

## Does the subject of the protection order meet the federal prohibiting criteria?

**P**rior to placing data into the BRD Field, the entering official should be cautious about determining whether the code is appropriate.

All of the three conditions listed previously must be met in order to use a Y in the BRD Field. The critical question is “Does the subject of the protection order meet the federal prohibiting criteria?” When the answer to this question is “yes,” a Y or affirmative response is proper. A “yes” indicates that *the*

**Remember:  
A BRD of Y  
Means  
No Firearm.**

*federal criteria are met* and the subject of the protection order *cannot* ship, transport, possess, or receive a firearm. If the answer is “no,” an N or negative response is correct. The negative response indicates that *the federal criteria are not met*, and the subject of the protection order *may*

ship, transport, possess, or receive a firearm.

A BRD of U should be used only when the protection order subject’s status cannot be determined.

Hits on records that contain a Y in the BRD Field are returned with a caveat indicating the subject of the record is prohibited from shipping, transporting, possessing, or receiving a firearm. Remember, a BRD of Y means No Firearm.

**For more detailed information on the NCIC Protection Order File, consult the *NCIC Operating Manual*, contact your NCIC Control Terminal Agency, or contact the FBI’s NCIC Training Team at 1-877-324-6242 or [ncictraining@fbi.gov](mailto:ncictraining@fbi.gov).**



## The NCIC Protection Order File Proper Use of the Brady Indicator Field



In May 1997, the FBI established the National Crime Information Center (NCIC) Protection Order File (POF) for the entry, storage, and retrieval of protection orders issued by civil and criminal courts.

The file was created in support of the Violent Crime Control and Law Enforcement Act of 1994. One provision of that sweeping legislation amended the Gun Control Act of 1968, making it unlawful for a subject of a protection order meeting specific criteria to ship, transport, possess, or receive any firearm. For a protection order to disqualify a person from purchasing a firearm under federal law, three conditions must be met:

1. The protection order must have been issued after a hearing of which the subject received actual notice and had the opportunity to participate.
2. The order must restrain the subject from harassing, stalking, or threatening an intimate partner or child of an intimate partner or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.
3. The order must meet at least one of the following conditions:
  - a. Include a finding that the subject represents a credible threat to the physical safety of the intimate partner or child.
  - b. Explicitly prohibit, by its terms, the attempted use or threatened use of physical force against the intimate partner or child.

*[An intimate partner is defined as the subject's spouse, former spouse, a current or past cohabitant, or an individual who is a parent to a child of the subject.]*

## The Role of the Brady Indicator Field

The Brady Indicator (BRD) Field of the NCIC POF allows the entering agency to indicate whether the protection order disqualifies the subject from purchasing a firearm under federal law.

**A "Yes" response in the Brady Indicator Field means the prohibiting criteria are met and the subject cannot purchase a firearm.**

A Y or affirmative response in this field means the prohibiting criteria are met, and the subject cannot purchase a firearm. It is critical that this flag be set properly by entering agencies and be interpreted correctly by others.

Prior to entering the record, the entering agency should make every attempt to determine the subject's firearm disqualification status. The U Code should be used only when it is impossible to make that determination. Only a **final** protection order can contain a Y or U. Emergency or temporary orders are coded with an N or negative response. Since they

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are issued without the participation of the subject, they do not meet the federal conditions for a Y response in the BRD Field.

The BRD Field provides valuable information regarding firearm purchases. For example, Federal Firearms Licensees use the National Instant Criminal Background Check System (NICS) to conduct background checks on potential buyers of firearms. NICS inquiries search the NCIC POF to determine if the potential purchaser is the subject of a disqualifying protection order. Proper use of the BRD Field is important in keeping firearms out of the hands of disqualified persons.

## The Role of the Protection Order Conditions Field

Some states have broader laws on firearm disqualifications than the federal government. A protection order that does not meet the federal criteria may still prevent the subject from possessing a firearm based on state laws.

However, state disqualifications are not flagged by the BRD Field. NCIC supports the identification of state prohibiting orders through the use of the Protection Order Conditions (PCO) Field.

When a POF record includes the PCO code 07, the statement "The subject is prohibited from possessing and/or purchasing a firearm or other weapon" is included in the response.