# Tribal Access Program: National Instant Criminal Background Check System (NICS) Audit Checklist

The NICS audit ensures the integrity and reliability of data maintained in NICS, appropriate usage of NICS and compliance with NCIC 2000 Operating Manual, CJIS Security Policy, Advisory Policy Board (APB) bylaws, and applicable federal laws.

The NICS audit covers the following areas: NICS Background Checks, NICS Indices, and Security/Training.

Applicable agencies: Law Enforcement, Courts, Prosecuting Attorneys, and Probation/Parole

## NICS Background Checks

### System Integrity

- ❑ Ensure NICS data is only accessed by authorized agency personnel for authorized purposes
- ❑ Ensure the Terminal Agency Coordinator (TAC) has completed the JCIS User Agency Agreement TAC addendum
- ❑ Ensure responsibilities delegated to others by the TAC have been documented

### System Administration – Proper Use of Queries

- ❑ Ensure NICS queries (QDP, QNP, QND) are conducted for lawful and official purposes only
- ❑ Ensure personnel performing queries are authorized to access the system
- ❑ Ensure the proper purpose codes are used for the QNP query as follows:
    - o Purpose code/ID "14" is used for gun permits of any type
    - o Purpose code/ID "22" is used for disposition of handguns
    - o Purpose code/ID "23" is used for disposition of long guns
    - o Purpose code/ID "24" is used for disposition of other (frame, receiver, etc.)

## NICS Indices

### System Administration - Record Entry Requirements

- ❑ Ensure the entering agency maintains a copy of the source document that supports the entry of the NICS record
- ❑ Ensure all of the information entered in the NICS record is accurate
- ❑ Ensure all available information is entered in the NICS record (e.g. all available names, aliases and numeric identifiers)
- ❑ Ensure denied persons are entered based on federal prohibitions only. Persons may only be entered as a denied person based on federal prohibitions (e.g. Felony Conviction Felony Indictment, Active Warrant, Controlled Substance User, Mental Defective, Illegal or Unlawful Alien, Dishonorable Discharge, Citizenship Renunciation, Protective Order. Misdemeanor Crime of Domestic Violence).

❑ Ensure each agency has procedures in place for individuals wishing to challenge the accuracy of a NICS record, or assert that his or her rights to possess a firearm have been restored
  ○ For information on how individuals can challenge a denial, visit: Appeals and VAF — FBI.

## Record Integrity

**Accuracy** – Ensures key searchable fields and other significant fields are accurate
❑ Ensure each agency performs second-party checks on records entered in NICS
❑ Ensure each agency has a written policy outlining the proper procedures for entering and maintaining (valid, accurate, complete and up-to-date) records

**Timely Entry, Modification, and Removal** – Records must be entered immediately
❑ Ensure records are entered, modified, and removed in NICS in a timely manner

**Completeness** - Complete records include all critical information that was available on the person or property at the time of entry
❑ Ensure appropriate supporting documentation is maintained in the case file before entering records in NICS (i.e., police report, drug test results, order of protection, involuntary mental health commitment order)
❑ Ensure the record includes all critical information
  ○ Best practice includes packing record with all available information and conducting additional queries to find missing information (e.g. Query Criminal History (QH) will provide aliases; alternative SSNs and birthdates; Scars, Marks, and Tattoos, FBI number and State ID numbers)

## Record Validations
❑ Ensure each entering agency has a validation procedure and process for maintaining supporting documentation in place. This shall be done once initially and then annually thereafter upon notification of the validation requirements, as long as the record remains active.
❑ Ensure records are validated in a timely manner
❑ If the agency enters records for other agencies, understand how the validations are performed for serviced agencies

## Hit Confirmations
❑ Ensure each agency has a 24x7 Hit Confirmation policy in place if orders of protection and wanted person records are entered. NCIC requires a hit confirmation response.

## Security and Training

## Training and Certification
❑ Ensure all personnel complete NCIC training/certification prior to being granted access to NICS
❑ Ensure all agency personnel complete CSAT (CJIS Security Awareness Training) prior to being granted access to NICS

Additional resources are located at:  www.justice.gov/tribal/onboarding-and-vetting/