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Table 8. ATF investigation of National Instant Criminal Background Check System (NICS) denials by the FBI, 2008

	Total	Percent
FBI denials referred to ATF Brady Operations	78,906	100.0 %
Brady Operations referrals to ATF field divisions^a		
Total referred to field	5,573	7.1 %
Delayed denials ^b	2,472	3.1
Standard referrals ^c	3,101	3.9
Not referred to field	66,745	84.6
Not referred and overturned	6,588	8.3
Reasons for referrals to ATF field divisions		
Convicted felon	1,498	26.9 %
Subject to protective order	1,374	24.7
Domestic violence misdemeanor	1,307	23.5
Under indictment or information ^d	481	8.6
Unlawful user of controlled substance	469	8.4
Fugitive from justice	267	4.8
Illegal or unlawful alien	119	2.1
Other reasons ^e	58	1.0

Note: Total may not add to 100% due to rounding.

^aA denial is referred if it is likely to merit prosecution under ATF and U.S. Attorney criteria.

^bA firearm may be obtained during an "open transaction" where the FBI has not completed a check in three business days and the dealer is allowed to transfer the firearm. If the FBI completes the check and finds that the buyer is prohibited, a delayed denial referral is made to ATF.

^cA standard referral involves a person who is not allowed to receive a firearm because the FBI found a prohibitory record within three business days.

^dAn "information" is a formal accusation of a crime, which differs from an "indictment" because it is made by a prosecuting attorney rather than a grand jury.

^eThe category "other reasons" is compiled from four other prohibiting categories utilized by the Brady Operations Branch to refer denials for field investigation.

Source: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Brady Operations Branch.

See also **Methodology**