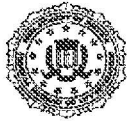


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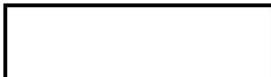
U.S. Department of Justice

Federal Bureau of Investigation


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Clarksburg, WV 26306

November 25, 2019



Alabama Law Enforcement Agency  
Suite 300  
201 South Union Street  
Montgomery, AL 36117

Dear Mr. 

The purpose of this letter is to present the final results of the April 2019 National Instant Criminal Background Check System audit of Alabama conducted by the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Division, CJIS Audit Unit (CAU). Audit results are based on the assessment of requirements set forth in applicable laws, regulations, rules, policies, and procedures. For this audit, assessments were conducted of the Alabama Law Enforcement Agency and 25 local agencies.

The CAU reviewed your response to the draft audit findings and concluded that it addresses the findings sufficiently to finalize the audit. Applicable final results will be forwarded to the CJIS Advisory Policy Board and/or the National Crime Prevention and Privacy Compact Council for review pursuant to their respective shared management responsibilities.

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Mr. [redacted]

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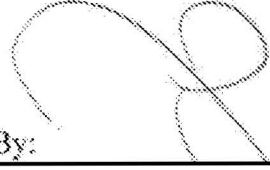
Thank you for your cooperation throughout the audit process. If you should have any questions, please contact Ms [redacted] at [redacted] or

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< [redacted] >.

Sincerely yours.

John A. Traxler  
Section Chief  
Resources Management Section  
Criminal Justice Information  
Services Division

By:   
[redacted]  
Unit Chief

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Attachment

Alabama  
2019 National Instant Criminal Background Check System (NICS)  
Audit Findings and Response

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This audit cycle consisted of a review of Alabama's Permit to Carry Pistol in Vehicle or Concealed on Person at 12 local agencies on-site and eight local agencies remotely. It is noted an additional four local agencies were selected for the audit, but did not respond to scheduling requests. One additional agency was audited for the submission of NICS Indices records.

The NICS audit resulted in 17 findings of noncompliance. Pursuant to applicable laws, regulations, rules, policies, and procedures, these findings are currently subject to the formal sanctions process.

**1. Point of Contact (POC) Requirements - POC Agency: Ensure a criminal justice agency is appointed as a POC that has overall responsibility for the administration and usage of the Federal Bureau of Investigation's NICS within a state.**

As the POC, the Alabama Law Enforcement Agency (ALEA) must provide supporting processes and procedures to allow the local agencies to make educated adjudications when issuing the permits. The POC failed to provide the instruction, support, resources, and access to the local agencies in a timely manner that are required to complete background checks when making an accurate eligibility determination for issuing a permit in accordance with federal law.

On February 24, 2016, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) sent an open letter to all Alabama Federal Firearms Licensees (FFLs) which advised that the Alabama's Permit to Carry Pistol in Vehicle or Concealed on Person issued on or after August 13, 2013, qualified as an alternative to the NICS background check under the Brady Handgun Violence Prevention Act and provided basic instruction to the Alabama FFLs. The 2016 NICS audit of Alabama was conducted prior to the issuance of the open letter but did identify that only 43 of the 67 counties were conducting the NICS checks prior to issuing a permit.

During the 2019 audit, it was discovered that the sheriffs' offices were not made aware of the requirements for issuing an ATF-qualified permit to include application of Title 18, U.S.C., § 922 (g) (1) through (g) (9) and (n) and Alabama state statutes in determining an applicant's eligibility. The sheriffs' offices were also unaware of basic processes and procedures to include access to the NICS; how to conduct a NICS check prior to issuing a permit or renewing a permit; the difference between a National Crime Information Center (NCIC) check and accessing Interstate Identification Index (III); conducting an Immigration Alien Query (IAQ) on all non-United States (U.S.) citizens; a new NICS check must be conducted for a renewal once an existing permit expired; and establishing permit revocation procedures.



Alabama  
2019 National Instant Criminal Background Check System (NICS)  
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The ALEA conducted abbreviated training seminars in several locations across the state from February to March 2019 that only included how to conduct a NICS check and the application of only three federal prohibitors that mirrored the state prohibitions. However, it is noted that all sheriffs' offices have not attended training seminars. Furthermore, the ALEA did not ensure all the authorized agencies had the proper NICS access to conduct a Query NICS or convey the requirement that all permits issued since August 1, 2013, must have the required NICS check conducted and adjudged.

*Jurisdiction-wide response:* The CSA conducted 88 trainings from January 1, 2016 to June 30, 2019. All 67 agencies were trained during this period. The training included the federal and state prohibitions from purchase of a firearm.

The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJSD have several responsibilities including training. The CJCSs will be utilized to ensure the sheriff departments will be performing the NICS queries prior to issuance of permits and will address training as needed.

Alabama has ceased to allow permits to be used as alternatives to POC NICS queries per the ATF. The Alabama Sheriff's Association has determined no further efforts are going to be pursued to allow the permit to be an alternate to the POC NICS queries.

All agencies' access to NICS is confirmed and is set up properly in order to conduct the proper queries.

The CSA's current message switch vendor, Computer Products of Illinois (CPI), is incapable of providing real time stats on NICS queries by sheriffs' departments for the issuance of permits. The CSA is working with CPI to develop reporting capabilities to ensure compliance can be monitored. The CSA has hired MTG Consulting to develop best practices for operations performed by the Criminal Justice Services Division (CJSD). Included is the possibility of a new message switch vendor with better reporting capabilities.

*Local Agency-specific response:* [Click Here to Enter Response](#)

2. **POC Requirements - POC Agency:** Ensure local agencies transmit the request for a background check via the NCIC interface to the NICS.

During this audit cycle, research of the NICS was conducted to determine when or if agencies began conducting NICS checks within the state of Alabama. Based on a review of transactions from 2015 – 2019, numerous counties were not conducting the required NICS

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Alabama  
2019 National Instant Criminal Background Check System (NICS)  
Audit Findings and Response

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checks for the issuance of permits. Results of this research and the onsite visits demonstrated that the majority of the counties did not start to conduct the required background check until after the state hosted training sessions beginning in February 2019.

Five counties audited did not have the appropriate NICS access until right before or during the audit. At the date of this assessment, two counties still did not have the required ability to transmit a request for a background check via the NCIC interface to the NICS. The POC has failed to provide access to the local agencies that is required to complete a NICS background check when making an accurate determination for eligibility in issuing a permit in accordance with federal law.

Jurisdiction-wide response: All agencies' access to NICS is confirmed and is set up properly in order to conduct the proper queries.

The CSA's current message switch vendor, Computer Products of Illinois (CPI), is incapable of providing real time stats on NICS queries by sheriffs' departments for the issuance of permits. The CSA is working with CPI to develop reporting capabilities to ensure compliance can be monitored. The CSA has hired MTG Consulting to develop best practices for operations performed by the Criminal Justice Services Division (CJSD). Included is the possibility of a new message switch vendor with better reporting capabilities.

Local Agency-specific response: [Click Here to Enter Response...](#)

3. **POC Requirements - Background Check:** Ensure NICS background checks are conducted prior to the sale of a firearm, issuance of a permit to possess or acquire, a permit to carry, or an explosive permit in accordance with Title 18, U.S.C. § 922 (t)(1). *(This was noted during the previous cycle.)*

Previously during the 2016 audit, while not a finding it was noted that as the POC, ALEA must ensure that not only the counties audited but also all counties within the state conduct the compulsory checks on all active Permits to Carry Pistol in Vehicle or Concealed issued since August 1, 2013 and adjudicate the results for eligibility under federal and state laws. A review of all 67 counties' NICS transaction totals from August 2015 – March 2016 noted that only 43 counties were conducting the required NICS checks on permits issued. All permits issued since August 1, 2013 needed the required NICS checks conducted and the results reviewed for the federal prohibitions to determine if a permit must be revoked.

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It was discovered during the audit that the agencies were unaware of the difference between a NICS check and III and that a new NICS check must be conducted for a renewal once an existing permit expired. The POC failed to provide instruction, support, resources, and access to the local agencies that are required to complete background checks when issuing a permit.

*Jurisdiction-wide response:* The CSA conducted 88 trainings from January 1, 2016 to June 30, 2019. All 67 agencies were trained during this period. The training included the federal and state prohibitions from purchase of a firearm.

The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJSD have several responsibilities including training. The CJCSs will be utilized to ensure the sheriff departments will be performing the NICS queries prior to issuance of permits and will address training as needed.

*Local Agency-specific response:* [Click Here to Enter Response...](#)

4. **POC - Conducting an IAQ:** Ensure IAQs are conducted using the correct purpose code on all non-U.S. citizens prior to the sale of a firearm, the issuance of a permit to possess or acquire, a permit to carry, or an explosive permit.

Federal law 18 U.S.C. 922 (g)(5) prohibits aliens who are illegally or unlawfully in the U.S. or who are non-immigrants that do not qualify for certain exceptions from receiving or possessing firearms or ammunition. An IAQ must be conducted whenever an applicant for an alternate permit indicates that he or she is an alien. At every agency audited, Alabama's application for a Permit to Carry Pistol in Vehicle or Concealed on Person did not capture additional immigration-related information, including the applicant's country of citizenship, whether the person is a non-immigrant alien, and, in the case of individuals who are not U.S. Citizens, the person's U.S.-Issued Alien, or Admission number (AR#, USCIS#, or I94#). Failing to obtain this information precluded all the agencies from initiating the required IAQ with the U.S. Immigration and Customs Enforcement for all aliens to inquire about the person's immigration status and whether the person is illegally or unlawfully in the U.S.

*Jurisdiction-wide response:* The CSA representatives will attend the Alabama Sheriff's Association Winter conference in January 2020 and the summer conference in July 2020 to provide guidance on modification of pistol permit applications.

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The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing of the 67 sheriff departments during the triennial period. During the audits the CJCS will ensure modification of the pistol permit application to include citizenship status of the applicant.

Local Agency-specific response: [Click Here to Enter Response...](#)

**5. POC Requirements - System Safeguards: Ensure each Criminal Justice Information Services (CJIS) Division System Agency (CSA) is responsible for completing a triennial audit of all agencies with access to CJIS Systems.**

The CSA's audit program did not audit agencies for their use of the NICS. Per the CJIS User Agreement, ALEA shall be responsible for complying with all audit requirements for use of CJIS Systems. Each CSO is responsible for completing a triennial audit of all agencies with access to CJIS Systems through the CSA's lines. Additionally, the CJIS Audit Unit is mandated to conduct triennial audits of each CSA in order to verify compliance with applicable statutes, regulations, and policies. The triennial audit is required to include a sample of criminal justice agencies.

The [REDACTED] County Sheriffs' Offices refused to respond to emails or telephone calls and messages to conduct or reschedule the NICS audit. Due to the failure to comply with audit requirements, these agencies were assessed as out of compliance for all policies assessed during the audit.

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Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.

[REDACTED]

Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

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Local Agency-specific response: [Click Here to Enter Response...](#)

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Alabama  
2019 National Instant Criminal Background Check System (NICS)  
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6. **POC Requirements - POC, Partial-POC, or Alternate Permit Requirements:** Ensure as the POC that all local agencies are given the minimum requirements and necessary guidance to properly issue permits.

On February 24, 2016, the ATF sent an open letter to all FFLs which advised that the Alabama's Permit to Carry Pistol in Vehicle or Concealed on Person issued on or after August 13, 2013 qualifies as an alternative to the NICS background check under the Brady Act. At that time, the POC should have developed and implemented a plan of action to ensure all 67 counties were provided the appropriate NICS access, and given training to ensure the proper application of federal and state prohibitions when adjudicating results for issuing the permits.

In the absence of POC guidance, each county had developed their own application process for the permit and have not consistently addressed the federal prohibitions as outlined in Title 18, U.S.C., § 922 (g) (1) through (g) (9) and (n). Additionally, the POC failed to provide instruction, support, resources, and access to the local agencies that are required to complete the compulsory background checks when issuing a permit. By not conducting the required NICS check for the issuance of the permits, the entire state is at risk for allowing a person who is not authorized under federal law to purchase a firearm unchallenged.

Jurisdiction-wide response: Alabama has ceased to allow permits to be used as alternatives to POC NICS queries per the ATF. The Alabama Sheriff's Association has determined no further efforts are going to be pursued to allow the permit to be an alternate to the POC NICS queries.

All federal and state prohibitions are outlined on the ALACOP portal under the NICS community documents. The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: [Click Here to Enter Response...](#)

7. **Federal Denial Criteria - Felony Conviction:** Ensure individuals are denied who have been convicted in any court of a crime punishable by a term exceeding one year in accordance with Title 18, U.S.C. § 922 (g) (1).

The [REDACTED] County Sheriffs' Offices were all unaware of potential disqualifying misdemeanor convictions. Any state offense classified by the laws of the state as a misdemeanor and punishable by a term of imprisonment of two years or more must be researched and determined to be disqualifying for the purpose of NICS.

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Alabama  
2019 National Instant Criminal Background Check System (NICS)  
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The [redacted] County Sheriffs' Offices were unaware of any of the federal denial criteria requirements to deny a permit. Due to each agency's lack of knowledge of determining if a person was convicted of a crime punishable by imprisonment for over one year or a disqualifying misdemeanor, an individual could have been granted a permit thus increasing the likelihood of a prohibited individual obtaining a firearm.

b7E

Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.

[redacted]

b7E

Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: [Click Here to Enter Response...](#)

8. **Federal Denial Criteria - Felony Indictment:** Ensure individuals are denied who are under indictment or information for a crime punishable by imprisonment for a term exceeding one year in accordance with Title 18, U.S.C., § 922 (n).

The [redacted] County Sheriffs' Offices were unaware of any of the federal denial criteria requirements to deny a permit. Due to each agency's lack of knowledge of determining if a person is under indictment or information, an individual could have been granted a permit thus increasing the likelihood of a prohibited individual obtaining a firearm.

b7E

Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.



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Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: [Click Here to Enter Response...](#)

9. **Federal Denial Criteria - Active Warrant: Ensure individuals are denied who is a fugitive from justice in accordance with Title 18, U.S.C., § 922 (g) (2).**

The  County Sheriffs' Offices were unaware of any of the federal denial criteria requirements to deny a permit. Due to each agency's lack of knowledge of determining if an individual is a fugitive from justice, an individual could have been granted a permit thus increasing the likelihood of a prohibited individual obtaining a firearm.

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Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.

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Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: [Click Here to Enter Response...](#)

Alabama  
2019 National Instant Criminal Background Check System (NICS)  
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10. **Federal Denial Criteria - Controlled Substance User:** Ensure individuals are denied who are unlawful users of or addicted to any controlled substance per Title 18, U.S.C., § 922 (g) (3).

The [redacted] County Sheriffs' Offices do not deny the issuance of a permit to individuals with current or multiple drug arrests within the past five years. Title 27, C.F.R., § 478.11 includes in the definition of *Unlawful user of or addicted to any controlled substance* "a pattern of use or possession that reasonably covers the present time, e.g., a conviction for use or possession of a controlled substance within the past year [or] multiple arrests for such offenses within the past five years if the most recent occurred within the past year."

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The [redacted] County Sheriffs' Offices were unaware of any of the federal denial criteria requirements to deny a permit. Due to each agency's lack of knowledge determining if a person is an unlawful user or addicted to any controlled substance, an individual could have been granted a permit thus increasing the likelihood of a prohibited individual obtaining a firearm.

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Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.

[redacted]

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Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: [Click Here to Enter Response...](#)

11. **Federal Denial Criteria - Mental Defective:** Ensure individuals are denied who are adjudicated as a mental defective or committed to a mental institution per Title 18, U.S.C., § 922 (g) (4).



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2019 National Instant Criminal Background Check System (NICS)  
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The [redacted] County Sheriffs' Offices were unaware of any of the federal denial criteria requirements to deny a permit. Due to each agency's lack of knowledge in determining if a person has been adjudicated as a mental defective or committed to a mental institution, an individual could have been granted a permit thus increasing the likelihood of a prohibited individual obtaining a firearm.

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Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.

[redacted]

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Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: [Click Here to Enter Response...](#)

12. **Federal Denial Criteria - Illegal/Unlawful Alien:** Ensure individuals are denied who are aliens illegally or unlawfully in the U.S. in accordance with Title 18, U.S.C., § 922 (g) (5).

[redacted]

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County Sheriffs' Offices application for a permit to carry pistol in vehicle or concealed on person failed to capture additional immigration-related information, including the applicants' country of citizenship, whether the person is a non-immigrant alien, and, in the case of individuals who are not U.S. Citizens, the person's U.S.-Issued Alien, or Admission number (AR#, USCIS#, or I94#). Failing to obtain this information precluded all the agencies from initiating the required IAQ with the U.S. Immigration and Customs Enforcement for all aliens to inquire about the persons' immigration status and whether the person is illegally or unlawfully in the U.S.

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Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.



Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: [Click Here to Enter Response...](#)

13. **Federal Denial Criteria - Dishonorable Discharge:** Ensure individuals are denied when discharged from the U.S. Armed Forces under dishonorable conditions as per Title 18, U.S.C., § 922 (g) (6).

The [redacted] County Sheriff's Office was not aware that a dishonorable discharge from the U.S. Armed Forces constituted a denial. The agency was also unaware of what a NICS Index hit meant or using it to deny.

The [redacted] County Sheriffs' Offices were unaware of any of the federal denial criteria requirements to deny a permit. Due to each agency's lack of knowledge of determining if a person has dishonorably discharged, an individual could have been granted a permit thus increasing the likelihood of a prohibited individual obtaining a firearm.

Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.

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Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: [Click Here to Enter Response...](#)

**14. Federal Denial Criteria - Citizenship Renunciation: Ensure individuals are denied who have renounced their U.S. citizenship per Title 18, U.S.C., § 922 (g) (7).**

The  County Sheriffs' Offices were unaware of any of the federal denial criteria requirements to deny a permit. Due to each agency's lack of knowledge of determining if a person has renounced their U.S. citizenship, an individual could have been granted a permit thus increasing the likelihood of a prohibited individual obtaining a firearm.

Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.

Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: [Click Here to Enter Response...](#)

**15. Federal Denial Criteria - Protective Order: Ensure only those individuals who are subject to a court order of protection meeting the federal definition are denied per Title 18, U.S.C., § 922 (g) (8).**

Alabama  
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The [ ] County Sheriff's Office was unaware of determining the relationship criteria to deny an individual who has an active protection order.

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The [ ] County Sheriff's Offices were unaware of any of the federal denial criteria requirements to deny a permit. Due to each agency's lack of knowledge of a person being subject to a disqualifying protection order, an individual could have been granted a permit thus increasing the likelihood of a prohibited individual obtaining a firearm.

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Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.

[ ]  
Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

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The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: Click Here to Enter Response...

16. **Federal Denial Criteria - Misdemeanor Crime of Domestic Violence:** Ensure individuals are denied who have been convicted in any court of a misdemeanor crime of domestic violence per Title 18, U.S.C., § 922 (g) (9).

[ ] County Sheriff's Office was unaware that a Misdemeanor Crime of Domestic Violence was a lifetime prohibition. The [ ] County Sheriff's Offices were denying on all charges the agencies deemed to be domestic violence regardless of the elements contained in the charge statute or the relationship criteria. The [ ] County Sheriff's Office was unaware of determining the relationship criteria.

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Alabama  
2019 National Instant Criminal Background Check System (NICS)  
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The [REDACTED] County Sheriffs' Offices were unaware of any of the federal denial criteria requirements to deny a permit. Due to each agency's lack of knowledge on persons convicted in any court of a misdemeanor crime of domestic violence, an individual could have been granted a permit thus increasing the likelihood of a prohibited individual obtaining a firearm.

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Jurisdiction-wide response: The CSA is in process of hiring Criminal Justice Compliance Specialist (CJCS) to be assigned to each of the seven geographical divisions of ALEA. Three provisional appointment have been made and the other four and a supervisor will be completed by March 2020. The CJCS will be responsible for auditing the 67 sheriff departments during the triennial period.

[REDACTED]

Counties will be among the first to be audited once the CJCS are hired and trained. The audit of the 20 agencies will be completed by December 2020.

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The CSA is creating a quick reference guide to be issued by the CJCS to all agencies issuing permits. The sheets will be handed out at the conferences and will be provided by the CJCS during agency visits.

Local Agency-specific response: [Click Here to Enter Response..](#)

**17. Alternate Permit Requirements - Alternate Permit NICS Check and Renewal Process:**  
**Ensure a NICS check is conducted prior to the issuance of a permit valid to purchase a firearm as required by federal law. (This was a finding during the previous cycle.)**

The exception to the required NICS background check as outlined in Title 27 C.F.R., Part 478.102 (d) (1) in part states that the provisions of paragraph (a) shall not apply if - the transferee has presented to the licensee a valid permit or license that allows the transferee to possess, acquire, or carry a firearm; was issued not more than five years earlier by the state in which the transfer is to take place; and the law of the state provides that such a permit or license is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by the transferee would be in violation of federal, state, or local law. All 24 counties selected for audit were not conducting the required NICS background check beginning August 1, 2013 prior to issuing a permit valid to purchase a firearm as required by federal law stated in part above.

Alabama  
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As an Alternate Permit state, each county must run the required checks on all active permits issued since August 1, 2013. The totals for the agencies audited are listed in the attached chart. As of the date of this report, several counties failed to respond to the CJIS Audit Unit (CAU) requests for final totals of checks conducted and several counties were still in the process of obtaining counts due to lack of staff, poor record keeping practices, or issues with prior county administrations. In addition, all counties to include those not audited must run the required checks on all active permits issued since August 1, 2013 and adjudicate the results for any potential disqualifying information under federal, state, or local law. Furthermore, a majority of the agencies audited were not aware that once a permit expired another NICS check had to be conducted to issue the new permit.

The 20 counties responsive to the audit have since began conducting the required NICS checks on all permits that are active since August 1, 2013 for an approximate total of over 41,250 NICS checks. These counties, as well as those not audited, have been at risk for allowing a person who is not authorized under federal law to purchase a firearm unchallenged. The CAU staff has confirmed that no less than 52 permits have been revoked thus far due to not conducting the necessary NICS check when the permit was originally issued. Reasons for revoking the permit spanned almost all federal prohibitors to include, adjudicated as a mental defective, misdemeanor crime of domestic violence convictions, active Brady protection order, under indictment for a felony, and numerous felony convictions including one for arson.

*Jurisdiction-wide response:* Alabama has ceased to allow permits to be used as alternatives to POC NICS queries per the ATF. The Alabama Sheriff's Association has determined no further efforts are going to be pursued to allow the permit to be an alternate to the POC NICS queries.

All agencies' access to NICS is confirmed and is set up properly in order to conduct the proper queries.

The CSA's current message switch vendor, Computer Products of Illinois (CPI), is incapable of providing real time stats on NICS queries by sheriffs' departments for the issuance of permits. The CSA is working with CPI to develop reporting capabilities to ensure compliance can be monitored. The CSA has hired MTG Consulting to develop best practices for operations performed by the Criminal Justice Services Division (CJSD). Included is the possibility of a new message switch vendor with better reporting capabilities.

*Local Agency-specific response:* [Click Here to Enter Response...](#)

Alabama  
2019 National Instant Criminal Background Check System (NICS)  
Audit Findings and Response

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Additional comments:

The CAU would like to mention that based on the NICS Indices sample reviewed, the ALEA did an outstanding job of packing the entries with all available descriptive information. This information is vital and increases the likelihood of a NICS Indices match during queries.



# **National Instant Criminal Background Check System Supplemental Audit Document**

**Alabama**

**April 2019**



## POC Requirements

### Compliance Summary

	NICS Denial Notifications Reviewed	POC Agency	POC Determination Messages	Retention and Destruction	Background Check	Managing an Appeal Process	Conducting an Immigration Alien Query	System Safeguards	POC, Partial-POC, or Alternate Permit Requirements
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT	OUT
	Alabama Law Enforcement Agency	0	OUT	N/A	N/A	OUT	N/A	OUT	OUT

b7E

\*Remote Audit

^Uncooperative/Unresponsive to emails/messages

N/A Not Applicable

# Use of NICS

## Compliance Summary

	NICS Transactions Reviewed	Firearms Transactions Reviewed	Use of NICS and III	Purpose Code Usage
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	U/A	U/A
	0	0	U/A	U/A
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	IN	IN
	0	0	U/A	U/A
	0	0	U/A	U/A
	0	0	IN	IN
Alabama Law Enforcement Agency	0	0	U/A	U/A

b7E

\*Remote Audit

\*Uncooperative/Unresponsive to emails/messages

U/A Unable to Assess

## Federal Denial Criteria

### Compliance Summary

	Felony Conviction	Felony Indictment	Active Warrant	Controlled Substance User	Mental Defective	Illegal/Unlawful Alien	Dishonorable Discharge	Citizenship Renunciation	Protective Order	Misdemeanor Crime of Domestic Violence
	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	IN
	OUT	IN	IN	OUT	IN	OUT	IN	IN	IN	OUT
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	IN
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	OUT
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	IN
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	IN
	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	IN
	OUT	IN	IN	OUT	IN	OUT	OUT	IN	OUT	OUT
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	IN
	OUT	OUT	OUT	OUT	IN	OUT	OUT	OUT	OUT	IN
	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT
	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	IN
	OUT	IN	IN	IN	IN	OUT	IN	IN	IN	OUT
	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	IN
	IN	IN	IN	OUT	IN	OUT	IN	IN	IN	IN
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	IN
	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT
	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT
	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT
	IN	IN	IN	IN	IN	OUT	IN	IN	IN	IN
Alabama Law Enforcement Agency	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT	OUT

b7E

\*Remote Audit

^Uncooperative/Unresponsive in emails/messages

## Alternate Permit Requirements

### Compliance Summary

	Approx. Permits Issued	Active Permits Issued Without a NICS Check	Permits Revoked After NICS Checks were Conducted	Date Agency Began Conducting NICS Checks	Alternate Permit NICS Check and Renewal Process
	13,992	3,500	U/A	NONE	OUT
	57,000	NR	NR	02/2019	OUT
	2,624	2,624	NR	01/2018	OUT
	NR	1,000	1	02/2019	OUT
	NR	NR	NR	04/2019	OUT
	14,904	4241	5	05/2018	OUT
	496	496	0	09/2016	OUT
	NR	333	0	04/2019	OUT
	NR	2002	15	04/2016	OUT
	35,040	1,269	NR	11/2016	OUT
	8,000	1,842	28	03/2019	OUT
	NR	NR	NR	05/2017	OUT
	UNK	UNK	UNK	UNK	OUT
	UNK	UNK	UNK	UNK	OUT
	NR	4,433	2	04/2018	OUT
	2,431	NR	NR	04/2019	OUT
	NR	NR	NR	06/2018	OUT
	17,817	17,817	0	04/2019	OUT
	2,353	NR	U/A	NONE	OUT
	NR	NR	NR	01/2019	OUT
	NR	NR	NR	04/2019	OUT
	* UNK	UNK	UNK	UNK	OUT
	UNK	UNK	UNK	UNK	OUT
	NR	1,693	1	05/2017	OUT
Alabama Law Enforcement Agency	UNK	UNK	UNK		OUT

\*Remote Audit

\*Uncooperative/Unresponsive to emails/messages

UNK Unknown

NR No Response from agency

U/A Unable to Assess

## NICS Indices Submission Requirements

### Compliance Summary

	NICS Index Records Reviewed	Invalid - Documentation does not support entry	Unable to Locate Supporting Documentation	Unable to Access Supporting Documentation	Inaccurate	Incomplete	Integrity of NICS Index Records	Completeness of NICS Index Records
Alabama Law Enforcement Agency	400	7	2	0	2	13	IN	IN

**Note:**

**Integrity of NICS Indices:** Due to the audit 10% threshold, the number of records reviewed and scored may have resulted in OUT of compliance at the local level, but did not reach or exceed an overall OUT of compliance for the state.

**Completeness of NICS Indices Records (Best Practice):** The NICS is a name based check and the more information that is entered into a NICS Indices record, the greater likelihood of a hit on the record and identifying a positive match. Complete records include all information that was available on the person at the time of entry. Complete entries include numeric identifiers, e.g., social security number, passport number, additional dates of birth, military number, alien registration number, etc. that could be added to the record. This also includes all names/aliases used by the disqualified individual.