

Brady Record Indicator (BRD) NCIC Manual Section 2.5.3

- Protection orders meeting certain criteria disqualify an individual from possessing, purchasing, or receiving a firearm per Federal Law 18, USC 922.
- An order that restrains an individual from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner of a child of the partner disqualifies that individual from possessing, purchasing, or receiving a firearm providing that the order:
 - Was issued after a hearing, of which the subject, received actual notice, and at which such person had an opportunity to participate, and:
 - Includes a finding that the subject represents a credible threat to the physical safety of an intimate partner or child.
 - Explicitly prohibits the use, attempted use, or threatened use of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury.
- If the criteria are met and the subject is considered Brady disqualified, Y should be entered in the BRD Field. This will cause a caveat to be generated as part of a response to an NCIC inquiry. The caveat follows the protection order alert but precedes the NCIC record and reads:

*****THE SUBJECT OF THIS RECORD IS PROHIBITED FROM RECEIVING OR POSSESSING
A FIREARM UNDER FEDERAL LAW (TITLE 18, U.S.C., SECTION 922)*****
- Only a final protection order record (MKE/EPO or EPOC) can contain a Brady indicator of Y or U (unknown). Emergency or temporary orders (MKE/ETO or ETOC) issued ex parte do not meet the criteria specified by law, and, therefore, N must be entered in the field.
- Prior to entering the record, an entering agency should make every attempt to determine the firearm disqualification status. The U code should not be used when the status remains unknown after reviewing all available documentation. When no attempt is made to determine the disqualification status, a BRD code should be included in the record (MKE/EPO or EPOC).
- The federal firearm prohibition does not apply unless the relationship between the subject of a protection order (respondent) and the protected person (petitioner) is that of an intimate partner or child of an intimate partner
 - *Intimate Partner* – with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabit or has cohabited with the person.
 - *Cohabitation* – requires a live-in relationship (or former live-in relationship) between two (2) individuals (can be same sex) which, in essence, is a sexual/romantic relationship, NOT merely a roommate.