



May 5, 2020

TECHNICAL AND OPERATIONAL UPDATE (TOU) 20-3

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SECTION 1 -- MESSAGE TO CJIS SYSTEMS OFFICERS

Section 2.1 provides an update to administrative messages in NICS.

Section 2.2 supplies an update to the NICS Denied Transaction caveat and information on the discontinuation of the delayed inquiry notifications for NICS Denied Transaction File records.

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TOUs are also available via the Law Enforcement Enterprise Portal (LEEP). To access the TOUs on the LEEP, go to JusticeConnect. Under Communities, join the NCIC Community. Users with questions concerning access to LEEP should contact the LEEP Help Desk at 888-334-4536.

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SECTION 2 -- SYSTEM CHANGES

2.1 UPDATE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ADMINISTRATIVE MESSAGES

AFFECTED BY CHANGE: **Introduction**

EFFECTIVE DATE: **May 5, 2020**

Background

This Technical and Operational Update serves to document the change in the \$.NICS.DOWN Out-of-Service and the \$.NICS.UP Return-to-Service notifications transmitted to all NICS users when NICS goes out of service and when NICS returns to service. This is a document change only.

NCIC Operating Manual Changes

Additions to the *NCIC Operating Manual* (December 1999) are indicated by highlighting, and deletions are indicated by ~~strikeout~~.

INTRODUCTION

SECTION 2 – NCIC MESSAGES

2.9 ADMINISTRATIVE MESSAGES

2.9.4.1 \$.NICS.DOWN NICS Out-Of-Service Notification

A \$.NICS.DOWN NICS Out-Of-Service Notification is transmitted to all NICS users when NICS is going out of service. Up to 80 characters of text may be inserted in the free text message.

```
$.NICS.DOWN.  
NICS GOING DOWN.
```

```
NICS OUT-OF-SERVICE-UNTIL WILL BE UNAVAILABLE STARTING AT <hhmm> EST
```

2.9.4.2 \$.NICS.UP NICS Return-to-Service Notification

A \$.NICS.UP NICS Return-to-Service Notification is transmitted to all NICS users when NICS is returned to service.

```
$.NICS.UP.  
NICS IN SERVICE AT <hhmm> EST <yyyymmdd>.
```

SECTION 2 -- SYSTEM CHANGES

2.2 UPDATE TO THE NICS DENIED TRANSACTION FILE CAVEAT AND DISCONTINUANCE OF THE DELAYED INQUIRY NOTIFICATIONS FOR NICS DENIED TRANSACTION FILE RECORDS

AFFECTED BY CHANGE:

**Introduction
NICS Denied Transaction File**

EFFECTIVE DATE:

August 4, 2020

Background

NICS users (FBI and point-of-contact states) are required to follow federal, state, and local dissemination regulations and user agreements when providing denial information to other agencies. The denying agency may not be permitted to provide specific details surrounding the basis of the denial. Therefore, the NICS Section recommended, and the FBI Director approved, the NCIC response caveat be modified to indicate such restrictions may apply. This will assist denying agencies during interactions with law enforcement agencies unfamiliar with NICS and support the denying agency's decision when information cannot be disseminated.

In addition, the NCIC system generates a delayed inquiry notification and a delayed inquiry hit notification to both the user entering or modifying a record and the user who made the initial inquiry, respectively, within 5 days of the subsequent transaction. Discussions with several agencies concluded that no beneficial information has been obtained from delayed inquiry notifications generated from the NICS Denied Transaction File. Since hit confirmation on NICS Denied Transaction File records is not required, the Advisory Policy Board recommended, and the FBI Director approved, discontinuing the Delayed Inquiry Hit Notification and Delayed Inquiry Hit Response Notification generated by hits on the NICS Denied Transaction File.

System Changes

The NICS Denied Transaction File record response caveat will be updated, and the Delayed Inquiry Hit Notification and the Delayed Inquiry Hit Response Notification will be discontinued for NICS Denied Transaction File records on August 4, 2020.

NCIC Operating Manual Changes

Additions to the *NCIC Operating Manual* (December 1999) are indicated by **highlighting**, and deletions are indicated by ~~strikeout~~.

INTRODUCTION

2.5.6.29 NICS Denied Transaction File Message

***** NOTICE: DO NOT DETAIN OR ARREST BASED ON THIS HIT. THE DATE OF NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) DENIAL (DND) PROVIDED IN THIS RECORD IS THE DATE THE SUBJECT WAS DENIED BY THE NICS FROM THE RECEIPT AND/OR THE POSSESSION OF A FIREARM OR THE ISSUANCE OF A FIREARM OR EXPLOSIVES PERMIT PURSUANT TO STATE AND/OR FEDERAL LAW. HOWEVER, IT IS POSSIBLE THIS SUBJECT MAY NO LONGER BE A PROHIBITED PERSON. DISSEMINATION OF SUPPLEMENTARY INFORMATION BY THE DENYING AGENCY MAY BE LIMITED UNDER STATE OR FEDERAL LAW.

This message precedes a NICS Denied Transaction File record.

*** THE INFORMATION DISPLAYED IN THIS RECORD IS A POSSIBLE MATCH TO THE INDIVIDUAL QUERIED. THIS MATCH IS BASED ON NAME AND DESCRIPTIVE DATA ONLY. NO LAW ENFORCEMENT ACTION SHOULD BE INITIATED BASED SOLELY ON THIS INFORMATION.

This message appears at the end of a NICS Denied Transaction File record.

2.9.2.22 \$.H. Delayed Inquiry Hit Notification

A \$.H. Delayed Inquiry Hit Notification administrative message is sent to the ORI entering or modifying a record which resulted in a hit response for an inquiry made within the last 5 days. A \$.H. administrative message will not be sent to an agency that hits on a delayed queue inquiry which has the Custom and Border Protection's ORI VAUSC6099 unless the entry or modification transaction is to the Gang File, Known or Suspected Terrorist File, or the Immigration Violator File. A \$.H. administrative message will not be sent to an agency that hits on a delayed queue inquiry for NICS Denied Transaction File records.

This is an example of a \$.H. Delayed Inquiry Hit Notification:

```
$.H.  
MD0012600  
YOUR RECORD WITH NIC/V123456789 OCA/56789 IS A POSSIBLE DELAYED INQUIRY MATCH  
PLEASE ASSURE YOUR ENTRY IS A REASONABLE MATCH WITH  
INQUIRY ON 1230 EST 20040801 CONTAINING: LIC/ABC123  
LIS/MD  
LIY/1999  
INQUIRING ORI/FL0130000 ATR/ANY CITY PD FL  
407 555-1313
```

2.9.2.23 \$.H. Delayed Inquiry Hit Response Notification

A \$.H. Delayed Inquiry Hit Notification administrative message is sent to the ORI of an inquiry transaction when a hit response is generated because of a subsequent entry or modification transaction. The inquiry transaction will potentially receive hit responses for 5 days after the initial inquiry was made. A \$.H. administrative message will not be sent to the Custom and Border Protection's ORI VAUSC6099 when another agency sends in an entry or modification transaction that hits on a delayed queue inquiry unless the transaction is to the Gang File, Known or Suspected Terrorist File, or the Immigration Violator File. A \$.H. administrative message will not be sent to an agency that hits on a delayed queue inquiry for NICS Denied Transaction File records.

This is an example of a \$.H. Delayed Inquiry Hit Notification:

```
$.H.1L01HEADER
MD1012600

DELAYED INQUIRY HIT NOTIFICATION AT 1600 EST 19990830
PLEASE ASSURE YOUR INQUIRY IS A REASONABLE MATCH
PRIOR TO CONTACTING ENTERING AGENCY
YOUR INQUIRY ON 19990906 2200 EDT CONTAINING:
VIN/9876543345210
HIT ON THE FOLLOWING RECORD
MKE/STOLEN VEHICLE
ORI/FL0130000 LIC/ABC123 LIS/MD LIY/1999 LIT/PC
VIN/9876543345210 VYR/1972
VMA/PONT VMO/BON VST/SW VCO/RED DOT/19990803
OCA/56789
OAN/12345678
NIC/V123456789 DTE/19990904 1200 EDT DLU/19990908 1115 EDT
```

3.15.3 Delayed Inquiry

User inquiries are stored in NCIC for 5 days. Entry or modification transactions received by NCIC are checked against the log of inquiries. If any match occurs, both the user entering or modifying a record and the user who made the initial inquiry are respectively advised by way of a delayed inquiry notification and a delayed inquiry hit response (both \$.H. messages). The following inquiries are not subject to delayed query processing:

- SPRQ (Global Inquiry)
- Batch Inquiry
- Request for Benefits and Effectiveness
- Request for Error Profile
- Request for Usage Analysis

The Custom and Border Protection's ORI VAUSC6099 is exempt from a hit response on all NCIC files except the Gang File, Known or Suspected Terrorist File, or the Immigration Violator File.

For Protection Order File records, the \$.H. message will be returned only to the entering/modifying agency. The \$.H. message will be returned only if the entering/modifying and inquiring agencies are different.

For NICS Denied Transaction File records, the delayed inquiry notification and the delayed inquiry hit response will not be generated.

NICS DENIED TRANSACTION FILE

5.2 EXAMPLE OF INQUIRY WITH NEGATIVE AND POSITIVE RESPONSES

1N01HEADER.QND.WA1230000.NAM/SMITH, JOHN J.SEX/M.DOB/19511012.SOC/123456789

Negative QND Response

1L01HEADER
WA1230000

NO NCIC NICS DENIED TRANSACTION FILE RECORD NAM/SMITH, JOHN J DOB/19511012 SEX/M
NO NCIC NICS DENIED TRANSACTION FILE RECORD SOC/123456789

Positive QND Response

1L01HEADER
WA1230000

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MKE/NICS DENIED TRANSACTION FILE
ORI/WVNIC000 NAM/SMITH, JOHN J SEX/M RAC/W POB/RI
DOB/19511012 HGT/511 WGT/230 CTZ/US
SOC/123456789
SOP/NV SOR/NV DND/20120909
NTN/ABC1234567 STN/123ABC4567
NIC/E123456789 DTE/20120909 23150401 EDT DLU/20120909 23150404 EDT
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NO NCIC NICS DENIED TRANSACTION FILE RECORD SOC/123456789

The message keys QW, QWA, QWE, QWF, QWS, ZW, QWB, and QWI are used for NICS Denied Person File inquiries in addition to Foreign Fugitive, Wanted Person, Gang, Known or Suspected Terrorist, Protection Order, Immigration Violator, Missing Person, Identity Theft, Supervised Release, Violent Person, and Protective Interest Files and the National Sex Offender Registry will cause these files to be searched automatically. If vehicle identifiers (LIC, LIS, and/or VIN and VMA) are included in the inquiry, the Vehicle, Boat, Vehicle/Boat Part, and License Plate Files will also be searched. If MNU, SOC, or OLN is included in the inquiry, the Article File personal identifier records will also be searched.

1N01HEADER.QW.WA1230000.NAM/SMITH, JOHN J.SEX/M.RAC/W.DOB/19511012.RSH/Y

Negative Response:

1L01HEADER
WA1230000

NO NCIC WANT DOB/19511012 NAM/SMITH, JOHN J SEX/M RAC/W
***MESSAGE KEY QW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF
EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE INTERSTATE
EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS
FILES ARE SEARCHED WITHOUT LIMITATIONS.

Positive Response:

1L01HEADER
WA1230000

***MESSAGE KEY QW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF
EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE INTERSTATE
EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS
FILES ARE SEARCHED WITHOUT LIMITATIONS.

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OR EXPLOSIVES PERMIT PURSUANT TO STATE AND/OR FEDERAL LAW. HOWEVER, IT IS
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SUPPLEMENTARY INFORMATION BY THE DENYING AGENCY MAY BE LIMITED UNDER STATE
OR FEDERAL LAW.

MKE/NICS DENIED TRANSACTION FILE
ORI/WVNICS000 NAM/SMITH, JOHN J SEX/M RAC/W POB/RI
DOB/19511012 HGT/511 WGT/230 CTZ/US
SOC/123456789
SOP/NV SOR/NV DND/20120909
NTN/ABC1234567 STN/123ABC4567
NIC/E123456789 DTE/20120909 23150401 EDT DLU/20120909 23150404 EDT
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