

## Survey of State Criminal History Information Systems (SSCHIS)

### A. JUSTIFICATION

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Survey of State Criminal History Information Systems (SSCHIS) report, the most comprehensive data available on the collection and maintenance of information by state criminal history record systems, describes the status of such systems and record repositories on a biennial basis. Data collected from state record repositories serves as the basis for estimating the percentage of total state records that are immediately available through the FBI's Interstate Identification Index (III), and the percentage of arrest records that include dispositions. Other data presented include the number of records maintained by each state, the percentage of automated records in the system, and the number of states participating in the National Fingerprint File and the National Crime Prevention and Privacy Compact which authorizes the interstate exchange of criminal history records for noncriminal justice purposes.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Since the inception of U. S. Department of Justice grant programs targeted at criminal history records improvement, National Criminal History Improvement Program - NCHIP (1995) and NICS Act Records Improvement Program - NARIP (2008), BJS has awarded over \$1,000,000,000 to states, tribes and territories to improve access to criminal history records and overall data quality efforts for improving accuracy, timeliness and completeness of these records. BJS uses the information provided through the SSCHIS to help gauge overall efforts to improve criminal history records in the United States. Researchers use this information to assess the status of criminal history records maintained by the states and to estimated overall percentage of the U.S. population with criminal history records. States, tribes and territories also use the statistics provided in response to the SSCHIS to support grant application and reporting requirements. **The yearend 2022 survey results are published on the BJS website here:** <https://bjs.ojp.gov/library/publications/survey-state-criminal-history-information-systems-2022>.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

Information is collected from states, territories and the District of Columbia through an online data collection instrument. While respondents may request a paper copy of the survey instrument to complete, surveys are completed online almost exclusively.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.**

Data contained within the survey are not collected elsewhere.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

There is no significant impact on small business or other private entities.

**6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Among the many operations related to the criminal justice statistics function of the BJS is the administration of the National Criminal History Improvement Program (NCHIP), established by the Brady Handgun Violence Prevention Act of 1993 (Brady Act) and the NICS Record Improvement Program (NARIP), established by the NICS Improvement Amendments Act of 2007 (NIAA). Since 1989, BJS has sponsored the biennial survey of state criminal history information systems through a cooperative agreement with SEARCH, Group Inc. *The Survey of State Criminal History Information Systems* has provided state and federal lawmakers, policymakers, state criminal record agency administrators, researchers and others with the only comprehensive data available on the number and completeness of state-maintained criminal history records, the backbone of the nation's criminal record information sharing network. Survey information has supported and helped gauge the efficacy of initiatives, NCHIP and NARIP among them, designed to improve criminal history records and to support firearm suitability determinations, and sex offender and domestic violence protection order registries.

The criminal history record is the underpinning for wide ranging decision making within the criminal justice system. It is also of critical importance for employment, licensing, volunteer screening, and most especially as it relates to safety of children, the elderly and other vulnerable populations and national security efforts. The value of the SSCHIS data has increased in recent years as lawmakers at all levels of government continue to implement programs that rely on criminal history record background checks to improve public safety and to support a growing number of national security initiatives. By helping to inform these legislative efforts by providing lawmakers with invaluable data on the status of state-maintained criminal history records, the survey has played a critical role in the success of these public safety initiatives. Through an extensive process of review of prior surveys and analysis of current or emerging issues (described below under Adherence to 5 CFR 1320.8(d) and Outside Consultation) the forthcoming survey, as in the past, is a unique opportunity to capture information of interest to

contributors, federal criminal justice agencies, and other state and federal policymakers.

The *Survey of State Criminal History Information Systems* is essential to assessing the impact of the NCHIP and NARIP programs nationally. The survey supports the BJS mission under Title 34 U.S.C. Section 10132(c)(19), to provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of state criminal history and related records. It also supports the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System (NICS), the Interstate Identification Index (III), the Next Generation Identification (NGI) system, (formerly Integrated Automated Fingerprint Identification System, IAFIS), the National Incident-Based Reporting System (NIBRS), and the records contained in the National Crime Information Center (NCIC). The survey also draws attention to state participation in national records and information systems by providing regular data to BJS and the FBI reporting progress on criminal record and fingerprint automation and disposition completeness and supports statistical research for critical analysis of the improvement and utilization of criminal history records.

Over the last decade, BJS launched an effort to enhance its statistical infrastructure by more fully integrating federal and state criminal history records into its operations. Through a partnership with the FBI's Criminal Justice Information Services Division, the International Justice and Public Safety Network (Nlets), the organization who administers the national telecommunications network over which criminal records are shared, and the National Opinion Research Center at the University of Chicago, BJS developed an automated means of acquiring, processing, and analyzing these records to support ongoing recidivism research and evaluation. The *Survey of State Criminal History Information Systems* is also an essential element of this work by helping to assess the differential impact that varied state laws and regulations and reporting practices have on observed rearrest, reconviction and reincarceration estimates which are derived from the records.

Data from the collection are used frequently by policymakers, the media, and the public to cite improvements by states in the level of automation and disposition completeness. The U.S. Attorney General cited individual state data from the 2016 report in a recent letter to state Governors and Attorneys General emphasizing the importance of making records available to NICS and the Department of Justice's priority to improve reporting of state and federal records to NICS. The SSCHIS is the only report that collects national level data on state criminal history record repository operations and volumes of arrests and dispositions.

Should the SSCHIS be discontinued, BJS and Congress would lose the ability to monitor criminal history information systems' overall status. Researchers and members of the public would lose visibility to the number of criminal history records created and maintained by the states. These records impact millions of Americans and the SSCHIS helps create transparency regarding the volume of criminal history records commonly used for employment, licensing and volunteer opportunities and in making determinations for a person's ability to obtain a firearm.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly; N/A**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; N/A**
- **requiring respondents to submit more than an original and two copies of any document; N/A**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; N/A**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; N/A** – Entire universe of study is included rather than relying on a sample.
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB; N/A**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; N/A** or
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law. N/A**

There are no special circumstances.

**8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the**

**collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

The last 60-day notice was published in the Federal Register on March 21, 2023 (88 FR 17017), and the comment period ended on May 22, 2023. No comments were received. Following the expiration of the 60-day notice, BJS published a 30-day notice on June 1, 2023. BJS and SEARCH (as the data collection agent) consulted with potential survey respondents to gauge the impact of preparing and entering survey responses. A second 30-day notice to announce a substantive change to the collection was published on December 2, 2024.

BJS accepts suggestions from other federal agencies regarding data to be collected. SEARCH, the National Consortium for Justice Information and Statistics, with its Membership of state criminal history repository directors and agency administrators, also seeks input into the content of the biennial survey. In consultation with BJS, questions are added and/or deleted from the SSCHIS based on relevance to overall criminal history records improvement efforts coupled with the availability of data to respond to proposed survey questions. BJS also seeks public comment in the Federal Register when there are substantive changes to the survey instrument and no less frequently than every three years.

**9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.**

No government funds will be used as payment or for gifts to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Confidentiality is not required in the processing of this information collection.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

N/A

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to**

**base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form. N/A**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

#### **Estimated Annualized Respondent Cost and Hour Burden**

The survey will be sent to state record repositories in 56 jurisdictions including the 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands. In 2023, the average time required for each agency to complete the survey was estimated at 4 hours. Repository directors from Idaho, Mississippi, North Carolina, New York, Oklahoma and Washington reviewed the proposed crosswalk document where each was asked to provide an estimate of time it would take for their staff to complete the survey and enter their answers into the SEARCH online database using the online reporting tool that is provided them. Each state’s estimate was the same, 4 hours, and it is estimated that it will take the same amount of time to complete the 2024 survey which is substantively the same.

The estimated cost per hour for respondents ranges from \$10.28 per hour (American Samoa) and \$40.66 (District of Columbia) with median cost of \$18.50 per hour. The total burden to all 56 respondents is 224 hours for a total cost of \$4,144.00.

<b>Activity</b>	<b>Number of Respondents</b>	<b>Frequency</b>	<b>Total Annual Responses</b>	<b>Time Per Response</b>	<b>Total Annual Burden (Hours)</b>	<b>Hourly Rate*</b>	<b>Monetized Value of Respondent Time</b>
Research and complete SSCHIS	56	1	56	4 hours	224 hrs.	\$18.50	\$4,144.00

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

**14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.**

The total cost to the Federal government for this survey is estimated at \$82,728 all to be borne by the Bureau of Justice Statistics. Office costs are based on 5 percent full-time work of a GS-15 Supervisory Program Manager salary, a GS-13 Statistician, and other administrative costs.

**Data Collection Agent Costs**

SEARCH is the current data collection agent for this survey. Their total costs are estimated to be **\$80,295.55** for data collection instrument development and implementation, data collection, data processing and verification, and technical assistance.

Summary of Cost Estimates

<b>BJS costs</b>		<b>Yearend 2024 collection</b>
	Staff salaries	
	GS-15 Supervisory Program Manager (5%)	\$9,175
	GS-13 Statistician (5%)	\$6,530
	Fringe benefits (33% of salaries)	\$ 5,183
	Subtotal: Salary & fringe	<b>\$20,888</b>
	Other administrative costs of salary & fringe (20%)	\$10,000
	Subtotal: BJS costs	<b>\$30,888</b>
<b>Data collection agent cost</b>		
Data collection agent costs (salaries, fringe benefits, web survey, email and telephone follow-up, programming, and overhead)		<b>\$80,295.55</b>
<b>Total estimated costs</b>		<b>\$111,183.55</b>

**Total Cost for 2024 collection = \$ 111,183.55**

**15. Explain the reasons for any program changes or adjustments.**

The SSCHIS contains information regarding the timeliness and completeness of data in state record systems and procedures employed to improve data quality. The 2024 collection is the eighteenth in the series of collections that began with data collected for 1989. The 2024 collection proposes to collect similar, but less data than previous years, to assess the evolving criminal history record information environment including varied state laws and practices, covering such topics as procedures for submitting arrest and final dispositions to each state repository and the FBI, the number of instances in which law enforcement issues citations in lieu of a formal booking process and recording an arrestee’s fingerprints, the processing of court sealing and record expungement orders, and other topics that are of significant interest to state and federal stakeholders. The 2022 collection contains proposed additions and deletions that are detailed in the supporting attachments.

**16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

After securing approval from OMB, the projected schedule for the 2024 data collection, compilation and data release is as follows:

Survey Preparation	Complete
Data collection	January-March 2025
Data processing/analysis	April 2025
Review and Verification	May-June 2025
Publication release	July 2025

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We are requesting no exemption.

**18. Explain each exception to the certification statement.**

This collection of information does not include any exceptions to the certificate statement.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.**

This collection contains statistical data.

**List of Attachments**

- Attachment 1 – Crosswalk of Survey Changes from 2022 to 2024
- Attachment 2 – Additions to the 2022 Survey for 2024
- Attachment 3 – 2024 Survey of State Criminal History Information Systems
- Attachment 4 – Screenshots for web form
- Attachment 5 – 2024 Survey cover letter to states
- Attachment 6 – Survey telephone and e-mail scripts for follow-up