

## Supporting Statement - Part A

### 2013 Firearm Inquiry Statistics Program (FIST)

#### Justification

##### *1. Necessity of Information Collection*

#### Overview

The Bureau of Justice Statistics (BJS) seeks Office of Management and Budget (OMB) clearance for its 2013, 2014, and 2015 Firearm Inquiry Statistics (FIST) program.<sup>1</sup> BJS began the FIST program in 1995 as a means to develop national estimates annually of the total number of firearm purchase applications received and denied pursuant to the Brady Handgun Violence Prevention Act of 1993 (the Brady Act) (Pub. L. No. 103-159, 107 Stat. 1536 (1993), codified as amended at 18 U.S.C. Section 921 et seq.). The Brady Act mandates a criminal history background check on any person who attempts to purchase a firearm from a Federal Firearms Licensee (FFL). The permanent provisions of the Brady Act established the National Instant Criminal Background Check System (NICS), which is accessed by the Federal Bureau of Investigations (FBI) or a state point-of-contact (POC) prior to transferring a firearm. The NICS is a system comprising data on persons who are prohibited from purchasing or possessing a firearm under the Brady Act or under state law.

#### *Components of the national firearm check system*

Prospective firearm applicants are required to undergo a NICS check that has been requested by an FFL, or the applicant must present a state permit that the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has qualified as an alternative to a point-of-transfer check. About 1,300 Federal, state, and local agencies conduct background checks on persons who apply to purchase a firearm or for a permit that may be used to make a purchase. Federal and state procedures for determining firearm possession eligibility vary by state, and each state government determines the extent of its involvement in the NICS process. States may operate as a full POC that requests a NICS check on all firearm transfers originating in the state, as a partial POC that requests a NICS check on all handgun transfers (FFLs are required to contact the FBI for NICS checks for long gun transfers), or as a non-POC in which case FFLs are required to contact the FBI for NICS checks on all firearm transfers originating in the state.

The Brady Act prohibits transfer of a firearm to a person who —

- is under indictment for, or has been convicted of, a crime punishable by imprisonment for more than 1 year;
- is a fugitive from justice;
- is an unlawful user of, or addicted to, a controlled substance;
- has been adjudicated as a mental defective or committed to a mental institution;
- is an illegal alien or has been admitted to the U.S. under a nonimmigrant visa;

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<sup>1</sup> BJS collects and publishes FIST data on an annual basis. BJS is requesting approval under this clearance to implement the FIST data collection for calendar years 2013, 2014, and 2015. While BJS intends to follow the same procedures for all three years included under this clearance, for ease of review only 2013 is referenced in the supporting statements.

- was dishonorably discharged from the U.S. Armed Forces;
- has renounced U.S. citizenship;
- is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child;
- has been convicted of a misdemeanor crime of domestic violence; and/or
- is under age 18 for long guns or under age 21 for handguns.

### *BJS grant programs*

In addition to its criminal justice statistics function, BJS administers the National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP). Through the NCHIP program, BJS provides direct awards and technical assistance to the states, tribes, and localities to improve the quality, timeliness, and immediate accessibility of criminal history records and related information. BJS has awarded over \$571 million in NCHIP funding to eligible state and local entities since the program's inception in 1995.

BJS also administers the NARIP program. NARIP implements the grant provisions of the NICS Improvement Amendments Act (NIAA) of 2007 (P.L. 110-180) enacted on January 8, 2008, in the wake of the April 2007 shooting tragedy at Virginia Tech, after it was determined that the shooter's prohibiting mental health history was not available to the NICS to deny the transfer of the firearms used in the shootings. The NIAA seeks to address the gap in information about such prohibiting mental health adjudications and commitments, and other prohibiting factors. Closing these information gaps will enable the system to operate more effectively to keep guns out of the hands of those prohibited by Federal or state law from receiving or possessing them. BJS has awarded over \$60 million in NARIP funding since the program's inception in FY 2009 to support state and local initiatives to provide these records to NICS. Currently, twenty-three states are eligible to apply for NARIP funds. Additional states are expected to be certified during the current fiscal year.

### *BJS's Firearm Inquiry Statistics Program (FIST)*

Through FIST, BJS collects information on firearm background checks conducted by state and local agencies and combines this information with the FBI's NICS transaction data<sup>2</sup> to produce a national estimate of the number of applications received and denied annually. BJS publishes FIST data in its Background Checks for Firearm Transfers series, available on the BJS website. The FIST data collection is administered through a survey to thirty-two state agencies, including Washington, DC, that serve an entire state population, a statewide census of local checking agencies in six states, and a sample of local checking agencies in four states. The FIST collection also obtains information from Federal, state and local agencies on reasons for denial, appeals of denials, and actions against denied persons.

FIST provides a comprehensive source of background check data that is used to assess the impact that the Brady Act has had over time on the firearm background check process, from application for a firearm transfer to prosecution as a result of denial, as well as the impact that the NCHIP and NARIP grant programs have on improving the quality, completeness, and accessibility of records at the national level.

### **FIST data collection**

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<sup>2</sup> The type of data that are recorded in the NICS transaction data is discussed in more detail in subsequent sections.

The FIST program falls within the statutory mission of BJS under Title 42, United States Code 3732 (Attachment I), to wit, the collection and analysis of statistical information concerning the operation of the criminal justice system at the Federal, state, and local levels. BJS has implemented the FIST data collection annually since the program's inception in 1995.<sup>3</sup>

#### *FIST data*

The FIST collection obtains data on background check activities conducted by state and local agencies, and combines this information with FBI NICS transaction data to create a national estimate of the total number of firearm purchase applications received and denied annually. The FIST collection also obtains and publishes data from state agencies that collect information on arrests and appeals<sup>4</sup> involving denied persons, and obtains information from the ATF Denial Enforcement and NICS Intelligence (DENI) Branch on FBI denials screened and referred to ATF field offices for investigation and possible prosecution.

#### *Uniqueness of FIST collection*

In order to produce comprehensive national statistics on firearm application and denial activity, it is necessary to collect data from the states that maintain NICS interfaces and integrate these data with the FBI NICS transaction data. The FIST data collection contributes to the goals of the NICS by enhancing efforts to collect and analyze statistics on denials for firearm purchase applications and it provides the only existing national estimate of the total number of applications and denials resulting from the Brady Act and similar state laws governing background checks and firearms transfers.

The FBI publishes an annual NICS Operations Report to report on the status and functioning of the NICS. The report is not intended to provide a comprehensive overview of the number of applications for firearms received and denied annually; rather, it is an operational report designed to inform readers about how well the NICS is functioning. The report provides information on operational functions such as the volume of hits on the system, system downtime, immediate proceed and denial rates, and electronic check rates. For those states that maintain an interface to NICS, the FBI provides a computer inquiry system but does not conduct the background check processing. Thus, the FBI records only the computer transaction data but may have no knowledge of the purchase application decision or reasons for denial. Additionally, the FBI maintains and reports data only on denials made by the NICS section. NICS transaction data does not include denials issued at the state and local levels.

FBI NICS transaction data are counts of firearm transactions, not counts of the number of applications and denials for firearm transfer or permit. The FBI transaction counts include in their total multiple transactions for the same applications (such as running an applicant's name several ways, rerunning a check if a delay is encountered, etc.) and periodic "rechecks" that select state agencies run on all current carry permit holders, whereas these transactions are not included in the FIST counts because they are not

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<sup>3</sup> BJS did not collect 2011 FIST data due to a variety of reasons, notably due to the amount of time spent on addressing methodological issues for the 2010 FIST data collection and determining a new sampling plan for future collections. The documentation submitted to OMB for approval of these changes is provided in Attachment II.

<sup>4</sup> Previous FIST data collections requested data on arrests and appeals from local agencies. Due to the small number of local agencies that reported this data on the FIST survey in 2012 (19 local agencies, or 11%, reported arrest data and 25 agencies, or 19%, provided data on appeals), BJS determined that there was limited utility in reporting the data for local agencies because the number of responses was too small to make any assumptions about the data.

connected to the transfer of a firearm and the state POC is able to parse out the rechecks. Additionally, the FBI reports information only on denials issued by the NICS section, which means that only half of the picture is represented, and does not include information on arrest and appeal data at the state and local levels. The FIST collection obtains data on applications and denials from state and local checking agencies and combines this information with the FBI transaction data to produce a more detailed and accurate representation of the estimated number of applications for firearms received and denied annually, as well as reasons for denials and information on arrests and appeals at the state level. The FIST collection is also able to produce more detailed information about two different firearm permit types that states issue that are not accounted for in the FBI NICS data: 1) permits required for a transfer (“purchase permits”) and 2) concealed carry permits that may be used to waive a background check at the time of transfer (“exempt carry permits”).

Absent the FIST collection, there would be limited alternate means to assess the enforcement of the Brady Act and similar state laws, including the effectiveness of post-denial activities and levels of background check trends and activities nationwide, and appeal and arrest activities at the state levels. This collection also assists BJS’s efforts to quantitatively evaluate the impact that the NCHIP and NARIP grant programs have on improving the quality, completeness, and accessibility of records at the national level, notably on increasing the number of records for non-felony denials available to NICS for firearm background checks.

### *Recent firearm application and denial activity*

BJS annually publishes FIST data in its Background Checks for Firearm Transfers series. The Background Checks for Firearm Transfers, 2010 publication is the most recent FIST publication. As detailed in the report, an estimated 10.4 million applications for a firearm transfer or permit were received in 2010, of which about 1.5% was denied (73,000 by the FBI and 80,000 by state and local agencies). BJS’s current FIST data collection agent,<sup>5</sup> the Regional Justice Information Service (REJIS), recently completed the collection for 2012 FIST data and is in the process of analyzing the information to prepare for publication in the Background Checks for Firearms Transfers, 2012 product.<sup>6</sup> The estimated release date for this publication is scheduled for mid-summer 2014.

Based on reported activity in the FBI’s 2012 NICS Operation Report, as well as from what state NCHIP and NARIP agencies have anecdotally reported to BJS, an uptick in firearm application activity has been observed across the country since 2010. The FBI reports that the volume of firearm transactions processed nationwide has increased dramatically since 2010: in 2012, about 19.5 million firearm transactions were processed through NICS, compared to about 16.4 million in 2011 and 14.4 million in 2010. Preliminary results from the 2012 FIST collection support the conclusion that the number of applications for firearm permits or transfers has increased from prior years, further demonstrating the necessity of the FIST data collection in order to continue tracking changes in trends over time.

## **2. Needs and uses of the information**

### **Relevance of FIST data collection**

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<sup>5</sup> REJIS was awarded the FIST cooperative agreement in FY 2011, which included two optional supplemental years. REJIS awarded its second supplement in FY 2013 and will be BJS’s data collection agent for the 2012 and 2013 FIST collection. The FIST solicitation will be competitive bid in FY 2014 for the 2014 collection.

<sup>6</sup> As addressed, BJS did not collect FIST data for calendar year 2011.

The information generated from the FIST data collection is highly relevant to the work of policymakers, criminal justice administrators, law enforcement officials and practitioners, the general public, researchers, and to Department of Justice, ATF, and FBI officials as it provides comprehensive statistics on firearm background check trends and activities nationwide. Data on the number of applications and denials for firearm transfers, reasons for denial, arrest and appeal information, and referrals for investigation and prosecution as a result of denials are assembled into statistical tables and published in the BJS Background Checks for Firearm Transfers series, available on the BJS website. Several related publications have been published using FIST data (a sampling of these publications is listed at the end of this section).

The recent shooting events that have occurred across the country and debate about universal firearm background checks have dramatically increased public and Congressional attention on the importance of ensuring that all prohibiting records are available to NICS so firearms can be kept out of the hands of persons ineligible to possess them. The passage of the NIAA to support state and local initiatives to provide these records to NICS further demonstrates Congressional support of efforts to improve the quality and accessibility of disqualifying records available to NICS, and illustrates the need to collect data on application and denial trends to assess differences in reasons for denial and/or denial rates over time. The FIST information collection will continue to support efforts to analyze trends in national background check activities for firearm transfers, reasons for denials, and the decision-making process involved in approvals and post-denial activities. As such, the FIST information collection can be used as a compelling measure to highlight the continued need to support efforts to strengthen and improve national criminal history record improvement efforts to ensure the accessibility of timely and accurate data needed to make decisions about firearm transfers and denials.

The FIST data collection serves as a tool for researchers, administrators, practitioners, and policymakers at all levels of government to observe levels of background check trends and activities nationwide and to understand the continuing effects of the Brady Act and its enforcement. For the 2012 FIST collection, BJS revised the survey instrument to, among other things, better understand how state and local reporting agencies track and report reasons for denial. There has been increased attention on the reasons why individuals are being denied a firearm which is information that the NICS transaction data does not currently have available for state and local agencies. The FIST program is uniquely positioned to capture available data on reasons for denial and contribute to an overall better understanding of changes in trends over time.

At the state and local levels, FIST data can be used to inform policy decisions related to background check procedures and further demonstrate the importance of ensuring that records of individuals prohibited from possessing a firearm are made available to the national systems. FIST data have been used to support the continued operation of POC states. Historically, FIST data have illustrated that checks conducted by POC states have a higher percentage of applications denied compared to non-POC states. POC states generally have additional state prohibitors and better access to state and local records which accounts for a higher percentage of denials. This may be a compelling measure that full and partial-POC states can use to demonstrate the continued need to serve in this capacity. At the federal level, FIST data can be used by DOJ to assess the effectiveness of post-denial activities, gun violence prevention initiatives, and firearm enforcement laws.

FIST data, notably the percent of applications that have been denied annually since the passage of the Brady Act, have also been cited in Congressional testimony related to proposed gun control legislation and enhanced background check measures. A prominent FIST finding that has been cited in various Congressional testimonies is the fact that nearly two million people who are prohibited from possessing a firearm have been denied a permit or transfer during the application process since the inception of the Brady Act and that the denial rate has remained fairly consistent since the Act was enacted. Additionally, in light of the fact that the FBI transaction data do not include the state POC denial information, FIST data also provide a more comprehensive picture of the number of applications that are denied nationally and the reasons for denial, which has also been cited in hearings and testimonies.

Another benefit of collecting FIST data annually is that data on denials can be collected and reported for POC states, which is not available in the FBI transaction data. Without being able to report on the denials issued by POC states, Congress, the media, and the public are only getting half of the picture about this issue. Ensuring that FIST data is available to compare to FBI NICS transaction data is necessary in order to accurately assess reported POC state application and denial activities. As noted, FBI transaction data may include duplicative transactions for the same application so the FBI data do not provide an accurate account of the number of applications that a state POC receives and number of denials that it issues annually. The FIST survey collects information from state agencies on the number of unique applications received and denials issued, which provides the means to compare state POC data to the FBI NICS transaction data to determine how many duplicative transactions (such as rechecks) are occurring each year. This is helpful to assist state efforts to monitor the volume of firearm background activities agencies are conducting on an annual basis and to evaluate the effectiveness of their systems.

FIST data are also used by BJS to quantitatively evaluate the impact that NCHIP and NARIP funding has had on improving the availability, quality, and completeness of criminal history records at the national level.

As will be discussed in the Statistical Methods section of this Supporting Statement, BJS revised the FIST sampling plan so that state-level estimates for firearm background check applications and denials can be produced. BJS expects to publish state-level estimates in the 2012 publication of the Background Checks for Firearm Transfers publication. BJS has observed an increased interest in and demand for this data in recent years and expects that it will continue to be an area of key interest in debates over gun control legislation and universal background checks.

### **Coordination and collaboration**

The FIST program involves close collaboration among numerous Federal, state, and local agencies. At the Federal level, REJIS coordinates with the FBI and ATF to integrate data obtained from these agencies to create the most comprehensive picture possible of the firearm purchase and transfer process, from application to denial to post-denial activities, including prosecutions pursued as a result of a denial. An ongoing objective of the information collection is to collaborate with the FBI and ATF to identify ways to improve data systems and enhance data quality. At the state and local levels, the FIST program engages state and local checking agencies to report data on the number of applications and denials on an annual basis, as well as the reasons for denial.

*Examples of coordination and collaboration: Federal, state, and local agencies*

Under the FIST data collection, REJIS partners with the FBI to obtain transaction data from the FBI NICS unit to create the estimate of the total number of firearm purchase applications received and denied nationally. These data will continue to be extracted from monthly reports sent to the REJIS from the FBI. A future goal of the FIST program is to use the data obtained under this collection and, in collaboration with the FBI, compare outcomes of the Federal and state checking agencies to identify ways to enhance and improve systems and operations at all levels.

Another example of cross-agency collaboration is the efforts to expand the scope of FIST data to include information about post-denial activities. Under this collection, REJIS requests and obtains data from the ATF DENI Branch on FBI denials that are screened by DENI and referred to ATF field offices for investigation. This information enables ATF to assess post-denial activities, including prosecutorial decisions and steps involved in the process. The information obtained under the FIST collection can be used to inform administrators and officials on the effectiveness of decisions by ATF and Federal prosecutors on who to prosecute and identify potential issues related to procedural problems and discrepancies.

The FIST collection underscores the importance of engaging state and local checking agencies to provide information about firearm transfer activities. REJIS will continue to make outreach efforts to state and local checking agencies to obtain responses and provide technical assistance to complete the survey, and to strengthen relationships among agencies nationwide to promote strong cross-collaboration and increase the response rate.

### **Users of BJS Data**

The FIST data collection is available for public access on the BJS website and related publications are available on the National Criminal Justice Reference Service (NCJRS) site. It is expected that the most frequent consumers of the data will be governmental officials, policymakers, researchers, media, and program administrators and practitioners who are interested in observing national trends in firearm application and denial activities and/or have a vested interest in policies and procedures related to the background check process.

### **Publications using FIST data**

Data collected as part of the FIST information collection have been analyzed and results published in a BJS bulletin series, presented as statistical tables on the BJS website, and used to create related publications published to the NCJRS site. FIST data have also been referenced in various external reports, journal publications, and newspaper articles about topics related to firearm sales and background check procedures. For example, data from the 2010 Background Checks for Firearm Transfers publication was cited in "Improving the National Instant Background Screening System for Firearms Purchases," authored by SEARCH, The National Consortium for Justice Information and Statistics, in February 2013, and 2009 FIST data was cited in "Background Checks for Firearm Transfers, Assessment and Recommendations" by Garen Wintemute, MD MPH, University of California, Davis, in February, 2013. Data in the precursor to the Background Checks for Firearm Transfer series, BJS's Presale Handgun Checks series, was cited in "Homicide and Suicide Rates Associated With Implementation of the Brady Handgun Violence Prevention Act" by Jens Ludwig, PhD and Philip J. Cook, PhD, JAMA, in August 2000.

As noted, REJIS completed the 2012 data collection and, in collaboration with BJS, is currently in the process of analyzing the data and preparing statistical tables for publication in the next edition of BJS's Background Checks for Firearms Transfers series for 2012 data. The publication release date is scheduled for mid-summer 2014.

### *Sampling of publications*

*Background Checks for Firearm Transfers.* Describes overall trends in the estimated number of applications and denials for firearm transfers or permits since the inception of the Brady Act and describes background checks for firearm transfers conducted annually.<sup>7</sup>

Statistical tables in electronic format only:

- *Background Checks for Firearm Transfers, 2010, 2/13. NCJ238226*
- *Background Checks for Firearm Transfers, 2009, 10/10. NCJ231679*
- *Background Checks for Firearm Transfers, 2008, 08/09. NCJ227471*
- *Background Checks for Firearm Transfers, 2007, 07/08. NCJ223197*
- *Background Checks for Firearm Transfers, 2006, 03/08. NCJ221786*

Statistical tables and reports in print and electronic formats:

- *Background Checks for Firearm Transfers, 2005, 11/06. NCJ 214256*
- *Background Checks for Firearm Transfers, 2004, 10/05. NCJ 210117*
- *Background Checks for Firearm Transfers, 2003: Trends for the Permanent Brady Period, 1999-2003, 9/04. NCJ 204428*
- *Background Checks for Firearm Transfers, 2002, 9/03. NCJ 200116*
- *Background Checks for Firearm Transfers, 2001, 9/02. NCJ 195235*
- *Background Checks for Firearm Transfers, 2000, 7/01. NCJ 187985*
- *Background Checks for Firearm Transfers, 1999, 6/99. NCJ 180882.* Data on this subject for the Brady Interim period prior to the permanent provisions are available in Presale Handgun Checks, the Brady Interim Period, 1994-98.

*Survey of State Procedures Related to Firearm Sales.* Provides an overview of the firearm check procedures in each of the states and their interaction with the National Instant Criminal Background Check System (NICS) operated by the FBI.<sup>8</sup>

- *Survey of State Procedures Related to Firearm Sales, 2005, 11/06, NCJ 214645*
- *Survey of State Procedures Related to Firearm Sales, Midyear 2004, 8/05. NCJ 209288*
- *Survey of State Procedures Related to Firearm Sales, Midyear 2003, 8/04. NCJ 203701*
- *Survey of State Procedures Related to Firearm Sales, Midyear 2002, 4/03. NCJ 198830*
- *Survey of State Procedures Related to Firearm Sales, Midyear 2001, 4/02. NCJ 192065*
- *Survey of State Procedures Related to Firearm Sales, Midyear 2000, 4/01. NCJ 186766*
- *Survey of State Procedures Related to Firearm Sales, Midyear 1999, 3/00. NCJ 179022*

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<sup>7</sup> The *Background Checks for Firearm Transfers* series is available on the BJS website - <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=246>.

<sup>8</sup> The *Survey of State Procedures Related to Firearm Sales* series is available on the BJS website - <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=291>.

- *Survey of State Procedures Related to Firearm Sales, 1997, 12/98. NCJ 173942*
- *Survey of State Procedures Related to Firearm Sales, 1996, 9/97. NCJ 160705*
- *Survey of State Procedures Related to Firearm Sales, 5/96. NCJ 160763*
- *Survey of State Records Included in Presale Background Checks: Mental Health Records, Domestic*

Other related publications:

- *Trends for Background Checks for Firearm Transfers, 1999-2008, 7/10.* Summarizes the number of applications for firearm transfers and permits, denials that resulted from background checks, reasons for denial, rates of denials, appeals of denials, and arrests of denied persons during the permanent Brady period.<sup>9</sup>
- *Enforcement of the Brady Act, 2010: Federal and State Investigations and Prosecutions of Firearm Applicants Denied by a NICS Check in 2010.*<sup>10</sup> Reports on investigations and prosecutions of persons who were denied a firearm in 2009. The report describes how ATF screens denied-person cases and retrieves firearms that were obtained illegally.

### **3. Use of Information Technology**

#### **2013 FIST web-form**

The 2013 FIST collection will utilize a multi-mode design and data collection will involve a series of mailings and non-response follow-up activities. REJIS will encourage the use of the secure web-form reporting tool to increase data quality by reducing problems associated with three potential types of survey error: enforced skip patterns and range checks that minimize missing and inconsistent items; reduced costs due to the elimination for additional editing and data entry (processing error); and reduced data retrieval due to the significant reduction in missing and inconsistent items (non-response error). Expert formatting of the web-form, based on recommendations by Dillman, Smyth, and Christian (2009)<sup>11</sup>, will allow respondents to enter data with ease, thus ensuring better accuracy, reducing breakoffs, and minimizing missing and inconsistent items.

Because electronic submission is the preferred method of response, close attention was paid to the visual design and formatting of the web-form. In order to reduce any differences in response as a result of the mode by which a respondent chooses to participate in the survey (mode effects), particularly mode effects due to the different web and mail response modes, the web-form was designed to closely mirror the visual presentation of the paper survey as much as possible and the wording of the questions is consistent between the two modes. The web-form was designed to reduce item nonresponse by requiring that a response to critical items is submitted before the respondent is able to continue to the next question. Screenshots of the web-form can be found in Attachment II (see Attachment IX of the memo).<sup>12</sup> To

<sup>9</sup> This publication is available on the NCJRS website - <http://www.ncjrs.gov/pdffiles1/bjs/grants/231187.pdf>

<sup>10</sup> This publication is available on the NCJRS website - <http://www.ncjrs.gov/pdffiles1/bjs/239272.pdf>.

<sup>11</sup> Dillman, Don A., Smyth, Jolene D., and Christian, Leah Melani. (2009). *Internet, Mail and Mixed-Mode Surveys: The Tailored Design Method*. John Wiley and Sons: New York.

<sup>12</sup> The attachment includes screenshots of the web-form used for the 2012 FIST collection to provide a visual depiction of the web-form's presentation. Pending OMB approval of the proposed changes, the web-form will be revised in the same manner as the paper survey to include agency-specific terminology and other enhancements as described in Section 2. Needs and Uses of Information.

ensure clarity of the questions asked and to encourage better item response, explanations of terms are included with each question. To reduce burden, the respondent will be given multiple opportunities to skip through questions that do not pertain to them. Further, the web-form will be linked to the data management database. Because data from both modes will reside in the same database and any data not submitted via the web-form will be entered from a web-based portal (though it will still be possible to decipher the mode by which a survey was submitted), logical consistency checks on both response modes will be the same, as will data quality monitoring.

Each FIST participant will be given a unique User ID and password to securely access the web-form. Respondents will have the opportunity to review their responses for accuracy prior to submission and will be able to print their responses easily with a built-in print button. Should any responses require revision, respondents will be able to access and amend their previous responses. The web-form will include a toll-free help number at the bottom of each screen that respondents can call to receive technical assistance if any issues are encountered while completing the web-form. Additionally, the form will provide links to two email addresses (one for technical issues, and one for questions about the survey itself) that will sync with their default email application to easily generate an email.

#### *Encouraging the use of the FIST web-form*

The FIST web-form option was implemented during the 2012 FIST collection. The paper survey was the preferred mode of response for the majority of respondents for the 2012 FIST collection: roughly 78% of local checking agencies and 75% of state reporting agencies submitted data via the paper survey, while the remaining 22% of local agencies and 25% of state agency reporters utilized the web-form to report data. For the 2012 FIST collection, agencies were sent a survey notification letter that included directions to access the web-form as well as a copy of the paper survey, which may have resulted in respondents electing to complete the paper survey because it was readily available.

For the 2013 FIST collection, REJIS will email the survey notification letter and instructions to complete the web-form to those agencies for which there is an email address on file to further encourage the use of electronic submission and limit the immediate availability of the paper instrument. Instructions will be provided in the letter to contact REJIS if a paper copy is preferred. REJIS will send a paper survey in follow-up attempts to non-respondent agencies.

REJIS currently maintains email addresses for about 90% of the local agency respondents and 72% of the state agency reporters. REJIS will continue to update the contact list of agencies in the FIST population and note when point-of-contact information changes and/or will contact the agency to identify a new point-of-contact if an email is returned as undeliverable. The FIST survey also includes a section for respondents to provide contact information, including an email address, for the appropriate point-of-contact.

#### **4. Efforts to avoid duplication**

Based on BJS's knowledge of the Federal statistical system in general, NICS operations, and other relevant surveys, BJS has determined that the 2013 FIST data collection does not duplicate efforts to obtain data reported by any other Federal agency. The FIST program is the sole data collector of national information on firearm applications and denials from state POCs and local agencies, and the information

requested is not directly attainable from any other data source. As previously acknowledged, FBI NICS transaction data may have no record of the purchase application decision or reason for denial, and the data do not provide arrest or appeal data at the state and local levels, whereas the FIST collection obtains information on the number of and reasons for denials from state and local checking agencies and collects available arrests and appeals information from state agency reporters. The FIST collection integrates data obtained from the FBI NICS and ATF to provide the only comprehensive source of national data on firearm background check activities and post-denial activities pursuant to the Brady Act and similar state laws.

## ***5. Efforts to minimize burden***

### **FIST survey instrument**

The 2013 FIST survey was designed with input from survey methodologists, subject matter experts, and stakeholders in the law enforcement community. In addition to collecting data on the number of applications and denials for firearm purchases and transfers, the proposed 2013 FIST survey will continue to collect information on reasons for denials and on arrests and appeals (from state agency reporters) that occurred as a result of a denied application. Overall, the proposed 2013 FIST survey instrument is similar to that used in 2012. A key change that BJS is proposing to make to the 2013 FIST survey is to tailor the language for background check activities used in the survey instrument to match the terms that the local agency is familiar with (e.g., using state-specific terminology for the type of permit that the agency is responsible for issuing); this would result in having one version of the survey for the state agency reporters and different versions that are sent to agencies in the ten states that operate local checking agencies. Attachment III provides an overview of proposed changes to the 2013 instrument and copies of the different versions of the proposed survey instrument. As noted, BJS implemented a FIST web-form option as part of the 2012 data collection. The web-form was designed to closely mirror the paper survey and to provide a secure, convenient mode for respondents to report data.

The proposed 2013 FIST survey instrument was designed to minimize the respondent burden by providing clearer instructions and screener questions to help respondents more easily determine which questions pertain to their agency based on their background check responsibilities, including the use of state-specific language to reference the types of checks the agency is responsible for conducting, issuing, or tracking. The respondent is given multiple opportunities to skip questions that do not pertain to them, which will also reduce the respondent burden.

The web-form provides the additional advantage of eliminating questions that the respondent may not need to see, thus further reducing response burden.

### **Maximizing response rates**

In order to maximize the response rate and minimize the respondent burden while improving the quality of data, REJIS will promote the use of the web-form reporting option. Due to the fact that the paper survey was the preferred response mode for the 2012 collection and that some checking agencies, notably local checking agencies, will not have the ability or willingness to complete the survey online, BJS and REJIS will continue to employ multi-modal submission options (web-form, email, paper survey, or fax)

to decrease the respondent burden. To minimize respondent burden and maximize the response rate, REJIS will accept FIST data via the preferred mode of the respondent agency.

REJIS will also continue to employ a rigorous contact schedule to maximize the response rate and will make all attempts to personalize and tailor FIST correspondence to individual agencies to include language specific to the types of permits and checks that the agency is responsible for conducting.

BJS modeled the FIST contact methodology on the tenants outlined in Dillman and colleagues'<sup>13</sup> work on mail and internet surveys. REJIS will make five contact attempts to respondent agencies: a brief pre-notice letter sent via fax, email, or mail to respondents a few days prior to the survey; a survey notification letter sent via mail or email; a thank you note, either in the form of postcard or email; a replacement survey and applicable cover letter sent to non-respondents after the initial survey mailing; and a final contact made by phone. See Attachment IV for draft correspondence.

## **6. *Consequences of not conducting the collection***

As detailed previously, the FIST collection is the only comprehensive source of national data on the estimated number of applications and denials for firearm transfers, and numerous studies have been or could be conducted using these data to evaluate the implementation of the Brady Act and similar state laws and analyze the reasons for denial and post-denial activities. Absent this collection, there would be limited data available to quantitatively assess the full impact of the Brady Act and to provide a comprehensive overview of background check trends and activities nationwide to inform decisions on firearm background check procedures, policies, and systems. The FIST data collection also contributes to the goals of the NICS and NIAA by enhancing efforts to collect and analyze reasons for denials for firearm purchase applications, and identify changing trends in disqualifying factors over time.

Additionally, findings from these related analyses can be used to provide the means to policymakers and administrators to assess the effectiveness of decisions by ATF and Federal prosecutors on who to prosecute. If discrepancies in data are found during the studies of post-denial activities, researchers can determine if the source of discrepancies are related to procedural problems, data-quality problems, inadequacy of resources, or a combination of these factors, and share the findings with the respondent agencies.

Issues related to gun control and firearm background check measures are highly politicized and polarizing and the recent spate of shootings that has been witnessed across the country has catapulted the issue of gun control into the national spotlight. The demand for data on applications, denials, and reasons for denial that FIST is uniquely positioned to obtain has significantly increased in recent years and the annual collection of these data is critical to inform Congressional leaders, policymakers, and the general public on changes in firearm background check trends over time and to continue to calculate how many applications by individuals with prohibiting records are denied an application for a firearm. FBI transaction data shows that, since 2012, there has been an uptick in firearm applications across the country. In order to better understand how the increased activity impacts the denial rate and determine if

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<sup>13</sup> Dillman, Don A., Smyth, Jolene D., and Christian, Leah Melani. (2009). *Internet, Mail and Mixed-Mode Surveys: The Tailored Design Method*. John Wiley and Sons: New York.

<sup>9</sup> The data collection will end in mid-August and other dates adjusted accordingly if the reserve samples do not need to be deployed.

the upward trend will continue, FIST data must continue to be collected on an annual basis so that national estimates can be generated and assessed to provide a comprehensive picture of changes in trends over time across the country. A future objective of the FIST program is to expand the scope of post-denial studies to develop recommendations that can be used to inform the efforts of policymakers, criminal justice administrators, and law enforcement officials and practitioners to assess the effectiveness of current initiatives designed to prevent firearms from getting into the hands of those individuals that are not eligible to possess them and identify recommendations for potential changes to the nation's background check procedures and enforcement of firearm laws.

Without the continued support for the FIST information collection, the data necessary to complete these important analyses would not be available.

#### **7. *Special circumstances that would increase the respondent burden***

BJS does not anticipate any circumstances that would require a respondent to report data more than one time annually or that would increase the respondent burden in any foreseeable way.

#### **8. *Public comment and consultation***

BJS proposes to use the same survey instrument for the 2013 FIST collection, with the minor revisions addressed in previous sections. Neither BJS nor REJIS received feedback from any of the respondent agencies that the burden associated with completing the 2012 FIST survey was excessive.

REJIS routinely engages in discussions with parties from whom FIST data are obtained and/or from those individuals responsible for compiling the data to confirm the data relevant to FIST that the respondent agency maintains, determine how the agency can most accurately and conveniently provide the data, and address how FIST data are used. This type of ongoing correspondence has resulted in improvements to the FIST data collection, including increased access to relevant data. For example, two state agencies (Massachusetts and Michigan) agreed to provide a compilation of local data for the 2010 and 2012 collections, respectively, which was not provided previously and thus improved the overall reliability of the FIST national estimate.

In addition to REJIS's ongoing outreach to state and local agencies, in 2012 REJIS met with staff from the FBI NICS Section to discuss the differences between the FBI NICS transaction data and FIST data. The meeting resulted in a better understanding of what the FBI NICS transaction data consist of and the NICS purpose codes were clarified. Meeting participants included: Amy Blasher and two of her staff (FBI NICS Section); Ron Frandsen, Jennifer Karberg, and Gene Lauver (REJIS); and, via phone, Devon Adams, Chief, Criminal Justice Data Improvement Program, and Allina Lee, FIST Project Manager (BJS).

The FIST survey design and methodology were reviewed by Allen Beck, PhD., Senior Statistician, BJS. Terry Tomazic, PhD., St. Louis University also provided statistical consultation. As addressed in Attachment II (see Attachment VII of the memo), the FIST survey was reviewed by two subject matter experts and three representatives from local checking agencies in accordance with OMB survey testing protocol.

The 60-day notice was published on November 21, 2013, (Vol. 78, No. 225, pg. 69875). The 30-day notice was published on February 3, 2014, (Vol. 79, No. 22, page 6231). BJS received an inquiry from one individual, John Frazer, Attorney at the Law Office of John Frazer, PLLC, regarding the FIST collection. Mr. Frazer requested a copy of the FIST survey instrument and inquired about the use of the data. BJS provided a copy of the 2012 FIST survey and provided a brief overview of the information contained in this Supporting Statement regarding the use and relevance of the FIST information. Mr. Frazer indicated that the information was sufficient for his purposes and provided no further comment on the materials.

#### ***9. Provision of payment or gifts to respondents***

Neither BJS nor REJIS will provide any payment or gift of any type to respondents. Respondents will participate in the FIST collection on a voluntary basis.

#### ***10. Assurance of confidentiality***

According to 42 U.S.C. 3735 Section 304, the information gathered in this data collection shall be used only for statistical and research purposes, and shall be gathered in a way that precludes their use for law enforcement or any other purpose relating to a particular individual other than for statistical or research purposes. Respondents will be informed in written correspondence that their participation in the survey is voluntary and that the information provided from their agency will be in the public domain and is not subject to confidentiality assurances. The data collected are summary statistics of an administrative nature and do not allow for the identification of any individual.

#### ***11. Justification for sensitive questions***

There are no questions of a sensitive nature in the proposed FIST survey.

#### ***12. Estimate of respondent burden***

##### **Calculation of respondent burden**

BJS is requesting OMB approval to implement the 2013 FIST collection with 761 respondents for an estimated burden of twenty-five minutes per respondents, for a total estimated burden of 317 hours annually. This estimate is based on the results of the field test of the revised survey instrument and feedback received from the 2012 data collection as well as REJIS's extensive history conducting the FIST data collection. Attachment II (see Attachment VII of the memo) provides details about the survey field test.

BJS estimates that the respondent burden will vary depending on the number of permit types the respondent agency conducts background checks for, with an average estimated burden of twenty-five minutes per respondent. The estimated respondent burden is as follows:

- Twenty minutes for agencies that conduct background checks for one permit type
- Thirty minutes for agencies that conduct background checks for two permit types
- Thirty minutes for state reporting agencies

See Attachment II (Attachment VIII of the memo) for the corresponding analysis that was used to estimate the respondent burden for the 2012 FIST collection. BJS estimates that the burden for the 2013 collection will stay consistent at twenty-five minutes per respondent due to the fact that the proposed 2013 FIST survey instrument is similar to that used for the 2012 collection.

#### *FIST web-form*

The introduction of the web-based data collection instrument is intended to encourage participation by providing a secure, convenient mode of responding to the FIST survey. The web-form is designed to streamline the survey process by eliminating questions that the respondent may not need to see, and thus also reduce burden. It is also designed to reduce item nonresponse, by requiring a response to critical items before continuing on in the survey. While the web-form is designed to ensure logical responses, given previous responses, data will be monitored as it is submitted to check for item completeness and logic to ensure data quality.

Given that the web-form was designed to closely mirror the format of the paper survey, BJS estimates that the respondent burden will be the same (twenty-five minutes).

#### **Non-response bias analysis**

BJS and REJIS are currently in the process of conducting a non-response bias analysis for those states where the response rate fell below 80% for the 2012 collection. Part B provides additional details about the 2012 response rate. BJS will conduct a nonresponse bias analysis for any state within where the response rate is below 80% for the 2013 collection.

#### ***13. Estimate of respondent's cost burden***

This information collection will require only the information that is already generated and maintained by the respondents. There will be no additional cost to respondents other than the time associated with filling out the survey form and verifying the data upon its submission, which is estimated to be a cumulative total of 25 minutes per respondent annually. The survey form, in most cases, will be completed by one person in the agency. A diverse range of respondent positions and salary grades is anticipated, as some respondents may be civilian employees while others fall within a wide range of law enforcement officials. Salary information is not collected for the FIST project. BJS used the same process followed in previous years to calculate the estimated respondents' cost burden. The estimated cost burden for respondents was computed based on the Bureau of Labor Statistics' estimation of the national mean hourly wage of police and sheriff patrol officers in 2012 (\$27.78). Thus, the estimated cost burden associated with the estimated 25 minute response time is approximately \$11.58 per form, or \$8,809 annually.

#### ***14. Costs to federal government***

The total expected cost to the Federal government for the 2012 FIST data collection is \$408,079 annually, to be borne entirely by BJS. This work consists of planning, determining the sample and revising the survey, preparation of materials, collecting the data, evaluating the results, generating the statistical tables, and responding to media and external inquiries. A BJS GS-Level 13 Justice Statistics Policy Analyst will be responsible for overseeing REJIS's work on this project.

The estimated project budget for the 2013 FIST collection is provided on the following page.

<b>Bureau of Justice Statistics Budget (estimated)</b>	
Budget category	Total
Personnel: GS-13 Justice Statistics Policy Analyst (20%)	\$18,994
Personnel: GS-15 Supervisor (5%)	\$6,807
Personnel: GS-13 Editor (5%)	\$4,452
Personnel: Other Editorial Staff	\$2,500
Personnel: Senior BJS Management	\$3,000
<i>Subtotal salaries</i>	\$35,753
Fringe benefits (28% of salaries)	\$10,011
<i>Subtotal: salary &amp; fringe</i>	\$45,764
Other administrative costs of salary & fringe (15%)	\$6,865
<i>Subtotal: BJS costs</i>	\$52,629
<b>Data Collection Agent (REJIS) Budget (estimated)</b>	
Personnel	\$177,998
Fringe Benefits	\$39,478
Travel	\$8,348
Supplies	\$3,044
Contractual	\$30,019
Other	\$9,344

Indirect Cost	\$8,7219
<i>Subtotal: REJIS costs</i>	<i>\$355,450</i>
<b>Total estimated costs</b>	<b>\$408,079</b>

**15. Reasons for change in burden**

The total estimated respondent burden will decrease slightly from the levels approved by OMB in June 2013. BJS is requesting OMB approval to implement the 2013 FIST collection with 761 respondents for an estimated total burden of 317 hours, a decrease of the approved 791 respondents and 330 respondent burden hours for the 2012 collection.

The decrease in the number of respondents is the result of removing local agencies from Michigan from the sample that were determined to be ineligible to participate in the FIST collection because they no longer conduct firearm background check activities. Michigan is counted as a state-level reporter for the 2012 FIST collection, but a small number (twenty-seven) of local agencies were enumerated in the sample that the state system did not account for so that data on purchase permits could be obtained. Of these twenty-seven agencies, twenty-five agencies responded to the survey and indicated that they did not conduct activities for purchase permits because the sheriff’s office handled the permits (which were accounted for in the reported state totals). Only one local agency responded with data. These agencies were removed from the sample and Michigan will be counted solely as a state reporter for the 2013 collection.<sup>14</sup>

**16. Project schedule and publications plan**

REJIS will adhere to a schedule based on the strategies recommended by Dillman and colleagues (2009) and will continue to accept data via paper survey, web-form, fax, and email. REJIS will maintain a comprehensive record of all follow up and reporting activity and log details of when data is received, from whom, by what means (fax, email, etc.) and applicable changes in address and other contact information. This will be done to ensure that duplicate requests are not made to agencies and that the agency’s preferred mode of submission is noted for subsequent years. Five attempted contacts will be made to each agency before it is considered to be nonresponsive. Specific dates will vary annually depending on holiday and staff schedules. REJIS will vary the modes of outreach so the reporting agency receives at least one phone call, one email (if an email address is available), and one fax or letter request.

**Proposed 2014 data collection strategy (for 2013 data)**

*April to May*

REJIS will research and update its comprehensive list of state contacts, and will research and confirm any changes in the background check responsibilities of respondent agencies to determine the population

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<sup>14</sup> BJS also did not include the data for the one agency that did provide data because the number of applications reported was insignificant.

universe. REJIS will also collaborate with the FBI and ATF to receive relevant data on firearm background check activity and post-denial activities.

#### *June – January<sup>15</sup>*

There are three rounds of data collection possible; the first round to be considered the “main” sample from which a sufficient number of agencies will be contacted to allow for state level estimation of firearm application and denial activity. The succeeding two rounds of data collection consist of reserve samples that will be deployed only in the event of insufficient response from the preceding collection (85% response from the main sample and 75% after the first reserve sample). Each round of data collection will follow the same process and time intervals between contacts. The first round of data collection is slated to begin in June and end in mid-August. If necessary, the first reserve sample collection period will last from mid-August through October, and the second reserve will begin the end of October and last through the first week of January 2015.

#### Each cycle of collection will follow the pattern:

*Week 1:* A pre-notice letter will be sent via mail, email, or fax based on the contact information available for the agency and the agency’s preferred mode of communication.

*Week 3:* A survey will be sent via mail, email, or fax based on the agency’s preferred mode of communication. REJIS will make all attempts to send an email that contains the link to the web-form to respondents with an email address on file in order to promote the electronic submission of information. A detailed cover letter (either drafted on paper or email) will be included to explain the importance of a response and indicate alternate submission modes.

*Week 5:* A thank you note will be sent via mail, email, or fax to express appreciation for responding to the survey, even if the survey has not yet been returned.

*Week 7:* A replacement survey will be sent via mail, email, or fax to agencies that have not yet responded. This will be sent 4 weeks after the initial survey is sent.

*Week 9:* A follow up phone call will be made to agencies who have not responded to the survey (if a telephone number is provided). Otherwise, a request will be made via mail, email, or fax.

REJIS will enter data into the project databases as it is received and will continue to review state websites and FBI reports to extract published data. Data verification efforts continue. REJIS will update contact information for agencies as needed.

#### *November to January*

Data entry, verification and quality checks conclude.

Work to produce the estimates will begin. Data processing and analysis continue.

#### *January to March (2015)*

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<sup>15</sup> The data collection schedule may conclude prior to January if one or both of the reserve samples do not need to be deployed.

REJIS will submit copies to BJS of the draft statistical tables and narrative text for the 2012 Background Checks for Firearm Transfers publication for review and posting to the BJS website. REJIS will also deliver to BJS a final dataset in SPSS file.

In the past, the FIST data collection was initiated in January for the preceding calendar year data and the Background Checks for Firearm Transfers publication was released before the end of the year. BJS encountered some issues in recent years that resulted in the delayed start of the FIST collection schedule and the subsequent publication of the findings, including the time associated with re-competing the FY 2011 FIST solicitation and making an award determination, the delayed passage of the Federal budget which delayed the FY 2012 project start date, and the amount of time BJS and REJIS spent revising the FIST methodology. BJS has been working to get the FIST data collection schedule back to a January implementation schedule so that the Background Checks for Firearm Transfers publication can be released within one-year of the reference date of the collection. The proposed 2013 FIST data collection schedule provides for an earlier start than the previous two collection years. Due to the fact that the FIST methodology was significantly revised for the proposed 2013 collection, the statistical methods will be in place to implement the subsequent collections which will further reduce delays in initiating outreach to the respondent agencies. BJS’s longer-term objectives are to return the FIST data collection schedule to a January start and release the Background Checks for Firearm Transfers publication by the end of each calendar year. BJS plans to achieve these goals by following the proposed schedule detailed in table 1. BJS will revise the project timelines to account for any necessary adjustments that need to be made to the data collection schedule, including the possibility that the reserve samples will not be deployed during the collection year.

Publication Plan

**Table 1. Key goals and timeframes for the recurring/annual FIST tasks**

<b>Reference year of the collection</b>	<b>Award start date</b>	<b>Start data collection</b>	<b>Finish data processing and submit final work products to BJS for review and preparation for publication to BJS website</b>	<b>Archive FIST data</b>
2013*	June 1, 2011	June 2014	January 2015	December 2014 (FIST data from 1996-2013)
2014	October 1, 2014	March 2015	November 2015	December 2015
2015	October 1, 2015	February 2016	September 2016	December 2016
2016	October 1, 2016	January 2017	September 2017	December 2017

\*Current FIST project period for grant awarded to REJIS

BJS will produce annual reports similar to products disseminated in previous years. These reports, in the form of key highlights with detailed statistical tables, include the number of applications, denials and reasons for denial from state and local checking agencies combined with NICS transaction data to arrive at national estimates of applications and denials. The follow products will be published over the course of the next three years:

<b>Type of Publication</b>	<b>Title</b>	<b>Estimated Publication Date</b>
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Statistical Tables	Background Checks for Firearm Transfers, 2013 – Statistical Tables	January 2015
Statistical Tables	Background Checks for Firearm Transfers, 2014 – Statistical Tables	November 2015
Statistical Tables	Background Checks for Firearm Transfers, 2015 – Statistical Tables	September 2016

**Ongoing frame maintenance activities**

Throughout the data collection process, REJIS will maintain comprehensive records of reported changes to state and local agency contact information and relevant laws concerning firearm background check procedures, and will continue to complete additional frame maintenance activities (as addressed in more detail in the Statistical Methods section of this clearance) to ensure the accuracy and completeness of the FIST frame.

***17. Display of expiration date***

The expiration date will be displayed on the survey form.

***18. Exception to the certificate statement***

BJS is not requesting an exception to the certification of this information collection