibiting categories used by the Brady Operations Branch to refer denials for field investigation.

Source: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Brady Operations Branch.

See also *Methodology*.