

1) Please clarify with a little additional explanation each item in the schedule in A16. For example, what is the “data period,” a reference period? Who is doing “preparation,” BJS or the states? Assuming OMB clearance on approximately day 60 (i.e., 1/12/09), what are the right dates for each step? Why is the data processing and analysis occurring after the report to Congress? What are the implications of proceeding in that order?

Answer: Information collected will be compiled for the Attorney General and will eventually be reported to Congress. Assuming Congressional appropriations for the grant programs for FY 2009 (beginning October 1, 2008), the projected schedule for the initial information collection, publication and data release is as follows:

Reference Period for Initial Estimates:	January 1, 1989 - December 31, 2008
Preparation of Information Collection Form	January 2009
Data Collection Period	January – May 2009
Data Processing and Analysis	May – December 2009
Report to Congress	January 2010

The reference period refers to the 20 year timeframe that we will be collecting from each state. BJS will complete preparation of the information collection form and distribute to the states allowing for about a 4 month allotment of time to complete the form. Depending on funding levels, BJS will work with an independent contractor to process and analyze the data received from the states. The data will comprise the estimates that will be reported to Congress in January 2010.

For FY 2010, the expected information collection schedule is as follows:

Reference Period for 2 nd Round Estimates	January 1, 1990 – December 31, 2009
Preparation of Information Collection Form	November 2010
Data Collection	December – March 2010
Data Processing and analysis	March – December 2010
Report to Congress	January 2011

2) Please clarify the context in which the “regular contact with these entities” (B1) occurs.

Answer: Regular contact with entities ranges from daily to monthly depending on the time of year (grant season it is more frequent) and need of the grantee/entity.

3) Why does BJS plan to develop its own estimates for states that do not provide them? Is BJS required to report estimates for all 56 entities to Congress regardless of state participation?

Answer: For states that choose not to provide estimates, BJS (with the assistance of an independent contractor) will calculate an estimate of record completeness. The Office of Justice Programs’ Office of General Counsel has interpreted the intent of Congress in the

Act to obtain/calculate estimates from every state. The penalties stipulated in the Act associated with record completeness apply to every state regardless of whether the state plans to seek grant funds or submits estimates.

4) In preparing estimates for nonparticipating states, what are the relevant data elements from the Criminal History Information System Survey? How are those estimates being used (by BJS or the states) for participating states?

Answer: The estimates of record completeness will be calculated based on other available information, including:

- Estimates provided by the states who choose to submit them;
- Information on record automation and completeness provided by states in response to the Criminal History Information System Survey conducted on behalf of BJS by SEARCH Group, Inc.; and
- Counts of records in relevant FBI files in the National Crime Information Center (NCIC), Interstate Identification Index (Triple I), and the NICS Index.

The SEARCH survey provides relevant information regarding “completeness” of state criminal history records in terms of: numbers of fingerprint-based records; the number of records of arrest for which the states report having final court disposition; backlogs of arrest, prosecution and conviction records awaiting entry into information systems; extent of automation utilized in the record submission process within the state (e.g. the extent of usage of electronic fingerprint image capture; system interfaces between law enforcement and court agencies; and, similar measures regarding state repository policy and practice.

5) When specifically will BJS determine its “methods to assure the reasonableness of the estimates?” How will this method be used? Please provide more information about this activity.

Answer: Dependent on sufficient appropriations in FY 2009 for this purpose, BJS will employ the services of an independent contractor to assist in the development of methods to assure the reasonableness of the estimates developed in connection with the information collection. Should appropriations be enacted, BJS hopes to retain the contractual services by August 2009. The contractor will provide some validation of the estimates external to the information provided by the stakeholders. The contractor will also assist BJS in the development of record estimates for non-responding states.

6) Please update us on the information provided in B2d regarding a proposed January 2009 workshop, including providing as much detailed information as currently exists regarding the content of the workshop.

Answer: Inasmuch as the state jurisdictions vary greatly in terms of record availability, data reporting and record keeping regulations, analytical resources and abilities, and other factors, some degree of technical assistance may be required to help ensure that reliable

methods are employed by respondent states. Therefore, in conjunction with the inaugural collection of estimates under the NICS Improvement Act, BJS will conduct at least one national workshop (in April or May 2009) targeted at state criminal record repositories and court officials to review and discuss record estimation methods. Based on feedback BJS received from the states during the comment period, the following areas will likely serve as the focus for the workshop:

- Analysis of records in the state central record repository;
- Analysis of state crime and/or arrest statistics;
- Analysis of state court records;
- Surveys of local reporting agencies;
- Analyses of state court statistics programs;
- Data collection from a sample(s) of local agency records;
- Estimates derived from data quality audits of local reporting agencies and/or audits of the state central repository.

The workshop could also review activities already undertaken by at least two states that closely monitor and analyze workloads at their record repositories. The independent contractor will have a significant role in the workshop(s) which could include some instructional, training, and outreach responsibilities. No further detail on the content of this workshop is available at this time.

7) In earlier discussions about this collection, we discussed the notion that the first year of collection probably should be described as a pilot, although BJS is required to report to Congress, thereby allowing more flexibility to change procedures, etc., as year 1 experiences warrant in year 2 and beyond. Please clarify BJS's current thinking on this concept.

Answer: BJS plans to treat this first round of estimates to be collected as a pilot study. Based on the success of the response, modification to the collection form may be needed. Additional training, national workshops, and/or other outreach may be warranted. The first report to Congress is due in January 2009; consequently the first round of estimates will not be incorporated until the January 2010 report to Congress.

8) We understand that BJS is on a congressionally directed timetable for implementing this collection. Please describe BJS's overall strategy for evaluating the quality of state data and for implementing improvements year to year. Please also indicate whether this strategy includes requesting a generic clearance package of OMB for cognitive, pilot and field studies.

Answer: BJS has a number of efforts underway which reflect a broad strategy to improve the quality of Nation's criminal history records. In addition to providing direct grant funding to the eligible states and territories for this purpose, BJS has long supported a number of national initiatives which help focus attention on criminal history record data quality issues and encourage state efforts to address shortcomings. Current efforts in this regard include the following:

- In partnership with SEARCH and the state central repositories of criminal records, BJS has launched a “Criminal Record Repository Quality Assurance Project.” For this project, BJS is collaborating with SEARCH Group, Inc. to design, develop, establish, and sustain an on-going program involving performance and reporting standards which will address, among other things, criminal history record operations (including quality assurance practices), mandatory reports and data collection/verification requests, surveys, and NICS and Sex Offender Registry information to the extent that these fall within the responsibilities of the state criminal record repositories. The project is intended to implement several of the record improvement recommendations in the Attorney General’s Report to Congress on Criminal History Background Checks, which was published in June 2006: (1) a renewed federal effort to improve the accuracy, completeness, and integration of national criminal history record system; (2) establishment of national standards relating to prompt disposition reporting and record completeness; (3) expansion of the number of repositories adopting the standardized rap sheet; (4) establishment of a national accreditation process for criminal history record repositories; and (5) development of a comprehensive ongoing data collection and research program.
- In partnership with the Justice Research and Statistics Association, BJS has launched several multi-state research projects utilizing the states’ criminal history records carried out by state statistical analysis centers (SACs). These projects have provided support to the SACs to develop automated access to the state records to facilitate analyses aimed at sex offender recidivism, criminal history profiles of drug offenders, and summaries of felony case processing in state courts. A critical piece of these projects, in addition to coordinated analyses on the substantive research focus, involves providing detailed data quality and completeness reports to the state’s criminal record repository. Thus, in addition to building the SACs’ capabilities to access these records, BJS has been able to help the states address data shortcomings that may hinder the use of such records.
- In partnership with the FBI and Nlets, the International Justice and Public Safety Network, over which states and federal agencies share the Nation’s criminal history records, BJS has launched an effort to automate its access to state and federal criminal history records for research and evaluation purposes. In addition to improving BJS statistical capabilities, this project will augment the Criminal History Data Improvement Program’s activities around evaluating the quality and completeness of state and federal criminal history records, and focusing grant program resources more effectively on data quality issues.
- Also, in partnership with the FBI and Nlets, BJS has launched an effort to encourage states to adopt common data transmission and representation standards for the interstate exchange of criminal history records (i.e. RAP sheets). These efforts, based on the National Information Exchange Model, are focusing on adopting consensus standards for common coding schemes for structured data as

well as instructional guidance for unstructured data fields which compose criminal history records.

BJS has no plans at this time to request a generic OMB clearance.

These updated responses represent as much detail as we are able to provide at this time.

- 9) In response to item 1, are the grant programs currently funded under the CR?
- a. If not, what are the implications of partial-year funding, if any?
 - b. What are BJS plans if no funding is appropriated for FY 09? By when will this decision need to be made?

Answer: The NICS Improvement Act grant program is not currently funded under the CR. However, this has no real implication on the information collection. BJS is required to obtain state estimates on record completeness regardless of whether the grant program is funded. We are proceeding forward with this requirement in the absence of funding at this point.