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Attachment I. BJS Authority

DERIVATION

Title I

THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

(Public Law 90-351)

42 U.S.C. § 3711, *et seq.*

AN ACT to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

As Amended By

THE OMNIBUS CRIME CONTROL ACT OF 1970

(Public Law 91-644)

THE CRIME CONTROL ACT OF 1973

(Public Law 93-83)

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

(Public Law 93-415)

THE PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976

(Public Law 94-430)

THE CRIME CONTROL ACT OF 1976

(Public Law 94-503)

THE JUSTICE SYSTEM IMPROVEMENT ACT OF 1979

(Public Law 96-157)

THE JUSTICE ASSISTANCE ACT OF 1984

(Public Law 98-473)

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE ACT OF 1986

(Public Law 99-570-Subtitle K)

THE ANTI-DRUG ABUSE ACT OF 1988

TITLE VI, SUBTITLE C - STATE AND LOCAL NARCOTICS CONTROL
AND JUSTICE ASSISTANCE IMPROVEMENTS

(Public Law 100-690)

THE CRIME CONTROL ACT OF 1990

(Public Law 101-647)

BRADY HANDGUN VIOLENCE PROTECTION ACT

(Public Law 103-159)

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

(Public Law 103-322)

NATIONAL CHILD PROTECTION ACT OF 1993, AS AMENDED

(Public Law 103-209) and

CRIME IDENTIFICATION TECHNOLOGY ACT OF 1998 (Public Law 105-251)

Attachment I. BJS Authority

BUREAU OF JUSTICE STATISTICS CHAPTER 46 - SUBCHAPTER III [TITLE I - PART C]

42 USC § 3731 [Sec. 301.] Statement of purpose

It is the purpose of this subchapter [part] to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this subchapter [part], the Bureau shall give primary emphasis to the problems of State and local justice systems.

42 USC § 3732 [Sec. 302.] Bureau of Justice Statistics

(a) Establishment. There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this subchapter [part] as “Bureau”).

(b) Appointment of Director; experience; authority; restrictions. The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) Duties and functions of Bureau. The Bureau is authorized to—

(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this subchapter [part]; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

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- (3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, and local justice policy and decision making;
- (4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, and local levels;
- (5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels;
- (6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;
- (7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;
- (8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter [title];
- (9) maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;
- (10) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice statistics;
- (11) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;
- (12) conduct or support research relating to methods of gathering or analyzing justice statistics;
- (13) provide for the development of justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

Attachment I. BJS Authority

(14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

(15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;

(16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;

(17) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti- drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, and local criminal justice agencies on their drug enforcement activities;

(18) provide for the development and enhancement of State and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

(19) provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;

(20) maintain liaison with State and local governments and governments of other nations concerning justice statistics;

(21) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

(22) ensure conformance with security and privacy requirement of section 3789g of this title and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities; and

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(23) exercise the powers and functions set out in subchapter VIII [part H] of this chapter [title].

(d) Justice statistical collection, analysis, and dissemination. To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(2) confer and cooperate with State, municipal, and other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter [title];

(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and

(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

(e) Furnishing of information, data, or reports by Federal agencies. Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) of this section shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State and local government and judiciary. In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

42 USC § 3733 [Sec. 303.] Authority for 100 per centum grants

A grant authorized under this subchapter [part] may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this subchapter [part] , that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

42 USC § 3735 [Sec. 304.] Use of data

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Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

Attachment II. Non-substantive change request to OMB

Includes:

- Attachment I: Proposed CY 2012 FIST data collection schedule
- Attachment II: FIST universe
- Attachment III: Proposed sample allocation
- Attachment IV: Data collection methodology
- Attachment V: FIST tally sheet approved in OMB packet
- Attachment VI: Revised FIST survey instrument
- **Attachment VII: Responses to survey testing ***
- **Attachment VIII: Analysis of burden ***
- **Attachment IX: Screenshots of web-based FIST survey form ***
- Attachment X: Web-based survey implementation plan
- Attachment XI: Revised correspondence

***Referenced in clearance package**



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

MEMORANDUM

TO: Shelly Martinez
Desk Officer
Office of Statistical Science and Policy, Office of Management and Budget

THROUGH: Lynn Murray
Clearance Officer, Justice Management Division

William J. Sabol
Acting Director, Bureau of Justice Statistics

Devon B. Adams
Chief, Criminal Justice Data Improvement Program, Bureau of Justice Statistics

FROM: Allina Lee
Justice Statistics Policy Analyst, Bureau of Justice Statistics

SUBJECT: Non-substantive Changes to OMB #1121-0314 to Firearm Inquiry Statistics Program

DATE: May 23, 2013

The purpose of this memorandum is to advise the Office of Management and Budget (OMB) of changes to the Firearm Inquiry Statistics (FIST) Program data collection schedule and provide copies of the revised sampling plan and the web-form implementation plan to respond to the conditions of the OMB clearance. The Bureau of Justice Statistics (BJS) is also requesting OMB approval of changes made to the approved survey form and to the number of respondents in the collection. Briefly, the FIST program collects data on firearm background check activities from a sample of local agencies authorized to conduct background checks and combines these data with data obtained from state reporting agencies, the Federal Bureau of Investigation (FBI), and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to produce a national estimate of firearm applications, denials, reasons for denials, arrests, and appeals. Since 1995, BJS has conducted the FIST survey. The Regional Justice Information Service (REJIS) was competitively awarded a cooperative agreement in FY 2011 to collaborate with BJS and continue the FIST data collection efforts.

While the FBI reports on transaction data processed by the National Instant Criminal Background Check System (NICS), the FIST collection is the only comprehensive source of national data on the number of applications received and denied and post-denial activities pursuant to the Brady Handgun Violence Prevention Act of 1993 (the Brady Act) and similar state laws. Absent this collection, there would be no other means to assess the enforcement of the Brady Act, including the effectiveness of post-denial activities, levels of background check trends and activities nationwide, and appeal and arrest activities at the state and local levels. The FIST data

collection also contributes to the goals of the NICS by enhancing efforts to collect and analyze statistics on denial for firearm purchase applications and to identify changing trends in disqualifying factors over time.

OMB clearance for the FIST collection, ICR reference #201010-1121-002, was approved on February 20, 2011.

Data Collection Schedule

The OMB clearance granted BJS approval to collect calendar year (CY) 2010 data using the same sample used in previous years with the understanding that the subsequent data collection would be conducted with a revised sampling frame. The FY 2011 FIST award to collect CY 2010 data was competitively awarded to REJIS in August 2011. The time associated with competing the award and making a funding decision, coupled with the delayed passage of the FY 2011 budget, resulted in significant delays in initiating the collection. Additionally, BJS spent a significant amount of time reviewing the FIST methodology to both improve the reporting of 2010 data and to determine the sampling plan for future collections. The Background Checks for Firearm Transfers 2010 Statistical Tables publication was published to the BJS website in February 2013.

Due to the delayed start of the 2010 data collection and time spent on addressing methodological issues, BJS was concerned that collecting CY 2011 data would create an unnecessary burden on respondent agencies by asking them to report data so soon after their last submission. Moreover, BJS has prioritized collecting CY 2012 data because it has been a notable year in firearm background check activity, as evidenced by the increase in transaction data reported by the FBI (up from 2010 and 2011), and a high demand for the most recent data on background check activities observed since the school shooting in Newtown, Connecticut, in December 2012.

For these reasons, BJS decided to forgo the collection of CY 2011 data and will collect the next round of data for CY 2012. Pending OMB approval of the changes outlined in this memo, the 2012 data collection is scheduled to be initiated in June 2013 (see Attachment I).

Revised Sampling Frame

The sample of local checking agencies will be redrawn for the 2012 FIST collection. REJIS spent a significant portion of time updating the FIST universe to ensure that all agencies that are authorized to conduct and are known to conduct background checks are accounted for in the universe (see Attachment II). BJS and REJIS worked extensively to develop the most appropriate sampling plan that will produce a reliable national estimate while staying within the confines of the budget allocated for the FIST data collection. The new sampling plan will also enable the creation of state-level estimates, which have become a source of increased public interest. After considering multiple methodologies, BJS has decided to employ an enumeration of local agencies in eight of the twelve states (DC, DE, IA, ID, MT, NC, NV, and NY) in which local checking agencies are responsible for conducting background checks. Agencies in the remaining four states with local checking agencies (GA, MN, NE, and WA) responsible for conducting background checks will be sampled due to the relatively greater number of agencies in these states compared to the other eight. In these four states, the decision was to create a stratified sample based on population size that roughly equates to Category 1) rural – places of less than 10,000 population; Category 2) small cities – places of between 10,000 and 99,999 population; Category 3) small metropolitan areas – places of between 100,000 and 199,999 population; and Category 4) large metropolitan areas – places of 200,000 or more population. These population categories were selected to be consistent with definitions of various census place levels. Sampling will be done for agencies in Categories 1 and 2, while the agencies in Categories 3 and 4 will be kept in the sample as certainty (see Attachment III).

BJS will plan for unknown nonresponse by creating two reserve samples within each of the four sampled states with a 15% oversample for each. Agencies will be randomly assigned to one of the two reserve samples so that the probability of selection will equal the initial probability of selection times the probability of being assigned to a reserve sample. If a response rate within any state falls below 85%, the first reserve sample will be initiated. If the response rate falls below 75% after the first reserve sample is instituted, the second reserve sample will be employed. Appropriate sampling weights will be assigned such that state-level estimates may be made in addition to a national estimate. BJS has initiated and will continue to employ a rigorous follow up schedule based on Dillman, Smyth, and Christian's work on mail and internet surveys¹ to maximize the response rate (see Attachment IV).

A sample size of 791 is needed to implement this sampling design with the appropriate precision to calculate a reliable national estimate and improve the overall robustness of the sample. The sample size also stays within the budgetary parameters approved for the FIST data collection. BJS is requesting OMB approval to increase the number of respondents from the currently approved 653 to 791. The impact of the increased number of respondents on the overall burden hours is addressed in the following section.

Revised Survey

As part of BJS' overall effort to improve the FIST methodology, BJS assessed the approved tally sheet that had been used previously to collect FIST data and decided that changes were necessary to better clarify what data are being requested and format the presentation to be more aligned with other BJS surveys. Copies of the approved tally sheet and proposed revised survey are appended to this memorandum for OMB's review (Attachments V and VI). The following sections describe the changes that were made to the survey form and underlying rationale for the changes.

Survey format

The revised survey is designed to collect the same data on firearm background check activity for the reference year as the approved tally sheet. The revised survey includes screener questions to assist in maintaining the universe file of agencies that conduct firearm background checks, a section to obtain information about agency characteristics to better understand the sample population and assist efforts to conduct a nonresponse bias analysis if necessary, and a section to identify how agencies collect and report their data. The majority of these additions are in the form of a check box response, which will result in a minimal enhancement to the burden. One of the greatest benefits of the revised survey is that additional clarification and directions are provided to ensure that respondents are clear as to what data are being requested. BJS found that the lack of clear instructions and definitions in the tally sheet was problematic because it introduced potential data quality issues as it may have been unclear to respondents what information was being requested. Given the fact that the sample will be redrawn to include new agencies that have not participated in past FIST data collections, it is imperative that respondent agencies are provided with consistent guidance to improve the quality of data being collected and inform BJS about how state and local agencies collect and report data.

Instructions and definitions were added to each section in addition to screener questions to determine if the respondent agency tracked the requested data. A box was also added to applicable questions so the respondent could check if the response was an estimate to help BJS to better understand the accuracy of the data.

The following enhancements were also made to the survey instrument:

- Page 1: Questions have been added to determine if the respondent agency is currently authorized to and/or has conducted background checks during the reference year. These questions are designed to help maintain the FIST universe of local checking agencies.
- Section I: A section titled "Agency Characteristics" has been added to request information about the types of checks that the local agency conducted during the reference year. In the past, REJIS sent the tally sheet to respondent agencies based on what types of checks they were known to conduct based on state laws. These questions will help to verify the accuracy of and maintain the universe of local checking agencies and help to monitor changes in how agencies conduct background checks.
- Section II: A question (#7) was added to ask if the agency tracked the reason(s) why an application was denied. This question will help to determine which agencies are currently collecting this data. Two questions (#9 and #10) were added to determine how the agency records and reports on reasons for denial. This information is critical to inform BJS's understanding of the tracking process and ensure that the data can be accurately reported.
- Section III: No new questions have been added apart from the screener questions.
- Section IV: A section has been added to address the reporting of partial year counts. Prior experience with the FIST survey has shown this to be a rare occurrence.
- Section VI: A section has been added to enable the respondent to provide a narrative response about its data collection procedures and/or reporting of estimated totals

Feedback from testing

In accordance with approved OMB survey testing protocol, the survey was sent to five agencies with a request to complete the revised survey and provide feedback. Of the five agencies, four were local agencies and one was a state agency. The local agencies represented the different population strata (size A, B, and C) of those in the sample. Three local agencies responded: one size A and two size B. Additionally, the revised survey was presented to two subject matter experts who have significant experience in firearm background check activities and procedures for comment. See Attachment VII for a list of pre-test questions asked and feedback received.

Burden

The respondent burden to complete the tally sheet approved in the original OMB package was estimated to be fifteen minutes. Based on comments provided by the respondents and stakeholders that completed and/or reviewed the revised survey and a corresponding analysis of estimated burden by number of permit types checked (see Attachment VIII), BJS estimates that the respondent burden associated with completing the revised survey will be approximately twenty-five minutes. As the new survey was developed and the burden associated with responding to the questions was assessed, BJS concluded that the original estimated burden of fifteen minutes to complete the tally sheet was too low and that the twenty-five minute estimate is a more accurate reflection of the true burden associated with the FIST survey instrument to provide adequate time for the respondent to read the instructions and accompanying definitions. Based on the results of a field test of the revised survey instrument combined with REJIS's fifteen years of experience administering the FIST data collection, BJS estimates that the respondent burden will vary depending on the number of permit types the respondent agency conducts background checks for.

The estimated respondent burden is as follows:

- 20 minutes for agencies that conduct background checks for one permit type
- 30 minutes for agencies that conduct background checks for two permit types
- 30 minutes for state reporting agencies

As stated previously, the type of data that is being requested has not changed from the original tally sheet. BJS does not anticipate that the twenty-five minute burden will negatively impact the response rate as the data being requested are straightforward and are believed to be routinely tracked by most respondent agencies. While respondents will be encouraged to utilize the new web-form reporting options, REJIS will also continue to accept data via fax and paper survey to ensure that multiple response modes are available to minimize the respondent burden. The FIST data collection received OMB approval in 2007 to administer and collect survey data twice a year for an annual estimated burden of thirty minutes per respondent. BJS has not observed that the change in burden has had any impact on the response rate over the years. Rather, the type and frequency of the contact schedule has proven to be a key factor in the response rate. As noted, REJIS will employ a rigorous contact schedule to maximize the response rate.

The FIST collection is currently approved for 653 respondents and 163 burden hours. With the increase in the number of respondents to 791 and the estimated time to complete the survey at twenty-five minutes, the recalculated number of burden hours totals 330 hours.

Web-Based Form and Implementation Plan

To satisfy the terms of the OMB clearance, BJS is submitting to OMB for review several screenshots of the web-based FIST survey that was developed and will be employed in the 2012 FIST data collection (Attachment IX). The web-based form was designed with input from survey methodologists, subject matter experts, and background checking agency stakeholders. Following OMB testing protocol, four agencies were asked to complete the web-form and provide feedback; despite multiple follow up requests, none of the agencies responded to the request. 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).

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 and is intended to streamline the survey process by eliminating questions that the respondent may not need to see, thus also reducing response burden. It is also designed to reduce item nonresponse by requiring that a response to critical items is submitted before continuing to the next question. Each FIST participant will be provided a unique User ID and password that will allow secure access to 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 has been designed to mimic the visual presentation of the paper survey as much as possible. The wording of the questions is consistent between the two modes. A detailed description of the web-based survey implementation plan can be found in Attachment X.

Revised correspondences

BJS updated the approved correspondence letters and phone script to include information about the web-based survey option. Copies of the updated communications can be found in Attachment XI.

Terms/condition of clearance

The approved OMB packet stipulated that the sample would be redrawn for the 2011 FIST data collection. As addressed previously, BJS will initiate the next collection for CY 2012 data. The terms of the OMB clearance stated that “OMB looks forward to a new analysis of sample design and size needed to meet precision requirements after one round of experience with new procedures.” BJS will submit to OMB for review the requisite analyses after the data collection for CY 2012 employing the new sampling frame is complete. The current OMB approval for the FIST data collection expires in February 2014. BJS will be prepared to submit the requisite package in advance of the expiration to avoid a delay to the data collection schedule for 2013 data.

Summary

BJS seeks OMB approval of the above noted changes to the FIST survey, revised sampling plan, and the plan to implement the web-based survey form in adherence with the terms of the OMB clearance. In light of the fact that gun control legislation and background checks are politically sensitive, high profile topics and there is currently a high demand for data, specifically state-level data, BJS’s priority is to get into the field as quickly as possible to collect and analyze CY 2012 data in order to report on recent data in next publication of the Background Checks for Firearm Transfers series.

BJS respectfully requests OMB’s consideration of these factors during the review and will work to expeditiously respond to any inquiries. Thank you in advance for your time and consideration.

Attachments:

Attachment I: Proposed CY 2012 FIST data collection schedule

Attachment II: FIST universe

Attachment III: Proposed sample allocation

Attachment IV: Data collection methodology

Attachment V: FIST tally sheet approved in OMB packet

Attachment VI: Revised FIST survey instrument

Attachment VII: Responses to survey testing

Attachment VIII: Analysis of burden

Attachment IX: Screenshots of web-based FIST survey form

Attachment X: Web-based survey implementation plan

Attachment XI: Revised correspondence

ⁱ 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.

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Attachment I. Proposed 2012 FIST Data Collection Schedule

Administration Division, Grants Unit - FIST Program Work Plan			
Project/Task	Start Date	Target Complete	Date Completed
2012 FIST Data Collection Schedule (Tentative)			
A. Request FBI & ATF data	July	July	
B. Download state internet data	July	July	
C. Contact agencies & record responses	July	July	
1. Pre-notification letter to local agencies/states	July	July	
2. Local letters & state fax/email with survey	July	July	
3. Thank you or second request note	August	August	
4. Second survey to nonrespondents	August	September	
5. Final contact with nonrespondents	October	October	
D. Enter State & local data into databases	July	October	
E. Data verification & quality checks	July	October	
F. Update agency contact information	Continuous		
Data analysis and report preparation			
A. Prepare national estimate	October	December	
B. Finalize statistical tables & footnotes	December	February (2014)	
C. Write highlights & methodology summary	December	February (2014)	
D. Transmit final draft to BJS for review	March (2014)	March (2014)	
E. Respond to BJS requests for changes	March (2014)	March (2014)	
Prepare responses to OMB on 2012 FIST redesign	November	January (2014)	

Attachment II: FIST Universe

The FIST universe and how to sample from it are key areas of interest for the FIST study redesign. The FIST program is unique in the varied nature of the checking agencies to be surveyed. This uniqueness is a product of Federal law (the Brady Act, specifically) plus a patchwork of state statutes that govern how background checks for firearm transfers and permits are conducted within certain states.

In addition to the FBI NICS states (those who rely entirely on the FBI's instant background check system) and thirty-two state agency reporters¹ the 2012 FIST universe includes local agencies in 12 states (including Washington, D.C.) that conduct a background check for some type of firearm permit or transfer. In these 12 states where local agencies are authorized to conduct checks, however, there is an important distinction to be made between agencies authorized by statute to conduct background checks and those that actually do the checks. Although in certain states local agencies are legally authorized to conduct background checks for firearm transfers or permits, these agencies are not *required* to do so. There are many instances in these states with local checking agencies in which a local agency, legally authorized by state statute to conduct a background check, has never actually done so and will likely never do so. Instead, transfer and permit applicants who might otherwise use such a local agency to apply for a transfer or permit to purchase or carry a firearm are directed to another local authority (usually, but not always the county sheriff) to apply for a transfer or permit. As such, the local agencies that do not in reality conduct checks and have little likelihood of doing so were not included on the frame. The result is that the numbers of local checking agencies are, in some cases, greatly reduced from that authorized by state statute. Thus only agencies that are authorized to conduct checks are included on the FIST frame. This decrease in the size of the frame combined with the majority of FIST reporting coming from the FBI or state-level reporters means that a relatively small proportion of the FIST national estimate comes from the local agency population.

In order to generate the new FIST frame, REJIS utilized multiple data sources combined with a large known pool of past FIST responders. First, REJIS regularly included as part of its annual sample over one third of the number of local agencies now determined to be in the new frame. These agencies were known to have responded to the FIST survey at least once in the prior three years and had a verified status of conducting background checks for firearm transfers. Other data sources used to expand and verify the FIST frame were:

- The 2008 Census of State and local law enforcement
- A recent (as of the time of frame creation) FBI Originating Agency Identifier (ORI) file of all known law enforcement agencies in the U.S.
- Published lists from professional officer associations such as state Sheriffs' and Police Chiefs' association lists and officer standards and training office lists.
- In most states where the authorized background check agency is a county level agency, it is assumed that all of these agencies (often Sheriff's offices) are eligible to be in the FIST frame.

¹ State agency reporters include full or partial NICS Point of Contact (POC) states and those states for which local agencies may conduct the background checks but local agencies report their activity to a state-level entity. It is this state level entity that provides the complete state-wide counts of applications for firearms transfers or permits, denials, and sometimes reasons for denial, to FIST.

- In certain states, the authorized checking agency or reporting agency is not a law enforcement agency at all, but rather another county government authority. In Georgia, the authorized checking agencies are the county probate courts. In the state of New York, most of the agencies reporting to FIST are county clerks' offices.
- Where the checking status of an agency, law enforcement or otherwise, could not be verified with publicly available information (usually via the agency's website), the agency was contacted directly for verification of its checking status.

Attachment III. Proposed FIST Sample Determination and Allocation

Information for the FIST data collection will be obtained from state agency reporters (thirty-two states), statewide censuses of local checking agencies (seven states plus Washington, D.C. and some local checking agencies from Michigan), and a sample of local checking agencies in four states. This decision equates to a total data collection of 791 checking agencies plus the FBI NICS data.

In the four states in which agencies are to be sampled (GA, MN, NE & WA), a stratified sample based on population size will be created that roughly equates to the following Categories: 1) rural – places of less than 10,000 population; 2) small cities – places of between 10,000 and 99,999 population; 3) small metropolitan areas – places of between 100,000 and 199,999 population; and 4) large metropolitan areas – places of 200,000 or more population. These population categories were selected to be consistent with definitions of various census place levels. They also allow the proposed collection to maintain some consistency with portions of the methodology of past FIST collections. Further, using population categories in this manner was determined to be an efficient mechanism for dividing the FIST universe in a way that kept the collection within current budgetary constraints while allowing for a stratification and estimation strategy that would keep the burden close to the level approved by OMB.

The optimal situation would be to stratify these four states individually. However, this approach proved to be problematic because the correlated variable used to estimate variance (number of applications in 2010) had information for all strata in only one of the four states. The other three states each had empty or a singular report of information in different strata. Without the estimate of variance, a stratified sample could not be determined individually for each of the four states. Consequently, it was decided to utilize a simple random sample, proportional to size, for each state. This increased the sample size sufficiently such that an estimate and resulting confidence interval can be determined for each of these four states.

The following formula was used to determine the sample size and weight allocation for the stratified sample of the four states taken as a group.

$$\text{The formula used is: } n = \frac{\sum N_i^2 \sigma_i^2 / w_i}{N^2 D + \sum N_i \sigma_i^2} \quad \text{where } D = \frac{B^2}{4}$$

Reference: *Elementary Survey Sampling* by Scheaffer, Mendenhall & Ott

Definitions:

n = sample size

N_i = population within stratum

σ_i^2 = stratum variance

w_i = stratum weight

N = population

D = B^2/Z^2 (at a 95% confidence level $Z^2 \approx 4$)

B = error bound

The following formula was used to determine the sample size of a simple random sample in each state. The bound on error was 100 applications for GA, NE and WA. The bound was fifty applications for MN.

The formula used is: $n = \frac{N\sigma^2}{N^2D + \sigma^2}$ where $D = \frac{B^2}{4}$

Reference: *Elementary Survey Sampling* by Scheaffer, Mendenhall & Ott

Definitions:

n = sample size

σ^2 = variance

N = population

$D = B^2/Z^2$ (at a 95% confidence level $Z^2 \approx 4$)

B = error bound

A 15% reserve sample will be randomly selected to cover nonresponse. Because all local checking agencies in Categories 3 and 4 are to be surveyed, this reserve sample only impacts agencies in Categories 1 and 2. In total, there will be a 30% reserve sample for each of the four states that are sampled. The 15% sample was taken of the entire population of units in any one category and is added on top of the sample size.

Following is a summary sheet of the actual sample for the four states (Georgia, Minnesota, Nebraska and Washington) that will be sampled along with the distribution of the reserve sample.

Sample Allocation, Simple Random Sample in 4 States, Census in 7 States																			
Population Category	Population Size	States w POCs in SRS prop to size				Sub Sample Add a	Census States								Sub Sample Add b	Other			Total Sample Size
		GA	MN	NE	WA		DE	IA	ID	MT	NC	NV	NY	DC		MI	State-level		
																	Reporters		
Category 1	1 to 9999	20	45	79	37	181	0	23	16	35	3	7	1	266				266	
Category 2	10000 to 99999	63	20	15	28	126	0	70	24	19	70	8	33	350				350	
Category 3	100000 to 199999	16	2	2	6	26	1	4	3	2	17	0	11	64				64	
Category 4	200000+	9	2	2	7	20	2	2	1	0	10	2	14	51				51	
		108	69	98	78	353	3	99	44	56	100	17	59	731	1	27	32	791	
	SRS n	99	68	98	69	334													
	Bound on error	100	50	100	100														
Reserve Sample		GA	MN	NE	WA														
Category 1	1 to 9999	5	44	17	17	83													
Category 2	10000 to 99999	16	20	4	28	68													
		21	64	21	45	151													

As addressed in Attachment II, the local checking agencies in the FIST frame conduct background checks for different types of permits or transfers as authorized by state law or statute. The following breakdown shows for which types of permits or transfers, by state, local agencies in the FIST frame are authorized to conduct background checks:

Exempt carry permitsⁱ: DE, GA, IA, ID, MI, MN, MT, NE, NV, NC, WA

Instant checksⁱⁱ: DE, NV

Purchase permitsⁱⁱⁱ: IA, MI, MN, NE, NC, NY

Other approvals^{iv}: DC, MN, WA

ⁱ State concealed weapons permits, issued after a background check, that exempt the holder from a new check at the time of purchase under an ATF ruling or state law.

ⁱⁱ Require a seller to transmit a buyer's application to a checking agency by telephone or computer. The agency is required to respond immediately or as soon as possible.

ⁱⁱⁱ Require a buyer to obtain, after a background check, a government-issued document such as a permit, license, or identification that must be presented to a seller before the buyer can receive a firearm.

^{iv} Require a seller to transmit an application to a checking agency, with transfers delayed until a waiting period expires or the agency completes a check.

Attachment IV. Data Collection Methodology

The data collection process will be initiated by a notification letter, sent to the appropriate point of contact, which will explain the purpose of the survey, what the collected data will be used for, and the estimated time burden of completing the survey. In addition to alerting the potential respondent to the survey, REJIS will request to have the addressee of the letter contact the FIST project manager via phone or email if the primary contact information for the survey respondent needs to be updated.

Approximately one week following the mailing of the notification letter, the FIST survey packet will be mailed to all agencies selected into the sample. Each survey packet will contain a cover letter, a survey form, and a self-addressed stamped envelope. In addition to general instructions and a deadline for returning the form, the cover letter contains a request for participation and information for logging on to the web version of the survey form (user ID, password, and survey web address). A toll-free help desk telephone number and email address are provided on both the cover letter and the survey form. Respondents may send an email or call this number to get any questions regarding the survey answered. They may also report their responses in this way. The cover letter, signed by BJS's Deputy Director, will indicate that several modes of data submission are available to the respondent: mail, web, email, fax, and phone. In past FIST collections, the primary modes of response have been mail and fax, with a few respondents choosing to submit their data in an email or over the phone.

One week following the mailing of the survey packet, a survey reminder/thank-you post card or letter will be sent to all agencies in the sample, serving the dual purpose of thanking those that have already responded and reminding those who have not to do so. Approximately 3 weeks after the initial survey packet mailing, a second survey packet will be mailed to agencies that have not yet responded to the survey. The second packet will look much the same as the first, the primary difference being a more strongly worded cover letter to encourage survey participation.

Two weeks after the second survey packet mailing, follow-up calls will be made to nonrespondents to 1) if possible, try to obtain responses to critical survey items over the phone, 2) request participation in any other mode of the respondent's choosing. We are confident that these multiple contacts plus the multiple modes available for respondents to submit data will work in concert to maximize response. Should a respondent refuse to participate in the course of this follow-up, an attempt will be made to ascertain and document the reason for refusal.

ATTACHMENT V.
Survey Form (sent to local reporting agencies, as applicable)

OMB NO. 1121-0314: Approval Expires 02/28/2014

PLEASE RETURN BY <Month, Day, Year>
Special Tally Sheet for Firearm Statistics Inquiry (FIST) Program Purchase Permit Statistics
January - December 2011

«ORI» «Company»

	Total
Applications	
Rejections	
<u>Reasons for Rejection (if known)</u>	
Felony Indicted	
Felony Conviction	
Felony No Disp.	
Fugitive	
Juvenile	
Drug Related	
Court Order	
Mental Incompetence	
Illegal Alien	
State Law	
Local Ordinance	
Domestic Violence	
Other*	
<u>Arrest and Appeal Information**</u>	
Number of Arrests	
Reconsiderations† Received	
Reconsiderations Reversed	
Appeals to Court Filed	
Appeals to Court Reversed	

*Other includes dishonorable discharge, renunciation of U.S. citizenship, and unspecified reasons.

**Arrest and appeal counts can be sent later, if more time is needed to collect data.

† A reconsideration occurs when the denied person objects to the original decision and asks your agency to reconsider the denial.

If these statistics cover only part of a month, please enter the last date these statistics cover: _____

Please fill in at least the first two rows and fax or mail this form back to us as soon as possible. Even if your agency received zero (0) applications, please send this information. **Thank You! For any questions: 1-800-XXX-XXXX FAX: (XXX) XXX-XXXX**

Completed by: _____

Telephone: _____

FAX: _____

E-mail: _____

MAIL: FIST

<Data Collection Agent>

<Address>

<City, State, Zip Code>

FORM FIST-1

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
(REJIS ACTING AS DATA COLLECTION AGENT)



2012 FIREARMS INQUIRY STATISTICS (FIST)
Annual Survey of Background Checks for Firearm Transfers and Permits

Please correct any errors in the name and address information that is printed below.

OFFICIAL AGENCY NAME (If different from above)

9-DIGIT NCIC-ORI NUMBER

PERSON COMPLETING THE FORM

NAME

TITLE

TELEPHONE

FAX

E-MAIL ADDRESS

IMPORTANT – Please answer the following questions before proceeding with the questionnaire. Mark [X] the appropriate box below.

Did your agency conduct background checks for firearm transfers or permits at any time between January 1, 2012 and December 31, 2012?

☐ Yes

☐ No

↳ If no, the authorized checking agency for your jurisdiction is :

(Agency Name)

If your response to the above question is "No" or if any of the following conditions apply, you do not need to complete the questionnaire. Mark an [X] in the appropriate box below and return the survey using the instructions below.

☐ Agency no longer in existence

☐ Agency employed only part-time officers AND the total combined hours of work for these officers averaged less than 35 hours per week

RETURN INSTRUCTIONS

- Please submit your completed form by using the web reporting option at <https://websurvey.rejis.org/FIST2012>, mailing it to the Regional Justice Information Service (REJIS) in the enclosed postage paid envelope, or faxing each page to 1-314-535-1729.
- If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org.
- Please retain a copy of your completed survey for 1 year.

Burden Statement

Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 25 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection.

INSTRUCTIONS FOR COMPLETING THE FORM

- Please mark 'X' in the appropriate boxes.
- If possible, please answer all questions for the entire calendar year (January through December) 2012. If data are available for only part of the year, please supply any available information in the spaces provided.
- If the answer to a question is "not available" or "unknown," write "DK" in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," write "0" in the space provided. Please respond with zero only when the actual total reported count is zero, as opposed to when the data are not known or unavailable.
- When an exact numeric response is not available, provide an estimate and mark the estimate box next to the number field. Please provide a brief explanation in Section V to describe how the estimates were calculated.
- Please do not leave any items blank in unless otherwise directed.

Section I – AGENCY CHARACTERISTICS

1. Did your agency conduct background checks for firearm transfers or permits for the entire calendar year 2012, January 1, 2012, through December 31, 2012?

☐ Yes

☐ No → **a. Did your agency start or discontinue being the designated checking agency for your jurisdiction in 2012?**

☐ Started

☐ Discontinued

b. When did your agency start or discontinue conducting background checks?

____ / ____ / ____

mm/ dd/ yyyy

c. Name of old/new designated checking agency:

Agency Name

2. Does your agency conduct Point of Transfer background checks? This is a check that occurs after a seller transmits a prospective purchaser's application data to a checking agency by telephone, computer, mail, or other means.

☐ Yes

☐ No

☐ Don't know

3. Does your agency conduct background checks for Purchase Permits? A purchase permit is a document (referred to as a permit, license, identification card, or other name) that a prospective purchaser must present to a seller to receive a firearm.

☐ Yes

☐ No

☐ Don't know

4. Does your agency conduct background checks for exempt Concealed Carry Permits? An exempt concealed carry permit, for the purposes of this survey, is a state concealed firearm permit (issued after a background check) that exempts the holder from a check at the time of a firearm purchase under a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regulation or state law.

☐ Yes

☐ No

☐ Don't know

Section II –APPLICATIONS AND DENIALS

5. Between January 1, 2012, and December 31, 2012, how many applications were received by your agency?

Mark 'x' if estimate

a. Point of transfer checks
(if applicable) ☐

b. Purchase permits
(if applicable) ☐

c. Concealed carry permits
(if applicable) ☐

6. Between January 1, 2012, and December 31, 2012, how many applications were denied? A denial occurs when an applicant is prohibited from receiving a firearm or permit that can be used to obtain a firearm because a disqualifying factor was found during a background check.

Mark 'x' if estimate

a. Point of transfer checks
(if applicable) ☐

b. Purchase permits
(if applicable) ☐

c. Concealed carry permits
(if applicable) ☐

7. In 2012, did your agency track the reason(s) why an application was denied?

☐ Yes

☐ No (skip to question number 11)

8. For denials issued in 2012, why was the application denied? List total counts (including zeros, where applicable) for each reason for a denial (please include all federal, state, and local law reasons for denial within the most appropriate category). Mark 'x' in the checkbox provided for any estimated counts.

	Point of Transfer	Purchase Permit	Concealed carry Permit
a. Felony indictment or charge.....	☐	☐	☐
b. Felony conviction.....	☐	☐	☐
c. Felony arrest with no disposition.....	☐	☐	☐
d. Fugitive or outstanding warrant.....	☐	☐	☐
e. Domestic violence misdemeanor.....	☐	☐	☐
f. Domestic violence, protective or restraining order.....	☐	☐	☐
g. Addicted to or unlawful user of a controlled substance.....	☐	☐	☐
h. Mental health commitment or adjudication.....	☐	☐	☐
i. Illegal or unlawful alien.....	☐	☐	☐
j. State law prohibitor (if not included in above categories).....	☐	☐	☐
k. Local law prohibitor (if not included in above categories).....	☐	☐	☐
l. Other reasons not included above (including juveniles and dishonorable discharge).....	☐	☐	☐

9. If multiple reasons are found for a denial, what is recorded and reported?

- ☐ All reasons for denial are recorded and reported
(skip to question 11)
- ☐ Only one reason for the denial is recorded and reported
- ☐ Don't know (skip to question 11)

10. If only one reason for the denial is recorded or reported, what reason is reported?

- ☐ The first reason found during the background check
- ☐ The most serious charge listed on the criminal history record
- ☐ Other method (Please explain. If more space is needed, please use the space provided in Section V)
-
- ☐ Don't know

Section III –ARRESTS AND APPEALS

11. In 2012, did your agency track arrests that occurred as a result of a denied application?

An arrest, for the purposes of this survey, occurs when a denied person who submitted a false application or has an outstanding warrant is arrested by the checking agency or another agency that is notified.

- ☐ Yes
- ☐ No (skip to question number 13)

12. Between January 1, 2012, and December 31, 2012, how many arrests occurred as a result of a denied application?

Mark 'x' if estimate

- a. Point of transfer checks**
(if applicable) ☐
- b. Purchase permits**
(if applicable) ☐
- c. Concealed carry permits**
(if applicable) ☐

13. In 2012, did your agency track appeals made to your agency for reconsideration of denial? An appeal, for the purposes of this survey, is an objection to a denial decision and includes reconsiderations, challenges, and other informal procedures.

- ☐ Yes
- ☐ No (skip to question number 15)

14. How many denied persons appealed to your agency, requesting that your agency reconsider its initial denial decision between January 1, 2012, and December 31, 2012?

Mark 'x' if estimate

- a. Point of transfer checks**
(if applicable) ☐
- b. Purchase permits**
(if applicable) ☐
- c. Concealed carry permits**
(if applicable) ☐

15. In 2012, did your agency track reversals by your agency of initial denial decisions?

- ☐ Yes
- ☐ No (skip to question number 17)

16. Between January 1, 2012, and December 31, 2012, how many initial denial decisions were reversed by your agency?

Mark 'x' if estimate

- a. Point of transfer checks**
(if applicable) ☐
- b. Purchase permits**
(if applicable) ☐
- c. Concealed carry permits**
(if applicable) ☐

17. In 2012, did your agency track appeals to a court of any denial decision?

- ☐ Yes
- ☐ No (skip to question number 19)

18. How many denials were appealed to a court between January 1, 2012, and December 31, 2012?

Mark 'x' if estimate

- a. Point of transfer checks**
(if applicable)

b. Purchase permits
(if applicable)

c. Concealed carry permits
(if applicable)

19. In 2012, did your agency track reversals by a court of initial denial decisions?

- ☐ Yes
- ☐ No (*skip to question 21*)

20. Between January 1, 2012, and December 31, 2012, how many denials were reversed after being appealed to a court?

Mark 'x' if estimate

- a. Point of transfer checks**
(if applicable)

b. Purchase permits
(if applicable)

c. Concealed carry permits
(if applicable)

Section IV – Partial Year Counts

21. Do any of the counts you provided for any of the items throughout the survey cover only part of the year?

- ☐ Yes (please specify in Section IV which counts cover only part of the year and the months that are covered)
- ☐ No

Section V - COMMENTS

Please include any comments that would better explain how your agency collects information on background checks. If the reported totals are estimates please provide a brief explanation to describe how the estimates were calculated.

[illegible]

Attachment VII. Responses to survey testing

In accordance with approved OMB survey testing protocol, the survey was sent to five agencies with a request to complete the revised survey and provide feedback. Of the five agencies, four were local agencies and one was a state agency. The local agencies represented the different population strata (size A, B, and C) of those in the sample. Three local agencies responded (referred to as respondents): Clarke County, IA Sheriff (size A); Caldwell County, NC Sheriff (size B); and Cortland County, NY Clerk (size B). Additionally, the revised survey was presented to two subject matter experts that have significant experience in firearm background check activities and procedures for review and comment.

Respondents and subject matter experts were asked to complete a pretest evaluation form and respond to the following seven questions:

1. Were the return instructions on the form clear?
2. Were the instructions on how to complete the form clear?
3. Were the instructions accompanying each question clear?
4. The definitions provided with certain questions are intended to be generic and apply to all states in the survey. Do the definitions included with the applicable questions (ex. the definition of Purchase Permit) make clear what is being referred to?
5. How easy or difficult were most of the questions to understand?
6. Did the order of the questions asked and the flow of the survey make sense to you?
7. How much time did you spend on the survey (including review of instructions, searching existing data sources, gathering data, and filling out the form)?

Questions used a four-point semantic differential scale, ranging from Clear to Unclear for questions 1-4; Easy to Difficult for question 5; and Made Sense to Did Not Make Sense for question 6. Question 7 was open-ended.

Summary of results:

- Respondents and subject matter experts indicated that all questions were “Clear” with the exception of one definition on the survey for exempt carry permits. One respondent indicated that this question was “Unclear.” The question has since been reworded to provide additional clarification.
- Two of the respondent local checking agencies were responsible for conducting background checks for two permit type and one respondent local checking agency was responsible for conducting background checks for one permit type. The median time it took for the respondents to complete the survey was thirty minutes. BJS estimates the respondent burden to complete the survey will be twenty-five minutes. This estimate is based on the fact that agencies that completed background checks for two permit types were overrepresented in the respondent pool and also on BJS’s prior experience administering the FIST survey. BJS also factored into the estimate the fact that some of the reported burden was likely associated with time spent on the cognitive review of the survey to assess its readability and clarity. See also Attachment VIII.
- Respondents and subject matter experts were given the option to provide additional comments and suggestions. One subject matter expert felt that the form was too long. However, this individual did not actually complete the form. No other comments were provided.

Attachment VIII.

Local Checking Agencies with 1 Permit Type

State	Number of reporting agencies
DC	1
DE	3
GA	108
ID	44
MI*	27
MN	69
MT	56
NE	98
NV	17
NY	59
Total	482

*Some local agencies in MI will be sampled.

Assuming an average of 20 min per agency with one type of permit, total burden estimate = 9,640 total min

Local Checking Agencies with 2 Permit Types

State	Number of reporting agencies
IA	99
NC	100
WA	78
Total	277

Assuming an average of 30 min per agency with two permits, total burden estimate = 8,310 total min

State Checking Agencies

State POC agencies	Number of reporting agencies
Total	32

Assuming an average of 30 min, total burden estimate = 960 min

Total number of agencies conducting checks = 791
Total combined minutes for all agencies = 18,910
Avg minutes per agency = 23.9 (rounded up to 25)

OMB NO. 1121-0314: Approval Expires 02/28/2014



U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
(REJIS ACTING AS DATA COLLECTION AGENT)

2012 FIREARMS INQUIRY STATISTICS (FIST) Annual Survey of Background Checks for Firearm Transfers and Permits

Welcome to the 2012 FIST Annual Survey. Please enter your User ID and Password Below to enter the survey.

User ID

Password

ENTER

Burden Statement

Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection.

This Web site is funded through a grant from the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided).



2012 FIREARMS INQUIRY STATISTICS (FIST)

INSTRUCTIONS FOR COMPLETING THE WEB FORM

- If possible, please answer all questions for the entire calendar year (January through December) 2012. If data are available for only part of the year, please supply any available information in the spaces provided.
- If the answer to a question is "none" or "zero," enter "0" in the space provided. Please respond with zero only when the actual total reported count is zero, as opposed to when the data are not known or unavailable.
- When an exact numeric response is not available, provide an estimate and mark the estimate box next to the number field. Please provide a brief explanation in Section IV to describe how the estimates were calculated.
- Please do not use commas when entering numbers.
- Please do not leave any items blank in unless otherwise directed.
- Please make sure you are connected to a printer when completing this survey as we request that you print a copy of your responses at the end of the survey and retain them for one year.
- Important: Do not click on the "Back" button on your web browser. Doing so will require you to re-enter the survey. Please use the "Previous Screen" and "Next Screen" buttons at the bottom of your screen to advance the survey or go back to previous pages.

Burden Statement

Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection.

[<< Previous Screen](#) [Next Screen >>](#) [Save and Complete Later](#)

If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org. If you have technical difficulties with the site, please send a message to sassist@us.ibm.com.



Section I – AGENCY CHARACTERISTICS

Does your agency conduct Point of Transfer background checks? This is a check that occurs after a seller transmits a prospective purchaser's application data to a checking agency by telephone, computer, mail, or other means.

- ☐ Yes
- ☐ No
- ☐ Don't know

Does your agency conduct background checks for Purchase Permits? A purchase permit is a document (referred to as a permit, license, identification card, or other name) that a prospective purchaser must present to a seller to receive a firearm.

- ☐ Yes
- ☐ No
- ☐ Don't know

Does your agency conduct background checks for exempt Concealed Carry Permits? An exempt concealed carry permit, for the purposes of this survey, is a state concealed firearm permit (issued after a background check) that exempts the holder from a check at the time of a firearm purchase under a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regulation or state law.

- ☐ Yes
- ☐ No
- ☐ Don't know

[<< Previous Screen](#)

[Next Screen >>](#)

[Save and Complete Later](#)

If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org. If you have technical difficulties with the site, please send a message to sassist@us.ibm.com.



Section II –APPLICATIONS AND DENIALS: POINT OF TRANSFER CHECKS

Between January 1, 2012, and December 31, 2012, how many **transfer** applications were **denied**? A denial occurs when an applicant is prohibited from receiving a firearm or permit that can be used to obtain a firearm because a disqualifying factor was found during a background check.

	Mark if estimate	Don't know
	☐	☐

[<< Previous Screen](#) [Next Screen >>](#) [Save and Complete Later](#)

If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org. If you have technical difficulties with the site, please send a message to sassist@us.ibm.com.

Attachment IX. Screenshots of web-based FIST survey form

OMB NO. 1121-0314: Approval Expires 02/28/2014



Section II –APPLICATIONS AND DENIALS: POINT OF TRANSFER CHECKS

For denials issued in 2012, **why** was the **transfer** application **denied**? List total counts (including zeros where applicable) for each reason for a denial (please include all federal, state, and local law reasons for denial within the most appropriate category). Mark the checkbox provided for any estimated counts.

		Mark if estimate	Don't know
Felony indictment or charge		☐	☐
Felony conviction		☐	☐
Felony arrest with no disposition		☐	☐
Fugitive or outstanding warrant		☐	☐
Domestic violence misdemeanor		☐	☐
Domestic violence, protective or restraining order		☐	☐
Addicted to or unlawful user of a controlled substance		☐	☐
Mental health commitment or adjudication		☐	☐
Illegal or unlawful alien		☐	☐
State law prohibitor (if not included in above categories)		☐	☐
Local law prohibitor (if not included in above categories)		☐	☐
Other reasons not included above (including juveniles and dishonorable discharge)		☐	☐

<< Previous Screen

Next Screen >>

Save and Complete Later

If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org. If you have technical difficulties with the site, please send a message to sassist@us.ibm.com.

Attachment IX. Screenshots of web-based FIST survey form

OMB NO. 1121-0314: Approval Expires 02/28/2014



Section II –APPLICATIONS AND DENIALS: POINT OF TRANSFER CHECKS

If only *one* reason for the **transfer denial** is recorded or reported, what reason is reported?

- ☐ The first reason found during the background check
- ☐ The most serious charge listed on the criminal history record
- ☐ Other method (*Please explain*)

☐ Don't know

<< Previous Screen

Next Screen >>

Save and Complete Later

If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org. If you have technical difficulties with the site, please send a message to sassist@us.ibm.com.



SUMMARY PAGE

Please review your answers. If you need to make any revisions, go back to the question you need to change using the Previous Screen button. Otherwise, if you are done, please print a copy of the summary of your completed survey. Please retain a copy of your completed survey for 1 year.

Sheriff/Police Chief Information

Sheriff/Police Chief Name:	Sheriff_Police_Chief_Name04
Agency Name:	Agency_Name04
Address:	address04
City:	city04
State:	state04
ZIP:	12345
9-Digit NCIC-ORI Number:	123456789

Person Completing Form

NAME	John Doe
TELEPHONE	3213213214
E-MAIL ADDRESS	john@sheriff.gov
TITLE	Deputy
FAX	4564564567

Section I - Agency Characteristics

Did your agency conduct background checks for firearm transfers or permits for the entire calendar year 2012, January 1, 2012, through December 31, 2012?

- ☒ Yes
☐ No

Does your agency conduct Point of Transfer background checks? This is a check that occurs after a seller transmits a prospective purchaser's application data to a checking agency by telephone, computer, mail, or other means.

Attachment IX. Screenshots of web-based FIST survey form

In 2012, did your agency track *appeals* made to your agency for *reconsideration* of a **transfer denial**? An appeal, for the purposes of this survey, is an objection to a denial decision and includes reconsiderations, challenges, and other informal procedures.

- ☐ Yes
☒ No

In 2012, did your agency track *reversals* by your agency of initial **transfer denial** decisions?

- ☐ Yes
☒ No

In 2012, did your agency track *appeals to a court* of any **transfer denial** decision?

- ☐ Yes
☒ No

In 2012, did your agency track *reversals by a court* of initial **transfer denial** decisions?

- ☐ Yes
☒ No

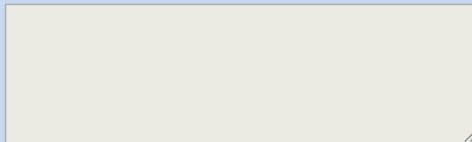
Section IV - Partial Year Counts

Do any of the **transfer** counts you provided for any of the items throughout the survey cover only *part* of the year?

- ☐ Yes *(please specify in Section V which counts cover only part of the year and the months that are covered)*
☒ No

Section V - Comments

Please include any comments that would better explain how your agency collects information on background checks. If the reported totals are estimates please provide a brief explanation to describe how the estimates were calculated.



[<< Previous Screen](#) [Submit Survey](#) [Save and Complete Later](#) [Print Summary](#)

If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org. If you have technical difficulties with the site, please send a message to sassist@us.ibm.com.

Attachment X. Web-based survey implementation plan

Previous iterations of the FIST collection experienced continually declining response rates prior to the 2010 collection. In 2010 a regimented multiple follow-up contact strategy was employed and this strategy helped to improve the local agency response rate from 69% to 85%. For the 2012 FIST collection, with the multiple contact strategy and extensive follow up with non-respondents, in conjunction with a redesign of the data collection instrument and the introduction of a web response mode, BJS seeks to increase the response rate to greater than 90%, and minimize both unit and item nonresponse. Please see the Data Collection Methodology section of this document for a detailed description of the multiple stages involved in contacting respondents and the efforts to maximize response through these multiple follow-ups.

The redesigned data collection instrument was designed with input from survey methodologists, subject matter experts and stakeholders in the background checking agency community. In adherence with OMB testing protocol, four agencies were asked to complete the web-form and provide feedback; despite multiple follow up requests, none of the agencies responded to the request. 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). To 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 is given multiple opportunities to skip through questions that do not pertain to them. Participants in the test of the revised survey form reported that the instructions for completing the form were quite clear, and that the questions were either clear or somewhat clear.

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 survey is designed 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.

Each FIST participant will be given their own unique User ID and password in the survey packet, with which to securely access the web form. Following data entry into the web survey, 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 correction, respondents will be able to access and amend their previous responses. If at any time, a web respondent has a question, a toll-free help number is provided at the bottom of each screen, in addition to two email addresses (one for technical issues, and one for questions about the survey itself) that when clicked upon, will sync with Outlook to easily generate an email.

In order to help 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 has been designed to mimic the look and feel of the

paper survey as much as possible. All question wording remains the same between the two modes.

Further, the web-based survey is 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 survey 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. As data is obtained, analyses will be conducted on the two response modes prior to the end of the survey period to see what differences, if any emerge.

Because this is the inaugural year of the web-based collection for FIST, BJS cannot yet be certain what proportion of our survey response will come from the web mode. BJS anticipates somewhere around 40% of response to come from the web. Though past FIST respondents who remained in the perennial FIST sample have been conditioned to a different survey form and mail and fax response modes, BJS is confident that, given past feedback from some respondents that the web form will be well received and utilized.

Attachment XI. Revised correspondence

- Pre-notification letter
 - Survey cover letter
- Thank you letter and 1st follow up
 - 2nd follow up letter
 - Phone script



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

January __, 2013

Name / Address

Dear ____:

Within the next week you will receive via <insert mode of transmission: mail, fax, or email> a request to complete a brief survey for the Firearm Inquiry Statistics (FIST) Program. The Regional Justice Information Service (REJIS) is the data collection agent for the FIST Program and is authorized to collect data on behalf of BJS.

BJS began the FIST Program in 1995 to provide national estimates of the total number of firearm purchase applications received and denied pursuant to the Brady Act and similar state laws. The FIST program collects counts of firearm transfers and permit checks conducted by state and local agencies and combines this information with the Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS) transaction data to produce national estimates of background check activity. Additional information on reasons for denials, appeals of denials, and law enforcement actions the FBI and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) take against denied persons is also collected.

Our records indicate that your agency currently conducts <list type/s of background checks> for the state of <name>. You are receiving this letter to request in advance your cooperation in this important data collection initiative. A survey will be enclosed with the request to participate in the FIST data collection that you will receive next week as well as instructions on how to complete a new web-based version of the survey. We anticipate that the completion of the survey will take you approximately 25 minutes and REJIS will be available to answer any questions you may have about the survey or FIST Program.

Your participation in this data collection is critical to help ensure the reliability of the national estimates produced for firearm background check activities. BJS and REJIS thank you in advance for your support of the FIST Program and participation in the 2012 data collection. Should you have any immediate questions please contact Allina Lee, FIST Program Manager, at 202-305-2696, or Allina.Lee@usdoj.gov.

Sincerely,

Gerard R. Ramker
Deputy Director, BJS



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

January __, 2013

Name / Address

Dear ____:

Since 1995, the Bureau of Justice Statistics (BJS) has conducted the Firearm Inquiry Statistics (FIST) survey. With assistance from the Regional Justice Information Service (REJIS) of Saint Louis, Missouri, BJS has collaborated with federal, state, and local agencies to provide data on firearm transfers and permits that are regulated by the Brady Act and similar state laws. We are requesting your participation in this important data collection to obtain data on background check activities conducted by your agency during calendar year 2012.

Data provided by your agency and other background checking agencies from across the nation will be combined with information obtained from the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to produce 2012 national estimate of firearm applications and denials, along with reasons for denials, appeals, and arrests. The data obtained will be published in the "Background Checks for Firearm Transfers" series on the BJS website (www.bjs.gov).

The survey form enclosed is designed to capture your data for the 2012 calendar-year. Instructions for completing and returning the survey are included on the form. You may return the form by mail via the enclosed postage-paid envelope, by fax to 314-535-1729, or by email to fist@rejis.org. There is also the option of entering your data on our secure web site. To complete the survey online, please go to <https://websurvey.rejis.org/FIST2012> and enter your User ID (Agency ID) and Password (psswd1). This unique identifying information can be found in the enclosed packet. **We would greatly appreciate your return of a completed survey by __ __, 2013.**

Participation by your agency and other agencies in this voluntary effort has provided a wealth of data for policymakers, researchers, administrators, and others who use the data to study background check trends and activities nationwide and to understand the impact of the Brady Act and its enforcement. Please note that the data collected are summary statistics of an administrative nature and do not allow for identification of any individual. Data collected are in the public domain and are not subject to confidentiality assurances.

Thank you for your support of the FIST Program and contributions to the FIST data collection. BJS and REJIS greatly appreciate your efforts. You may direct general comments, feedback, or questions about the FIST Program to the REJIS FIST Project Manager at 1-800-531-2150, or send an e-mail to fist@rejis.org.

Sincerely,

Gerard F. Ramker
Deputy Director, BJS

<<To be formatted on a postcard template>>

On _____, 2013, a survey on background check activity for firearm transfers and permits (FIST) was mailed to you as part of the Firearm Inquiry Statistics (FIST) data collection effort by the Bureau of Justice Statistics (BJS), United States Department of Justice. The Regional Justice Information Service (REJIS) is the data collection agent authorized by BJS to collect data for this collection.

If you have already completed and returned the survey, please accept our sincere appreciation. If not, we request that you do so as soon as possible so that we can complete our efforts to produce national estimates of the total number of transfer and permit applications and denials resulting from the Brady Act and similar state laws. Your efforts are critical to ensure the reliability of these estimates.

If you did not receive the survey or if it was misplaced, please call us toll-free at 1-800-531-2150 and we will send you another one right away. You can also complete the survey online at <https://websurvey.rejis.org/FIST2012>. Directions including your username and password were included in the information packet we sent you. Please call us at the above number if you need help accessing this information.

Thank you again for your efforts.

Jennifer C. Karberg, FIST Project Manager, REJIS



Date

4255 West Pine Blvd.
St. Louis, MO 63108
314.535.1950

Name
Title
Address

Dear _____ :

www.rejis.org

In _____ we sent a letter to your office, on behalf of the Bureau of Justice Statistics (BJS), United States Department of Justice, that requested data from your agency on background checks for firearm transfers and permits, including the number of applications received, denials, reasons for denials, arrests, and appeals. This information is collected as part of BJS's Firearms Inquiry Statistics (FIST) Program. According to our records, we have not yet received the requested information.

We are following up with you to again request your participation in the FIST data collection and convey the importance that your agency's totals will have on our efforts to obtain accurate data for the "Background Checks for Firearm Transfers" series published on the BJS website (www.bjs.gov). This series provides a national estimate of firearm background check activity pursuant to Brady Act and similar state laws. Your input is critical to ensure the reliability of these estimates.

Jerald L. Kent
Chairman

Lewis E. Reed
Secretary-Treasurer

Chief Daniel Isom

Chief Tim Fitch

Pamela Reitz

Robbyn Wahby

If you have already submitted your agency's data for 2012 and we simply have not yet received it, we sincerely thank you for your participation. If you still need to submit your data, a survey is enclosed with this letter to collect information on the background check activities conducted by your agency in 2012. The materials can be returned by fax to 314-535-1729, by email (fist@rejis.org), or by mail to the address listed on the accompanying postage-paid envelope. We encourage you to also avail yourself of the secure Web reporting option as well. To complete the survey online, please go to <https://websurvey.rejis.org/FIST2012> and enter your User ID (Agency ID) and Password (psswd1). **In order for us to complete our analyses of the 2010 data, please complete the online survey or return the completed survey and your signed review by _____, 2013.**

Dr. William R. Powell, Jr.
General Manager

Thank you for your assistance and participation in this important effort. If you have any questions, comments, or concerns about this request, or if there is any way we may be of assistance to you, please contact us by phone at 1-800-531-2150 or by email at FIST@rejis.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer C. Karberg".

Jennifer C. Karberg, FIST Project Manager
Enclosures

FIST Phone Script

Hello, my name is (insert name) and I am calling from the Regional Justice Information Service on behalf of the Bureau of Justice Statistics, United States Department of Justice. May I please speak with (CONTACT)? [If contact no longer there, ask for person in charge of (insert state terminology)].

(Caller can leave contact information if leaving a message).

(Again) Hello, my name is (insert name) and I am calling from the Regional Justice Information Service. We are working with the Bureau of Justice Statistics to conduct the Firearm Inquiry Statistics Program survey – also known as FIST.

Are you familiar with the FIST program? If yes, continue to next question. If no, provide a brief explanation of purpose and data collected: Since 1995, BJS has been providing national estimates of the total number of firearm purchase applications received and denied pursuant to the Brady Act and similar state laws. The FIST program collects counts of firearm transfers and permit checks conducted by state and local agencies and combined this information with FBI transaction data to produce national estimates of background check activity. Additional information on reasons for denials, appeals, and law enforcement actions the FBI and ATF take against denied persons is also collected.

We have previously mailed two surveys to your agency but have not received a response, so I am calling to see if you received the survey. [If no, offer to send another copy] [If yes, would you be able to fill out the survey or complete the online version. Provide directions for the Web-based form?]

[If respondent needs details of survey]:

We are asking for summary data on background checks for (use state terminology), which you could report on the survey for (use FIST terminology).

- Point – of – transfer background checks for firearm transfers
- Background checks on permits to purchase a firearm (Purchase Permit)
- Background checks on permits to carry a concealed weapon or purchase a firearm (Carry Permit)
- Background checks on permits both to just purchase a firearm, or to carry a concealed weapon and/or purchase a firearm (P&C Permits)

- Background checks on permits for a handgun license to purchase a firearm (NY – Purchase Permit)
- Background checks on permits to purchase a firearm (WA - Purchase Check)

We anticipate that the survey will take about 25 minutes to complete and we are more than happy to walk you through it and discuss any questions you may have. This data collection is very important because it highlights the application and denial rates for firearm background checks being conducted throughout the country. Your agency's responses are critical to ensure that BJS is able to produce the most reliable national estimates of firearm background check activity.

(After phone data collection or a promise to return data at a later time)

We and the Bureau of Justice Statistics sincerely appreciate your time and efforts on this important initiative.

Attachment III. 2013 FIST survey and proposed changes from 2012 instrument

A key change that BJS is proposing to make to the 2013 FIST survey methodology 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.¹ This enhancement to the survey instrument is being proposed to address issues that are unique to the respondents in the FIST collection, which are described in more detail in Part B.

Briefly, BJS and REJIS identified that the terminology used for background check functions varies across jurisdictions and that these variations have the potential to create significant confusion for local FIST respondents because the FIST survey uses terms that generally describe the types of checks conducted and permits issued. To this end, BJS is proposing to deploy a survey instrument with state-specific terminology to improve the accuracy and reliability of the FIST data, as well as to lessen burden and maximize the response rate. The critical data elements (information on applications, denials, and reasons for denials) that are being requested will remain the same. The key change will be that the terminology used to describe the type of firearm transfers and permits that the agency is responsible for issuing, tracking, or conducting background checks for will be modified based on the individual agency's characteristics and checking responsibilities. Attachment III provides a copy of the proposed survey instrument for state agency reporters and two versions of the survey for local agencies in New York and North Carolina. Surveys for the remaining eight states will most closely resemble the North Carolina survey format, with some minor modifications to the specific transfer and permit type titles. The New York version of the survey is included to show how the FIST survey instrument will be customized to address the especially unique procedures related to this state's firearm background check activities (as described in Part B).

Through the agency's extensive history working with the FIST collection and its ongoing frame maintenance activities, REJIS maintains a comprehensive record of the firearm permits and transfers that are conducted within each state and the terminology that is used, which will ensure that the appropriate version of the survey is provided to each agency respondent. In the unlikely event that the terminology used and/or the relevant permit or transfer changes within a state, or if the incorrect version of the survey is sent, the revised survey instrument will include an option for the respondent to report if the agency performs activities for any type of transfer or permit type not listed on the form.

Proposed changes to survey

The main changes BJS proposes to make to the 2013 FIST survey instrument are detailed below. These same changes will also be made to the web-form since it is designed to closely mirror the paper survey.

¹ Due to the fact that state agency reporters use the same or very similar terminology for their firearm background check activities, one version of the survey is needed. BJS and REJIS determined that the variation in terminology used for firearm background check activity is mainly a source of confusion for local checking agencies. BJS is proposing to use a survey instrument with agency-specific terminology for the ten states that operate local checking agencies.

Survey Cover Page

This page provides basic information for the respondent, return instructions, and the burden statement. The survey for local agencies will include screener questions to verify the agency's eligibility to participate in the FIST collection. These questions are not necessary for the survey sent to state agency reporters because their eligibility as the state reporter is certain. Respondents have the ability to update and correct contact information for the agency and appropriate POC, which will help to maintain the accuracy of the FIST universe.

- Throughout the survey, language pertaining to the activity of “conducting background checks” has been expanded to include the three basic functions that FIST participants are responsible for: “issue permits for, keep track applications and denials for, or conduct background checks for” firearm transfers or permits. BJS is recommending this change to account for the diverse involvement in background check activities and responsibilities that is indicative of the agencies within the FIST universe. For example, a probate court in Georgia may or may not conduct a background check for a firearms permit, but all probate courts issue permits. Thus, asking probate courts only if they conduct background checks for firearms transfers or permits is not sufficient. Similarly, the Hawaii Attorney General's office, a state agency reporter, does not issue permits or conduct background checks. The office does, however, maintain data on the number of applications and denials for firearm permits issued by local agencies throughout the state. Thus, the wording in the survey must reflect all of the ways that an agency may maintain relevant FIST data in order to ensure that agencies are reporting critical data items.
- The screener questions were removed from the cover page for the survey sent to the state agency reporters because it is known with certainty that these agencies conduct background check activity. The screener questions on the survey for local agencies were revised to collect information from agencies that may conduct activities on behalf of another agency and/or to obtain the name of the authorized checking agency in the respondent's jurisdiction.

Section I. Agency Characteristics

This section provides information on the agency's background check responsibilities, including the type of checks conducted, permits issued, or applications tracked. This information will help to maintain the accuracy of the FIST universe and sampling frame and will provide information about the types of checks that respondent agencies currently conduct.

- Q1 “Did your agency conduct background checks for firearm transfers or permits for the entire calendar year?” This question was removed from both the state agency reporter survey and from the survey for local agencies due to the fact state agency reporters are known to conduct related activities with certainty and because the questions on the survey for local agencies are repetitive of information that is requested in the revised screener questions. The follow up questions relating to whether an agency started or discontinued conducting background checks during the reference year were added to the 2012 form to identify ineligible agencies. BJS determined that the questions did not yield useful information and are not necessary for the 2013 FIST survey.
- Terminology related to the type of permit issued or transfer check conducted will be modified so it is state specific (as addressed previously).

Section II. Applications and Denials

This section provides information on the number of applications for a firearm that were received and denied as well as information on the reasons for denial. This information will be combined with data from the FBI to produce the national estimate of firearm applications and denials and reasons for denials. This data will provide a comprehensive overview of background check activity from application for a firearm transfer to prosecution as a result of denial and will serve as a means to assess the impact of the Brady Act and of BJS's NCHIP and NARIP initiatives. Additionally, this question will provide more insight into changes in trends over time on reasons why applications are denied.

- The current Q6 was reworded so it is not year-specific to “Does your agency track the reason(s) why an application was denied? BJS’s intent with this question is to determine if an agency actively tracks reasons for denial, even in the rare event that no denials were issued during the reference year.
- The estimate box was moved from the inside of each cell to its own column based on feedback received from respondents that the smaller boxes within the larger ones were confusing.
- State-specific terminology will be referred to in the survey to local agencies.
- The current Q9 and Q10 were reworded to include the use of the action “tracked” instead of “recorded and reported.” FIST collects information from agencies that conduct and track denial decisions and BJS determined that the question should be reworded to provide additional clarity after receiving feedback from 2012 respondents that the wording was confusing.

Section III. Arrests and Appeals

This section provides information on arrests and appeals that occurred as a result of a denied application. This information will be combined with data obtained from FBI on appeals and from ATF on referrals for investigation and prosecution to provide a comprehensive overview of post-denial activities.

- There will be no substantive changes made to the questions. These questions will remain in the survey sent to state agency reporters but will be removed from the survey sent to local agency respondents due to the small number of local agencies that reported collecting these data on the 2012 FIST survey and BJS’s determination that there was limited utility in reporting the data for the handful of agencies that submitted information.

BJS will continue to evaluate comments and suggestions for improvement provided by respondents for possible incorporation into the next FIST survey.

FIST web-form

BJS implemented the new FIST web-form option as part of the 2012 data collection. The web-form was designed with input from survey methodologists, subject matter experts, and background checking agency stakeholders and provides 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, thus also reducing respondent 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.

Attachment III. Proposed 2013 FIST Survey

- Survey form for local agencies in North Carolina
 - Survey form for local agencies in New York
 - Survey form for state agency reporters

FORM FIST-1

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS (BJS)
(REJIS ACTING AS DATA COLLECTION AGENT)



2013 FIREARMS INQUIRY STATISTICS (FIST)
Annual Survey of Background Checks for Firearm Transfers and Permits

Please correct any errors in the name and address information that is printed below.

OFFICIAL AGENCY NAME *(If different from above)*

9-DIGIT NCIC-ORI NUMBER

PERSON COMPLETING THE FORM

NAME

TITLE

TELEPHONE

FAX

E-MAIL ADDRESS

IMPORTANT – Please answer the following questions before proceeding with the questionnaire. Mark [X] in the appropriate box below.

Did your agency issue, keep track of applications for, or conduct background checks for firearm transfer permits at any time between January 1, 2013, and December 31, 2013?

☐ Yes

If applicable, please list any other agencies for whom you conduct these activities:

(Agency Name(s))

☐ No → The authorized permit issuing, processing, tracking, or checking agency for your jurisdiction is :

(Agency Name(s))

If your response to the above question is "No" or if the following condition (FOR LAW ENFORCEMENT AGENCIES ONLY) applies, you do not need to complete the questionnaire. Mark an [X] in the appropriate box below and return the survey using the instructions below.

☐ Agency no longer in existence

☐ Agency employed only part-time officers AND the total combined hours of work for these officers averaged less than 35 hours per week

RETURN INSTRUCTIONS

- Please submit your completed form by using the web reporting option at <https://survey6.spss-asp.com/REJIS>, mailing it to the Regional Justice Information Service (REJIS) in the enclosed postage paid envelope, or faxing each page to 1-314-535-1729.
- If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org.
- Please retain a copy of your completed survey for 1 year.

Burden Statement

Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 25 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection.

INSTRUCTIONS FOR COMPLETING THE FORM

- Please mark 'X' in the appropriate boxes.
- If possible, please answer all questions for the entire calendar year (January through December) 2013. If data are available for only part of the year, please supply any available information in the spaces provided.
- If the answer to a question is "not available" or "unknown," write "DK" in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," write "0" in the space provided. Please respond with zero only when the actual total reported count is zero, as opposed to when the data are not known or unavailable.
- When an exact numeric response is not available, provide an estimate and mark the estimate box next to the number field. Please provide a brief explanation in Section III to describe how the estimates were calculated.
- Please do not leave any items blank unless otherwise directed.

Section I –AGENCY CHARACTERISTICS

Section II –APPLICATIONS AND DENIALS

1. Does your agency issue, process, track, or conduct background checks for Purchase Permits?

A purchase permit is a document that a prospective purchaser must present to a seller to receive a firearm.

- ☐ Yes
☐ No
☐ Don't know

2. Does your agency issue, process, track, or conduct background checks for exempt Carry Permits?

An exempt carry permit (may be concealed), for the purposes of this survey, is a state firearm carry permit (issued after a background check) that exempts the holder from a check at the time of a firearm purchase under a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regulation or state law.

- ☐ Yes
☐ No
☐ Don't know

3. Does your agency issue, process, track, or conduct background checks for any other firearm transfer or permit type?

- ☐ Yes → Please describe the type of permit
(If more space is needed, please use the
space provided in Section III):

- ☐ No
☐ Don't know

4. Between January 1, 2013, and December 31, 2013, how many applications for firearm transfers or permits were received or tracked by your agency?

Mark 'x' if
estimate

a. Purchase permits
(if applicable)

☐

b. Carry permits
(if applicable)

☐

**c. Other transfer or
permit type**
(if applicable)

☐

5. Between January 1, 2013, and December 31, 2013, how many applications were denied?

A denial occurs when an applicant is prohibited from receiving a firearm or permit that can be used to obtain a firearm because a disqualifying factor was found during a background check.

Mark 'x' if
estimate

a. Purchase permits
(if applicable)

☐

b. Carry permits
(if applicable)

☐

**c. Other transfer or
permit type**
(if applicable)

☐

6. Does your agency track the reason(s) why an application was denied? (If your agency had zero denials in 2013, please still indicate whether or not you would track the reasons for denial if one were issued.)

- ☐ Yes
- ☐ No (skip to question number 10)

7. For denials issued in 2013, why was the application denied? List total counts (including zeros, where applicable) for each reason for a denial (please include all federal, state, and local law reasons for denial within the most appropriate category). Mark 'x' in the checkbox provided for any estimated counts.

	Purchase Permit	Carry Permit	Mark 'x' if estimate
a. Felony indictment or charge.....			☐
b. Felony conviction.....			☐
c. Felony arrest with no disposition.....			☐
d. Fugitive or outstanding warrant...			☐
e. Domestic violence misdemeanor.....			☐
f. Domestic violence, protective or restraining order.....			☐
g. Addicted to or unlawful user of a controlled substance..			☐
h. Mental health commitment or adjudication.....			☐
i. Illegal or unlawful alien.....			☐
j. State law prohibitor (if not included in above categories).....			☐
k. Local law prohibitor (if not included in above categories).....			☐
l. Other reasons not included above (including juveniles and dishonorable discharge).....			☐

8. If MULTIPLE reasons are for a denial, how are found reasons tracked?

- ☐ All reasons for denial are tracked (skip to question 10)
- ☐ Only one reason for the denial is tracked
- ☐ Don't know (skip to question 10)

9. If ONLY ONE reason for a denial is tracked, how is that reason tracked?

- ☐ The first reason found during the background check is tracked
- ☐ The most serious charge listed on the criminal history is tracked
- ☐ Other method of tracking (Please explain. If more space is needed, please use the space provided in Section III)
- ☐ Don't know

10. Do any of the counts you provided for any of the items throughout the survey cover only part of the year?

- ☐ Yes (please specify in Section III which counts cover only part of the year and the months that are covered)
- ☐ No

Section III - COMMENTS

Please include any comments that would better explain how your agency collects information for firearm transfers and permits. If the reported totals are estimates please provide a brief explanation to describe how the estimates were calculated. (Use back of page if more space is needed.)

FORM FIST-1

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
(REJIS ACTING AS DATA COLLECTION AGENT)



2013 FIREARMS INQUIRY STATISTICS (FIST)
Annual Survey of Background Checks for Firearm Transfers and Permits

Please correct any errors in the name and address information that is printed below.

OFFICIAL AGENCY NAME *(If different from above)*

9-DIGIT NCIC-ORI NUMBER

PERSON COMPLETING THE FORM

NAME

TITLE

TELEPHONE

FAX

E-MAIL ADDRESS

IMPORTANT – Please answer the following questions before proceeding with the questionnaire. Mark [X] in the appropriate box below.

Did your agency issue, keep track of applications for, or conduct background checks for firearm permits at any time between January 1, 2013, and December 31, 2013?

☐ Yes

If applicable, Please list any other agencies that you conduct these activities for:

(Agency Name(s))

☐ No → The authorized permit issuing, processing, tracking, or checking agency for your jurisdiction is :

(Agency Name(s))

If your response to the above question is "No" or if following condition (FOR LAW ENFORCEMENT AGENCIES ONLY) applies, you do not need to complete the questionnaire. Mark an [X] in the appropriate box below and return the survey using the instructions below.

☐ Agency no longer in existence

☐ Agency employed only part-time officers AND the total combined hours of work for these officers averaged less than 35 hours per week

RETURN INSTRUCTIONS

- Please submit your completed form by using the web reporting option at <https://survey6.spss-asp.com/REJIS>, mailing it to the Regional Justice Information Service (REJIS) in the enclosed postage paid envelope, or faxing each page to 1-314-535-1729.
- If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org.
- Please retain a copy of your completed survey for 1 year.

Burden Statement

Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 25 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection.

INSTRUCTIONS FOR COMPLETING THE FORM

- Please mark 'X' in the appropriate boxes.
- If possible, please answer all questions for the entire calendar year (January through December) 2013. If data are available for only part of the year, please supply any available information in the spaces provided.
- If the answer to a question is "not available" or "unknown," write "DK" in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," write "0" in the space provided. Please respond with zero only when the actual total reported count is zero, as opposed to when the data are not known or unavailable.
- When an exact numeric response is not available, provide an estimate and mark the estimate box next to the number field. Please provide a brief explanation in Section V to describe how the estimates were calculated.
- Please do not leave any items blank unless otherwise directed.

Section I –AGENCY CHARACTERISTICS

1. Does your agency issue or track or conduct background checks for Pistol Permits? A

pistol/revolver permit is a document that a prospective purchaser must present to a seller to receive and possess a firearm. May also be referred to as a pistol license. Applies to all permit/license types (Carry Concealed, Possess on Premises, and Possess/Carry During Employment).

- ☐ Yes
☐ No
☐ Don't know

2. Does your agency issue or track or conduct background checks for any other firearm transfer or permit type?

- ☐ Yes→ Please describe the type of permit
(If more space is needed, please use the
space provided in Section III):

- ☐ No
☐ Don't know

Section II –APPLICATIONS AND DENIALS

3. Between January 1, 2013, and December 31, 2013, how many applications for Pistol Permits were received or tracked by your agency? (Include any license amendment applications to acquire a firearm that required another background check. These may also be referred to as purchase coupons.)

Mark 'x' if
estimate

**a. Pistol Permits (and
license amendments)**

☐

**b. Other transfer or
permit type
(if applicable)**

☐

4. Between January 1, 2013, and December 31, 2013, how many applications were denied? A denial occurs when an applicant is prohibited from receiving a firearm or permit that can be used to obtain a firearm because a disqualifying factor was found during a background check.

Mark 'x' if
estimate

**a. Pistol permits
(and license
amendments)**

☐

**b. Other transfer or
permit type
(if applicable)**

☐

5. Does your agency track the reason(s) why an application was denied? (If your agency had zero denials in 2013, please still indicate whether or not you would track the reasons for denial if one were issued.)

- ☐ Yes
☐ No (skip to question number 9)

6. For denials issued in 2013, why was an application denied? List total counts (including zeros, where applicable) for each reason for a denial (please include all federal, state, and local law reasons for denial within the most appropriate category). Mark 'x' in the checkbox provided for any estimated counts.

	Pistol Permits	Mark 'x' if estimate
a. Felony indictment or charge.....		☐
b. Felony conviction.....		☐
c. Felony arrest with no disposition.....		☐
d. Fugitive or outstanding warrant.....		☐
e. Domestic violence misdemeanor.....		☐
f. Domestic violence, protective or restraining order.....		☐
g. Addicted to or unlawful user of a controlled substance.....		☐
h. Mental health commitment or adjudication.....		☐
i. Illegal or unlawful alien.....		☐
j. State law prohibitor (<i>if not included in above categories</i>)...		☐
k. Local law prohibitor (<i>if not included in above categories</i>)...		☐
l. Other reasons not included above (<i>including juveniles and dishonorable discharge</i>).....		☐

7. If MULTIPLE reasons are found for a denial, how are reasons tracked?

- ☐ All reasons for denial are tracked (*skip to question 9*)
- ☐ Only one reason for the denial is tracked
- ☐ Don't know (*skip to question 9*)

8. If ONLY ONE reason for the denial is tracked, how is that reason tracked?

- ☐ The first reason found during the background check is tracked

☐ The most serious charge listed on the criminal history record is tracked

☐ Other method of tracking *(Please explain. If more space is needed, please use the space provided in Section III)*

☐ Don't know

9. Do any of the counts you provided for any of the items throughout the survey cover only part of the year?

- ☐ Yes (please specify in Section III which counts cover only part of the year and the months that are covered)
- ☐ No

Section III - COMMENTS

Please include any comments that would better explain how your agency collects information on background checks. If the reported totals are estimates please provide a brief explanation to describe how the estimates were calculated.

[illegible]

FORM FIST-1

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS (BJS)
(REJIS ACTING AS DATA COLLECTION AGENT)



2013 FIREARMS INQUIRY STATISTICS (FIST)
Annual Survey of Background Checks for Firearm Transfers and Permits

Please correct any errors in the name and address information that is printed below.

OFFICIAL AGENCY NAME *(If different from above)*

9-DIGIT NCIC-ORI NUMBER

PERSON COMPLETING THE FORM

NAME

TITLE

TELEPHONE

FAX

E-MAIL ADDRESS

RETURN INSTRUCTIONS

- Please submit your completed form by using the web reporting option at <https://survey6.spss-asp.com/REJIS>, mailing it to the Regional Justice Information Service (REJIS) in the enclosed postage paid envelope, or faxing each page to 1-314-535-1729.
- If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org.
- Please retain a copy of your completed survey for 1 year.

Burden Statement

Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 25 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection.

INSTRUCTIONS FOR COMPLETING THE FORM

- Please mark 'X' in the appropriate boxes.
- If possible, please answer all questions for the entire calendar year (January through December) 2013. If data are available for only part of the year, please supply any available information in the spaces provided.
- If the answer to a question is "not available" or "unknown," write "DK" in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," write "0" in the space provided. Please respond with zero only when the actual total reported count is zero, as opposed to when the data are not known or unavailable.
- When an exact numeric response is not available, provide an estimate and mark the estimate box next to the number field. Please provide a brief explanation in Section III to describe how the estimates were calculated.
- Please do not leave any items blank unless otherwise directed.

Section I –APPLICATIONS AND DENIALS

- 1. Between January 1, 2013, and December 31, 2013, how many applications for firearm transfers were received or tracked by your agency?** This is a check that occurs after a seller transmits a prospective purchaser's application data to a checking agency by telephone, computer, mail, or other means.

Applications

Mark 'x' if
estimate
☐

- 2. Between January 1, 2013, and December 31, 2013, how many applications were denied?** A denial occurs when an applicant is prohibited from receiving a firearm or permit that can be used to obtain a firearm because a disqualifying factor was found during a background check.

Denials

Mark 'x' if
estimate
☐

- 3. Does your agency track the reason(s) why an application was denied?** (If your agency had zero denials in 2013, please still indicate whether or not you would track the reasons for denial if one were issued.)

☐ Yes

☐ No (skip to question number 7)

- 4. For denials issued in 2013, why was the application denied?** List total counts (including zeros, where applicable) for each reason for a denial (please include all federal, state, and local law reasons for denial within the most appropriate category). Mark 'x' in the checkbox provided for any estimated counts.

	Transfer Check	Mark 'x' if estimate
a. Felony indictment or charge.....		☐
b. Felony conviction.....		☐
c. Felony arrest with no disposition.....		☐
d. Fugitive or outstanding warrant.....		☐
e. Domestic violence misdemeanor.....		☐
f. Domestic violence, protective or restraining order.....		☐
g. Addicted to or unlawful user of a controlled substance.....		☐
h. Mental health commitment or adjudication.....		☐
i. Illegal or unlawful alien.....		☐
j. State law prohibitor (if not included in above categories)....		☐
k. Local law prohibitor (if not included in above categories)....		☐
l. Other reasons not included above (including juveniles and dishonorable discharge).....		☐

- 5. If MULTIPLE reasons are found for a denial, how are reasons tracked?**

☐ All reasons for denial are tracked (skip to question 7)

☐ Only one reason for the denial is tracked

☐ Don't know (skip to question 7)

6. If ONLY ONE reason for a denial is tracked, how is that reason tracked?

- ☐ The first reason found during the background check is tracked
- ☐ The most serious charge listed on the criminal history is tracked
- ☐ Other method of tracking *(Please explain. If more space is needed, please use the space provided in Section IV)*

☐ Don't know

Section II –ARRESTS AND APPEALS

7. In 2013, did your agency track arrests that occurred as a result of a denied application?

An arrest, for the purposes of this survey, occurs when a denied person who submitted a false application or has an outstanding warrant is arrested by the checking agency or another agency that is notified.

- ☐ Yes
- ☐ No *(skip to question number 9)*

8. Between January 1, 2013, and December 31, 2013, how many arrests occurred as a result of a denied application?

Arrests Mark 'x' if estimate ☐

9. In 2013, did your agency track appeals made to your agency for reconsideration of denial? An appeal, for the purposes of this survey, is an objection to a denial decision and includes reconsiderations, challenges, and other informal procedures.

- ☐ Yes
- ☐ No *(skip to question number 11)*

10. How many denied persons appealed to your agency, requesting that your agency reconsider its initial denial decision between January 1, 2013, and December 31, 2013?

Appeals to agency

Mark 'x' if estimate ☐

11. In 2013, did your agency track reversals by your agency of initial denial decisions?

- ☐ Yes
- ☐ No *(skip to question number 13)*

12. Between January 1, 2013, and December 31, 2013, how many initial denial decisions were reversed by your agency?

Reversals by agency

Mark 'x' if estimate ☐

13. In 2013, did your agency track appeals to a court of any denial decision?

- ☐ Yes
- ☐ No *(skip to question number 19)*

14. How many denials were appealed to a court between January 1, 2013, and December 31, 2013?

Appeals to a court

Mark 'x' if estimate ☐

15. In 2013, did your agency track reversals by a court of initial denial decisions?

- ☐ Yes
- ☐ No *(skip to question 17)*

16. Between January 1, 2013, and December 31, 2013, how many denials were reversed after being appealed to a court?

Reversals by a court

Mark 'x' if estimate ☐

Section III – PARTIAL YEAR COUNTS

17. Do any of the counts you provided for any of the items throughout the survey cover only part of the year?

☐ Yes (*please specify in Section III which counts cover only part of the year and the months that are covered*)

☐ No

☐ Yes (please specify in Section III which counts cover only part of the year and the months that are covered)

☐ No

[illegible][illegible]

Attachment IV. FIST Correspondence

- Pre-notification letter
 - Survey cover letter
 - Survey cover email
- Thank you letter and 1st follow up
 - 2nd follow up letter
 - Phone script



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

Date

Name / Address

Dear ____:

Within the next week you will receive via <insert mode of transmission: mail, fax, or email> a request to complete a brief survey for the Firearm Inquiry Statistics (FIST) Program. The Regional Justice Information Service (REJIS) is the data collection agent for the FIST Program and is authorized to collect data on behalf of the Bureau of Justice Statistics (BJS), Department of Justice (DOJ).

BJS began the FIST Program in 1995 to provide national estimates of the total number of firearm purchase applications received and denied pursuant to the Brady Act and similar state laws. The FIST program collects counts of firearm transfers and permit checks conducted by state and local agencies and combines this information with the Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS) transaction data to produce national estimates of background check activity. Additional information on reasons for denials, appeals of denials, and law enforcement actions the FBI and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) take against denied persons is also collected.

Our records indicate that your agency currently conducts <list type/s of background checks> for the state of <name>. You are receiving this letter to request in advance your cooperation in this important data collection initiative. A survey will be enclosed with the request to participate in the FIST data collection that you will receive next week as well as instructions on how to complete a new web-based version of the survey. We anticipate that the completion of the survey will take you approximately 25 minutes and REJIS will be available to answer any questions you may have about the survey or FIST Program.

Your participation in this data collection is critical to help ensure the reliability of the national estimates produced for firearm background check activities. BJS and REJIS thank you in advance for your support of the FIST Program and participation in the 2014 data collection. Should you have any immediate questions please contact Allina Lee, FIST Program Manager, at 202-305-2696, or Allina.Lee@usdoj.gov.

Sincerely,

Gerard R. Ramker
Deputy Director, BJS



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

January __, 2013

Name / Address

Dear ____:

Since 1995, the Bureau of Justice Statistics (BJS) has conducted the Firearm Inquiry Statistics (FIST) survey. With assistance from the Regional Justice Information Service (REJIS) of Saint Louis, Missouri, BJS has collaborated with federal, state, and local agencies to provide data on firearm transfers and permits that are regulated by the Brady Act and similar state laws. We are requesting your participation in this important data collection to obtain data on background check activities conducted by your agency during calendar year 2012.

Data provided by your agency and other background checking agencies from across the nation will be combined with information obtained from the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to produce 2013 national estimate of firearm applications and denials, along with reasons for denials, appeals, and arrests. The data obtained will be published in the "Background Checks for Firearm Transfers" series on the BJS website (www.bjs.gov).

The survey form enclosed is designed to capture your data for the 2013 calendar-year. Instructions for completing and returning the survey are included on the form. You may return the form by mail via the enclosed postage-paid envelope, by fax to 314-535-1729, or by email to fist@rejis.org. There is also the option of entering your data on our secure web site. To complete the survey online, please go to <https://websurvey.rejis.org/FIST2013> and enter your User ID (Agency ID) and Password (psswd1). This unique identifying information can be found in the enclosed packet. **We would greatly appreciate your return of a completed survey by __ __, 2014.**

Participation by your agency and other agencies in this voluntary effort has provided a wealth of data for policymakers, researchers, administrators, and others who use the data to study background check trends and activities nationwide and to understand the impact of the Brady Act and its enforcement. Please note that the data collected are summary statistics of an administrative nature and do not allow for identification of any individual. Data collected are in the public domain and are not subject to confidentiality assurances.

Thank you for your support of the FIST Program and contributions to the FIST data collection. BJS and REJIS greatly appreciate your efforts. You may direct general comments, feedback, or questions about the FIST Program to the REJIS FIST Project Manager at 1-800-531-2150, or send an e-mail to fist@rejis.org.

Sincerely,

Gerard F. Ramker
Deputy Director, BJS



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

Date

Name / Address

Dear ____:

Since 1995, the Bureau of Justice Statistics (BJS) has conducted the Firearm Inquiry Statistics (FIST) survey. With assistance from the Regional Justice Information Service (REJIS) of Saint Louis, Missouri, BJS has collaborated with federal, state, and local agencies to provide data on firearm transfers and permits that are regulated by the Brady Act and similar state laws. We are requesting your participation in this important data collection to obtain data on background check activities conducted by your agency during calendar year 2012.

Data provided by your agency and other background checking agencies from across the nation will be combined with information obtained from the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to produce 2013 national estimate of firearm applications and denials, along with reasons for denials, appeals, and arrests. The data obtained will be published in the "Background Checks for Firearm Transfers" series on the BJS website (www.bjs.gov).

The FIST survey is designed to capture your data for the 2013 calendar-year. To complete the survey online via a secure web site, please go to <https://websurvey.rejis.org/FIST2013> and enter your User ID (Agency ID) and Password (psswd1). Instructions for completing the survey are included in the web-form. **We would greatly appreciate your return of a completed survey by ____ , 2014.**

Participation by your agency and other agencies in this voluntary effort has provided a wealth of data for policymakers, researchers, administrators, and others who use the data to study background check trends and activities nationwide and to understand the impact of the Brady Act and its enforcement. Please note that the data collected are summary statistics of an administrative nature and do not allow for identification of any individual. Data collected are in the public domain and are not subject to confidentiality assurances.

Thank you for your support of the FIST Program and contributions to the FIST data collection. BJS and REJIS greatly appreciate your efforts. You may direct general comments, feedback, or questions about the FIST Program to the REJIS FIST Project Manager at 1-800-531-2150, or send an e-mail to fist@rejis.org. Please contact REJIS directly if you prefer to submit data via a paper survey or fax and a survey form will be provided.

Sincerely,

Gerard F. Ramker
Deputy Director, BJS

<<To be formatted on a postcard template>>

On _____, 2014, a survey on background check activity for firearm transfers and permits (FIST) was mailed to you as part of the Firearm Inquiry Statistics (FIST) data collection effort by the Bureau of Justice Statistics (BJS), United States Department of Justice. The Regional Justice Information Service (REJIS) is the data collection agent authorized by BJS to collect data for this collection.

If you have already completed and returned the survey, please accept our sincere appreciation. If not, we request that you do so as soon as possible so that we can complete our efforts to produce national estimates of the total number of transfer and permit applications and denials resulting from the Brady Act and similar state laws. Your efforts are critical to ensure the reliability of these estimates.

If you did not receive the survey or if it was misplaced, please call us toll-free at 1-800-531-2150 and we will send you another one right away. You can also complete the survey online at <https://websurvey.rejis.org/FIST2013> and enter your User ID (Agency ID) and Password (psswd1). Please call us at the above number if you need help accessing this information.

Thank you again for your efforts.

Jennifer C. Karberg, FIST Project Manager, REJIS



Date

4255 West Pine Blvd.
St. Louis, MO 63108
314.535.1950

www.rejis.org

Name
Title
Address

Dear _____ :

In _____ we sent a letter to your office, on behalf of the Bureau of Justice Statistics (BJS), United States Department of Justice, that requested data from your agency on background checks for firearm transfers and permits, including the number of applications received, denials, reasons for denials, arrests, and appeals. This information is collected as part of BJS's Firearms Inquiry Statistics (FIST) Program. According to our records, we have not yet received the requested information.

We are following up with you to again request your participation in the FIST data collection and convey the importance that your agency's totals will have on our efforts to obtain accurate data for the "Background Checks for Firearm Transfers" series published on the BJS website (www.bjs.gov). This series provides a national estimate of firearm background check activity pursuant to Brady Act and similar state laws. Your input is critical to ensure the reliability of these estimates.

Jerald L. Kent
Chairman

Lewis E. Reed
Secretary-Treasurer

Chief Daniel Isom

Chief Tim Fitch

Pamela Reitz

Robbyn Wahby

Dr. William R. Powell, Jr.
General Manager

If you have already submitted your agency's data for 2013 and we simply have not yet received it, we sincerely thank you for your participation. If you still need to submit your data, a survey is enclosed with this letter to collect information on the background check activities conducted by your agency in 2013. The materials can be returned by fax to 314-535-1729, by email (fist@rejis.org), or by mail to the address listed on the accompanying postage-paid envelope. We encourage you to also avail yourself of the secure web-form option as well. To complete the survey online, please go to <https://websurvey.rejis.org/FIST2012> and enter your User ID (Agency ID) and Password (psswd1). **In order for us to complete our analyses of the 2013 data, please complete the online survey or return the completed survey and your signed review by _____, 2014.**

Thank you for your assistance and participation in this important effort. If you have any questions, comments, or concerns about this request, or if there is any way we may be of assistance to you, please contact us by phone at 1-800-531-2150 or by email at FIST@rejis.org.

Sincerely,

Jennifer C. Karberg, FIST Project Manager
Enclosures

FIST Phone Script

Hello, my name is (insert name) and I am calling from the Regional Justice Information Service on behalf of the Bureau of Justice Statistics, United States Department of Justice. May I please speak with (CONTACT)? [If contact no longer there, ask for person in charge of (insert state terminology)].

(Caller can leave contact information if leaving a message).

(Again) Hello, my name is (insert name) and I am calling from the Regional Justice Information Service. We are working with the Bureau of Justice Statistics to conduct the Firearm Inquiry Statistics Program survey – also known as FIST.

Are you familiar with the FIST program? If yes, continue to next question. If no, provide a brief explanation of purpose and data collected: Since 1995, BJS has been providing national estimates of the total number of firearm purchase applications received and denied pursuant to the Brady Act and similar state laws. The FIST program collects counts of firearm transfers and permit checks conducted by state and local agencies and combined this information with FBI transaction data to produce national estimates of background check activity. Additional information on reasons for denials, appeals, and law enforcement actions the FBI and ATF take against denied persons is also collected.

We have previously mailed two surveys to your agency but have not received a response, so I am calling to see if you received the survey. [If no, offer to send another copy] [If yes, would you be able to fill out the survey or complete the online version. Provide directions for the web- form.]

[If respondent needs details of survey]:

We are asking for summary data on background checks for (use state terminology), which you could report on the survey for (use FIST terminology).

- Point – of – transfer background checks for firearm transfers
- Background checks on permits to purchase a firearm (Purchase Permit)
- Background checks on permits to carry a concealed weapon or purchase a firearm (Carry Permit)
- Background checks on permits both to just purchase a firearm, or to carry a concealed weapon and/or purchase a firearm (P&C Permits)
- Background checks on permits for a handgun license to purchase a firearm (NY – Purchase Permit)
- Background checks on permits to purchase a firearm (WA - Purchase Check)

We anticipate that the survey will take about 25 minutes to complete and we are more than happy to walk you through it and discuss any questions you may have. This data collection is very important because it highlights the application and denial rates for firearm background checks being conducted throughout the

country. Your agency's responses are critical to ensure that BJS is able to produce the most reliable national estimates of firearm background check activity.

(After phone data collection or a promise to return data at a later time)

We and the Bureau of Justice Statistics sincerely appreciate your time and efforts on this important initiative.

Attachment V. Reporting of data to FIST program, by state

State	FBI reports all NICS firearm checks	State agency reports for entire state	Local agencies report
Total	31	32	10
Alabama	X		
Alaska	X	X	
Arizona	X	X	
Arkansas	X	X	
California		X	
Colorado		X	
Connecticut		X	
Delaware	X		
District of Columbia	X	X	
Florida		X	
Georgia	X		X
Hawaii		X	
Idaho	X		X
Illinois		X	
Indiana	X		
Iowa			X
Kansas	X	X	
Kentucky	X	X	
Louisiana	X		
Maine	X		
Maryland		X	
Massachusetts	X	X	
Michigan	X	X	
Minnesota	X	X	X
Mississippi	X	X	
Missouri	X		
Montana	X		X
Nebraska		X	X
Nevada		X	X
New Hampshire		X	
New Jersey		X	
New Mexico	X		
New York	X		X
North Carolina			X
North Dakota	X	X	
Ohio	X		
Oklahoma	X		
Oregon		X	
Pennsylvania		X	
Rhode Island	X	X	
South Carolina	X	X	
South Dakota	X		
Tennessee		X	
Texas	X	X	
Utah		X	
Vermont	X		
Virginia		X	
Washington			X
West Virginia	X		
Wisconsin		X	
Wyoming	X	X	

Notes: FBI reports only long gun NICS data for 7 additional states (IA, MD, NE, NC, NH, WA, and WI). States in more than one category have division of NICS checks and/or more than one type of check or permit. The FBI conducts all firearm background checks for the five U.S. Territories: American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands. Data from the Territories are not reported in the FIST collection.

Attachment VI. Proposed 2013 FIST Sample Determination and Allocation

Data for the FIST collection will be obtained from state agencies that report state-level data (thirty-two states), a statewide census of six states in which local agencies conduct checks and report to FIST on a local level only and a sample survey of four states that operate local checking agencies and report only on a local level, but have a larger number of agencies than the other aforementioned six states. This decision equates to a total data collection of 761 POCs plus the FBI NICS data.

In the four states that are to be sampled (GA, MN, NE & WA), a stratified sample based on population size will be created that roughly equates to 1) rural – places of less than 10,000 population; 2) small cities – places of between 10,000 and 99,999 population; 3) small metropolitan areas – places of between 100,000 and 199,999 population; and 4) large metropolitan areas – places of 200,000 or more population. The correlated variable used to estimate variance (number of applications in 2010) had information for all strata in only one of the four states. The other three states each had empty or a singular report of information in different strata. Without the estimate of variance, a stratified sample could not be determined individually for each of the four states. Consequently, it was decided to utilize a simple random sample, proportional to size, for each state. This increased the sample size sufficiently such that an estimate and resulting confidence interval can be determined for each of these four states.

The following formula was used to determine the sample size and weight allocation for the stratified sample of the four states taken as a group.

$$\sum N_i^2 \sigma_i^2 / w_i$$

The formula used is: $n = \frac{\sum N_i^2 \sigma_i^2 / w_i}{N^2 D + \sum N_i \sigma_i^2}$ where $D = \frac{B^2}{4}$

Reference: *Elementary Survey Sampling* by Scheaffer, Mendenhall & Ott

Definitions:

n = sample size

N_i = population within stratum

σ_i^2 = stratum variance

w_i = stratum weight

N = population

D = B^2/Z^2 (at a 95% confidence level $Z^2 \approx 4$)

B = error bound

The following formula was used to determine the sample size of a simple random sample in each state. The bound on error was 100 applications for GA, NE and WA. The bound was fifty applications for MN.

The formula used is: $n = \frac{N\sigma^2}{N^2D + \sigma^2}$ where $D = \frac{B^2}{4}$

Reference: *Elementary Survey Sampling* by Scheaffer, Mendenhall & Ott

Definitions:

n = sample size

σ^2 = variance

N = population

D = B^2/Z^2 (at a 95% confidence level $Z^2 \approx 4$)

B = error bound

A 15% reserve sample will be randomly selected to cover nonresponse. Because all local checking agencies in Categories 3 and 4 are to be surveyed, this reserve sample only impacts agencies in Categories 1 and 2. In total, there will be a 30% reserve sample for each of the four states that are sampled. The 15% sample was taken of the entire population of units in any one category and is added on top of the sample size.

Following is a summary sheet of the actual sample for the four states (GA, MN, NE & WA) that will be sampled along with the distribution of the reserve sample.

Sample Allocation, Simple Random Sample in 4 States, Census in 7 States (including Washington, D.C.)

Population Category	Population Size	States w POCs in SRS prop to size				Sub Sample Add a	Census States						Sub Sample Add b	Other State-level Reporters	Total Sample Size
		GA	MN	NE	WA		IA	ID	MT	NC	NV	NY			
Category 1	1 to 9999	20	45	79	37	181	23	16	35	3	7	1	266		266
Category 2	10000 to 99999	63	20	15	28	126	70	24	19	70	8	33	350		350
Category 3	100000 to 199999	16	2	2	6	26	4	3	2	17	0	11	64		64
Category 4	200000+	9	2	2	7	20	2	1	0	10	2	14	51		51
		108	69	98	78	353	99	44	56	100	17	59	731	32	761
	SRS n	99	68	98	69	334									
	Bound on error	100	50	100	100										
Reserve Sample		GA	MN	NE	WA										
Category 1	1 to 9999	5	44	17	17	83									
Category 2	10000 to 99999	16	20	4	28	68									
		21	64	21	45	151									

Attachment VII. 2010 FIST Standard Errors
Estimated standard errors for applications
and denials by local agencies, 2010

	Applications	Denials	Percent denied
Total	62,601	2,284	0.27 %
Purchase permits	37,028	2,035	0.51
Exempt carry permits	12,232	491	0.21
Other approvals	48,972	916	0.27

Estimated standard errors for applications and denials
in local agencies, by size of community served and type of permit, 2010

	Applications	Denials	Percent denied
Purchase permits			
Total	37,028	2,035	0.51 %
Population served			
Under 10,000	2752	40	0.15
10,000 to 100,000	13746	408	0.25
Over 100,000	34271	1993	0.96
Exempt carry permits			
Total	12,232	491	0.21 %
Population served			
Under 10,000	1076	17	0.16
10,000 to 100,000	4672	180	0.16
Over 100,000	11253	456	0.42