

FEDERAL BRADY RECORD INDICATOR (BRD)

1. Protection orders meeting certain criteria disqualify an individual from possessing, purchasing, or receiving a firearm per Federal Law 18, USC 922.

2. 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 or a child of the partner disqualifies that individual from possessing, purchasing, or receiving a firearm providing that the order:

1a. Was issued after a hearing, of which the subject received actual notice, and at which such person had an opportunity to participate, and;

2a. Includes a finding that the subject represents a credible threat to the physical safety of an intimate partner or child.

b. 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.

3. 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)****

4. 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.

5. Prior to entering the record, an entering agency should make every attempt to determine the firearm disqualification status. The U code should 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 not be included in the record (MKE/EPO or EPOC).

6. 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.

The following chart contains relationships frequently encountered on protection orders and the corresponding value for the BRD Field:

| PROTECTED PERSON | SUBJECT | BRD |
|---|---|-----|
| Spouse | Spouse | Y |
| Former spouse | Former spouse | Y |
| Unmarried Child in Common | Unmarried Child in Common | Y |
| Unmarried Currently or formerly living together unless documentation of cohabitation exists | Unmarried Currently or formerly living together unless documentation of cohabitation exists | U |
| Child | Parent | Y |
| Stepchild | Stepparent | Y |
| Currently or formerly cohabiting | Currently or formerly cohabiting | Y |
| Parent | Child | N |
| Nephew/Niece | Uncle/Aunt | N |
| Uncle/Aunt | Nephew/Niece | N |
| Grandchild | Grandparent | N |
| Grandparent | Grandchild | N |
| Brother/Sister | Brother/Sister | N |
| Cousins | Cousins | N |
| Roommates | Roommates | N |
| Neighbors | Neighbors | N |
| Stepparent | Stepchild | N |
| Boyfriend/Girlfriend unless cohabitation exists | Boyfriend/Girlfriend unless cohabitation exists | N |
| Same sex cohabiting, intimate relationship | Same sex, cohabiting, intimate relationship | Y |
| Stranger | Stranger | N |