

# GAO Highlights

Highlights of [GAO-16-483](#), a report to the Acting Ranking Member, Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations, House of Representatives

## Why GAO Did This Study

The FBI and designated state and local criminal justice agencies use the FBI's NICS to conduct background checks on individuals seeking to obtain firearms. Persons prohibited by federal law from possessing firearms include individuals who have domestic violence records that meet federal disqualifying criteria. Under federal law, firearm dealers may transfer a firearm to an individual if the FBI has not made a proceed or denial determination within 3 business days.

GAO was asked to review NICS checks involving domestic violence records. This report (1) describes the extent to which states identify domestic violence records that prohibit an individual from obtaining a firearm and (2) evaluates the extent to which NICS checks involving domestic violence records are completed before firearm transfers take place and any related challenges in completing these checks.

GAO reviewed laws and regulations; analyzed FBI data from 2006 through 2015 on domestic violence records that states submitted to the FBI, FBI total checks and denial determinations, and DOJ firearm retrieval actions; and interviewed officials from DOJ and eight states (chosen based on number of domestic violence records submitted to NICS and other factors). State interview results are not generalizable but provide insights on state practices.

## What GAO Recommends

GAO recommends that FBI monitor the timeliness of NICS checks to assist DOJ entities in establishing priorities for improving the timeliness of checks. FBI agreed with the recommendation.

View [GAO-16-483](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or [goodwing@gao.gov](mailto:goodwing@gao.gov).

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## GUN CONTROL

### Analyzing Available Data Could Help Improve Background Checks Involving Domestic Violence Records

## What GAO Found

Most of the 50 states submit domestic violence records—misdemeanor crime of domestic violence (MCDV) convictions and domestic violence protection orders—to the Department of Justice's (DOJ) Federal Bureau of Investigation (FBI) for use during National Instant Criminal Background Check System (NICS) checks, but states vary in their efforts to identify ("flag") such records that prohibit an individual from obtaining a firearm under federal law. For example, in 2015, 22 states voluntarily participated in a program to identify criminal history records that prohibit individuals from obtaining firearms, which can include domestic violence records. FBI data also show that 47 states identified domestic violence protection orders that prohibit firearm purchases. Since not all domestic violence records that states submit to the FBI meet federal prohibiting criteria, flagging prohibiting records can help expedite NICS checks. The total number of prohibiting domestic violence records that states submit to the FBI is generally unknown because states are not required to flag prohibiting records and there is no automated process to disaggregate such records from other records checked by NICS.

For fiscal years 2006 to 2015, FBI data show that most NICS checks involving domestic violence records that resulted in denials were completed before firearm transfers took place (see table). However, about 6,700 firearms were transferred to individuals with prohibiting domestic violence records, which resulted in the FBI referring these cases to DOJ's Bureau of Alcohol, Tobacco, Firearms and Explosives for firearm retrieval. Under federal law, firearm dealers may (but are not required to) transfer a firearm to an individual if the dealer has not received a response (proceed or denial) from the FBI after 3 business days.

**Table: Background Check Denials and Firearm Transfers for Misdemeanor Crimes of Domestic Violence (MCDV) Convictions and Protection Orders, Fiscal Years 2006 to 2015**

Category	Total denials	Within 3 days	After 3 days	Firearm transfers
MCDV convictions	59,000	41,000	18,000	6,221
Protection orders	30,000	28,000	2,000	559

Source: GAO analysis of Federal Bureau of Investigation data. | GAO-16-483

FBI data also show that during fiscal year 2015, the FBI completed 90 percent of denials that involved MCDV convictions within 7 business days, which was longer than for any other prohibiting category (e.g., felony convictions). The FBI completed 90 percent of denials that involved domestic violence protection orders in fewer than 3 business days. According to federal and selected state officials GAO contacted, the information needed to determine whether domestic violence records—and in particular MCDV convictions—meet the criteria to prohibit a firearm transfer is not always readily available in NICS databases and can require additional outreach to state agencies to obtain information. DOJ has taken steps to help states make prohibiting information more readily available to NICS—such as through training and grant programs—but does not monitor the timeliness of checks that result in denials by prohibiting category. Ongoing monitoring could help the FBI determine if specific prohibiting categories present greater challenges in making determinations than other categories and, in turn, the FBI could provide the results to other DOJ entities to help them establish priorities, such as for grants, state outreach, or training.