

SUPPORTING STATEMENT

A. Justification

1. Necessity of Information Collection

Among the many operations related to the criminal justice statistics function of the Bureau of Justice Statistics (BJS) is the administration of the National Criminal History Improvement Program (NCHIP), established by the Brady Handgun Violence Prevention Act (Brady Act). Since 1989, BJS has sponsored the biannual survey of state criminal history information systems through a cooperative agreement with SEARCH, Group Inc. *The Survey of State Criminal History Information Systems* has provided state and federal lawmakers, policymakers, state criminal record agency administrators, researchers and others with the only comprehensive data available on the number and completeness of state-maintained criminal history records, the backbone of the nation's criminal record information sharing network. Survey information has supported and helped gauge the efficacy of initiatives, NCHIP among them, designed to improve criminal history records and to support firearm suitability determinations, and sex offender and domestic violence protection order registries. The criminal history record is the underpinning for wide ranging decision making within the criminal justice system. It is also of critical importance for employment, licensing and volunteer screening, and most especially as it relates to safety of children, the elderly and other vulnerable populations and homeland security efforts. The value of survey data has increased in recent years as lawmakers at all levels of government continue to implement programs that rely on criminal history record background checks to improve public safety and to support a growing number of homeland security initiatives. By helping to inform these legislative efforts by providing lawmakers with invaluable data on the status of state-maintained criminal history records, the survey has played a critical role in the success of these public safety initiatives. Through an extensive process of review of prior surveys and analysis of current or emerging issues the forthcoming survey, as in the past, is a unique opportunity to capture information of interest to contributors.

The Survey of State Criminal History Information Systems is essential to assessing the impact of the NCHIP program nationally. The survey supports the BJS mission under Title 42 U.S.C. Section 3732, to provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records. It also supports the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center. The survey also facilitates State participation in national records and information systems, and supports statistical research for critical analysis of the improvement and utilization of criminal history records.

2. Uses of Information

Data for this collection will be obtained through a voluntary biannual survey administered to state criminal record agency administrators. The collected statistics are

used by state and Federal lawmakers to identify areas of needed funding and to gauge the efficacy of programs implemented to improve criminal record quality at the state and national levels. State Police, Public Safety and Attorney General's, the agencies that typically administer the state criminal record repositories use survey data to compare their progress with that of other states, to learn the status of operational and technological trends, to become aware of methods implemented by other states to improve record quality by promoting increased reporting from local justice jurisdictions and as the impetus for examining their own operations and services. Researchers use the data to support scholarly investigations into issues associated with the use of criminal history records for both criminal and non-criminal justice purposes. The survey also provides users with comparative and trend data providing the ability to track changes in certain databases and follow other trend information of value for state-to-state analysis such as variances in fees charged for background checks, and increases in percentage of fingerprints submitted via livescan.

3. Efforts to Minimize Burden

Initiated under the yearend 2006 data collection, survey respondents are able to access online, password-protect reporting forms. Data is automatically compiled in databases, and is accessible online with built-in utility to allow users to manipulate the data to suit their needs, comparing, for example, states or categories that they select. In previous surveys, respondents had to distribute questions within their agencies, review proposed answers and compile the full response before sending the completed survey to the data collection agent. The current survey is designed to allow respondents to submit individual sections to the data collection agent as they are completed, eliminating the need to compile the full survey before submitting it.

Two significant changes have been made in the organization of the current survey. In past surveys, questions concerning the collection and dissemination of non-criminal justice purpose related information were spread across several sections of the survey. These have now been consolidated into Section VII: Non-Criminal Background Checks. This enables repository staff responsible for non-criminal related background screening to focus on a single area of the survey rather than needing to review the entire survey. The survey contains a new section which will collect information on Indian Country (Section VIII: Indian Country Information) from the applicable state repository respondents. Depending on the answer to the first question in Section VIII a survey respondent will be able to determine whether this section needs to be completed without reading any further. A document outlining the changes between the 2008 and propose 2010 survey is part of this package as Attachment 1 and the proposed 2010 survey is Attachment 2.

4. Efforts to Identify Duplication

There will be no duplication of effort based on the nature and scope of this survey. The information sought is not attainable from any other data source. BJS also supports an information collection to obtain state estimates of available records pertaining to the

NICS Improvement Amendments Act of 2007. The data collected under that survey is not duplicative, but rather complementary to the information collected from the *Survey of State Criminal History Information Systems* (SSCHIS). The SSCHIS requests actual counts of records in the state repository (not estimates) and, unlike the NICS Act survey, does not collect information on records available at the originating agency level.

5. Minimizing Burden on Small Businesses

Not applicable. No information will be gathered from small businesses.

6. Consequences of Not Conducting Collection

As noted previously, the *Survey of State Criminal History Information Systems* is the only source for complete and comprehensive data on the status of state-maintained criminal history records. As such, users at both the state and federal levels have come to depend on its production on a regular basis to gauge the efficacy of programs designed to improve criminal record quality and to identify potential funding targets. Past versions of the report have been widely disseminated through the National Criminal Justice Reference Service and rank among the most cited publications produced by SEARCH, the National Consortium for Justice Information and Statistics.

SEARCH is the technical assistance provider under the National Criminal History Improvement Program. It routinely uses the survey data to monitor state level transaction and performance indicators. This data is often part of the analysis that forms the basis for recommendations resulting from on-site technical assistance conducted at the request of state record repository administrators.

7. Special circumstances that would increase respondent burden

There is a small increase in burden for the states that have federally recognized Indian tribes. The new section of the survey, Section VIII asks respondents, if applicable, six questions related to information the state repository receives from tribes. Specifically, the questions are targeted to determine what data, and in what format, are being submitted by tribes, including criminal and noncriminal fingerprints, protection order information, and sex offender registration.

8. Public Comments and Consultations

On August 24, 2010 the Bureau of Justice Statistics published in the Federal Register a 60-Day notice of information collection under review: *Survey of State Criminal History Information Systems*. The announcement invited comments, especially on the estimated public burden or estimated associated response time. Comments were specifically encouraged on the practical utility of the information to be collected; the accuracy of the estimated burden of the proposed collection of information; the quality and clarity of the information to be collected, and minimizing the burden of the collection of information

on those who are to respond. BJS received comments from one state and it has been included, along with BJS' response, as Attachment 5.

The survey population is limited to the criminal record repositories of the 50 states, the District of Columbia and the territories (56 jurisdictions). The current data collection agent, SEARCH, is a membership organization of governor appointees from the 50 states, District of Columbia and the territories. Most of the SEARCH members have within their scope of responsibilities either direct or oversight responsibility for operation of the state criminal records repository. Subsequent to the announcement in the Federal Register, SEARCH notified its membership of the solicitation of comments by BJS.

In the course of disseminating past survey questionnaires and compiling survey responses BJS and the data collection agent have benefited from a process of continual consultation and feedback. For example, respondents suggested that it would be more expedient if on-line data entry was an available option. On-line data entry was introduced for the December 31, 2006 survey. The 2010 survey is the product of a detailed review of each question used in the prior survey. Each question's continued value and utility is considered. As a result of ongoing consultation with survey respondents, it was determined that eight questions from the 2008 survey should be eliminated because the data could be obtained from other sources or had limited utility. In addition, based on respondent feedback during the 2008 survey compilation, several questions were added or clarified.

9. Provision of Payments or Gifts to Respondents

Not applicable. The Bureau of Justice Statistics will not provide any payment or gift of any type to respondents. Respondents participate in the survey on a voluntary basis.

10. Assurance of Confidentiality

The data collected are in the public domain and not subject to confidentiality guarantees. Collected data are primarily statistics of an administrative nature, and do not allow for the identification of any individual. Each responding state will be provided with a unique password to ensure that only its representatives provide information to the survey.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature included in the data collection.

12. Estimate of Respondent Burden

The survey will be sent to criminal history repositories in 56 jurisdictions including the 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands. The average time required for each agency to complete the survey is estimated at 6.3 hours. The total respondent burden is estimated at 353 hours. The estimated burden is based on the average reported by 5

states that reviewed the survey. Based on the estimates provided by the 5 reviewing states the average cost burden per state is \$193 (ranging from \$25 to \$40 per hour as provided by the 5 states).

13. Estimate of Respondents' Cost Burden

This collection will primarily require information that is already generated and maintained by the respondents. There is no additional cost to respondents other than the cost of filling out the survey form.

14. Cost to the Federal Government

The total cost to the Federal government for this survey is estimated at \$212,364, all to be borne by the Bureau of Justice Statistics. Office costs are based on 1 month full-time work (or 8%) of a GS-15 Supervisory Program Manager salary (\$9,901) and a GS-12 Justice Statistics Policy Analyst salary (\$5,990) and benefits (25 percent of salary) per employee administrative costs of the Bureau of Justice Statistics.

Summary of Cost Estimates

Bureau of Justice Statistics Employees

8% of GS 15 Supervisory Program Manager =	\$9,901
8% of GS 12 Justice Statistics Policy Analyst =	\$5,990
Benefits =	\$3,973
Other Administrative Costs =	\$2,500

Data Collection Agent Costs

SEARCH is the current data collection agent for this collection. Their total costs are estimated to be \$190,000 for data collection instrument development and implementation, data collection, data processing and verification, and technical assistance.

Total Cost **\$ 212,364**

15. Reasons for Change in Burden

In previous years, the survey was sent to 53 jurisdictions (50 states, the District of Columbia, Guam, and Puerto Rico). The estimated survey burden at that time, based the average of 5 reviewing states was 3 hours and \$85. It was determined, that while the likelihood of response from the three territories excluded (American Samoa, N. Mariana Islands, and U.S. Virgin Islands) from previous years was low they should still be part of the survey scope.

The current survey deletes 8 questions that appeared in the 2008 survey and apart from the new Section VIII Indian Country Information introduces 8 new questions. The Indian Country Section contains 6 questions. It is anticipated that this section will only apply to the 28 states with federally recognized tribes that do not receive justice services from

state or local government. These tribes are often referred to as non Public Law 280 tribes. This federal statute determines whether tribes may independently provide justice services on Indian lands or whether that is a statutorily delegated function to the state. Consequently the impact of this new section of 6 questions is limited to 28 states. The five states reviewing the proposed 2010 collection provided an average estimate double to the burden hours estimated by five states in 2006.

16. Publication Plans and Schedule

Information collected will be accessible through the SEARCH Website at <http://www.search.org>. As in previous iterations of the survey, the data collected will be compiled into spreadsheets and a report will be produced discussing the results. The product resulting from this survey will be similar to previous reports, the most recent of which was published in October 2009 (<http://www.ncjrs.gov/pdffiles1/bjs/grants/228661.pdf>). Users at both the state and federal level have come to depend on the release of the data to gauge the efficacy of programs designed to improve record quality and to identify potential funding targets. While the report is released in full in the fall, following the yearend collection, subsets of the data are used post release to develop charts and spreadsheets to supplement program information on the BJS website.

After securing approval from OMB, the projected schedule for the yearend 2010 data collection, compilation and data release is as follows:

Survey Preparation	Complete
Data collection	January - March
Data processing/analysis	April – June
Review and Verification	July – September
Publication release	October

The data collection agent for the yearend 2012 collection period will be selected through a competitive bid process, however the publication plan and schedule is anticipated to be on par with the 2010 timeline.

17. Display of Expiration Date

Three years from the date of approval.

18. Exceptions to the Certification Statement

There are no exceptions to the certification statement.