

Supporting Statement – Part B

2019-2022 Firearm Inquiry Statistics (FIST) Program - Statistical Methods

Introduction

The Bureau of Justice Statistics (BJS) obtains data for its Firearm Inquiry Statistics (FIST) Program through a voluntary survey administered to state and local agencies that conduct background check activities for firearm permits and transfers. BJS combines these data with data obtained from the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS) to create an estimate of the total number of firearm transfer and permit applications received and denied annually. Data on reasons for denials is also obtained from state and local agencies and the FBI. The Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) Denial Enforcement and NICS Intelligence (DENI) Branch provides data on FBI denials that are screened and referred to ATF field divisions for investigation.

FIST survey respondents are state and local reporting agencies that conduct background checks or maintain records on persons who apply for a firearm transfer or a permit that may be used for a transfer. State reporting agencies include NICS Points of Contact (POC)¹ agencies that conduct checks required by state law, and agencies that compile data reported by local checking agencies. All fifty states and Washington, D.C., are covered in the FIST collection either through data obtained via the FIST survey or from the FBI. More than one type of data is collected from several states due to variations in checks or permit types or POC status.

BJS's current FIST data collection agent is the Regional Justice Information Service (REJIS). FIST data are published in statistical tables to the BJS website.

Data Collection Procedures Overview

FIST will collect data from 34 state agency reporters that serve an entire state population (including Washington, D.C.), a statewide census of local checking agencies in 9 states, a sample of checking agencies in 3 states, and the FBI NICS Section for those states that rely on the Bureau to conduct background checks.² Data are collected from more than one source for several jurisdictions. FIST will also collect data from the ATF DENI Branch. See **Attachment 10** for data collection sources in each jurisdiction. As described in Part A, the collection will again use a multi-mode design to allow respondents to submit data via web form, email, paper survey, phone, or fax. Recognizing that this is a voluntary survey, BJS and REJIS will make all reasonable efforts to provide convenience and minimize the burden of data collection for respondents.

¹ As addressed in Part A, each state government determines whether it will operate as a full POC that conducts a NICS check on all firearm transfers originating in the state, as a partial POC that conducts a NICS check on all handgun transfers (with the FBI checking long gun transfers), or as a non-POC state that allows the FBI to conduct NICS checks on all firearm transfers originating in the state.

² For the 2019/2020 collection, local checking agencies in Alabama will be surveyed for partial year data for 2019 as ATF determined that their exempt-carry permit no longer qualified for an ATF exemption.

State agency reporters

FIST will continue to use a multi-mode data collection strategy to obtain data from state agency reporters and will tailor the collection based on its experience working with these agencies over several years. For example, REJIS maintains a list of agencies that provide data via an internal report or publicly-available websites. To reduce the respondent burden for these states, FIST will obtain the internal reports and request verification of the accuracy of the Internet data. In the 2019/2020 collection, these states will be asked to confirm data for both 2019 and 2020. The only burden for these reporting agencies will be the time spent emailing a report to REJIS or verifying data. For state agencies that do not provide data via published report or website, REJIS will send a survey notification email with a link to the FIST web forms for both 2019 and 2020 data and REJIS's contact information to a predetermined agency contact person. If email outreach is not successful, a letter and an enclosed paper survey will follow.

Local checking agencies

FIST will also continue to use a multi-mode data collection strategy to obtain data from local agencies. REJIS maintains a comprehensive list of local agencies that includes contact information and the type of background check or permit that each agency is responsible for administering. FIST will use this information to tailor the language in the survey correspondence to each agency's functions, which reduces the number of questions that an agency may have about the survey. For the 2019/2020 collection, these agencies will be asked to complete the survey form for all questions for 2020 but to provide only counts of applications and denials for 2019.

For both state and local agency respondents, FIST will continue to be flexible in its data collection methods and accept data in whatever form (web form, mail, fax, electronic) is most convenient for the respondent. Historically, the majority of FIST respondents have submitted a paper survey. BJS implemented the web form option in 2012 and has observed a slight increase each year in the number of agencies responding via this mode. For the 2018 data collection, the most recent year completed, about 31% of respondents submitted data via the web form while the majority (approximately 62%) of respondents submitted a paper survey (the remaining 7% of respondents submitted via fax, email, or phone). BJS and REJIS will continue to take steps to promote the use of the web form, maximize response rates, and reduce respondent burden as addressed in Part A.

FBI and ATF data

FIST will continue to obtain relevant data from the FBI NICS Section and ATF DENI Branch to complete the analysis and preparation of FIST data. FIST obtains data from the FBI NICS Section on federal applications and denials via monthly emails that include year-end totals. FIST will also obtain data from the FBI's NICS Operations report and other publicly available FBI reports on reasons for denials and NICS Indices totals. The DENI Branch will be asked to provide data on FBI denials that are screened by DENI and referred to ATF field divisions for further investigation.

1. Universe and Respondent Selection

The FIST program is unique due to the varied nature of the checking agencies to be surveyed. This uniqueness is a product of federal law, notably the Brady Handgun Violence Prevention Act of 1993

(Brady Act), plus a variety of state firearm transfer and permit statutes that are not preempted by the Brady Act. The FIST methodology, as revised in 2012 and modified in subsequent years, defines eligible agencies as those that 1) are authorized to conduct *and are known to* conduct background checks or 2) maintain statistics from checks conducted by another agency. The agencies accounted for in the universe collect and/or maintain data on the critical FIST data elements: applications, denials, and (as available) reasons for denial.

For the FIST program, there is an important distinction to be made between agencies authorized by statute to conduct background checks and those that actually do the checks. In certain states, local agencies are legally authorized by state statute to conduct background checks for firearm transfers or permits but are not *required* to do so. Over the years, REJIS has identified a significant number of instances in which a local agency, usually municipal police, that was legally authorized to conduct checks had never actually conducted checks and was unlikely to ever do so. Instead, transfer and permit applicants who might use such a local agency are directed to another local authority, usually the county sheriff, with jurisdiction to conduct checks or issue permits. For the purpose of FIST, BJS determined that these agencies should be considered out of scope because they do not actually conduct checks or maintain checking statistics. Thus, the survey frame includes only agencies that are known to conduct background check functions, not the agencies that have delegated all background check functions.

The vast majority of FIST data is comprised of counts provided by the FBI and state agency reporters, with a relatively small proportion (less than 10%) of the FIST national estimate being derived from the local agency population.

FIST data sources

BJS and REJIS will use data from three general sources to generate the 2019/2020 national FIST estimates:

- **FBI**— includes 36 jurisdictions (30 states, the District of Columbia, and five other U.S. jurisdictions) that rely exclusively on the FBI to conduct NICS checks on handgun and long gun transfer applicants. In seven other states, the FBI conducts NICS checks for long gun transfers only. FIST will obtain application, denial, and reasons for denial counts directly from the FBI for these jurisdictions.
- **State agency reporters**—include the 34 agencies (33 state agencies and the District of Columbia police) that conduct background checks required by state law (including NICS checks) or compile data for their entire jurisdiction (e.g. states where local agencies conduct background checks but report their activity to a state-level entity). The FIST survey or state-issued reports will be used to collect complete statewide counts of firearm transfer or permit applications, denials, and reasons for denial (if available) from these agencies.
- **Local reporting agencies**—for 2020, 2021, and 2022 includes about 1,300 local checking agencies in 12 states that issue permits, track applications and denials, or conduct background checks for various types of firearm permit or transfer systems, and do not report counts to a state-level entity. BJS and REJIS will administer the FIST survey to all agencies in 9 of these states and sample of agencies in 3 of these states. For the 2019 portion of the 2019/2020 collection, BJS will administer a partial-year survey to an all agencies in Alabama (see below for more details).

Attachment 10 provides a breakdown of how FIST data are obtained by state (via FBI NICS, state agency reporter, and/or local agencies).

Frame generation and maintenance activities

BJS and REJIS have developed specialized knowledge of the background check processes and practices by state, and have used this information to maintain and update the FIST universe. The frame comprises several different types of local agencies that conduct background checks, issue permits, or maintain permit records. Although most agencies are sheriffs' or police departments, permits are issued by county probate courts in Georgia and permit records are often maintained by county clerks' offices in New York. State statutes determine which agencies are authorized to conduct background checks or issue permits, and there are typically few changes from year to year. REJIS routinely researches these laws to identify changes that may impact the frame. In addition, information obtained from prior years' collections about a particular agency's checking or permitting status is used to update the frame.

2018 FIST frame

REJIS, under BJS's direction, utilized multiple data sources combined with a large known pool of past FIST responders to generate and verify the 2018 FIST frame, including:

- The 2017 frame, as updated with information from the 2016 collection on agencies eligible to participate in FIST
- Published member lists from state Sheriffs' and Police Chiefs' associations;
- Agency websites
- FIST respondents' answers to the screener questions on the 2016 survey related to firearm background check functions and responsibilities

2019-22 FIST frames

BJS proposes to use the 2018 FIST frame as the starting point for the 2019-22 frames. REJIS regularly reviews applicable state laws, ATF decisions, and responses to the screener questions on the previous year's FIST survey to update the frame as appropriate. One adjustment to the 2020 survey form for the state of Washington has been identified from this review (more details below). Additionally, ATF has determined that Alabama's carry permit did not meet the qualifications for an alternative to the NICS point-of-transfer check in 2019. Thus, 67 Alabama sheriffs' departments will be surveyed for only partial-year data in 2019 and will not receive the remainder of questions for 2020. Table 5 shows the FIST universe from which the sample will be developed.

Table 5. FIST Universe 2020

Data Collection Method	Reporting Agency Type											<u>N</u>			
Data reported to BJS by the FBI	FBI NICS (N=31)	AL, AK, AR, AZ, DC, DE, GA, ID, IN, KS, KY, LA, MA, ME, MI, MN, MO, MS, MT, ND, NM, NY, OH, OK, RI, SC, SD, TX, VT, WV, WY													
	State agency reporters (N=34)	AK, AZ, AR, CA, CO, CT, DC, FL, HI, IL, KS, KY, LA, MD, MA, MI, MN, MS, NE, NV, NH, NJ, ND, OH, OR, PA, RI, SC, TN, TX, UT, VA, WI, WY										34			
Data collected by BJS for FIST	Local agency reports (N=1286)	Sampled states	Population Category		GA	M	WA		Totals						
					N										
			1) 1-9,999	33	207	66	306								
			2) 10,000-99,999	101	124	90	315								
			3) 100,000-199,999	14	2	6	22								
			4) 200,000+	11	2	6	19								
			Totals	159	335	168	662					662			
		Census states*	Population Category		IA	ID	MT	NC	NE	N	V	NY	SD	WV	Totals
				1) 1-9,999	25	15	35	4	100	8	1	47	12	247	
			2) 10,000-99,999	68	25	17	69	25	7	33	17	40	301		
			3) 100,000-199,999	4	2	4	15	1	0	11	2	3	42		
		4) 200,000+	2	2	0	12	2	2	14	0	0	34			
		Totals	99	44	56	100	128	17	59	66	55	624	624		
Total Agencies for Potential FIST Collection (excludes states reporting through FBI)												1320			

*An additional 67 agencies from Alabama are included for a partial-year survey for 2019. These include 2 agencies in population category 1, 53 in population category 2, 5 in population category 3, and 7 in population category 4.

2019-22 FIST collections

BJS and REJIS will continue to employ different strategies for the FIST collection to maximize the response rate and minimize the respondent burden, including employing multi-modal submission options, following a rigorous contact schedule, and tailoring FIST correspondence to the types of permits and checks and unique terminology prevalent in individual states.

For the 2019-22 FIST collections, BJS is requesting OMB approval for a sampling design and plan that is similar to recent collections. The 2020 collection will request actual counts from the FBI and the state agency reporters. BJS proposes to obtain data from all checking agencies in 9 states: Idaho (ID), Iowa (IA), Montana (MT), Nebraska (NE); Nevada (NV), New York (NY), North Carolina (NC), South Dakota (SD), and West Virginia (WV). This will also include Alabama (AL) for a partial-year collection for 2019 in the 2019/2020 collection. BJS proposes to sample checking agencies in three states—Georgia (GA), Minnesota (MN), and Washington (WA)—due to the greater number of local checking agencies in these states.

For states with local checking agencies, a stratified sample will be created based on population size that is roughly equal to:

- Category 1 – rural – places of less than 10,000 population (562 agencies)
- Category 2 – small cities – places of between 10,000 and 99,999 population (669 agencies)
- Category 3 – small metropolitan areas – places of between 100,000 and 199,999 population (69 agencies)
- Category 4 – large metropolitan areas – places of 200,000 or more population (60 agencies)

These population categories were chosen to be consistent with definitions of various census place levels. Additionally, they allow the collection to maintain some consistency with portions of the methodology utilized for previous FIST collections. In the three states where data will be collected from sample of local checking agencies (GA, MN, and WA), agencies in categories 1 and 2 will be randomly sampled and agencies in categories 3 and 4 will be enumerated.

The sampling design was determined based on the appropriate precision needed to calculate a reliable national estimate and individual state-level estimates, and to improve the overall robustness of the sample.

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

$$n = \frac{\sum N_i^2 \sigma_i^2}{N^2 D + \sum N_i \sigma_i^2} \text{ where } D = \frac{B^2}{4}$$

Where:

n = sample size

N_i = population within stratum

σ_i^2 = stratum variance

w_i = stratum weight

N = sample size

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

B = error bound

The following formula was used to determine the sample size of a random sample in each state. The bound on error was 100 applications for Georgia and Washington and 50 on Minnesota.

$$n = \frac{N \sigma^2}{N^2 D + \sigma^2} \text{ where } D = \frac{B^2}{4}$$

Where:

n = sample size

σ^2 = variance

N = population $D = \frac{B^2}{Z^2}$ (at a 95% confidence level $Z^2 \approx 4$)

B = error bound

Tables 6 and 7 show the sampling frame for number of agencies by state and population category for the 2019/2020 and the 2021 and 2022 collections, respectively. The exact number of agencies may vary from year to year based on changes to laws governing firearm permits and purchasing. Appropriate sampling and non-response weights will be used as response rates necessitate such that state-level estimates may be made in addition to a national estimate.

Table 6. Proposed 2019/2020 FIST Sampling Plan

Reporting Agency Type													n
State agency reporter	AK, AZ, AR, CA, CO, CT, DC, FL, HI, IL, KS, KY, LA, MD, MA, MI, MN, MS, NE, NV, NH, NJ, ND, OH, OR, PA, RI, SC, TN, TX, UT, VA, WI, WY												34
Sampled states	Population Category	GA	M	W									Tota
			N	A									l
	1) 1-9,999	12	57	20									89
	2) 10,000- 99,999	71	86	61									218
	3) 100,000-199,999	14	2	6									22
	4) 200,000+	11	2	6									19
		10											
	Totals	8	147	93									348
Local agencies	Population Category	AL	IA	ID	MT	NC	NE	N	N	S	W	Tota	
							10	V	Y	D	V	l	
	1) 1-9,999	2	25	15	35	4	0	8	1	47	12	249	
	2) 10,000-99,999	53	68	25	17	69	25	7	33	17	40	354	
	3) 100,000-199,999	5	4	2	4	15	1	0	11	2	3	47	
	4) 200,000+	7	2	2	0	12	2	2	14	0	0	41	
					10	12							
	Totals	67	99	44	56	0	8	17	59	66	55	691	
												107	
Total Agencies for Potential FIST Collection												3	

Table 7. Proposed 2021 and 2022 FIST Sampling Plan

Reporting Agency Type												n	
State agency reporter	AK, AZ, AR, CA, CO, CT, DC, FL, HI, IL, KS, KY, LA, MD, MA, MI, MN, MS, NE, NV, NH, NJ, ND, OH, OR, PA, RI, SC, TN, TX, UT, VA, WI, WY											34	
Local agencies	Sampled states	Population Category	GA	MN	WA	Total							
		1) 1-9,999	12	57	20	89							
		2) 10- 99,999	71	86	61	218							
		3) 100,000-199,999	14	2	6	22							
		4) 200,000+	11	2	6	19							
	Totals	108	147	93	348						348		
	Census states	Population Category	IA	ID	MT	NC	NE	NV	NY	SD	WV	Total	
		1) 1-9,999	25	15	35	4	100	8	1	47	12	247	
		2) 10,000-99,999	68	25	17	69	25	7	33	17	40	301	
		3) 100,000-199,999	4	2	4	15	1	0	11	2	3	42	
4) 200,000+		2	2	0	12	2	2	14	0	0	34		
Totals	99	44	56	100	128	17	59	66	55	624	624		
Total Agencies for Potential FIST Collection											1006		

Estimation procedures

BJS and REJIS propose to employ estimation procedures similar to what was used for the 2015–2018 collections. As described above, the state and local data will be combined with FBI data to estimate the total number of firearm transfer and permit applications received and denied. BJS and REJIS will apply nonresponse weighting to data from local agencies to integrate these data with other FIST survey data and FBI data to generate a national estimate of applications and denials.

Weighting and nonresponse weighting adjustment

The 2020 FIST data collection will provide two basic weight structures for responding agencies: a weight applied to self-representing (SR) agencies and a weight applied to non-self-representing (NSR) agencies.

Self-representing agencies (enumerated)

Each checking agency within the nine states (IA, ID, MT, NC, NE, NV, NY, SD, and WV) where FIST will collect data from all known eligible checking agencies will receive a base weight of 1 ($w_1 = 1$). This includes Alabama for the partial-year 2019 responses. In addition to the base weight, a nonresponse adjustment will be applied to responding agencies to compensate for those agencies who did not respond (w_2). Because bias may be introduced with a nonresponse adjustment, BJS will mitigate response bias by controlling adjustments to population size. Therefore, the nonresponse adjustment will consist of a ratio adjustment of the sum of all agencies’ populations served in the universe (per state and population size category) to the sum of the populations’ served by all respondent agencies (again, per state and population size category).

Non-self-representing agencies (sampled)

In the three states (GA, MN, and WA) where FIST will collect data from a sample of checking agencies, agencies in population category 1 (places with a population less than 10,000) and category 2 (places with a population between 10,000 and 99,999) will receive a base weight (w_1) greater than 1. Due to the population size and small number of checking agencies, FIST will collect data from all checking agencies in population category 3 (places with a population between 100,000 and 199,999) and category 4 (places with a population of 200,000 or greater). Agencies in population category 3 and 4 will receive a base weight of 1 ($w_1 = 1$). Table 3 shows base weights for these states.

Table 7. Base weights for sampled states

Population category	Population Size	Base Weights		
		GA	MN	WA
Category 1	1-9,999	2.75	3.63	3.30
Category 2	10,000-99,999	1.42	1.44	1.48
Category 3	100,000-199,999	1.00	1.00	1.00
Category 4	200,000+	1.00	1.00	1.00

Weighting strategy

The final weights applied to each FIST case will be the product of a base weight applied to each agency and a nonresponse adjustment weight ($w_1 \times w_2 = Fw$). For the purposes of the FIST collection, agencies considered to be out of scope (ineligible) will be those that have indicated they do not currently process firearm permits or transfers or do not currently conduct permit or transfer background checks.

Item nonresponse imputation

For the 2018 FIST collection, REJIS determined that there were a negligible number of cases where information on applications for firearm transfers or permits (a critical data element) was missing. There were more cases of missing data for denials but still very few compared to other missing data (e.g. reasons for denial). BJS anticipates that this will hold true for the 2019-22 FIST collections based on the respondents' consistency in reporting of the critical data items that has been observed throughout FIST's extensive history. To address cases of missing data for the 2019-21 FIST collection, BJS and REJIS will conduct a mean value imputation by state and by population-based stratum.

To address missing data for state agency reporters, BJS and REJIS will apply a linear interpolation or similar procedure to the data to estimate the number of applications and denials by state. The exact nature of the method used will need to be determined at the time of analysis based on presentation of the data in the context of prior years.

Degree of accuracy

BJS will calculate standard errors for the sampled states and national estimates. As noted, three states will be sampled (GA, MN, and WA). The national estimate will be composed of totals from the sampled

states, complete counts from ten states with local checking agencies and the thirty-four state agency reports, and the data obtained from the FBI for FBI NICS states. The thirty-four state agency reporters (along with the FBI NICS states) comprise the vast majority of respondents. Thus, about 90% of the national estimate comes from FIST reporting on complete counts of background check activity, which means that standard error calculations will apply to about 10% of the national estimate. Nonresponse adjustments will be made to account for error from nonresponse and error will be calculated on local agencies only.

BJS and REJIS will also calculate confidence intervals for the estimated portion and the overall national FIST estimate at the 95% confidence level. BJS will publish the standard error tables in the final reports for the data collection

Prior years' response rates

The overall response rate for both the 2017 and 2018 collections is about 82%. BJS and REJIS will conduct a nonresponse bias analysis for any state where the response rate does not meet 80%. The response rate for the 2016 FIST collection was 81%.

2. Procedures for the collection of information

Changes to FIST survey instrument

BJS proposes to retain six questions from the 2018 survey instrument, combine two current questions into one, remove three questions, and add two new questions only for select state agencies. Minor language revisions are also proposed to increase clarity. Agencies will see questions related to overall counts of applications and denials repeated on the proposed 2019/2020 combined forms. The net effect of the changes will be to reduce the form from 11 questions to 9 questions for eight state agencies or 7 questions for other state agencies that did not receive the two new questions. Combining two questions will eliminate two skip patterns that were not always followed by respondents. An example form for state agencies is included in **Attachment 2** and for local agencies in **Attachment 3**. The 2020 form also includes a screener question on the first page (as with the 2018 form) that will be deployed for three states with local checking agencies. New and revised language is shown in red on the attachments.

The combined question is number 4 (on both attachments):

4. What is recorded for the reason(s) why an application was denied?

- All reasons for denial are recorded
- Only the first reason found during the background check is recorded
- Only the most serious charge listed on the criminal history is recorded
- Other method of recording (Please explain below or in Comments section.)
- Don't know

As **Attachment 2** shows, the first new question is 1b (for 2019 data and repeated as 1c for 2020), which follows the request for a count of the agency's applications:

1b. How many of the Applications were for:

Handguns _____

Long Guns _____

Both Handguns and Long Guns _____

The second new question is 2b (for 2019 data and repeated as 2c for 2020), which follows the request for a count of the agency's denials:

2b. How many of the Denials were for:

Handguns _____

Long Guns _____

Both Handguns and Long Guns _____

Additions are also needed for the Washington state form because local checking agencies in that state processed background checks on semiautomatic assault rifles in 2020. New questions on that form will request applications and denials for semiautomatic rifles.

The questions proposed for removal were added to the 2015 survey, with OMB's approval, to obtain more detailed information on how agencies record denials, why agencies are unable to track denials (if applicable), and what resources would enable the agencies to begin or improve tracking of summary denial statistics (if applicable). Having asked the questions for four years, BJS and REJIS believe that no more helpful information is likely to be gleaned from asking the questions again. The questions proposed for removal (numbers 4, 8 and 9 in 2018) are:

**How does your agency track reasons for denial?
(Please select all that apply)**

- Computer software keeps a running count of reasons as part of standard operations
- Computer software can be queried for counts of reasons if needed
- Counts of reasons are tallied on paper as part of standard operations
- Counts of reasons are tallied by hand if requested
- Other (please explain below or in Comment section)

Why is your agency unable to track reasons for denial? (Please select all that apply)

- No record of the reason for a denial is saved
- Records for 2015 were saved temporarily but purged before the survey was received
- Staff or budget is not available to look up or compile statistics on reasons for denial
- Records of reasons for denial are not in an easily accessible format
- Other (Please explain below or in Comments section)

What would enable your agency to keep summary statistics on reasons for denial? (Please select all that apply)

- Computer software that tracks applications, denials, and reasons for denial
- Form for recording a monthly summary of application denial decisions
- Form for recording an application denial when the decision is made
- Additional personnel or funds to keep track of application denial decisions
- Other (Please explain below or in Comments section)

The revised survey questions will be integrated into the 2019/2020 FIST web form. Otherwise, the appearance and format of the 2019/2020 web form will be similar or identical to the 2018 version. **Attachment 4** contains selected screen shots from 2018 as examples to be followed for 2020.

Issues unique to the FIST data collection

As addressed in earlier sections, the functions that checking agencies in the FIST universe are responsible for conducting are based on federal law and a variety of state statutes that govern how background checks for firearms transfers and permits operate within each state. Moreover, legal terminology varies across jurisdictions. While most of the FIST local agency respondents are law enforcement agencies, other agency types are also included such as probate courts and county clerk offices.

Because of diversity in the FIST universe, BJS and REJIS in 2014 revised the language used in correspondence and survey instruments to employ unique terminology for some states. The goal of the revisions was to improve the accuracy and reliability of the FIST data, as well as to lessen respondents' burden and maximize the response rate. REJIS has fielded fewer questions and made fewer follow up efforts for recent collections, which suggests that the revised language was effective. Therefore, BJS proposes to continue this strategy.

Through its extensive history working with the FIST collection, REJIS has developed a comprehensive list of issues unique to each state and has accounted for these in the FIST methodology.

Georgia

FIST surveys Georgia Probate Courts (the only probate court responders in the FIST collection), which provide information on exempt carry permit applications and denials. Administration of the FIST survey has shown that these permits are most commonly known within the Georgia court system as "Weapons Carry Licenses."

Minnesota

The FIST universe contains a state agency and many local agencies in Minnesota. The Minnesota Department of Public Safety – Bureau of Criminal Apprehension is contacted to confirm data they provide in an annual report on the state's Permit to Carry (an exempt carry permit). Local police departments and county sheriffs are asked for data on Permits to Purchase/Transfer (in the FIST category of purchase permit). Not all local police departments issue permits or conduct background checks for the permits; rather, some local police departments contract with the county sheriff or another police department for their residents to obtain permits from the contracted agency. Counts of county and city populations served must then be adjusted to reflect the varying arrangements.

Nevada

In Nevada, both a state agency and local agencies are surveyed for FIST. The Nevada Department of Public Safety (DPS) is the POC for all checks on firearm transfer transactions that occur in the state. DPS provides data on the number of point-of-transfer applications and denials. Generally, FIST obtains data on Carry Concealed Weapons Permit (an exempt carry permit) applications from county sheriffs, except in

the cases of Carson City, which is not part of a county, and Clark County, which is served by the Las Vegas Metropolitan Police Department.

New York

New York requires a license to possess, carry, or acquire a handgun and certain other types of firearms. The state's Pistol/Revolver License application is a standard form used by all local agencies. Generally, cities and counties in New York State have considerable discretion in processing Pistol/Revolver Licenses. This license is categorized for FIST as a purchase permit. In addition to the license, the state also requires a prospective handgun purchaser to obtain a "license amendment" for any additional firearm purchase other than the one initially granted with a new license. Each amendment for a firearm purchase (also called a "purchase coupon" by some local agencies) requires an additional background check. FIST attempts to capture the data from these amendments as well.

A license is authorized by a city or county licensing officer who has discretion to specify conditions for possessing or carrying the handgun described in the license. The law most relevant to FIST is that a valid license must be presented to a dealer in order to receive a handgun. Licensing functions include the granting of a license, maintaining records of applications, denials and approved licenses, and conducting background checks. Each jurisdiction divides its function in a different way. Generally, the county sheriff (or in some counties, the sheriff and several municipal police departments) conducts the background check on applicants for new licenses and purchase coupons. County clerks in many counties process applications for licenses/amendments and are, more often than not, the records keepers for licenses. The decision on whether or not to deny an applicant an amendment or license sometimes resides with a local judge (or judges, in larger counties). Thus, there are three types of entities potentially involved in the process of obtaining a license or amendment. FIST typically reaches out to county clerks for data on applications and denials of licenses. For other counties, FIST surveys the sheriff or a police department. The terminology used to describe the New York State purchase permit also varies among counties, with terms including "handgun license," "pistol permit," and "concealed carry license." The reason the license may be referred to as a "concealed carry permit" is likely due to language contained within the license application form, whereby the applicant is prompted to select from three types of license designations: 1) carry concealed, 2) possess on premises, 3) possess/carry during employment.

Finally, New York state law governs most counties in the same manner with the exception of New York City, Westchester County and Suffolk County. The New York City approval process is more stringent than the rest of the state, and is carried out entirely by the New York City Police Department (NYPD). Data on pistol permits is also obtained through the Westchester County Police department, the Suffolk Sheriff, and the Suffolk County Police Department.

Washington

Data on handgun and semiautomatic rifle transfer applications and denials in Washington are collected from county sheriffs and municipal police departments. The local agencies conduct checks after receiving applications from licensed dealers. As with other situations in which both municipal and county level agencies are surveyed, there are instances when smaller agencies contract with larger ones or several agencies utilize a central location to conduct checking activity. These arrangements vary by county and the populations served are controlled to reflect these instances. Some application data is available from

the State of Washington Department of Licensing website. But because no denial data is published or produced, FIST will continue to include local agencies in Washington in its data collection.

Use of periodic data collection

Not applicable. BJS proposes to collect FIST data annually.

3. Methods to maximize response rates and deal with issues of non-response

BJS and REJIS have utilized their extensive experience working with FIST data and their understanding of the complexities of the firearm background check process to identify new approaches to maximize and improve response rates for recent collections.

REJIS has taken steps to address key state-specific issues, as noted above, including tailoring survey forms and letters to use unique language familiar to agencies within a state, thus reducing confusion and, presumably, respondent burden. As described in Part A, BJS and REJIS modified the 2015-2018 FIST survey forms to update the screener question and limit its usage to the forms for only three states. Prior enhancements will be retained and further refined in order to improve and clarify the survey questions, maximize response rates, and address item no-response.

FIST will prioritize use of the web survey form. In addition, an aggressive contact schedule will again be utilized to follow up with non-respondents. BJS will continue to leverage its relationships with state agencies that receive grant funding, through the National Criminal History Improvement Program (NCHIP) and/or the NICS Act Record Improvement Program (NARIP), to conduct outreach and follow up activities as needed.

Nonresponse bias analyses

BJS has observed improvements in both the overall and local response rates since the 2012 collection (74% and 73%, respectively). For the 2012 collection, the response rate fell below 80% in five states: Georgia (61%), Idaho (66%), Nebraska (76%), New York (54%), and North Carolina (78%). For the 2018 collection, the overall response rate and local agency response rate both improved to 82% and 81%, respectively. Additionally, the response rates improved for each of the states with traditionally low response rates, with only ID (73%) and NY (70%) remaining below 80% response. Local agency response rates in Alabama, new in 2016 (75%), Minnesota (79%), Montana (75%) and South Dakota, new in 2017 (76%), were also lower than 80% for the 2018 collection. For the 2018 collection, 97% of state agency reporters provided data.

BJS and REJIS are currently assessing the nonresponse rates for the 2018 FIST collection. As noted, preliminary findings show that the overall response rate is about 82%.

While the nonresponse bias analyses have yielded useful information, the nature of the FIST collection, specifically the small number of local agencies that comprise the within-state strata, make it challenging to parse specific reasons why response rates fall below 80%. Although some states do not achieve an overall 80% response rate, the level of response is still relatively high and the non-response adjustments are small, which means it is difficult to detect specific differences between the characteristics of

responders versus non-responders. Often times, a very small number of local agencies can have a sizable impact on the overall state response rate. For example, for the 2018 collection, only forty-four agencies were available to be surveyed in ID, so one less agency can have a sizable impact (2.3%, in this case) on the response rate. Further, BJS has not identified a comparable data source to serve as a comparison to FIST data, which also challenges the analyses.

BJS has found that addressing the types of state-specific issues described previously has most positively improved response rates. While BJS will continue to assess how the FIST methodology can be enhanced to maximize response rates and decrease burden, BJS has also prioritized the need to address more policy-related issues at the state and local levels. For example, BJS has ways to work with Washington State local agencies that only save approved applications for a short time. BJS is in a position to tackle some of these policy issues through its administration of the NCHIP and NARIP grant programs, possibly by providing funding for initiatives to support FIST-related data recording and reporting activities or by leveraging its relationships with state agencies that receive NCHIP and/or NARIP funds to identify new ways to initiate, improve, or expand FIST data collection activities.

Additionally, as discussed above and in Part A, in order to maximize the response rate and minimize the respondent burden, FIST will prioritize the use of the web form reporting option and will continue to employ multi-modal submission options (web form, email, paper survey, phone, or fax) to decrease the respondent burden. FIST will also continue to employ a rigorous contact schedule to maximize the response rate and will tailor FIST correspondence to individual states with language specific to the types of permits and checks authorized in the state.

4. Tests of procedures or methods

As described previously and in Part A, BJS and REJIS are currently analyzing the 2018 FIST data and will use the results to inform future proposed changes to the FIST survey and methodology, if deemed appropriate.

5. Contact information

For information on the FIST statistical methodology, conducting the survey, uses of FIST data, and/or analyzing the data, contact:

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Attachments:

- **Attachment 1. BJS authority**
- **Attachment 2. FIST 2019/2020 state agency survey form with new questions**
- **Attachment 3. FIST 2019/2020 local agency survey form with screener question**
- **Attachment 4. Screen shots of FIST web survey template**

- **Attachment 5. 60-day Notice**
- **Attachment 6. Public comments received in response to 60-day notice**
- **Attachment 7. 30-day Notice**
- **Attachment 8. FIST 2019/2020 project schedule**
- **Attachment 9. FIST 2019/2020 correspondence**
- **Attachment 10. Data sources for FIST program**