NICS Improvement Amendments Act

State Records Estimates Development and Validation Project

Year One Report

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Submitted by

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Executive Summary

The National Instant Criminal Background Check System Improvement Amendments Act of 2007 (NIAA) requires states to report reasonable estimates of the number of records available to the National Instant Criminal Background Check System (NICS). The Bureau of Justice Statistics (BJS) contracted with the National Center for State Courts (NCSC), in partnership with SEARCH, the National Consortium for Justice Information and Statistics, to evaluate the reasonableness of the estimates provided and to develop a statistical model to validate those estimates and determine the feasibility of providing model-based estimates for states that did not report estimates to BJS.

Findings

- 42 of the 56 states and territories surveyed provided records estimates, a response rate of 75 percent.
- State record repository estimates appear to be reasonable estimates of the seven categories of records, based on expected quantitative information and qualitative information provided by the 42 responding states. State originating agency estimates appear reasonable in light of the challenges documented that inhibit the ability to make more precise estimates.
- At the highest aggregate level, the reported estimates reflect the expected relationship that there will be an equal or greater number of records at originating agencies than at state record repositories.
- State record repositories contain 84 percent of the records housed by originating agencies.
- The statistical model created to evaluate responding states validated the reasonableness of most state estimates for the aggregate level, state record repository statistics. Due to limitations on the data, the model could not be used to validate the seven individual categories of statistics or the estimates of records in the originating agencies.
- The statistical model could not be used to develop reasonable estimates of data from non-responding states and territories, due to dissimilarities between the non-responding states and the responding states.
- Due to the technical assistance provided by BJS and its federal partners, along with the NCSC and SEARCH, the quality of the estimates reported should improve in the second and subsequent data collections, thus increasing the possibility of generating improved model-based validation and estimates for non-responding states.
- Continuous technical assistance, coordination and support is required to generate NIAA statistical reporting improvements. Specific recommendations on provision of these services to NIAA partners are provided in the Recommendations section of this report.

Introduction

The Bureau of Justice Statistics (BJS) is charged with collecting the records estimates defined by The National Instant Criminal Background Check System Improvement Amendments Act of 2007 (NIAA), signed into law by the President on January 8, 2008. The Act requested estimates of records that effect eligibility to purchase a firearm from a federal firearms licensee (FFL) under the Gun Control Act of 1968 (Pub. L. 90-618) as amended, in order to allow an assessment of how effectively those data are being reported to the Federal Bureau of Investigation (FBI). In October 2009 the National Center for State Courts (NCSC), in partnership with SEARCH, was awarded the NICS State Records Estimates Development and Validation Project with the specific goals of assisting BJS in determining the reasonableness of state estimates and in creating reasonable estimates for those states that did not report such on their own. This report discusses the NCSC's and SEARCH's analysis of state records estimates, the statistical models developed to determine the reasonableness of estimates reported to BJS and the feasibility of creating estimates for non-responding states and recommendations for future efforts at improving records estimates provided for NICS.

The NIAA

The NIAA amends the Brady Handgun Violence Prevention Act of 1993, Pub. L. 103-159 (the Brady Act), under which the Attorney General established the National Instant Criminal Background Check System (NICS). The Brady Act requires FFLs to contact the NICS before transferring a firearm to an unlicensed person to ascertain whether the proposed transferee is prohibited from receiving or possessing a firearm under state or federal law.

The NIAA was enacted in the wake of the April 2007 shooting tragedy at Virginia Tech. The Virginia Tech shooter was able to purchase firearms from an FFL because records pertaining to his prohibiting mental health history were not available to the NICS; and, as a consequence, the system was unable to deny the transfer of the firearms used in the shootings. The primary purpose of the NIAA, therefore, is to ensure that all such firearms-prohibiting records are available to the NICS. Filling these record gaps will better enable the system to operate as intended to keep guns out of the hands of persons prohibited by federal or state law from receiving or possessing firearms.

NIAA Implementation

The NIAA has provisions that pertain to both federal agencies and states. For federal agencies, the NIAA mandates the reporting of firearms-prohibiting records and requires that any agency making mental health adjudications or commitments create a relief from disabilities program. Such a program permits persons who have been adjudicated a mental defective or committed to a mental institution to obtain relief from the firearms disabilities imposed by law as a result of such adjudication or commitment. For states, the NIAA requests that state record repositories, court systems, and other original source record holders provide the Attorney General with reasonable estimates of firearms-prohibiting records that cover the past twenty years. These estimates are to include two numbers, one from the originating agency and one from the state record repository, for each of the seven categories of records sought: felony convictions, active indictments/informations/verified complaints, active wants/warrants, unlawful drug use records, mental health

adjudications or commitments, protection or restraining orders and convictions for potential misdemeanors crimes of domestic violence. Funding for improving records reporting is made available to states that create a relief from disabilities program, provided they have submitted the required estimates.

State Records Estimates Data Collection

Survey Methodology

To begin NIAA implementation in the states BJS sent a letter to state governors, attorneys general, chief justices and state court administrators announcing the passage and purpose of the Act (see Appendix A). This letter outlined the reporting requirements of the Act as well as the two conditions that each state must satisfy before being deemed eligible to receive grant funding for improving records reporting. These two conditions are 1) that a state provides to the Attorney General a "reasonable estimate" based on methodology established by the Attorney General or actual counts of such records subject to the NIAA's completeness requirements and 2) that a state create and implement a relief from disability program certified by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). In February 2009 BJS disseminated NIAA–related packets to the National Criminal History Improvement Program (NCHIP) contacts and state court administrators for each of the 50 states, the District of Columbia and five territories: American Samoa, Guam, Northern Mariana Islands, Puerto Rico and the Virgin Islands. Each packet included a copy of the NIAA reporting form and set forth the method to be used by the states for submitting records estimate data (see Appendix B). The reporting form requested the number of records available both at originating agencies (i.e., the agencies that make the arrests; issue the warrants, indictments or informations; and enter the convictions or orders) and in the state record repositories (i.e., the central record repositories for criminal justice information, mental health adjudications or commitments, protection orders, warrants, etc.) for the following seven categories:

- Category 1 – Felony convictions: records that identify a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (e.g. state 'felonies') and of any state misdemeanors punishable by imprisonment for more than 2 years.

- Category 2 – Active indictments/informations/verified complaints: records that identify a person who is under an indictment or information returned or filed with a court, or a criminal complaint issued or verified by a prosecutor, for the crimes described in Category 1.

- Category 3 – Active wants/warrants: records that identify a person who is a fugitive from justice, as demonstrated by an active felony or misdemeanor want or warrant.

- Category 4 – Unlawful drug use records: records that identify a person who is an unlawful user of or addicted to any controlled substance, as demonstrated by specified arrests, convictions and adjudications, not protected from disclosure to the Attorney General by federal or state law.

- Category 5 – Mental health adjudications or commitments: records not protected from disclosure to the Attorney General by federal or state law that identify persons who have been adjudicated mentally

defective, meaning that a court, board, commission or other lawful authority has determined that the person as a result of marked subnormal intelligence or mental illness, incompetency, condition or disease and is (a) a danger to himself or others or (b) lacks the mental capacity to contract or manage his own affairs. This category also includes records of persons found incompetent to stand trial or found insane by a court in a criminal case. This category also includes records not protected from disclosure to the Attorney General by federal or state law that identify persons who have been formally and involuntarily committed to a mental institution. This category of records does not include persons committed to a mental institution voluntarily or merely for observation or evaluation.

- Category 6 – Protection or restraining orders: records that are electronically available and identify a person subject to an active court order (including criminal or any civil court such as divorce court, family court, magistrate or general jurisdiction court) which restrains a person from committing acts of violence against another person, and includes both temporary and permanent orders.

- Category 7 – Convictions for potential misdemeanor crimes of domestic violence (MCDV): records that are electronically available and that may identify a person convicted of misdemeanor offenses such as battery, assault, disorderly conduct, breach of peace, family violence/domestic violence, family assault or battery/domestic assault or battery, stalking, harassment, etc.

In addition to providing estimates, the reporting form requested that respondents provide, for each category, a description of record availability, including information on the type and number of state/local agencies that originally created the records, the typical "lifecycle" of original records, any difficulties or impediments to accessing and submitting the records, and any factors that affect the availability of records for state and national files. Furthermore, the respondents were asked, for each category, to provide a detailed description of how they determined the estimate and to document all research, analysis, and survey work that they conducted in order to derive the estimate. Lastly, respondents were asked to provide an explanation for any missing data.

State executive and judicial branch agency representatives were expected to collaborate in developing the requested estimates. This was due to the fact that firearm-prohibiting records could be housed in more than one location and in more than one format; thus, collaboration between the agencies would result in better, more complete estimates. Collaboration was deemed so important to this process that the NIAA reporting form required the signatures of both the state court administrator and the NCHIP grant administrator as a means of certifying that the desired collaboration had taken place. The reporting forms that BJS received from the states were forwarded to NCSC and SEARCH in October 2009.

Response Rates

Of the 56 states and territories that received the NIAA packet, 42 jurisdictions completed the reporting form, resulting in a 75 percent response rate. Those states and territories that did not provide estimates (not shaded on the map below) include: Alabama, Alaska, American Samoa, California, District of Columbia, Indiana, Maine, Mississippi, New Hampshire, New Mexico, Northern Mariana Islands, Puerto Rico, Vermont and the Virgin Islands.

Although there were 42 respondents to the reporting form, there were some originating agencies and/or state record repositories that did not or could not provide estimates for each of the seven categories of records; thus, the sample size varies by category. Table 1 below summarizes the response rates by record category.

Figure 1: States Responding to the NIAA Reporting Form

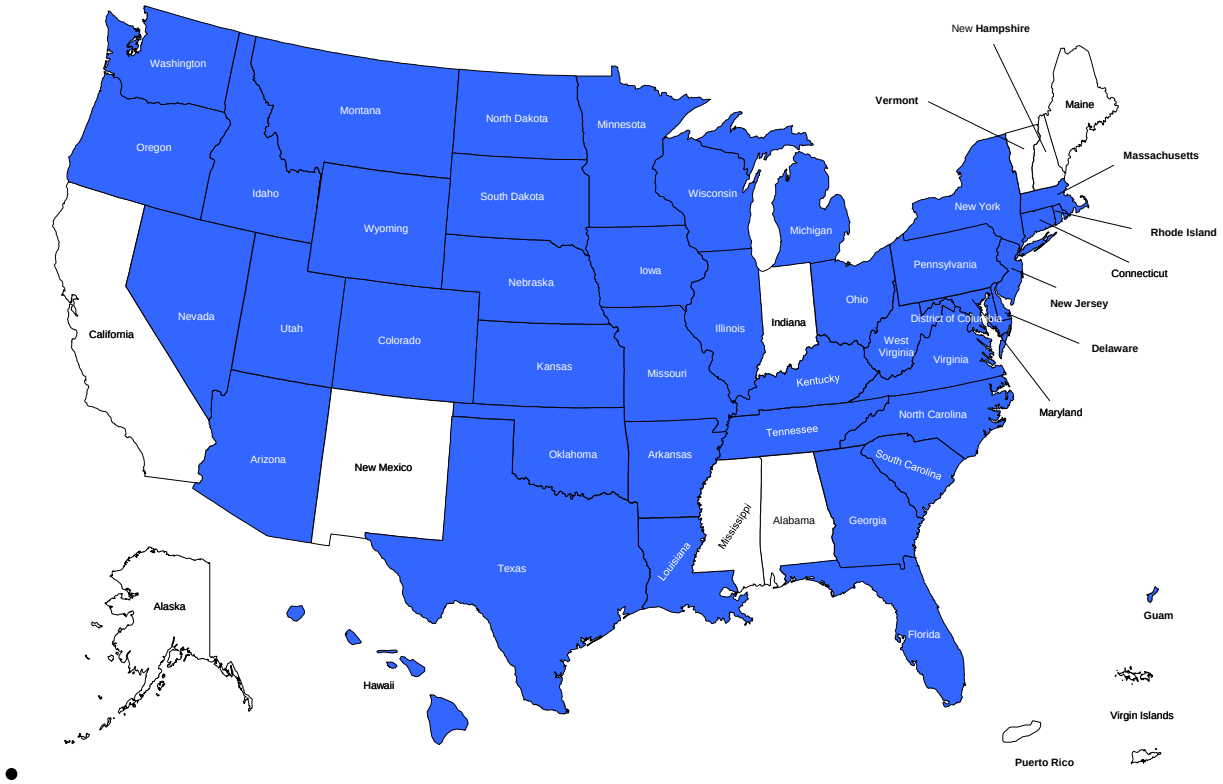


Table 1: Response Rates per Category

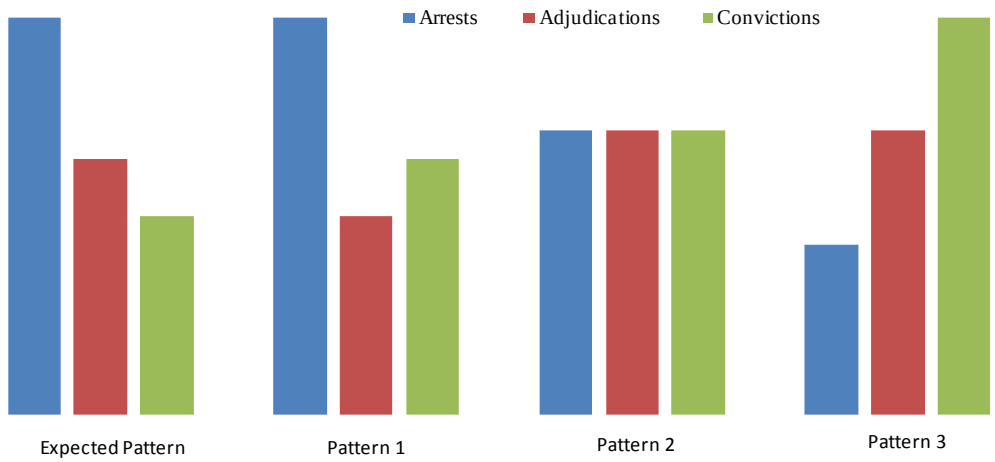
Category	Reporting Entity	Sample Size (N)	Reports of Zero and Missing Data	Percent of Respondents
(1): Felony Convictions	State Record Repository			
	Linked Records	42	0	100
	Not Linked Records	33	9	79
	Courts	37	5	88
(2): Active Indictments/ Information's/Verified Complaints	State Record Repository	25	17	60
	Courts or Prosecutors' Offices	34	8	81
(3): Active Wants/ Warrants	State Record Repository	38	4	90
	Courts	31	11	74
(4): Unlawful Drug Use Records	State Record Repository	37	5	88
	Originating Agencies	33	9	79
(5): Mental Health Adjudications	State Record Repository	32	10	76
	Originating Agencies	32	10	76
6): Protection or Restraining Orders	State Record Repository	36	6	86
	Courts	30	12	71
(7): Convictions for MCDV	State Record Repository	37	5	88
	Courts	30	12	71

Assessment of State Records Estimates

Preliminary Review

NCSC project staff conducted a preliminary review of each state's reported estimates and explanatory documentation. During this initial scan missing data were noted and codes were created to characterize why category estimates were left blank. The reported estimates as well as the codes for missing data were entered into a spreadsheet, which was subsequently imported to the Statistical Package for the Social Sciences (SPSS) software for additional analysis. For this preliminary review, staff determined the frequency of both reported and missing data for each category (as seen in Table 1 above) and tested two logical assumptions that are inherent to the reporting form. The first assumption is that the records estimates reported for Category 4 (unlawful drug use records) would be largest for arrests, followed by fewer records for adjudications, and fewer still for convictions. This relationship would conform to common knowledge regarding how the criminal justice system works. However, analysis of those estimates revealed a variety of reporting patterns in addition to the expected one described above. Figure 2 represents four of those patterns.

Figure 2: Patterns of Reporting for Category 4: Unlawful Drug Use Records



The second assumption is that states would report an equal or greater number of records at originating agencies as at the state record repository. This greater-than-or-equal-to relationship between these two sets of records is inherent in the logic of the reporting form, since the intent of the reporting form is to determine the percentage of originating agency records that have been reported up to the state record repository. As with the first assumption, an analysis of the reported records proved the expected relationship was not found in each state or in each category of records estimates. Table 2 lists the number of states, per records estimates category, that did not conform to the expected relationship.

Table 2: Number of States, per Category, Not Meeting the Assumed Records Relationship

Originating Agency Estimates Greater Than or Equal to State Record Repository Estimates

Category	Number of States Where Not True
(1) : Felony Convictions	13
(2) : Active Indictments/Information's/Verified Complaints	14
(3) : Active Wants/Warrants	18
(4) : Unlawful Drug Use Records	14
(5) : Mental Health Adjudications	11
(6) : Protection or Restraining Orders	16
(7) : Convictions for MCDV	16

The results of NCSC's preliminary review were presented at the BJS- and SEARCH-sponsored NIAA Conference in December 2009, participated in by court and repository representatives from 49 states.

Development of the Evaluation Protocol

Following the preliminary analysis of the NIAA data, project staff conducted a thorough evaluation of each state's records estimates. Staff carefully reviewed each state's reporting form, focusing on the following evaluative details:

A. *Calculations*: Since mathematical errors are common on survey instruments that do not include formulas, project staff recalculated survey totals to ensure that the respondents provided the correct results. When discrepancies were found, the state's documentation was consulted to determine if the respondents had explained any such anomaly. Staff also checked the transcription of data from the category cells to the summary cells since typographical errors are often common when data is not

automatically populated from one cell to another. Any errors in calculations or transcriptions were corrected both on the survey copy and in the electronic data files.

B. *Missing values*: During the initial review of the data, project staff created a series of missing values to help categorize the reasons for why data was not provided. The missing values represent three primary categories: true zero, where the state has done a count and found that there were no records for a category; not available, where the state knows that it has records for a category, but is not able to provide a count or an estimate; and not applicable, where the state does not have an entity or record type referred to by the survey. Missing values were assigned based on the documentation provided by the state. Project staff did not guess at the reason for missing data. In instances where there was no explanation for missing data, the missing value code indicated that the reason was unknown.

These reasons and the number of times the missing code appears at the category level are included in Table 3 below. There are two missing value codes – included in category total, but no data provided (-5) and not available electronically (-7) – for which there are no occurrences when the survey data are aggregated, but these values did appear within the details of the categories. For instance, in Category 5 (mental health adjudications and commitments) a state may have reported that their mental health board does not have electronic records regarding involuntary commitments, but the courts in that state were able to provide estimates for that detail; thus, at the aggregate level, the estimate would appear as opposed to the missing value code.

Table 3: Missing Value Codes

Missing Code	Definition of Missing Code	Frequency used at aggregate category level
0	True zero	6
-1	Not collected	21
-2	Legally Prohibited from NICS Reporting	3
-3	Records might be available at other agency (ies)	44
-4	Pending, to be provided at a later date	3
-5	Included in category total but no data provided	0
-6	Just beginning to collect data, no historic record	2
-7	Not available electronically	0
-8	Not applicable	2
-9	Unknown; true missing	31

C. *Evaluating the sufficiency of documentation*: Project staff carefully read all state documentation. If the state provided the detailed descriptions that were requested, it was considered to have submitted "sufficient" documentation. If some description of record availability was provided and/or some discussion of how estimates were determined was given, the state was considered to have provided "some" description. If no additional documentation was given, the state was considered to have provided "no" documentation. The difference between "some" documentation and "sufficient" documentation rests in the detail provided by the state. To assess the level of detail, each state's documentation was reviewed with these questions in mind: 1) Did the documentation address each requested item?; 2) Within each category of records, did the description adequately explain the court's/repository's records estimation process?; and 3) Did an explanation exist for each missing data element?

D. *Deciding the completeness of each category*: Using the documentation provided by the state, project staff made a determination of whether or not the provided estimate was complete. In other words, staff notated all instances in which a state reported that data were missing from an estimate (incomplete), that an estimate included records other than those requested (overinclusive), or if an estimate was both incomplete and overinclusive. The completeness of a category was notated only when

the state provided specific information. For instance, if the narrative was not explicit, staff did not comment on the completeness of the estimate for that category.

E. *Challenges:* Project staff also created a set of categorical variables that outlined any limitations or challenges that the states reported as they attempted to create their estimates. Using the challenges outlined in the initial state narratives as the starting point, NCSC and SEARCH grouped those challenges based on their underlying cause. This exercise resulted in finding that the states faced seven primary challenges. State reported challenges were then coded, allowing for the fact that a state could have faced some, none, or all of the following difficulties:

1. Automation or technology – the state does not have the technology to query the data or their system is not automated.

2. Tracking (or recording/reporting of data) – the state does not have the ability to track the data separately to identify case types. For instance, a state may be unable to distinguish drug-related adjudications from all other adjudications or may not be able to tell from their database which cases are active or inactive.

3. Resources – the state does not have the resources (lack of staff, programming costs, etc.) to provide estimates.

4. Statutory requirements or limitations – the state does not have the ability to report estimates due to statutory constraints.

5. Retention schedules – the state does not have consistent records retention schedules. In other words, there is inconsistency in the length of time each document or record is retained.

6. Records accessibility – the state does not have the ability to report estimates because the records were lost in a flood, fire, hurricane, etc.; there is no centralized file within the state, or records are in a legacy system that is no longer available for making inquiries or information is contained in paper files that are not stored in a manner that allows for practical searching or automating.

7. Procedural requirements or limitations – the state does not have the ability to report estimates, e.g. there is no process to establish offender/victim relationships or there are no fingerprints to support the record.

While evaluating each reporting form, project staff created two state narratives, one that discussed the data submitted by the courts and one that discussed the data submitted by the state record repository. These narratives, which provided respondents with initial feedback regarding project staff's understanding of the availability of records, their estimation process, and the challenges that arose during completion of the reporting form, were forwarded to representatives from each of the responding states for review. Additionally, the narratives listed any missing data from the reporting form and posed questions regarding the reported data

and documentation. See Appendix D for an example of a state narrative.

Assessment of the Seven Categories of Estimates

In the course of reviewing the reporting forms staff noted a number of common issues that states encountered while developing their records estimates. It became apparent that definitions were sometimes ignored or misunderstood, that some states failed to apply the counting rules outlined in the reporting form and that some states were not familiar with the notion of creating estimates (as opposed to actual counts of records) or with the estimating methodologies used to produce them. In addition to these issues, project staff found that there were also challenges related to specific categories.

Category 1: Felony convictions

While most states were able to provide these data, there was uncertainty regarding how to count multiple charges/convictions. Some states were not aware that records involving multiple charges/convictions of the same offense are considered a single record while records involving multiple charges/convictions of different offenses are counted as separate charges/convictions if the charge/conviction represents a disqualifying event for purposes of these estimates.

State record repositories also noted that they are constrained from having conviction records because 1) repository records need to be supported by fingerprint records, which may have been initially rejected as illegible then not resubmitted, and 2) the failure of some local contributing agencies to submit all arrest records and/or to submit disposition information associated with the arrest records.

Category 2: Active indictments/informations/verified complaints

Some state courts noted that their case management system did not make the kind of distinctions contemplated in the reporting form. In some cases, the courts reported one number in the total column for this category and documented that this included more than one subcategory. States also noted that these records may not be reported to the state record repository due to the nature in which they are processed; e.g., if the defendant is not formally arrested and booked, there are no fingerprints with which to associate the record or, as in some states, there is no electronic transfer of information between the originating agency and the state record repository to allow for the records to be removed from the repository once served.

Category 3: Active wants/warrants

Some state courts were uncertain as to whether or not a failure to appear summons should be counted as an active want/warrant. Similarly, in some courts, there was an inability to separately identify disqualifying circumstances from non-disqualifying circumstances (e.g., failure to pay, failure to comply with a court order).

There are some states that do not maintain wanted person files. These states enter their wants/warrants into the FBI/NCIC directly; consequently, the state record repository in these states does not receive the records. Alternatively, some states enter only those wants/warrants that are for violent offenses or for offenses that are extraditable. Again, though, the records may be received by the state record repository or may be entered directly into the FBI/NCIC.

Category 4: Unlawful drug use records

Most often, states could not separate the data by the subcategories of arrests, adjudications

and convictions so they provided one estimate. Additionally, some states could not distinguish between the felony convictions requested in Category 1 and the felony adjudications requested in Category 4, resulting in an overinclusive estimate for Category 1 and no estimate in Category 4. Similarly, state record repositories, while able to tell that a charge has been disposed, may not be able to distinguish between an adjudication and a conviction since both are viewed as final dispositions.

Category 5: Mental health adjudications or commitments

As expected, the states had a difficult time reporting estimates on mental health adjudications or commitments. The reasons for this difficulty are many. For example, some courts could not distinguish between voluntary and involuntary commitments, while some states lack the capacity to share information across the various agencies responsible for original mental health records. Additionally, in some states, statutory constraints regarding the privacy of mental health records currently limit reporting of these records either at the state or at the national level. Lastly, mental health-related information is generally absent from records reported to and retained by state record repositories with the exception of disposition information that references mental incompetency.

Category 6: Protection or restraining orders

The most common challenge noted by the courts is their inability to determine which protection or restraining orders are active and to distinguish those records from inactive records. Similar to that of wants/warrants, some state record repositories do not maintain protection or restraining order files. Those states enter their protection or restraining orders into FBI/NCIC directly.

Category 7: Convictions for potential misdemeanor crimes of domestic violence (MCDV)

The courts often noted their inability to identify potential misdemeanor crimes of domestic violence due to the lack of specific codes for these cases. Court records retention guidelines also result in the destruction of older records. The federal requirements for domestic violence reporting are poorly understood in some states, despite previous attempts at disseminating this information and providing training to judicial officers. While some states have passed legislation to clearly identify these offenses, some remain unclear on the importance of victim-offender relationships in misdemeanor offenses (e.g., assault) for federal firearms prohibition.

Similar to the courts, the extrapolation of records involving domestic violence represented significant challenges to state record repositories that do not maintain domestic violence codes and victim to offender relationship data. In fact, many states had to rely upon manual and labor intensive review of individual case files against domestic violence statues to produce the records estimates. Additionally, there are few state statues across the country whose elements represent automatic disqualification for NICS purposes. This lack of specific statutes causes convictions for a wide range of laws to be potentially disqualifying based on relationship and other criteria that is often not readily available and requires additional research for a true determination.

Feedback from NIAA Reporting Form Respondents

2009 BJS Meeting in San Antonio, Texas

On December 15-16, 2009, BJS (in conjunction with SEARCH) convened a national meeting of NIAA reporting teams from each state in San Antonio, Texas. In organizing the meeting, BJS and SEARCH specifically requested representation from both the executive and judicial branches in each state, including representation from state mental health agencies, and requested that the meeting be attended by staff who are actually compiling the estimates. These factors were a decisive part of the success of this meeting. SEARCH and NCSC staff, in collaboration with BJS staff, presented a preliminary analysis of the survey data and facilitated two break out groups, one for states that had not submitted estimates and one for states that had submitted estimates.

The conference in general, and these sessions in particular, provided invaluable feedback from the states regarding all aspects of the NIAA reporting form, from definitional and methodological issues to suggestions for improvement of the data collection process. In fact, it was during these sessions that states explained to staff that while logically one would expect the counts reported in originating agencies to be greater than or equal to those reported at the state record repository, this was not always the case. Some of the reasons for this include the loss of records at the originating agency due to fire or flood, the inaccessibility of records at the originating agency (locked in legacy computer systems or stored off-site in obsolete formats) and the destruction of records at the originating agency due to retention schedules.

As a result of this feedback, BJS, SEARCH, and NCSC collaborated on a number of improvements for the 2010 data collection cycle, including the creation of an electronic data collection instrument, improved survey instructions, revised definitions of technical terms used in the survey, and materials to support respondents (e.g., a Frequently Asked Questions document).

Site Visits

Based on feedback from the San Antonio conference, project staff, in consultation with BJS, decided to make two site visits. Site selection was based on several criteria, including the quality of the data submitted, the institutional relationships of the respondent states and the willingness of state NIAA teams to discuss issues that could improve reporting. The purpose of the site visits was two-fold: 1) to provide technical assistance to states on their reporting of records estimates and 2) to explore and document successful models of judicial and executive branch collaboration.

During the spring of 2010, staff interviewed representatives from the local courts, the state-level Office of the State Court Administrator, and the State Highway Patrol in both Missouri and Washington. Missouri was chosen because it represented a state with relatively complete estimates and an effective working relationship between the judicial and executive branches, and, thus, a source of information on effective practices. Washington was selected as representative of most states, with challenges in its data quality and completeness as well as in the collaboration between judicial and executive branch partners. Each site visit consisted of a 1-day meeting with the repository and state court staff responsible for providing the survey estimates. NCSC and SEARCH facilitated the meetings, providing participants the opportunity to discuss the challenges they faced in completing the reporting form and discussing the solutions that they found to those challenges. Both site

visits provided insight into the working relationships that exists between the judicial and executive branches within each state. Such insights are helpful in determining effective practices related not only to the completion of the reporting form, but also to the reporting of NICS records in general.

Missouri Site Visit

Project staff met with representatives from Missouri's Office of the State Courts Administrator and State Highway Patrol on April 15, 2010. While Missouri has solid statistical reporting for the state record repository and originating agencies, the intention of a site visit to Missouri was to gather information that could be used to help outline effective practices for obtaining the record estimates. This visit affirmed the importance of the state record repository and the courts working collaboratively. For instance, for those categories that require states to provide estimates of active records (Category 2 – indictments/informations/verified complaints, Category 3 – active wants/warrants and Category 6 – protection or restraining orders) it is necessary for both the judicial branch and executive branch respondents to query their databases on the same day in order to maintain consistency in reporting the number of active records. Additionally, it became evident that an effective working relationship between the judicial and executive branch is important. When staff reviewed Category 1 – felony convictions estimates, the courts raised a question about how a unique disposition category specific to Missouri statute should be counted and whether it is properly counted as a conviction; the repository and court staff were able to identify this problem and seek technical assistance from SEARCH to clarify the definitional issues and overcome some of the difficulties involved in creating the requested estimates.

As an exemplar of a best practice, and in contrast to the institutional arrangement found in Washington, it is noteworthy that Missouri's state NCHIP contact oversees the state records repository and consequently was in a position to directly receive communications from BJS.

Washington Site Visit

Project staff met with representatives from Washington's local courts, Administrative Office of the Courts, State Highway Patrol, Department of Social and Health Services, and the Department of Information Services on May 4, 2010. The intent of the site visit to Washington was to illustrate many of the common challenges that most states deal with while gathering and verifying the requested estimates. Staff learned that the NIAA package of records estimates reporting material did not go directly to the state record repository but rather was forwarded through the state's NCHIP contact, the Department of Information Services. This institutional arrangement, in conjunction with the fact that the court and state record repository representatives met only once to discuss the development of the estimates, appeared to reduce the efficient exchange of information between the courts and the state record repository; thus, resulting in inconsistent approaches to creating records estimates.

As learned for Washington, an effective practice recommendation is for each state to create a NICS Task Force if no such coordinating body currently exists. Such a group, with representation from throughout the justice system, could not only facilitate communication between the state record repository and the courts and other executive branch agencies, but could also provide a forum for exploring the range of possible options for improving the quality,

completeness, and availability of records in the state.

Development of the Estimating Model

What is the model?

Since this is the first year of the reporting form, preliminary analysis was first conducted to understand the basic features of the data. These analyses were then used to construct models that helped explain cross-state variations in the number of records reported by originating agencies and those reported as existing in state record repositories. Models were developed to study variation in overall counts reported by states as well as category-specific counts.

Table 4 provides summary statistics on the reported counts—the chief dependent variables in the models. With the exception of the total number of records and felony records reported in the state record repositories, all categories of estimates had at least one state report zero counts. The mean number of originating agency records (for all categories) was greater than the corresponding state record repository mean. However, the median and some of the other percentiles were not always larger for the originating agency estimates. These discrepancies were more evident in the state-level comparisons.

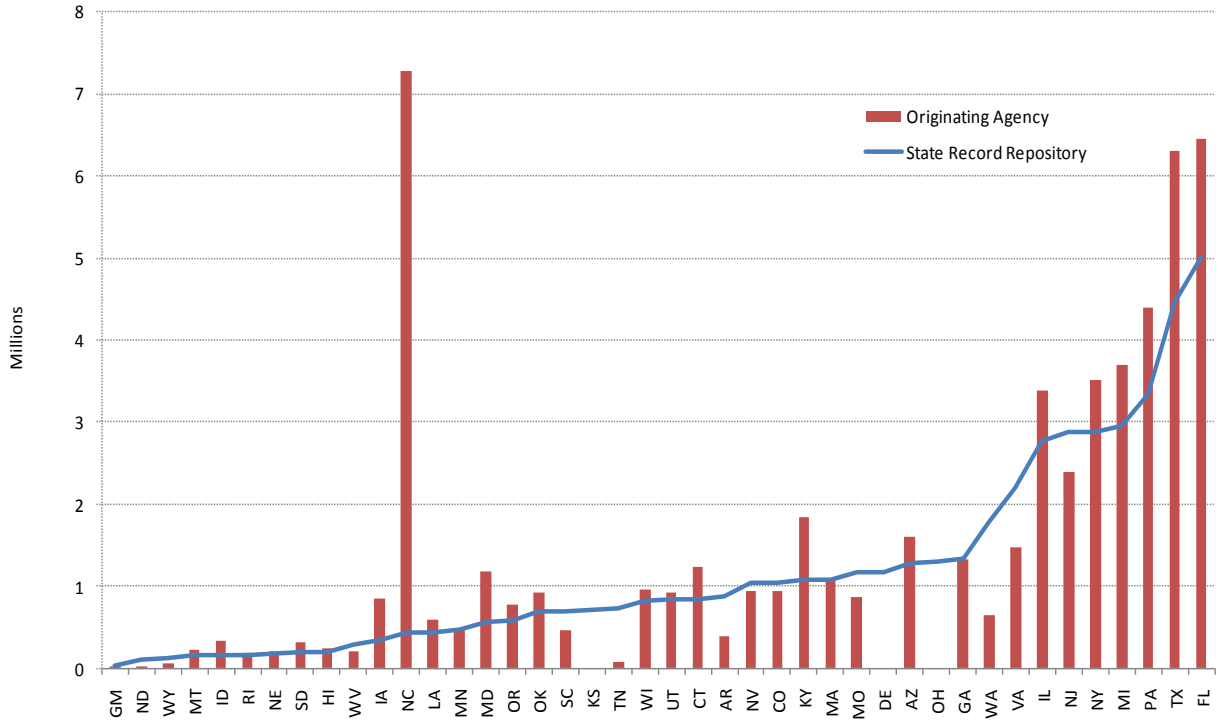
As noted above, one would expect that the counts reported in originating agencies would be greater than or equal to those estimated in state record repositories. This was not always the case. In fact, it was as likely for states to report that the state record repository count exceeded the originating agency counts as it was for them to report that the originating agency exceeded the repository counts. Figure 3 presents a graphical depiction of these discrepancies. States like Delaware, Kansas and Ohio clearly indicate some problems as they report zero total estimates in originating agencies while showing some estimates in the corresponding state record repositories. On the other hand, states like Florida, North Carolina and Texas present a different type of problem. Here, the state record repository counts—as compared with the originating agency estimates—were too low. Both extremes present difficulties in interpreting the results.

In order to study the underlying reasons for perhaps under-reporting one category or another, models were developed to study variation in reported estimates conditional on qualitative data obtained from the narratives provided by the states.

Table 4: Distributional Characteristics of the Record Estimates in State Record Repositories and at Originating Agencies

	Mean	Minimum	25th Percentile	50th Percentile/ Median	75th Percentile	Maximum
State Record Repository Estimates (N = 42)						
Category Total	1,178,412	25,325	347,996	828,145	1,310,404	5,010,480
(1) : Felony Convictions	413,181	3,749	117,094	302,390	679,605	1,826,060
(2) : Active Indictments/Information's/ Verified Complaints	74,326	0	0	689	60,758	1,032,119
(3) : Active Wants/Warrants	133,883	0	21,752	78,278	214,283	987,881
(4) : Unlawful Drug Use Records	438,224	0	61,774	224,166	528,950	2,857,844
(5) : Mental Health Adjudications	21,487	0	0	632	5,579	511,471
(6) : Protection or Restraining Orders	27,372	0	1,349	8,591	21,623	182,506
(7) : Convictions of MCDV	69,940	0	12,314	45,299	109,561	296,167
Originating Agency Estimates (N = 42)						
Category Total	1,400,857	0	220,940	865,086	1,476,969	7,271,263
(1) : Felony Convictions	448,129	0	50,841	300,960	584,797	2,543,528
(2) : Active Indictments/Information's/ Verified Complaints	74,310	0	3,800	32,755	82,548	562,726
(3) : Active Wants/Warrants	172,540	0	0	49,915	154,107	2,006,953
(4) : Unlawful Drug Use Records	554,710	0	5,792	184,890	615,312	3,988,286
(5) : Mental Health Adjudications	47,546	0	0	4,676	38,370	454,053
(6) : Protection or Restraining Orders	26,109	0	0	7,548	20,479	235,293
(7) : Convictions of MCDV	76,382	0	0	28,918	109,975	428,754

Figure 3: Distribution of Counts of Total Number of Records in State Repositories and Originating Agencies, by State



How were the models developed?

Because the dependent measures are all counts, a number of count outcome models were tried. These included Poisson, Negative Binomial, Zero-Inflated Poisson and Negative Binomial (where there were a preponderance of zero counts) and Generalized Negative Binomial Models. The models were subjected to a battery of specification tests, and, ultimately, the Negative Binomial model emerged the model of choice. The Negative Binomial is a desirable generalization of the Poisson model in most real-world applications. Unlike the Poisson model, which restricts the mean and the variance of the expected outcome to be the same, the Negative Binomial model permits over-dispersion (the variance exceeding the mean).

What data are included in the models and why?

All the models developed were multivariate regression-based models and were developed to be able to (1) explain variation among state level repository and originating agency counts, and (2) to predict—conditional on a number of predictors—the estimated counts for non-reporting states. A set of global models (total counts at state record repositories and originating agencies) as well as category specific models (seven categories among state record repositories and seven among originating agencies) were developed. Table 5 details the variables included in the analysis for each of the model types.

Table 5: Variables Used in the Global and Category-Specific Models

Variables constructed from external sources	Global Models	Category-specific Models
Uniform Crime Report (UCR), Property and Violent aggregated, 2008	•	•
National Crime Information Center (NCIC), total number of reports, as of December 31, 2008	•	•
National Instant Criminal Background Check System Index File (NICS - Index), as of December 31, 2008	•	•
FBI Interstate Identification Index (III), as of January 1, 2009	•	•
State Adult Population, 2008	•	•
Categorical variables constructed from narratives	**Global Models**	**Category-specific Models**
Challenges identified in providing state record repository/originating agency estimates		
Automation/Technology	•	
Tracking	•	
Resources	•	
Statutory requirements	•	
Retention Schedules	•	
Record Accessibility	•	
Procedural Limitations	•	
Category-specific statements regarding inclusiveness		
Data may be incomplete		•
Data may be over-inclusive		•

Since the goal of this exercise was to study cross-state variation in the estimated number of records present in state record repositories and at originating agencies, staff included a set of attributes that provide some quantification of the estimated number of records that come from these states in other standardized databases. These included:

- UCR, 2008: This variable was used to capture differences in the volume of property and violent crimes reported in a particular state.

- NCIC, as of Dec 31, 2008: This variable was used to capture the volume of electronic data available at the FBI for a particular state. It is anticipated that this information should be related to the number of records states report as having in their repositories or originating agencies.

- NICS Index, as of Dec 31, 2008: This variable was used to capture the volume of electronic data available elsewhere at the FBI for a particular state. The NICS Index contains information provided by local, state, tribal and federal agencies of persons prohibited from receiving firearms under federal law. The NICS Index contains prohibiting information not found in the NCIC or the III.

- III, as of Jan 1, 2009: FBI's III data were used to capture the volume of electronic data available in yet another FBI data source. The III (pronounced "triple-I") is a national index of criminal histories (or rap sheets) maintained by the FBI. The III system is designed to tie the automated criminal history records databases of state central repositories and the FBI together into a national system by means of an "index-pointer" approach. Included in this index are individuals who have been arrested or indicted for a serious criminal offense anywhere in the country.

In addition to the electronic data available in various other sources, staff also used each state's adult population as a way to control for differences in population. Finally, staff used two sets of categorical variables obtained from analysis of the narratives provided by states when responding to the reporting form:

- Challenges identified in the narrative: In their narratives, states were asked to identify any challenges they faced while developing their estimates. Qualitative analysis of the narratives helped staff classify the challenges into several categories. The categories are not mutually exclusive and states could have identified multiple challenges. These included challenges relating to (1) automation and technology, (2) tracking, (3) resource limitations, (4) statutory requirements, (5) retention schedules, (6) record accessibility, and (7) procedural requirements/limitations. To the extent that similar states—similar on state-level population and reporting volume data—are found to report different estimates of their state record repository and/or originating agency counts, it is expected that at least some of that divergence can be explained because of the challenges faced by the respondents.

- Category-specific inclusiveness identified in the narrative: Staff also conducted qualitative assessments of

the narratives to identify language that implied whether or not the state estimates for each of the categories was either incomplete, overinclusive or both.

Model estimates

Table 6 summarizes the parameter estimates from the global (combined total count) models. Detailed parameter values are provided in the model estimates appendix to this report (Appendix E). Since models are all Negative Binomial, a positive coefficient indicates an increase in the underlying count for increases in the predictor. Negative parameters indicate the opposite—a decrease in the count for increases in the underlying predictor. Since the models were estimated on a sample, statistical precision is important to take into account. In Table 6, effects identified by two plus signs indicate a positive effect significant at the 95 percent confidence level. A single plus sign indicates a positive effect significant at the 90 percent confidence level. The same logic is applied for negative effects that are significant at the 95 percent or the 90 percent confidence level. Effects that are insignificant—where the evidence does not allow us to cleanly estimate an effect different from zero—are identified by a zero in the cell.

While developing the models, it was found that FBI's III and the NCIC provided highly correlated information and including them separately proved problematic. As a compromise, they were summed into a single variable for the models.

Table 6: Summary of the Effects of Various Predictors on Total State Record Repository and Originating Agency Estimates Reported by States

	State Record Repository Model	Originating Agency Model
(UCR) violprop	0	0
(FBI) iii_ncic	0	0
(FBI) nics_tot	+	0
(Census) adultpop	++	0
(Narrative) Automation/Technology	0	0
(Narrative) Tracking	--	0
(Narrative) Resources	--	0
(Narrative) Statutory requirements	0	0
(Narrative) Retention Schedules	0	0
(Narrative) Record Accessibility	0	(omitted)
(Narrative) Procedural Limitations	0	(omitted)

++ = positive effect at 95% confidence interval
+ = positive effect at 90% confidence interval
-- = negative effect at 95 confidence interval
0 = insignificant

As is evident from Table 6, some variables in the state record repository model were found to have statistically significant effects on the estimated counts. Larger states and states with higher NIAA counts tended to estimate higher numbers of records available in state record repositories. Similarly, when identifying tracking and resource challenges, states tended to underreport the total counts. This suggests that there were some systematic trends in the data that are captured by state level predictors and narrative predictors.

None of the included variables were found to be statistically significant for the originating agency models. This suggests that the variation in the estimates reported by originating agencies was high and cannot be accounted for by the variables included. This has implications for predictions that need to be generated for the non-reporting states.

Note that the table only provides summary measures of the statistical significance of the predictors at conventional levels of confidence. The actual values of all the parameters can be found in the tables in Appendix E.

Models estimated at the category level are not summarized here as they were all similar to the originating agency model described above. Typically, none of the predictors were found to be statistically significant at conventional significance levels.

Statistical imprecision (or insignificance) can result from two sources. First, if the data are very short (few observations) then it is possible that the evidence is just too weak to generate robust estimates. The number of observations included in this analysis was at most 42, but because of missing data, the models were estimated on a sample of 41 states. Hence, the small sample sizes used for the analyses were indeed a problem. On the other hand, if the predictors included are highly correlated with one another, then the estimated coefficients may have high standard errors because of multicollinearity. In the current analysis, staff estimated variance inflation factors for the variables in each of the models. These factors are reported in Appendix E as well. In short, the collinearity among predictors was indeed worrisome. However, the amount of multicollinearity was no more damaging in the state record repository models than in the originating agency model. Therefore, staff concludes that the statistical insignificance of the originating agency model stems from the fact that the responses were much more varied and less systematic than the state record repository estimates.

Model predictions and simulations

Staff next created model-based predictions in order to assess the reasonableness of the estimates and to generate model-based predictions for non-reporting states. Using the estimated models, staff first developed predictions for each of the states with relevant data on the predictor variables then created confidence bounds around them. The confidence bounds provide a way to assess the reasonableness of the estimates in the current context as well as provide a means of assessing the likely range of estimates for the non-responding states.

The logic for using confidence bounds as a way to assess reasonableness of the estimates is as follows. Consider that, based on the available predictors and estimated parameters, a state's prediction is 100,000 total count with an upper bound of 120,000 and a lower bound of 80,000. This implies that, based on the sample, states with this type of a profile typically should have reported counts between 80,000 and 120,000. Suppose that the actual count reported by a state is 150,000. This would

suggest that the state is outside the norm of similar states. As such, staff should suspect the estimates reported by this state.

A second strategy to assess the reasonableness of the state's estimates is to simulate the numbers they would have reported had they not faced any of the challenges they identified in the narrative. Here, after estimating the models, the predictions are created by setting all of the challenge variables to 0. In other words, the model is estimated on the actual data and then predictions are developed assuming the states faced no challenges. In this scenario, like the first approach, if the simulated estimate is outside the lower and upper bounds of 80,000 and 120,000, then staff can infer that had the state faced no challenges its numbers would have been sufficiently different from those currently reported. This is an alternate methodology for assessing the reasonableness of the reported estimates.

Figure 4 and Figure 5 provide these estimates, by state, for the state record repository and originating agency models respectively. In each of the figures, dark circles are the actual reported counts, the gray circles are the model-based predictions, and the hollow circles are the simulated counts (as if the state did not face any challenges). The gray bars represent states that did not report and the two lines represent the upper (blue line) and lower (red line) 95 percent confidence bounds around the predicted values.

There are several points worth highlighting. First, consistent with what the model estimates summarized in Table 6 suggest, the confidence bounds around the state record repository model predictions are much narrower than the confidence bounds around the originating agency models. Since the parameters are largely statistically insignificant in the originating agency model, staff would not expect the predictions to have sharp confidence bounds either.

Second, the simulated values for the state record repository models are typically higher than the predicted values. This is, once again, not surprising because the coefficients on the challenges variables were mostly negative in the state record repository models. Although the coefficients were all insignificant for the originating agency models, some had positive and some had negative signs. As a result, the simulated values from the originating agency models can be higher or lower than predicted values.

Third, predictions are much better on-the-support than off-the-support. On-the-support predictions are those made for states that are more in line with other states. Off-the-support predictions are those that are made for states (e.g., California) that are very unique and different from the norm in the sample. Predictions for most states (with the exception of California) have reasonable confidence bounds and produce reasonable estimates—relative to other similar states.

Fourth, the reasonableness of estimates may be assessed better for the state record repository counts than for the originating agency counts. However, even for the state record repository estimates, since the developed models are fairly weak, it would be hard to make strong reasonableness claims at this point

Figure 4: Estimated, Predicted and Simulated Counts in State Record Repositories

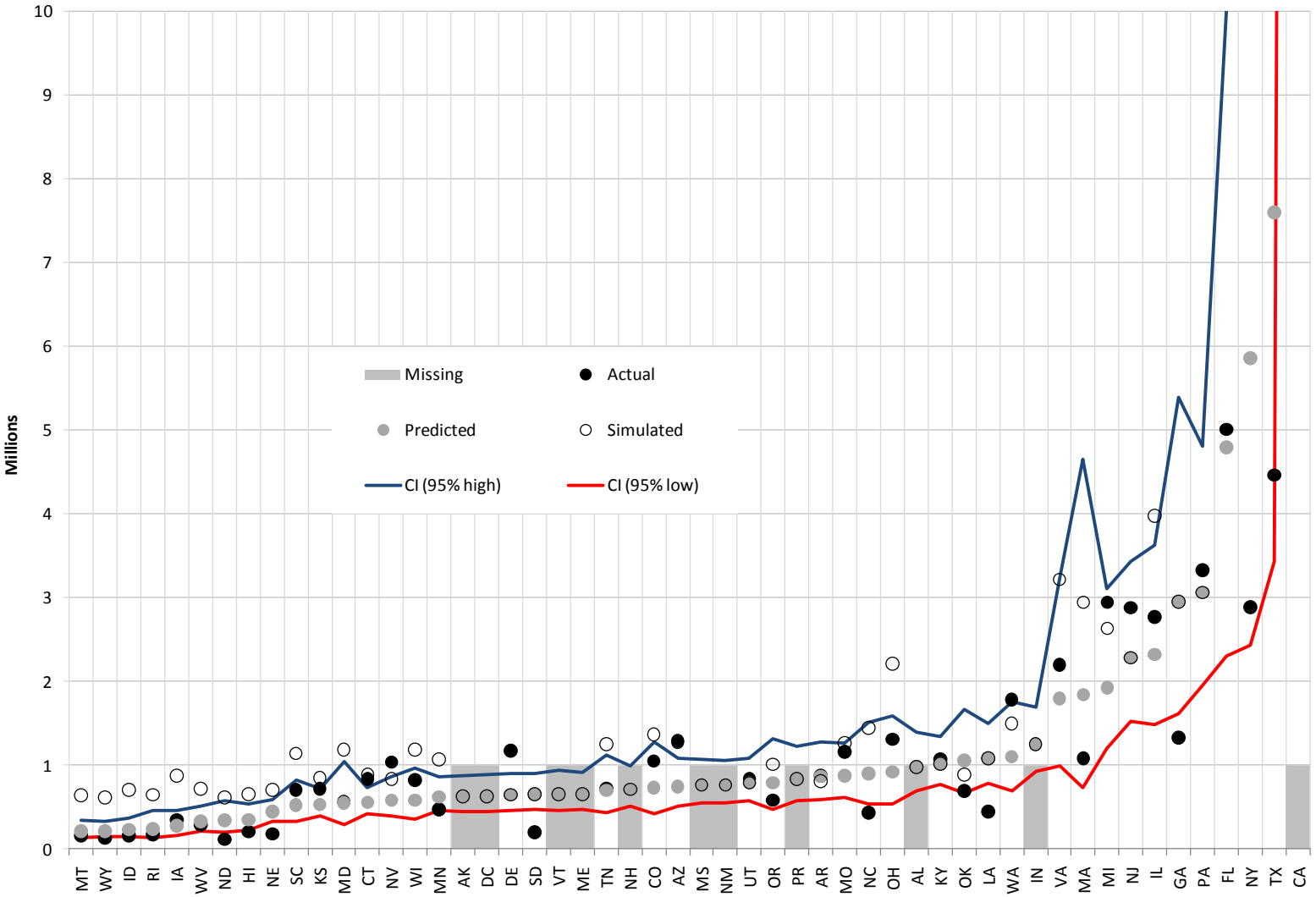
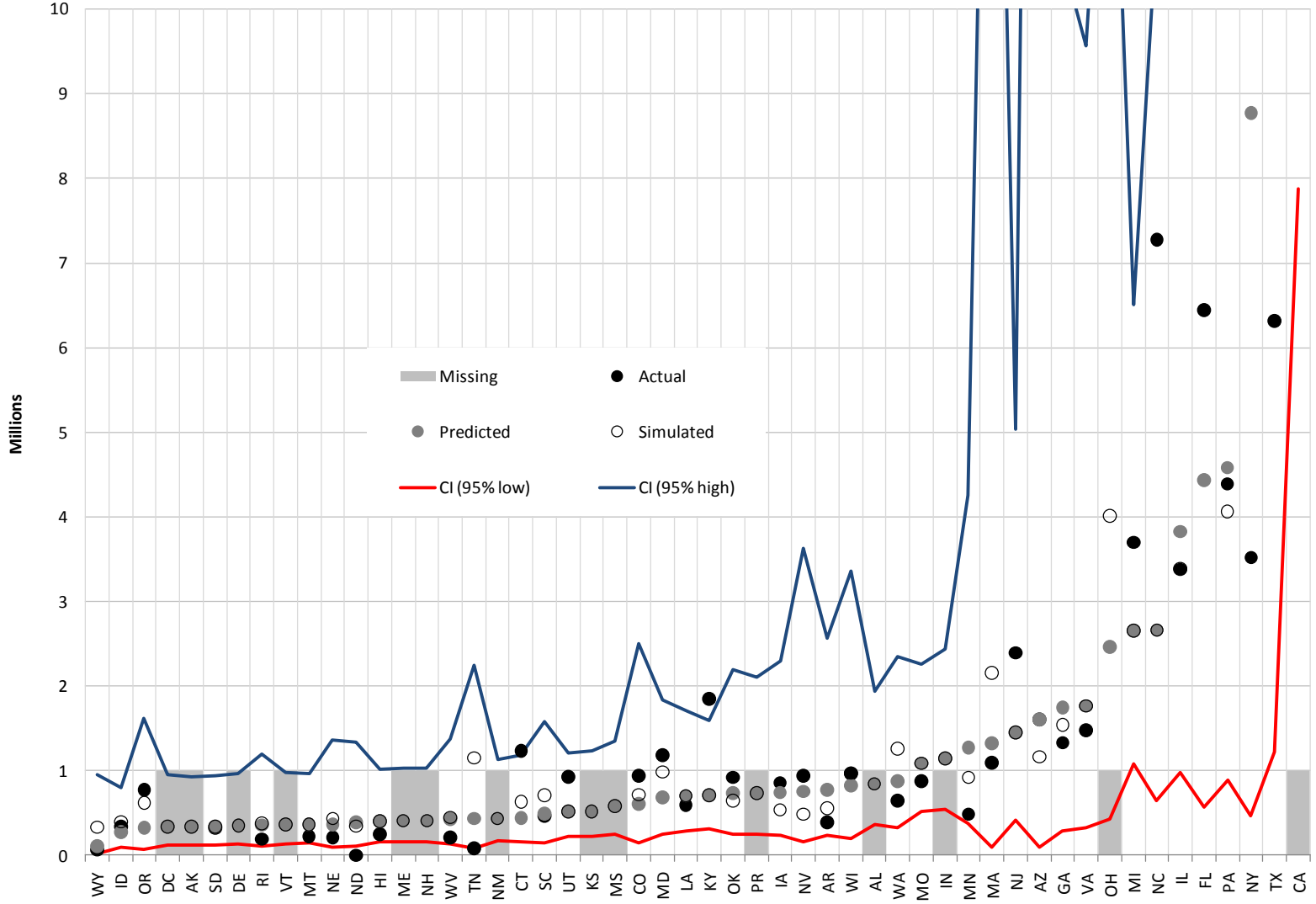


Figure 5: Estimated, Predicted and Simulated Counts in Originating Agencies



What do the models say about reasonableness?

As noted above, the models say little about the reasonableness of the counts reported by originating agencies. There was too much inconsistency among states that could not be accounted for. As a result, it is hard to assess if these estimates are truly reasonable.

For the state record repository counts, one may only make weak claims. The data seem to suggest that most states have provided reasonable estimates—at least at the aggregate total count level. This is supported by the fact that the model-based confidence bounds encompass the actual reported counts in most (75 percent) of the cases. The reported counts were outside the model-based confidence bounds in the remaining 25 percent of the states. There seemed to be no real pattern in the reasonableness assessment in terms of the size of the state estimate. That is, states where reported counts were outside the 95 percent confidence bounds ranged from small states (e.g., North Dakota) to relatively large ones (e.g., Georgia).

The second criterion used to assess reasonableness provided more pessimistic findings. Here, when states reported challenges, the model suggests that removing those challenges would significantly alter the number of records the state repositories would have reported. Moreover, the reasonableness assessment showed particular trends. Smaller states showed more significant problems than larger ones.

What do the models say about generating model-based estimates for non-responding states?

The models are less than helpful for generating estimates for the large non-reporting states. This is largely a shortcoming of standard statistical modeling techniques—they are designed to learn from and predict well within the sample and not out of it. Hence, should the non-responding states include small- to medium-sized states, staff can expect the models to predict their counts reasonably well. Unfortunately, they are not designed for states like California for which staff have no real counterpart in the sample.

What do the models suggest about future attempts to model the estimates?

In any new multi-year data collection effort, problems arise in the first year based on incomplete understanding of the definitions and counting rules and the fact that information systems and collaboration among reporting institutions are being adapted to produce the required statistics. As data quality improves, the likelihood that the model can produce more meaningful results also increases. Similarly, if more states report these data, the sample size would increase, which would also improve the value of the model, although the maximum sample size remains small from a statistical perspective.

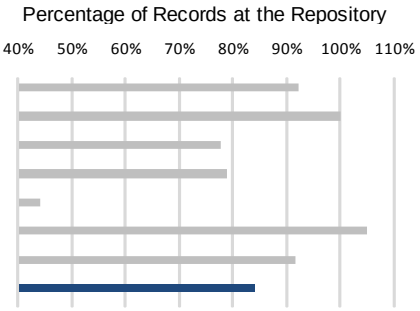
<u>Assessing the Reasonableness of Records Estimates</u>

The reasonableness of records estimates must be evaluated in terms of both the quantitative and qualitative information provided by each state, as well as by model-based validation. The NCSC and SEARCH, based upon review of the reported records estimates and the documentation provided by states, believes that each of the 42 responding states has provided a reasonable set of records estimates. The quantitative component of this assessment takes into account the factors discussed above. For most states, at the highest aggregate level, the number of records reported is within the expected bounds. Where that is not the case,

it is due to the inability of the model to generate bounds that can be meaningfully interpreted. Additionally, at the highest aggregate level, the reported estimates reflect the expected relationship that there will be an equal or greater number of records at originating agencies than at state record repositories. As shown in Figure 6, state record repositories contain 84 percent of the records housed by originating agencies. The single records category that does not follow the expected relationship is protection or restraining orders (Category 6), where it is likely that state record repositories are not being informed of the dismissal or expiration of those orders.

Figure 6: Reported Estimates for State Record Repositories and Originating Agencies, per Category

Category	State Record Repository	Originating Agencies
(1) : Felony Convictions	17,353,590	18,821,410
(2) : Active Indictments/Information's /Verified Complaints	3,121,699	3,121,011
(3) : Active Wants/Warrants	5,623,067	7,246,663
(4) : Unlawful Drug Use Records	18,405,391	23,297,821
(5) : Mental Health Adjudications	902,446	2,044,460
(6) : Protection or Restraining Orders	1,149,625	1,096,564
(7) : Convictions for MCDV	2,937,467	3,208,023
Overall Totals	49,493,285	58,835,977



We conclude that viewed quantitatively, the estimates provided have face validity, that is, they appear to be reasonably accurate estimates of the numbers of records they are supposed to be estimating. The qualitative component of this assessment is based on the evaluation of the narrative documentation provided by each responding state. In those narratives, states explained the challenges they faced in developing estimates. Where the quantitative estimates are anomalous and are thus indicative of problems in providing a better estimate, the narratives are intended to allow states to explain the basis for the limits or deficiencies of the estimates. NCSC and SEARCH, having reviewed these narratives in detail, believe that responding states provided logical explanations of their challenges and the reasons for their estimates. The incorporation of the challenge variables in the model allow a simulation of what the records estimates might be, were it not for the challenges encountered. This modeling provides further support for the conclusion that the estimates are reasonable.

Recommendations

The analysis of the NIAA data presented a variety of opportunities for project staff to evaluate the data collection process, the reporting form itself, the understanding of the reporting form by its intended respondents and the institutional relationships that need to be created and sustained if the NIAA's ultimate goal of improving record availability is to be met.

Towards that end, NCSC and SEARCH make the following recommendations.

Web-based data collection

Upon review of the data reported in the first year, BJS, SEARCH and NCSC agreed that more could be done to provide a reporting tool that would make explicit the kind of information and documentation required for each of the requested categories. Thus, at the request of BJS, project staff developed a reporting spreadsheet. This reporting tool automated the calculation of totals and constrained, via cell parameters, the type and amount of data that could be inserted into the cells. The spreadsheet also contained the definitions and counting rules for each category of data. In these ways, the tool served to standardize the content of what was being reported, thus assisting respondent states in providing consistent data across all categories of data being requested.

Recommendation: For year three, the NCSC should develop a Web-based data collection tool for reporting NIAA data that would allow respondent states to log in to their own data collection page, view previously reported data and update their reporting with new data. A Web-based tool will provide for improved access to the reporting tool for the respondent states, which is particularly important since each state has several executive and judicial branch partners that provide data and need to review data for their state.

Frequently asked questions (FAQ) document

The NCSC, working with SEARCH, collaborated with BJS on the development and publication of a Frequently Asked Questions (FAQ) document designed to provide clear and consistent clarifications to respondents regarding the purpose and method of the survey. The original questions were developed based on questions posed by various respondents in the states to all three organizations in the course of the first year of data collection.

Recommendation: BJS should maintain this FAQ document on its Web site as a living document that expands and continues to provide consistent answers as new questions arise. BJS should seek to ensure that the format and content of this document is coordinated with any similar documents developed by FBI and/or ATF regarding other aspects of the NIAA reporting program.

State-specific technical assistance

While it is true that some of the lack of understanding about some of the provisions of the NIAA legislation are common across states, the solutions to statistical reporting problems are specific to each state and its particular institutional and IT infrastructure. One New England state, for example, needs nothing more than funding to allow data entry of criminal disposition data that currently resides on paper forms. A West Coast state, on the other hand, requires technical assistance with implementing an automated, NIEM compliant, XML-based information exchange between law enforcement, prosecutors, courts and their state repository.

Recommendation: BJS and FBI, in coordination with other federal partners, should continue to provide support for improving NIAA statistical reporting. Rather than initiate general efforts aimed at a national audience composed of all states, this effort should be targeted with the aim of significantly improving statistical reporting in a single state or small set of states.

Ongoing education for executive and judicial branches

Despite earlier efforts at educating key stakeholders in the respondent states, and the provision of accessible technical assistance by ATF and BJS staff at national meetings and on an ongoing basis, a significant level of misunderstanding continues to exist, at least within the judicial branch, regarding the basic provisions of the governing legislation and its implications for the actions of courts and judges and their reporting responsibilities.

Recommendation: BJS and FBI should continue working with national and state-level judicial and executive branch stakeholders to make concerted efforts to educate staff in the state executive and judicial branches about the basic provisions of the governing legislation and the duties they impose on those stakeholders.

Clarification of BJS, FBI, ATF roles and responsibilities

Respondents need continual clarification on the respective roles of BJS, ATF, and FBI with respect to NIAA reporting. The division of labor and working relationships among these federal partners are often not well understood in the states, with the result that the states are misdirecting their questions and are not taking full advantage of the various forms of technical assistance provided by these organizations.

Recommendation: The federal agencies involved in NIAA implementation should continue to coordinate with each other, NCSC, SEARCH and other national organizations to present informational sessions on the NIAA governing legislation, survey requirements and grant activities. Such presentations should be given to those state court and law enforcement organizations that are involved in either reporting NICS-related records or creating estimates of those records for the NIAA reporting form. Relevant conferences include the BJS- and SEARCH-sponsored NIAA Conference, the FBI-sponsored NICS Conference, and the NCSC-sponsored E-Courts Conference and Court Technology Conference, as well as national meetings of the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA).

Alignment with other systems of criminal disposition reporting

The NIAA reporting is related to other systems of criminal disposition reporting (III, NCIC) as well as to other efforts by the federal government, e.g., the Bureau of Justice Assistance (BJA) Improving Warrant and Disposition Management Project. In order to ensure that NIAA reporting is not duplicative and is aligned with other current systems of reporting, BJS needs to ensure that the data definitions, counting rules and classification schemes are complementary, and, where they differ, that those differences and the reasons for them are well understood by respondents.

Recommendation: BJS should serve as the coordinator of criminal disposition reporting efforts among Office of Justice Programs agencies and between those agencies and the FBI.

Continue to educate and seek feedback from NIAA survey respondents

BJS, in partnership with SEARCH, sponsored a NIAA Conference in December 2009 in San Antonio. In addition to the formal agenda of the conference, this meeting gave the survey respondents an opportunity to talk with their counterparts in other states about the challenges they faced

and the solutions they devised while completing the survey. The conference also brought together all of the federal agencies involved in the NIAA implementation, allowing respondents to ask questions and gather clarifications of misunderstood legislative directives.

Recommendation: BJS should continue to sponsor a conference for the NIAA survey respondents. Such a conference provides direct technical assistance and the ideal forum for dissemination of effective practices, which ultimately lead to improved survey results.

Appendix A: Introductory Letter from BJS Director Announcing the NIAA

U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

April 14, 2008

Dear [Governor] [Chief Justice] [Attorney General] [State Court Administrator]:

I am writing to inform you about the NICS Improvement Amendments Act of 2007, Pub. L. 110-180 ("the NICS Improvement Act"), signed into law by the President on January 8, 2008. The NICS Improvement Act amends the Brady Handgun Violence Prevention Act of 1993 ("the Brady Act") (Pub. L. 103-159), under which the Attorney General established the National Instant Criminal Background Check System (NICS). The Brady Act requires Federal Firearms Licensees (FFLs) to contact the NICS before transferring a firearm to an unlicensed person for information on whether the proposed transferee is prohibited from receiving or possessing a firearm under state or federal law.

The NICS Improvement Act was enacted in the wake of the April 2007 shooting tragedy at Virginia Tech University. The Virginia Tech shooter was able to purchase firearms from an FFL because information about his prohibiting mental health history was not available to the NICS and the system was therefore unable to deny the transfer of the firearms used in the shootings. The NICS Improvement Act seeks to address the gap in information available to NICS about such prohibiting mental health adjudications and commitments and other prohibiting backgrounds. Filling these information gaps will better enable the system to operate as intended to keep guns out of the hands of persons prohibited by federal or state law from receiving or possessing firearms.

The purpose of this letter is to provide you with background information on how the NICS Improvement Act may affect your state. The Act authorizes new grant programs to assist states in providing certain information to the NICS, and prescribes grant penalties for non-compliance with the Act's record completeness goals. It should be emphasized at this point that the Act's state grant programs have not yet been funded. If such funds are appropriated, however, it is important that you know there are conditions, described below, that a state must satisfy in advance of receiving grants under the Act.

NICS Improvement Act Record Completeness Goals and Incentives

The NICS Improvement Act has provisions that require states to meet specified goals for completeness of the records submitted to the Attorney General on individuals prohibited by federal law from possessing firearms. The records covered include automated information needed by the NICS to identify felony convictions, felony indictments, fugitives from justice, drug arrests and convictions, prohibiting mental health adjudications and commitments, domestic violence protection orders, and misdemeanor crimes of domestic violence. The Act provides for a number of incentives for states to meet the goals it sets for greater record completeness.

* First, the Act allows states to obtain a waiver, beginning in 2011, of the state matching requirement under the National Criminal History Improvement Program (NCHIP) grant program, if a state provides at least 90 percent of its records identifying persons in specified prohibited categories.

* Second, the Act authorizes grant programs (not yet funded), to be administered consistent with NCHIP, for state executive and judicial agencies to establish and upgrade information automation and identification technologies for timely submission of final criminal record dispositions and other information relevant to NICS checks.

* Finally, the Act provides for discretionary and mandatory Byrne Justice Assistance Grant (JAG) program grant penalties, beginning 3 years after enactment, for non-compliance with specified record completeness requirements within certain timeframes: after 3years, 3 percent may be withheld in the case of less than 50 percent completeness; after 5 years, 4 percent may be withheld in the case of less than 70 percent completeness; and after 10 years, 5 percent shall be withheld in the case of less than 90 percent completeness (although the mandatory reduction can be waived if there is substantial evidence of the state making a reasonable effort to comply).

Conditions a State Must Meet to Qualify for NICS Improvement Act Grants

The grant programs have not yet been funded, and there is no way of knowing whether or how much funding will be forthcoming until the FY 2009 appropriations laws are enacted. If, however, the grant programs are funded, there are two conditions that each state must satisfy before being eligible to receive grants:

* First, a state must provide to the Attorney General a "reasonable estimate," based on a methodology established by the Attorney General, of records subject to the Act's completeness requirements; and

* Second, a state must certify, to the satisfaction of the Attorney General, that the state has implemented a program permitting persons who have been adjudicated a mental defective or committed to a mental institution to obtain relief from the firearms disabilities imposed by law as a result of such adjudication or commitment. This relief must be based upon a finding, in accordance with principles of due process, by a state court, board, commission, or other lawful authority, that the circumstances of the disability and the person's record and reputation are such that the person will not be likely to act in a manner dangerous to the public safety and that the granting of relief would not be contrary to the public interest. The Act also specifies that not less than 3 percent, and no more than 10 percent, of each grant provided to a state under the Act shall be used for the purpose of maintaining the required relief from disabilities program.

Further information on the NICS Improvement Act is available on the Office of Justice Programs website at http://www.ojp.usdoj.gov/bjs/niaa.htm. Questions about the Act can be directed to Jennifer S. Korn, Director of the Department of Justice Office of Intergovernmental

and Public Liaison, who will ensure that the appropriate Department office or component responds -Jennifer.S.Korn@usdoj.gov; (202) 514-3465. Additionally, as appropriate, the Department will disseminate further information to your state NCHIP administering agency. A listing of these agencies is available at http://www.ojp.usdoj.gov/bjs/nchipadd.htm. Please advise Ms. Korn if you wish to designate a different point-of-contact for your state for this purpose.

Sincerely,

Jeffrey L. Sedgwick, Ph.D.
Acting Assistant Attorney General for Justice Programs

4/22 - Copies of this correspondence have also been provided by the Department's Office of Intergovernmental and Public Liaison (OIPL) to the National Council of State Legislatures, Council of State Governments, the American Legislative Exchange Council, and the legislative leadership of each state (speaker of the house of representatives, senate president, majority/minority leaders, and judiciary committee chairs). BJS provided copies to: state contacts for the National Criminal History Improvement Program (NCHIP); National Center for State Courts; National Association of State Mental Health Program Directors; SEARCH Group, Inc.; Nlets; and, the Justice Research and Statistics Association.

Appendix B: Records Estimates Reporting Material

U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Office of the Director

Washington, D.C. 20531

February 6, 2009

«NCHIP_Full_Name», «NCHIP_Title»
«AddressBlock»

Dear «NCHIP_Salutation»,

As you know, the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007 was signed into law on January 8, 2008 (P.L. 110-180) (the NICS Improvement Act). The NICS Improvement Act was enacted in the wake of the April 2007 shooting tragedy at Virginia Tech. Information about the prohibiting mental health history of the perpetrator at Virginia Tech was not available to the NICS to enable the system to deny the transfer of the firearms used in the shootings. The NICS Improvement Act seeks to address the gap in information about such prohibiting mental health adjudications and commitments, as well as other prohibiting records. Filling these information gaps will better enable the system to operate as intended to keep guns out of the hands of those prohibited from receiving or possessing them by federal or state law.

Among other important provisions, the Act contains an authorization for two new federal grant programs that would provide support for states and state court systems in their efforts to improve the quality and completeness of criminal record information available to the NICS. Please note that funding is not currently available for the grants authorized by the Act. However, if Congress chooses to enact appropriations for this purpose in the future, the grants would be administered by the Bureau of Justice Statistics (BJS) and awarded to the states through the agency designated by the Governor to administer the National Criminal History Improvement Program (NCHIP) grants.

It is important to note that if such funds are appropriated, a state must satisfy two requirements to be eligible for a grant. First, states must have a program in place to allow persons restricted from obtaining firearms due to the presence of a federal mental health prohibitor to apply for relief from that restriction. Second, states must provide the Attorney General with reasonable estimates of certain categories of available records in the state over a 20-year timeframe. Although grants are not available at this time, we want to ensure that states receive all relevant information and reporting forms in preparation for potential future funding. In support of improvements to NICS, states may wish to immediately begin developing estimates in accordance with this methodology.

In addition to being one of two prerequisites for future grant eligibility, should such grants be appropriated, the record estimate serves another important purpose. The Act allows for a potential reward to be granted to states that have reported records at a certain level of completeness and for a potential penalty to be imposed on states that fail to report records at a certain minimum level of completeness. The reward consists of a waiver of NCHIP matching grant funds and may be granted on a basis outlined in the Act. The penalty consists of the withholding of a percentage of formula grant funds under the Byrne Justice Assistance Grant program and may be imposed, as early as 2011, on a basis outlined in the Act. Please note that the reward and penalty are enforceable regardless of whether a state applies for any grant funds authorized under the Act and regardless of whether a state supplies an initial estimate of available records. However, if a state submits an estimate, the Department will use that estimate in evaluating whether the state has met the record completeness goals outlined in the Act. If a state chooses not to submit an estimate, the Attorney General has the authority to develop an independent estimate of the state's available records.

The enclosed reporting form sets forth the method to be used by the states for submitting record estimate data. In short, the reporting form requests two estimates: the number of records available at originating agencies in the state, and the number of such records in the state's criminal record repository. These numbers will be converted to a percentage (repository records as a percentage of all available records) to determine the completeness of the state's reporting of required records. To reiterate, if a state does not provide estimates of available records according to the method set forth in the enclosed reporting form, the Attorney General may specify, for the purposes of calculating the percentage of available records reported by that state and of determining whether the potential penalty may be imposed, the method according to which an estimate of the state's available records will be formulated.

The reporting form also requests that the state provide (a) a general description of factors that may affect the availability of records or impede their reporting to state or national files taking into account their location, originating agencies, current format, record retention practices, and similar practical considerations, and (b) an explanation of the methods employed to develop the requested estimates, which may include analysis of records in the state central repository, data collection from reporting agencies, analysis of court statistics, surveys, or similar information gathering activities.

Finally, the form requires a certification that the estimates submitted were derived from a collaborative statewide assessment process coordinated by the NCHIP administering agency and involving representatives of the state courts, state criminal record repository, state statistical analysis center, firearm licensing or permit program, state mental health program, and/or other appropriate entities with relevant information. BJS views such collaboration as critical to the successful implementation of the Act. Further, such partnerships can serve as a springboard for the development of a NICS record improvement plan for states which, in turn, can form the basis for future NICS grant applications under the Act. For these reasons, the reporting form must be certified by both the state's NCHIP administering agency and the State Court Administrator.

Please note that the reporting form must be returned to the Bureau of Justice Statistics by 5:00 p.m. (ET) on: May 1, 2009.

In the meantime, please free to contact me (202-307-0765 or Gerard.Ramker@usdoj.gov) if you have any questions regarding the Act or the reporting form. Also, please be advised that additional information about the NICS Improvement Act and DOJ efforts to implement it can be found on the BJS website at http://www.ojp.usdoj.gov/bjs/niaa.htm. We look forward to working with states in achieving the Act's goal of improving the effectiveness of the NICS.

Sincerely,

Gerard F. Ramker, Ph.D.
Associate Director

Enclosure

Cc: «SCA_Full_Name» (w/enclosure)
«SCA_Title»
«SCA_Agency»

The NICS Improvement Amendments Act: State Estimates of Available Records Information Collection

I. INTRODUCTION

This form has been developed pursuant to the National Instant Criminal Background Check System (NICS) Improvement Amendments Act (P.L. 110-180) ("the NICS Improvement Act"), enacted January 8, 2008, and reflects the Attorney General's methodology established to calculate the number of reportable records for the purposes of the Act.

In accordance with Section 102 (b)(2) of the Act, states are to provide the Attorney General with reasonable estimates of certain categories of available records in the state "concerning any event occurring within the prior 20 years." Therefore, the estimates requested herein – with the exception of three categories dealing with "active" records - pertain to the period from January 1, 1989, through December 31, 2008.

For the purposes of these estimates, the term "event" means an action by a government agency that results in the creation of one or more of the following categories of records pertaining to persons prohibited from purchasing a firearm pursuant to the Federal Gun Control Act of 1968, as amended, 18 U.S.C. 921 *et. seq.* including the following:

- Category 1: Records that identify a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (*e.g.*, federal or state felonies), and of any state misdemeanor punishable by imprisonment for more than 2 years.

- Category 2: Records that identify a person who is currently under an indictment or information returned or filed with a court, or a criminal complaint issued or verified by a prosecutor, for the crimes described in Category 1.

- Category 3: Records that identify a person who is a fugitive from justice, as demonstrated by an active felony or misdemeanor want or warrant.

- Category 4: Records that identify a person who is an unlawful user of or addicted to any controlled substance, as demonstrated by specified arrests, convictions and adjudications, not protected from disclosure to the Attorney General by federal or state law.

- Category 5: Records that identify a person who has been adjudicated as a mental defective or has been formally and involuntarily committed to any mental institution, not protected from disclosure to the Attorney General by federal or state law.

- Category 6: Records that are electronically available and identify a person subject to an active court order (*e.g.*, issued by a criminal court or any civil court, such as divorce court, family court, magistrate or general jurisdiction court) which restrains a person from committing acts of violence against another person.

- Category 7: Records that are electronically available and identify a person convicted in any court of a misdemeanor crime of domestic violence.

Please note that in some instances the information collection form seeks estimates of records typically used by the NICS, ATF, and state firearm programs in determining whether a prospective purchaser is prohibited from receiving a firearm. In other words, such estimates pertain to records which may or may not reflect disqualifying information. Ultimately, that determination may require additional research and analysis on a record-by-record basis which typically is performed by the NICS, ATF, and/or a state firearm program. In other instances the form seeks estimates of records which, by definition, are disqualifying (e.g. Category 5).

Collaboration In Developing Estimates and Certification

It is expected that state agency executives, judicial agencies, and other entities will need to collaborate in developing the estimates required to complete this form. In some cases, a state court may have information about events in a certain time period that are only in a paper or manual format, or may have destroyed the records pursuant to a record retention policy, while a police agency or prosecutor's office may have electronic

records about those events during that time period, or may have provided the information to the state central record repository. Collaboration between these agencies can assist in developing a more complete and informative estimate.

For these reasons, this form requires a certification that such collaboration has occurred to be signed by both the state's NCHIP grant administering agency and the State Court Administrator.

Narrative Description of Record Systems and Explanation of Approach to Arriving at the Estimates

The state's assessment of record availability will undoubtedly involve several considerations, including what agencies or entities originate the records, the number of these agencies, the number of available records, the format of the records, and how long agencies may retain such records.

The reporting form solicits some information about these issues in an effort to help guide the state's development of record estimates. (This information may also help states formulate record improvement plans and could be useful in evaluating whether eventual grant proposals satisfy the authorized uses for funds).

Because each state's record system is unique, the reporting form calls for a narrative description of how records on the relevant events are maintained in the state. It also calls for an explanation of the approach taken in using these information sources to develop the estimates. This part of the form is also the place where an explanation should be provided for any missing data or failure to provide breakdowns of the estimates as requested.

The narrative will be used by the Attorney General as a basis for evaluating the reasonableness of the estimates, as required under the Act.

Originating Agencies vs. Record Repositories

The primary sources of information about these events are the originating agencies, *i.e.*, the agencies that make the arrests, issue the warrants, indictments, or informations, or enter the convictions or orders. These agencies will typically have "original" records about these events, although other agencies involved may also have records of the event. For example, a court will have a record of a conviction it enters, but so may the arresting agency or prosecutor's office involved in the case. Estimates are requested for records available at appropriate originating agencies in each record category.

At the same time, each state has a central record repository for criminal justice information and some may have central record repositories for mental health adjudications and commitments. It is through the state central record repositories that automated information about these events is electronically entered into the national repositories maintained by the FBI and used for NICS checks. Estimates are requested for records available at the state repository, data warehouses, or other locations in each record category.

What the Estimates Cover

The basic issue of record completeness being addressed by the NICS Improvement Act is the fact that not all relevant events, even though recorded in some fashion at the originating agency, are being recorded at the state central record repositories and/or provided to the FBI's national automated record systems that are used for NICS checks. Therefore, the record estimates seek to obtain a count of the number of unique records of the events, *i.e.*, the number of convictions, adjudications, commitments, orders, outstanding indictments, *etc.*, and, for comparison purposes, the number of those events reflected in records that are electronically available through state record repositories.

These comparisons will allow an assessment of the percentage of automated records of the events that are or can be made available for use by the NICS.

Disqualifying Events and Records that Reflect Them

It is recognized that the disqualifying events reflected in the categories of records specified in the Act may be available from more than one agency in the state. For example, a record of a single arrest or conviction may appear in the record systems of a police agency, a prosecutor's office, the courts, and the state central record repository. It is not intended that each record associated with a single event be counted but rather that a single report of the event be identified in the estimates.

The estimates of available records should be based on the number of unique records available at the state repository (or equivalent statewide database) and at an originating agency.

A Court's Judgment and Conviction Order, whether it involves multiple counts or one count, represents a single record of a disqualifying event for purposes of

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these estimates. Conversely, several events may be included on a single, consolidated record about a person in a central record system, such as the "Record of Arrest and Prosecution" or "RAP Sheet," reflecting that the person has two or more felony convictions or other disqualifying events. That consolidated record should not be counted as a "single" disqualifying event, if the convictions are the subject of separate Judgment and Conviction Orders as stated above. Each conviction on a consolidated record or RAP sheet should be counted as a separate conviction if it meets the definition of a conviction or disqualifying event.

Definitions

"Conviction" – A Court's Judgment and Conviction Order, whether it involves multiple counts or a single count, represents a "conviction." Example: When a defendant's criminal court case results in convictions on separate charges of burglary, assault, and armed robbery, it should be counted as one conviction.

"Records that identify a person" are: (1) fingerprint-based records which may be made available to the Interstate Identification Index ("III") or name-based records which may be made available to the files in (a) the National Crime Information Center ("NCIC") or (b) the National Instant Criminal Background Check System (NICS) Index Files ("NICS Index"). Such records may be available in state or local agency or court files and systems.

"Active records" – In the case of felony and/or misdemeanor wants or warrants, the term "active" means the want or warrant has not expired or been satisfied, removed, retired, deleted, or otherwise invalidated in terms of its status, and it retains its authority for a police officer to arrest the subject of the want or warrant.

In the case of protection or restraining orders, the term "active" means the order has not expired or been removed, retired, deleted, or otherwise invalidated in terms of its status, and it retains its authority to be enforced by a court and/or the police.

In the case of indictments, informations, and verified complaints, the term "active" means the prosecution associated with the indictment, information, or complaint has not concluded, been finally disposed of by the court, or has not been otherwise terminated.

"Available" – A record is deemed available if it contains the minimum data required for entry into the III, NCIC or the NICS Index.

A record is deemed "electronically available" if it contains the minimum data required for entry into the III, NCIC or the NICS Index, and currently resides in a database, spreadsheet, data file, or other electronic structure from which an automated transfer of the relevant data can be made. Paper or manual records are not considered "electronically available."

II. INITIAL STATE ESTIMATES

Category 1. Felony Convictions - Records that identify a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (*e.g.*, state 'felonies'), and state misdemeanors punishable by a term of more than 2 years.

Please estimate the number of available records in the state covering the twenty-year period (January 1, 1989 through December 31, 2008).

RECORD TYPE	NUMBER OF RECORDS IN THE STATE REPOSITORY		NUMBER OF CONVICTION RECORDS AT THE COURTS
Felony Convictions	The number already linked or associated with criminal history records:	The number not linked or associated with criminal history records (e.g. records in a pending or suspense file, etc.):	1C
	1A	1B	

Category 2. Active Indictments/Informations/Verified Complaints - Records that identify a person who is under an indictment or information returned or filed with a court, or a criminal complaint issued or verified by a prosecutor, for the crimes described in Category 1. The term "active" means the prosecution associated with the indictment, information, or complaint has not concluded, been finally disposed of by the court, or has not been otherwise terminated.

Please indicate how many active records were available in the state as of December 31, 2008.

RECORD TYPE	NUMBER OF RECORDS IN THE STATE REPOSITORY	NUMBER OF RECORDS AT THE COURTS OR PROSECUTORS' OFFICES
Active indictments returned/filed		
Active informations returned/filed		
Active criminal complaints issued or verified by a prosecutor		
TOTAL	2A	2B

Category 3. Active Wants/Warrants - Records that identify a person who is a fugitive from justice, as demonstrated by an active felony or misdemeanor want or warrant. The term "active" means the want or warrant has not expired or been satisfied, removed, retired, deleted, or otherwise invalidated in terms of its status, and it retains its authority for a police officer to arrest the subject of the want or warrant.

Please indicate how many active records were available in the state as of December 31, 2008.

RECORD TYPE	NUMBER OF RECORDS IN THE STATE REPOSITORY (State equivalent to the NCIC Wanted Persons File)	NUMBER OF RECORDS AT THE COURTS
Active Wants/Warrants	3A	3B

Category 4. Unlawful Drug Use Records - Records that identify a person unlawfully using or addicted to a controlled substance, as demonstrated by specified arrests, convictions and adjudications, not protected from disclosure to the Attorney General by federal or state law. The term "arrests" means arrests for use or possession of a controlled substance. "Adjudications" include orders imposing: pretrial diversion, drug diversion, probation without judgment, adjudication withheld, probation or parole conditions or sentencing conditions which include mandatory drug treatment programs. "Convictions" mean convictions for use or possession of a controlled substance, which are not included in the estimates of felony convictions included under Category 1.

For the purposes of these record estimates, we are requesting only the following: (1) the number of arrests and adjudications for felony offenses (excludes convictions which have already been counted under Category 1), and (2) the number of arrests, adjudications, and convictions for all other drug offenses. This is to avoid duplication with records identified in Category 1.

Please estimate the number of available records in the state covering the twenty-year period (January 1, 1989 through December 31, 2008).

RECORD TYPE		NUMBER OF RECORDS IN THE STATE REPOSITORY	NUMBER OF RECORDS AT ORIGINATING AGENCIES
For drug offenses punishable by imprisonment for a term exceeding one year (*i.e.*, felonies) or state misdemeanors punishable by imprisonment for more than 2 years.	Arrests		
	Adjudications		
For all other drug offenses.	Arrests		
	Adjudications		
	Convictions		
TOTAL		4A	4B

Category 5. Mental Health Adjudications or Commitments - Records not protected from disclosure to the Attorney General by federal or state law that identify persons who have been:

(1) Adjudicated mentally defective, meaning that a court, board, commission or other lawful authority has determined that the person as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (a) is a danger to himself or others, or (b) lacks the mental capacity to contract or manage his own affairs. This category also includes records of persons found incompetent to stand trial or found insane by a court in a criminal case.

(2) Formally and involuntarily committed to a mental institution. This category of records does not include persons committed to a mental institution voluntarily or merely for observation or evaluation.

Please estimate the number of electronically available records in the state covering the twenty-year period (January 1, 1989, through December 31, 2008).

RECORD TYPE	NUMBER OF RECORDS IN THE STATE REPOSITORY	NUMBER OF RECORDS AT THE COURTS	NUMBER OF RECORDS AT A BOARD OR COMMISSION[1]	NUMBER OF RECORDS AT OTHER LAWFUL AUTHORITY[1,2]
Adjudications of mental defect.				
Findings of incompetency to stand trial.				
Findings of insanity by a court in a criminal case.				
Formal involuntary commitments to a mental institution.				
TOTAL	5A	5B	5C	5D

[1]Please identify the board, commission, or other lawful authority making the determination: _____

_____

_____

_____

_____

[2] Other lawful authority can include a state mental health authority database.

Category 6. Protection or Restraining Orders - Records that are electronically available and identify a person subject to an active court order (including criminal or any civil court such as divorce court, family court, magistrate or general jurisdiction court) which restrains a person from committing acts of violence against another person, and includes both temporary and permanent orders. The term "active" means the order has not expired or been removed, retired, deleted, or otherwise invalidated in terms of its status, and it retains its authority to be enforced by a court and/or the police.

Please indicate how many of the following active records were available in the state as of December 31, 2008.

RECORD TYPE	NUMBER OF RECORDS IN THE STATE REPOSITORY (State equivalent to the NCIC Protection Order File)	NUMBER OF RECORDS AT THE COURTS
Active Protection or Restraining Orders	6A	6B

Note: Criminal court orders would include bail, probation, and parole conditions imposed by a court.

Category 7. Convictions for Potential Misdemeanor Crimes of Domestic Violence (MCDV) - Records that are electronically available and that may identify a person convicted of misdemeanor offenses such as battery, assault, disorderly conduct, breach of peace, family violence/domestic violence, family assault or battery/domestic assault or battery, stalking, harassment, etc.

Note: This category utilizes a list of the most common offenses which qualify as MCDVs. Inclusion of a record in a state count for estimation purposes only is not a determination that the subject of the record either is or is not prohibited from firearm possession under federal law. That determination requires additional research and analysis which typically is performed by FBI NICS and POC states.

Please estimate the number of electronically available records in the state covering the twenty-year period (January 1, 1989 through December 31, 2008).

RECORD TYPE	NUMBER OF RECORDS IN THE STATE REPOSITORY	NUMBER OF RECORDS AT THE COURTS
Potential MCDV Convictions	7A	7B

SUMMARY OF RECORD ESTIMATES

Please transfer the state estimates from individual categories to the table below.

(A) RECORD CATEGORY	(B) NUMBER OF RECORDS IN THE STATE REPOSITORY	(C) NUMBER OF RECORDS AT ORIGINATING AGENCIES
Category 1 Felony Convictions	From 1A + 1B	From 1C
Category 2 Active Indictments, Informations, Complaints	2A	2B
Category 3 Active Wants/Warrants	3A	3B
Category 4 Unlawful Drug Use Records	4A	4B
Category 5 Mental Health Adjudications or Commitments	5A	5-B + 5-C + 5-D
Category 6 Active Protection/Restraining Orders	6A	6B
Category 7 Misdemeanor Crimes of Domestic Violence Convictions	7A	7B
TOTAL	Sum of Column B	Sum of Column C

PERCENTAGE OF ALL RECORDS AVAILABLE	(Sum of Column B) Divided by (Sum of Column C) * 100

Note: The Attorney General's evaluation of the estimates provided herein will include a comparison to the number of records contained in certain FBI files as of December 31, 2008, including: the Interstate Identification Index, the NCIC Protection Order File, the NCIC Convicted Sexual Offender Registry file, the Convicted Persons on Supervised Release file, the Wanted Persons file, and the NICS Index.

III. RECORD AVAILABILITY

Please provide a description of how each category of available records is maintained in your state.

For each separate category of records please describe the following:

a. The type and number of state/local agencies that originally create such records;

b. The typical "lifecycle" of such original records, including:

   i. when and where the records are created;
   ii. whether such records are maintained in paper or electronic form;
   iii. if and how such records are transmitted to state and national files; and,
   iv. when/how such records are ultimately disposed of, deleted, or otherwise made unavailable.

c. Any difficulties or impediments faced in accessing records or submitting records to state and national files; and

d. Other factors that may affect the availability of the records for state and national files, including whether categories of records may be protected from disclosure to the Attorney General under a provision of state or federal law. Please provide a citation or statutory reference for the applicable law or regulation.

Attach separate sheets if necessary.

IV. ESTIMATION PROCESS

For each separate category of records, please provide a detailed description of the research and/or analysis performed to arrive at the individual record estimate(s) provided. For each separate category of records covered, this description should include an explanation of how the specific estimates were developed including any analysis or assessment of records in the state central record repository, surveys of local reporting agencies, analyses of state court statistics, data collection from sample(s) of local agency records, estimates derived from audits of local reporting agencies, and/or any other analytical work performed to support the development of the applicable record estimate.

If applicable, this section should also include an explanation for any missing information or record estimates required by the reporting form.

Attach separate sheets if necessary.

V. CERTIFICATION

Submitting State	Submission Date

The undersigned hereby certifies to the Attorney General of the United States that:

(1) the estimates provided herein are consistent with the guidance provided with this form; and,

(2) the estimates provided were developed in collaboration with state court officials, the criminal history record repository, and other officials with relevant information as appropriate, including the state firearm licensing or permit program, state mental health program directors, state statistical analysis center, and others.

State NCHIP Program Official	
Signature	Date
Printed Name	Title
Address	Phone & Email address

State Court Administrator	
Signature	Date
Printed Name	Title
Address	Phone & Email address

OMB Control Number: 1121-0322
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VI. SUBMISSION OF INFORMATION COLLECTION

The completed form can be mailed to:	Gerard Ramker Criminal Justice Data Improvement Program Bureau of Justice Statistics U.S. Department of Justice, Office of Justice Programs 810 7th Street, N.W., Room 2323 Washington, DC 20001
The completed form can be emailed to:	Gerard.Ramker@usdoj.gov
The completed form can be faxed to:	Gerard Ramker at (202) 307-5846

VII. QUESTIONS

- For questions about this information collection, please contact Gerard Ramker, Chief of BJS's Criminal Justice Data Improvement Program, at (202) 307-0765 or Gerard.Ramker@usdoj.gov.
- Additional information about the Act and DOJ efforts to implement it can be found on the BJS website at http://www.ojp.usdoj.gov/bjs/niaa.htm.
- For questions about NICS, please contact the NICS Liaison Specialist at (304) 625-7348 or email sbaker2@leo.gov. Additional information is available at www.fbi.gov/hq/cjisd/nics/index.htm.
- For general questions relating to the categories of persons prohibited from receiving or possessing firearms under federal law, please contact your local field division of the Bureau of Alcohol, Tobacco, Firearms and Explosives, at 1-800-800-3855, or NIAAReliefProgram@ATF.gov. Additional information is available at www.atf.gov.

Required Burden Statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The data collection will be sent to NCHIP administering agencies in 56 jurisdictions including the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands. The average time required for each agency to complete the reporting form is estimated at 40 hours. Send comments regarding this burden estimate or any aspect of the data collection, including suggestions for reducing this burden to Gerard Ramker at the Bureau of Justice Statistics, 810 7th Street, NW, Room 2323, Washington DC 20531.

Appendix C: Record Estimates

Aggregate Number of Estimated Records Reported by State Record Repositories and Originating Agencies, per NIAA Survey Category

Category	Repository	Originating Agencies	Percent of Records at the Repository
(1) Felony Convictions	17,353,590	18,821,435	92
(2) Active Indictments/Information's/ Verified Complaints	3,121,699	3,121,011	100
(3) Active Wants/Warrants	5,623,067	7,246,663	78
(4) Unlawful Drug Use Records	18,402,391	23,297,821	79
(5) Mental Health Adjudications	902,444	2,044,460	44
(6) Protection or Restraining Orders	1,149616	1,096,564	105
(7) Convictions for MCDV	2,937,467	3,208,023	92
Total	**49,493,285**	**58,835,977**	**84**

Total Number of Estimated Records Reported by State Criminal Repositories and Originating Agencies, per NIAA Survey Category, per State

Category		Repository	Originating Agencies	Percent of Records at the Repository
(1) Felony Convictions				
	Arizona	463,506	584,797	79
	Arkansas	317,979	90,898	350
	Colorado	585,916	325,198	180
	Connecticut	404,509	307,350	132
	Delaware	698,643		
	Florida	1,826,060	2,543,528	72
	Georgia	1,320,760	1,320,760	100
	Guam*	3,749	3,749	100
	Hawaii	30,054	50,841	59
	Idaho	69,087	115,740	60
	Illinois	866,884	1,182,191	73
	Iowa	203,121	465,717	44
	Kansas	164,825		
	Kentucky	327,707	327,707	100
	Louisiana	135,525	168,271	81
	Maryland	304,417	576,313	53
	Massachusetts	374,460	374,460	100
	Michigan	998,492	1,025,265	97
	Minnesota	181,621	168,131	108
	Missouri	279,575	332,762	84
	Montana	32,140	35,320	91
	Nebraska	61,181	90,710	67

Category		Repository	Originating Agencies	Percent of Records at the Repository
	Nevada	33,957	59,160	57
	New Jersey	555,745	736,979	75
	New York	874,116	888,719	98
	North Carolina	300,362	822,660	37
	North Dakota	31,112		
	Ohio	648,029		
	Oklahoma	133,729	307,932	43
	Oregon	185,967	390,976	48
	Pennsylvania	857,784	1,017,851	84
	Rhode Island	32,415	40,519	80
	South Carolina	496,860	329,670	151
	South Dakota	42,432	40,271	105
	Tennessee	679,605		
	Texas	731,983	2,398,044	31
	Utah	117,094	125,416	93
	Virginia	897,949	911,903	98
	Washington	691,000	235,844	293
	West Virginia	191,229	94,892	202
	Wisconsin	165,689	294,569	56
	Wyoming	36,322	36,322	100
(2) Active Indictments/Information's/ Verified Complaints				
	Arizona		58,637	0
	Arkansas		66,356	0
	Colorado		8,929	0
	Connecticut	24,117	34,558	70
	Delaware	26,438		
	Florida	114,025	550,300	21
	Georgia			
	Guam*	1,265		
	Hawaii	63,079	3,800	1,660
	Idaho		12,756	0
	Illinois	381,190	65,886	579
	Iowa		32,198	0
	Kansas			
	Kentucky		164,177	0
	Louisiana		141,026	0
	Maryland		24,892	0
	Massachusetts	81,878	81,878	100
	Michigan	98,212	562,726	17
	Minnesota			
	Missouri	60,758	60,408	101
	Montana	10,817	3,487	310
	Nebraska	112	62,219	0
	Nevada	0	9,332	0
	New Jersey	37,049	92,875	40
	New York	27,830	25,328	110

Category		Repository	Originating Agencies	Percent of Records at the Repository
	North Carolina		79,756	0
	North Dakota	6,948		
	Ohio			
	Oklahoma	175,043	169,471	103
	Oregon	0	33,312	0
	Pennsylvania	1,032,119	67,876	1,521
	Rhode Island	9,211	9,430	98
	South Carolina	164,314	121,266	135
	South Dakota		83,940	0
	Tennessee		82,548	0
	Texas	534,475	241,485	221
	Utah	11,954	11,954	100
	Virginia	255,637	107,880	237
	Washington	0	29,017	0
	West Virginia			
	Wisconsin	5,228	18,050	29
	Wyoming		3,258	0
(3) Active Wants/Warrants				
	Arizona	369,745	48,897	756
	Arkansas	125,213	15,678	799
	Colorado	289,819	252,602	115
	Connecticut	22,346	35,799	62
	Delaware	113,914		
	Florida	330,030	803,794	41
	Georgia			
	Guam*	2,166	2,166	100
	Hawaii	21,893	77,890	28
	Idaho	23,357	53,465	44
	Illinois	351,012		
	Iowa	1,611	45,118	4
	Kansas	242,612		
	Kentucky	87,267	18,425	474
	Louisiana	10,586		
	Maryland	76,865	183,726	42
	Massachusetts	382,493	382,493	100
	Michigan	987,881	1,219,654	81
	Minnesota	79,691	93,203	86
	Missouri	214,521	218,336	98
	Montana	21,752	29,054	75
	Nebraska	112	50,685	0
	Nevada	424,661	383,254	111
	New Jersey	30,717	64,940	47
	New York	238,855	399,753	60
	North Carolina		2,006,953	0
	North Dakota	21,867		
	Ohio	101,411		

Category	Repository	Originating Agencies	Percent of Records at the Repository
Oklahoma		173,789	0
Oregon	89,701	89,805	100
Pennsylvania	105,140	22,138	475
Rhode Island	53,848	49,145	110
South Carolina	41,381		
South Dakota		56,121	0
Tennessee	29,044		
Texas	214,283		
Utah	112,576	129,756	87
Virginia	48,096	53,645	90
Washington	205,900	154,107	134
West Virginia	18,429		
Wisconsin	118,748	118,748	100
Wyoming	13,524	13,524	100
(4) Unlawful Drug Use Records			
Arizona	364,744	630,481	58
Arkansas	364,521	218,450	167
Colorado			
Connecticut	228,956	625,938	37
Delaware	268,546		
Florida	2,435,309	2,239,866	109
Georgia			
Guam*	5,792	5,792	100
Hawaii	54,238	89,641	61
Idaho	67,849	83,167	82
Illinois	963,064	1,879,247	51
Iowa	61,774	117,536	53
Kansas	284,811		
Kentucky	599,597	1,148,460	52
Louisiana	278,465	278,465	100
Maryland	173,622	384,008	45
Massachusetts	187,660	187,660	100
Michigan	510,503	615,312	83
Minnesota	144,880	143,151	101
Missouri	535,687	211,649	253
Montana	61,506	97,806	63
Nebraska	90,213		
Nevada	536,147	395,673	136
New Jersey	1,986,814	1,280,102	155
New York	1,592,435	1,599,599	100
North Carolina	121,561	3,988,286	3
North Dakota	41,696		
Ohio	436,892		
Oklahoma	377,417	199,863	189
Oregon	140,196	182,119	77
Pennsylvania	579,795	2,503,061	23

Category		Repository	Originating Agencies	Percent of Records at the Repository
	Rhode Island	20,869	33,786	62
	South Carolina			
	South Dakota	112,122	59,990	187
	Tennessee			
	Texas	2,857,844	3,083,726	93
	Utah	375,758	399,224	94
	Virginia	719,543	292,220	246
	Washington	528,950	19,109	2,768
	West Virginia		81,959	0
	Wisconsin	219,376	219,376	100
	Wyoming	76,239	3,099	2,460
(5) Mental Health Adjudications or Commitments				
	Arizona	439	121,700	0
	Arkansas	976	1,047	93
	Colorado	226	38,490	1
	Connecticut	79	4,676	2
	Delaware	255		
	Florida	33,122	37,667	88
	Georgia	3,012		
	Guam*	824	824	100
	Hawaii	1,308	771	170
	Idaho		15,845	0
	Illinois	5,579	18,310	30
	Iowa	3		
	Kansas	5,910		
	Louisiana		100	0
	Maryland	2,443	5,396	45
	Massachusetts		9,294	0
	Michigan	119,987	138,502	87
	Minnesota	1,122	424	265
	Missouri	951	22,850	4
	Montana	29		
	Nebraska	9,613		
	Nevada	0	8,698	0
	New Jersey	1,123	4,026	28
	New York	9,252	370,385	2
	North Carolina		329,869	0
	North Dakota		255	0
	Ohio	21,524		
	Oklahoma		38,370	0
	Oregon	37	61,564	0
	Pennsylvania	511,471	454,053	113
	Rhode Island		13	0
	South Carolina	8	2,631	0
	South Dakota	73	6,911	1
	Texas	1,430	159,244	1

Category	Repository	Originating Agencies	Percent of Records at the Repository
Utah	7,074	28,441	25
Virginia	105,327	87,321	121
Washington	57,552	60,787	95
West Virginia		14,693	0
Wisconsin	1,303	1,303	100
Wyoming	394		
(6) Protection or Restraining Orders			
Arizona	1,541	20,479	8
Arkansas	0		
Colorado	159,909	146,813	109
Connecticut	16,126	20,499	79
Delaware	4,255		
Florida	182,506	182,506	100
Georgia	7,352	7,352	100
Guam*	5,568	5,568	100
Hawaii	9,264	2,040	454
Idaho	568		
Illinois	80,237		
Iowa	13,929	13,929	100
Kentucky	21,623		
Louisiana	7,744	7,744	100
Maryland	7,323	7,947	92
Massachusetts	22,740	22,740	100
Michigan	19,530	37,253	52
Minnesota	8,959	9,173	98
Missouri	13,628	10,794	126
Montana	4,013	3,253	123
Nebraska	117	3,585	3
Nevada	3,345	19,356	17
New Jersey	155,087	158,605	98
New York	143,249	235,293	61
North Carolina		15,823	0
North Dakota	958		
Oklahoma		3,550	0
Oregon	12,775	147	8,690
Pennsylvania	28,589	15,848	180
Rhode Island	8,223		
South Carolina	1,830		
South Dakota		2,265	0
Tennessee	14,556		
Texas	15,513		
Utah	49,548	55,989	88
Virginia	23,207	24,000	97
Washington	89,100	32,028	278
West Virginia		15,272	0
Wisconsin	15,364	15,364	100

Category	Repository	Originating Agencies	Percent of Records at the Repository
Wyoming	1,349	1,349	100
(7) Convictions of Misdemeanor Crimes of Domestic Violence (MCDV)			
Arizona	87,603	138,891	63
Arkansas	70,298		
Colorado	12,314	164,710	7
Connecticut	142,190	201,358	71
Delaware	62,135		
Florida	89,428	89,315	100
Guam*	5,961	5,961	100
Hawaii	24,600	25,652	96
Idaho	608	60,327	1
Illinois	126,020	231,320	54
Iowa	67,558	180,684	37
Kansas	20,609		
Kentucky	37,547	188,124	20
Louisiana	14,140	1,142	1,238
Massachusetts	29,920	29,920	100
Michigan	211,189	99,393	212
Minnesota	58,017	70,899	82
Missouri	59,061	18,190	325
Montana	28,563	52,020	55
Nebraska	20,509		
Nevada	38,688	67,694	57
New Jersey	113,628	55,902	203
North Carolina	9,665	27,916	35
North Dakota	13,340		
Ohio	102,548		
Oklahoma	10,908	26,725	41
Oregon	155,081	17,424	890
Pennsylvania	216,176	309,398	70
Rhode Island	46,283	57,853	80
South Carolina		10,204	0
South Dakota	44,315	67,750	65
Texas	109,561	428,754	26
Utah	160,410	171,639	93
Virginia	152,859		
Washington	212,000	109,975	193
West Virginia	84,917		
Wisconsin	296,167	296,167	100
Wyoming	2,651	2,716	98

Note: Although the percentage of records at the repository far exceeds 100 percent in some categories for some states, the numbers are in fact accurate and can be explained by the issues and challenges outlined in the main report.

Appendix D: Example of State Narrative Distributed by NCSC and SEARCH

State Name

Narrative for the NICS Improvement Amendments Act State Estimates Survey

General:
• State provided documentation for record availability and their estimation process • It seems that all available resources were used in an effort to provide accurate counts (for example, local reports were utilized when data not available in the state data warehouse) • Missing information and challenges were well explained, but estimation process could be elaborated on (for example, a description explaining how filings data were used to create the estimates)
Missing Data:
• Category 4: arrests (felony and other) and adjudications (other) • Category 5: breakdown for incompetency to stand trial and involuntary commitments
Record Availability:
• 145 out of 173 courts use the "statewide" case management system, the remainder use in-house systems • The statewide system has been used since 1996; prior year records should be stored in paper and/or microfiche format
Estimation Process:
• Counts taken from AOC annual data reports, state data warehouse, and the Centralized Protective Order Repository • When counts not available, estimates based on filing trends (for some courts for Categories 3, 4, and 7)
Challenges:
• Lack of standard codes for indictments/informations/verified complaints, wants/warrants, and mental health cases • Data may include non-disqualifying cases due to inability to separately identify disqualifying circumstance • Manual process of reporting to the repository
Plans to improve records availability:
• The state recently contracted with a vendor to deploy a new case management system in 13 of the 15 Superior Court jurisdictions, and all limited jurisdiction courts will be brought on board over the next five years • State Name Disposition Reporting System (ADRS) is a collaborative project between prosecutors, law enforcement, and the courts that will automate transmitting records to the state repository
Reasonableness:
• The Bureau of Justice Statistics, in collaboration with the National Center for State Courts and SEARCH, is still in the process of determining how to evaluate the reasonableness of the estimates provided by each state. Once such determination has been made you will receive comments regarding the reasonableness of the estimates provided for the 2008 survey.
Questions:
1. The retention schedule is referenced as the basis for when records are ultimately disposed of, deleted, or otherwise made unavailable. Please cite specific information from that schedule in order to give an idea of how long records are supposed to be kept?

Appendix E: Model Estimates

This appendix provides detailed model estimates for the global as well as category-specific models. All models presented here are Negative Binomial regression results. They are numbered and presented in the following order.

1. Global Repository
2. Global Originating Agency
3. Repository Category 1 (Felony convictions)
4. Repository Category 2 (Active indictments / informations / complaints)
5. Repository Category 3 (Active wants / warrants)
6. Repository Category 4 (Unlawful drug use)
7. Repository Category 5 (Mental health adjudications or commitments)
8. Repository Category 6 (Active protections / restraining orders)
9. Repository Category 7 (Misdemeanor crimes of domestic violence convictions)
10. Originating Agency Category 1 (Felony convictions)
11. Originating Agency Category 2 (Active indictments / informations / complaints)
12. Originating Agency Category 3 (Active wants / warrants)
13. Originating Agency Category 4 (Unlawful drug use)
14. Originating Agency Category 5 (Mental health adjudications or commitments)
15. Originating Agency Category 6 (Active protections / restraining orders)
16. Originating Agency Category 7 (Misdemeanor crimes of domestic violence convictions)

Model 1

```
Negative binomial regression                      Number of obs   =         41
                                                  LR chi2(11)     =      64.26
Dispersion     = mean                             Prob > chi2     =     0.0000
Log likelihood = -582.48648                       Pseudo R2       =     0.0523

------------------------------------------------------------------------------
   reptotcat |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
    violprop |  -1.48e-06   1.54e-06    -0.96   0.336    -4.50e-06    1.54e-06
    iii_ncic |   3.97e-07   2.74e-07     1.45   0.147    -1.40e-07    9.33e-07
    nics_tot |   2.56e-06   1.36e-06     1.88   0.061    -1.14e-07    5.23e-06
    adultpop |   1.50e-07   6.98e-08     2.15   0.032     1.31e-08    2.87e-07
    rtchlaot |   .0686793   .1695871     0.40   0.685    -.2637052    .4010639
    rtchltrk |  -.5385093   .1710582    -3.15   0.002    -.8737773   -.2032414
    rtchlres |  -.4079261   .1888535    -2.16   0.031    -.7780722   -.0377801
    rtchlstr |  -.2719165   .2043083    -1.33   0.183    -.6723534    .1285203
    rtchlrts |  -.0876945   .2950758    -0.30   0.766    -.6660324    .4906435
     rtchlra |  -.0420359   .2273869    -0.18   0.853     -.487706    .4036343
    rtchlprl |   .1023487   .1857879     0.55   0.582     -.261789    .4664863
       _cons |   13.23513   .1809699    73.13   0.000     12.88044    13.58983
-------------+----------------------------------------------------------------
    /lnalpha |  -1.581523   .2137191                     -2.000404   -1.162641
-------------+----------------------------------------------------------------
       alpha |   .2056617   .0439538                      .1352806    .3126594
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 6.6e+06 Prob>=chibar2 = 0.000
```

Model 2

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(9)      =      15.52
Dispersion     = mean                           Prob > chi2     =     0.0776
Log likelihood = -592.92665                     Pseudo R2       =     0.0129

------------------------------------------------------------------------------
    cttotcat |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
    violprop |   1.61e-06   4.36e-06     0.37   0.712    -6.93e-06    .0000101
    iii_ncic |  -3.44e-07   6.87e-07    -0.50   0.617    -1.69e-06    1.00e-06
    nics_tot |   1.50e-06   4.36e-06     0.34   0.731    -7.04e-06       .00001
    adultpop |   2.79e-07   2.40e-07     1.16   0.246    -1.92e-07    7.50e-07
    ctchlaot |  -.4884715   .6095435    -0.80   0.423    -1.683155    .7062118
    ctchltrk |   .1206986   .5736783     0.21   0.833     -1.00369    1.245087
    ctchlres |   .3214781   .6242843     0.51   0.607    -.9020966    1.545053
    ctchlstr |  -1.097964   .9467039    -1.16   0.246    -2.953469    .7575418
    ctchlrts |   .6885265    1.58535     0.43   0.664    -2.418702    3.795755
     ctchlra |  (omitted)
    ctchlprl |  (omitted)
       _cons |    12.6172   .5357632    23.55   0.000     11.56713    13.66728
-------------+----------------------------------------------------------------
    /lnalpha |   .7718127   .1928049                      .3939219    1.149703
-------------+----------------------------------------------------------------
       alpha |   2.163685   .4171691                      1.482785    3.157256
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 2.1e+07 Prob>=chibar2 = 0.000
```

Model 3

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =      30.47
Dispersion     = mean                           Prob > chi2     =     0.0001
Log likelihood = -556.89961                     Pseudo R2       =     0.0266

------------------------------------------------------------------------------
     repcat1 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
 repcat1_inc |   .4677166   .3391094     1.38   0.168    -.1969256    1.132359
 repcat1_ovr |  -.1043158    .464314    -0.22   0.822    -1.014354    .8057229
    violprop |  -2.02e-07   2.31e-06    -0.09   0.931    -4.74e-06    4.33e-06
     iii_tot |  -4.58e-08   5.67e-07    -0.08   0.936    -1.16e-06    1.07e-06
    ncic_tot |   3.31e-06   2.43e-06     1.36   0.173    -1.46e-06    8.08e-06
    nics_tot |   1.23e-06   1.98e-06     0.62   0.536    -2.66e-06    5.11e-06
    adultpop |   1.36e-07   1.07e-07     1.27   0.203    -7.36e-08    3.46e-07
       _cons |   11.82248   .1979779    59.72   0.000     11.43445    12.21051
-------------+----------------------------------------------------------------
    /lnalpha |  -.6672924   .2047785                     -1.068651   -.2659339
-------------+----------------------------------------------------------------
       alpha |    .513096    .105071                      .3434716    .7664898
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 5.6e+06 Prob>=chibar2 = 0.000
```

Model 4

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =       4.14
Dispersion     = mean                           Prob > chi2     =     0.7631
Log likelihood = -303.83375                     Pseudo R2       =     0.0068

------------------------------------------------------------------------------
     repcat2 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
 repcat2_inc |   .0755401   1.623202     0.05   0.963    -3.105877    3.256957
 repcat2_ovr |    -.27504   5.663692    -0.05   0.961    -11.37567    10.82559
    violprop |  -6.79e-06   .0000218    -0.31   0.755    -.0000495    .0000359
     iii_tot |   1.56e-06   5.56e-06     0.28   0.779    -9.33e-06    .0000125
    ncic_tot |  -7.30e-06   .0000133    -0.55   0.584    -.0000334    .0000188
    nics_tot |   3.97e-06   .0000107     0.37   0.711     -.000017     .000025
    adultpop |   3.21e-07   6.36e-07     0.51   0.613    -9.25e-07    1.57e-06
       _cons |   9.116451   1.101312     8.28   0.000     6.957918    11.27498
-------------+----------------------------------------------------------------
    /lnalpha |   2.675605   .2336013                      2.217755    3.133455
-------------+----------------------------------------------------------------
       alpha |   14.52113   3.392154                      9.186679    22.95314
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 4.9e+06 Prob>=chibar2 = 0.000
```

Model 5

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =       4.96
Dispersion     = mean                           Prob > chi2     =     0.6646
Log likelihood = -498.18187                     Pseudo R2       =     0.0050

------------------------------------------------------------------------------
     repcat3 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
 repcat3_inc |  -.0894886    .968807    -0.09   0.926    -1.988315    1.809338
 repcat3_ovr |  -.9211872   1.033697    -0.89   0.373    -2.947196    1.104822
    violprop |  -2.63e-07   6.30e-06    -0.04   0.967    -.0000126    .0000121
     iii_tot |   3.91e-07   1.66e-06     0.24   0.814    -2.86e-06    3.65e-06
    ncic_tot |  -1.59e-06   4.96e-06    -0.32   0.749    -.0000113    8.13e-06
    nics_tot |   5.26e-06   6.22e-06     0.85   0.398    -6.94e-06    .0000175
    adultpop |   4.02e-08   2.97e-07     0.14   0.893    -5.43e-07    6.23e-07
       _cons |   11.14489   .4711479    23.65   0.000     10.22146    12.06832
-------------+----------------------------------------------------------------
    /lnalpha |   1.047912   .1906263                      .6742918    1.421533
-------------+----------------------------------------------------------------
       alpha |   2.851692   .5436074                      1.962643    4.143468
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 5.7e+06 Prob>=chibar2 = 0.000
```

Model 6

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =      13.00
Dispersion     = mean                           Prob > chi2     =     0.0722
Log likelihood = -535.06893                     Pseudo R2       =     0.0120

------------------------------------------------------------------------------
     repcat4 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
 repcat4_inc |  -1.076487   .6215784    -1.73   0.083    -2.294758    .1417848
 repcat4_ovr |  -.1265122   1.274879    -0.10   0.921    -2.625229    2.372205
    violprop |  -1.30e-06   4.84e-06    -0.27   0.788    -.0000108    8.19e-06
     iii_tot |  -4.58e-07   1.60e-06    -0.29   0.774    -3.59e-06    2.67e-06
    ncic_tot |   1.38e-06   4.26e-06     0.32   0.747    -6.98e-06    9.73e-06
    nics_tot |   6.27e-07   4.71e-06     0.13   0.894    -8.61e-06    9.86e-06
    adultpop |   3.56e-07   3.03e-07     1.18   0.240    -2.37e-07    9.49e-07
       _cons |   11.98996   .4823979    24.85   0.000     11.04448    12.93545
-------------+----------------------------------------------------------------
    /lnalpha |   1.035698   .1949648                      .6535738    1.417822
-------------+----------------------------------------------------------------
       alpha |   2.817071   .5492298                      1.922399    4.128119
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 6.2e+06 Prob>=chibar2 = 0.000
```

Model 7

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(6)      =      18.27
Dispersion     = mean                           Prob > chi2     =     0.0056
Log likelihood = -310.20723                     Pseudo R2       =     0.0286

------------------------------------------------------------------------------
     repcat5 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
 repcat5_inc |  -.8463916   .9408436    -0.90   0.368    -2.690411     .997628
 repcat5_ovr |  (omitted)
    violprop |  -8.87e-06   .0000104    -0.86   0.392    -.0000292    .0000114
     iii_tot |  -2.84e-06   1.70e-06    -1.67   0.094    -6.17e-06    4.87e-07
    ncic_tot |   9.81e-06   7.92e-06     1.24   0.215    -5.70e-06    .0000253
    nics_tot |    .000014   .0000101     1.38   0.167    -5.84e-06    .0000339
    adultpop |   1.32e-06   4.49e-07     2.95   0.003     4.43e-07    2.21e-06
       _cons |   6.826998   .6912002     9.88   0.000     5.472271    8.181726
-------------+----------------------------------------------------------------
    /lnalpha |   1.829646   .2023104                      1.433125    2.226167
-------------+----------------------------------------------------------------
       alpha |   6.231681   1.260734                      4.191779     9.26429
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 2.3e+06 Prob>=chibar2 = 0.000
```

Model 8

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(6)      =      25.17
Dispersion     = mean                           Prob > chi2     =     0.0003
Log likelihood = -398.47487                     Pseudo R2       =     0.0306

------------------------------------------------------------------------------
     repcat6 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
 repcat6_inc |  -25.89642   3287.507    -0.01   0.994    -6469.292    6417.499
 repcat6_ovr |  (omitted)
    violprop |  -8.55e-06   5.31e-06    -1.61   0.108     -.000019    1.87e-06
     iii_tot |   6.20e-07   1.62e-06     0.38   0.702    -2.56e-06    3.80e-06
    ncic_tot |   7.84e-06   4.81e-06     1.63   0.103    -1.59e-06    .0000173
    nics_tot |   6.79e-07   4.83e-06     0.14   0.888    -8.78e-06    .0000101
    adultpop |   3.08e-07   3.86e-07     0.80   0.425    -4.48e-07    1.06e-06
       _cons |   8.837847   .4832144    18.29   0.000     7.890764     9.78493
-------------+----------------------------------------------------------------
    /lnalpha |   1.057165   .2004778                      .6642358    1.450094
-------------+----------------------------------------------------------------
       alpha |     2.8782    .577015                      1.943005    4.263516
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 8.5e+05 Prob>=chibar2 = 0.000
```

Model 9

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =       2.77
Dispersion     = mean                           Prob > chi2     =     0.9054
Log likelihood = -473.77292                     Pseudo R2       =     0.0029

------------------------------------------------------------------------------
     repcat7 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
 repcat7_inc |  -.6405729   .9087226    -0.70   0.481    -2.421637    1.140491
 repcat7_ovr |   .3142606   1.474264     0.21   0.831    -2.575243    3.203765
    violprop |   2.69e-07   6.51e-06     0.04   0.967    -.0000125     .000013
     iii_tot |  -1.16e-06   1.48e-06    -0.78   0.434    -4.07e-06    1.75e-06
    ncic_tot |   6.71e-07   4.10e-06     0.16   0.870    -7.37e-06    8.71e-06
    nics_tot |   1.15e-06   5.88e-06     0.20   0.845    -.0000104    .0000127
    adultpop |   3.54e-07   3.57e-07     0.99   0.321    -3.45e-07    1.05e-06
       _cons |   10.76744   .5289566    20.36   0.000       9.7307    11.80417
-------------+----------------------------------------------------------------
    /lnalpha |   1.085534   .1937767                      .7057382    1.465329
-------------+----------------------------------------------------------------
       alpha |   2.961019   .5737765                      2.025341    4.328967
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 2.5e+06 Prob>=chibar2 = 0.000
```

Model 10

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =      13.12
Dispersion     = mean                           Prob > chi2     =     0.0693
Log likelihood = -536.5993                      Pseudo R2       =     0.0121

------------------------------------------------------------------------------
      ctcat1 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
  ctcat1_inc |   .6240599   .6649669     0.94   0.348    -.6792512    1.927371
  ctcat1_ovr |  -.0699738   1.232037    -0.06   0.955    -2.484722    2.344774
    violprop |  -1.32e-06   5.22e-06    -0.25   0.801    -.0000116    8.91e-06
     iii_tot |   1.10e-07   1.16e-06     0.09   0.925    -2.16e-06    2.38e-06
    ncic_tot |   1.54e-06   5.07e-06     0.30   0.761    -8.39e-06    .0000115
    nics_tot |   8.02e-07   4.35e-06     0.18   0.854    -7.72e-06    9.32e-06
    adultpop |   2.84e-07   3.03e-07     0.94   0.348    -3.10e-07    8.78e-07
       _cons |    11.1333   .5492315    20.27   0.000     10.05683    12.20978
-------------+----------------------------------------------------------------
    /lnalpha |   1.023425   .1952646                      .6407132    1.406136
-------------+----------------------------------------------------------------
       alpha |   2.782709   .5433646                      1.897834    4.080161
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 6.8e+06 Prob>=chibar2 = 0.000
```

Model 11

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =       6.10
Dispersion     = mean                           Prob > chi2     =     0.5285
Log likelihood = -452.84581                     Pseudo R2       =     0.0067

------------------------------------------------------------------------------
      ctcat2 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
  ctcat2_inc |   .2075199   .7543061     0.28   0.783    -1.270893    1.685933
  ctcat2_ovr |   1.283622   2.091299     0.61   0.539    -2.815249    5.382493
    violprop |   3.35e-06   7.28e-06     0.46   0.645    -.0000109    .0000176
     iii_tot |   4.10e-08   1.83e-06     0.02   0.982    -3.56e-06    3.64e-06
    ncic_tot |  -2.04e-06   6.61e-06    -0.31   0.758     -.000015    .0000109
    nics_tot |   5.65e-06   7.45e-06     0.76   0.448    -8.95e-06    .0000203
    adultpop |   1.48e-08   3.37e-07     0.04   0.965    -6.45e-07    6.75e-07
       _cons |   9.999388   .7187014    13.91   0.000     8.590759    11.40802
-------------+----------------------------------------------------------------
    /lnalpha |   1.365892   .1954634                      .9827907    1.748993
-------------+----------------------------------------------------------------
       alpha |   3.919217   .7660635                      2.671902    5.748811
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 3.0e+06 Prob>=chibar2 = 0.000
```

Model 12

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =       6.75
Dispersion     = mean                           Prob > chi2     =     0.4554
Log likelihood = -437.45668                     Pseudo R2       =     0.0077

------------------------------------------------------------------------------
      ctcat3 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
  ctcat3_inc |  -.4934732    1.42198    -0.35   0.729    -3.280502    2.293556
  ctcat3_ovr |     .07659   1.555032     0.05   0.961    -2.971216    3.124396
    violprop |   2.99e-06   7.30e-06     0.41   0.682    -.0000113    .0000173
     iii_tot |  -5.33e-06   3.13e-06    -1.70   0.089    -.0000115    8.07e-07
    ncic_tot |   .0000169   .0000134     1.26   0.209    -9.46e-06    .0000432
    nics_tot |   2.79e-06   9.92e-06     0.28   0.779    -.0000167    .0000222
    adultpop |   8.91e-07   5.64e-07     1.58   0.114    -2.14e-07    2.00e-06
       _cons |   11.72438   1.157943    10.13   0.000     9.454849     13.9939
-------------+----------------------------------------------------------------
    /lnalpha |   1.856787   .2017257                      1.461412    2.252162
-------------+----------------------------------------------------------------
       alpha |   6.403129   1.291676                      4.312042    9.508271
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 8.4e+06 Prob>=chibar2 = 0.000
```

Model 13

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =       8.77
Dispersion     = mean                           Prob > chi2     =     0.2693
Log likelihood = -494.89699                     Pseudo R2       =     0.0088

------------------------------------------------------------------------------
      ctcat4 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
  ctcat4_inc |   .2423368   .7999144     0.30   0.762    -1.325467     1.81014
  ctcat4_ovr |  -.5900209   2.124855    -0.28   0.781    -4.754661    3.574619
    violprop |   1.71e-06   6.80e-06     0.25   0.801    -.0000116     .000015
     iii_tot |  -1.63e-06   1.67e-06    -0.98   0.329    -4.91e-06    1.65e-06
    ncic_tot |   6.79e-07   5.72e-06     0.12   0.905    -.0000105    .0000119
    nics_tot |  -2.34e-06   7.24e-06    -0.32   0.746    -.0000165    .0000119
    adultpop |   6.22e-07   4.36e-07     1.43   0.154    -2.32e-07    1.48e-06
       _cons |   11.21419   .7587683    14.78   0.000     9.727028    12.70134
-------------+----------------------------------------------------------------
    /lnalpha |   1.699501   .1965367                      1.314296    2.084706
-------------+----------------------------------------------------------------
       alpha |   5.471216   1.075295                      3.722129    8.042225
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 1.9e+07 Prob>=chibar2 = 0.000
```

Model 14

```
Negative binomial regression                    Number of obs   =         42
                                                LR chi2(7)      =      12.38
Dispersion     = mean                           Prob > chi2     =     0.0888
Log likelihood = -381.51484                     Pseudo R2       =     0.0160

------------------------------------------------------------------------------
      ctcat5 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
  ctcat5_inc |   .3666711    .892969     0.41   0.681    -1.383516    2.116858
  ctcat5_ovr |   1.663384   1.348934     1.23   0.218     -.980478    4.307246
    violprop |   4.04e-06   7.97e-06     0.51   0.613    -.0000116    .0000197
     iii_tot |  -2.73e-06   1.97e-06    -1.39   0.166    -6.58e-06    1.13e-06
    ncic_tot |  -7.20e-07   7.08e-06    -0.10   0.919    -.0000146    .0000132
    nics_tot |   4.05e-06   8.96e-06     0.45   0.652    -.0000135    .0000216
    adultpop |   7.78e-07   4.32e-07     1.80   0.072    -6.84e-08    1.62e-06
       _cons |   8.209661   .7506121    10.94   0.000     6.738488    9.680833
-------------+----------------------------------------------------------------
    /lnalpha |   1.801762   .1992751                      1.41119    2.192334
-------------+----------------------------------------------------------------
       alpha |   6.060317    1.20767                      4.100833    8.956094
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 1.9e+06 Prob>=chibar2 = 0.000
```

Model 15

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =      11.56
Dispersion     = mean                           Prob > chi2     =     0.1161
Log likelihood = -361.69948                     Pseudo R2       =     0.0157

------------------------------------------------------------------------------
      ctcat6 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
  ctcat6_inc |   -.008248   1.188178    -0.01   0.994    -2.337034    2.320538
  ctcat6_ovr |   1.595143   1.771303     0.90   0.368    -1.876548    5.066833
    violprop |  -7.80e-06   6.06e-06    -1.29   0.198    -.0000197    4.07e-06
     iii_tot |  -1.94e-06   2.02e-06    -0.96   0.338    -5.90e-06    2.03e-06
    ncic_tot |   .0000162   7.83e-06     2.07   0.039     8.29e-07    .0000315
    nics_tot |   8.12e-07   6.29e-06     0.13   0.897    -.0000115    .0000131
    adultpop |   6.45e-07   3.78e-07     1.71   0.088    -9.51e-08    1.39e-06
       _cons |   9.019559   .8403026    10.73   0.000     7.372597    10.66652
-------------+----------------------------------------------------------------
    /lnalpha |    1.75072   .2084052                      1.342253    2.159187
-------------+----------------------------------------------------------------
       alpha |   5.758747   1.200153                      3.827659    8.664087
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 4.3e+05 Prob>=chibar2 = 0.000
```

Model 16

```
Negative binomial regression                    Number of obs   =         41
                                                LR chi2(7)      =       2.52
Dispersion     = mean                           Prob > chi2     =     0.9259
Log likelihood = -410.10138                     Pseudo R2       =     0.0031

------------------------------------------------------------------------------
      ctcat7 |      Coef.   Std. Err.      z    P>|z|     [95% Conf. Interval]
-------------+----------------------------------------------------------------
  ctcat7_inc |   .8350277   1.027982     0.81   0.417     -1.17978    2.849836
  ctcat7_ovr |   .1022319   1.945032     0.05   0.958    -3.709961    3.914424
    violprop |  -2.52e-06   9.99e-06    -0.25   0.801    -.0000221    .0000171
     iii_tot |  -9.17e-07   2.39e-06    -0.38   0.701    -5.60e-06    3.77e-06
    ncic_tot |   1.81e-06   6.29e-06     0.29   0.774    -.0000105    .0000141
    nics_tot |  -4.80e-06   7.80e-06    -0.62   0.538    -.0000201    .0000105
    adultpop |   4.81e-07   5.45e-07     0.88   0.377    -5.88e-07    1.55e-06
       _cons |   10.23663   .7709222    13.28   0.000     8.725652    11.74761
-------------+----------------------------------------------------------------
    /lnalpha |   1.944871   .2043724                      1.544308    2.345433
-------------+----------------------------------------------------------------
       alpha |   6.992729   1.429121                       4.68473     10.4378
------------------------------------------------------------------------------
Likelihood-ratio test of alpha=0:  chibar2(01) = 3.5e+06 Prob>=chibar2 = 0.0
```