

Public Comments - Reinstatement of a Previously Approved Collection: FIST Program
March 11, 2021

Thank you for the opportunity to provide public comments on the Bureau of Justice Statistics, Department of Justice proposed reinstatement of the Firearm Inquiry (FIST) Program. A call for comments was published in the *Federal Register* on January 15, 2021.

Developing and implementing a data-driven federal government in which rigorous evidence informs solutions to our nation's most pressing health and safety challenges is critical. Nowhere is that data foundation more needed than in the realm of firearms violence. Reliable data is a much needed bridge to effective policy-making that can reduce the number of firearm accidents, suicides, homicides, and assaults.

Arnold Ventures, a philanthropic organization dedicated to maximizing opportunity and minimizing injustice, and NORC at University of Chicago, an objective non-partisan research institution, are committed to supporting and informing efforts to ensure data driven decisions and rigorous evidence serve as the underpinning of the nation's health and safety challenges. Reliable data are a critical bridge to effective policy making that can reduce the number of firearm accidents, suicides, homicides, and assaults. To that end, Arnold Ventures and NORC convened a panel of experts on public health and firearms violence. Launched in the summer of 2019, this expert panel on Firearms Data Infrastructure included distinguished academics, government leaders, and trailblazing practitioners whose charge was to create a blueprint for a better firearms data infrastructure to be implemented in both the short- and long-term.

The NORC expert panel issued [recommendations](#) that address several key problems: Firearms data are often difficult to access; collections are narrow in scope; public release of data can lag by years; and, few datasets and systems can be integrated. Firearms data often cannot be accessed because of policy restrictions. Some firearms data are simply not collected. Other firearms data can be accessed and do have valuable data but need a slight change in order to accurately identify cases. As a result of these compounding barriers to accessible and accurate data, the number of critical research questions that can be asked and answered is severely constrained. As a result, important opportunities to improve community safety are missed. The most direct path to improving the U.S. firearms data infrastructure is to reinstate discontinued data collections that will fill critical gaps in our knowledge base.

The data collection program being considered for reinstatement is the FIST program. The FIST collects information on firearm applications and denials, and combines this information with the FBI's National Instant Criminal Background Check System (NICS) transaction data to produce an estimated number of background checks for firearm transfers or permits. This program has been in effect since the implementation of the Brady Act in 1994.

First, the reinstatement of the FIST program will have practical utility for researchers. The FIST program is a critical link for researchers evaluating the success or failure of current laws and practices in protecting community safety. Despite the obvious need for accurate data on firearms ownership,

use, and storage to inform effective public health strategies, there is no official data on firearms ownership. The proposed reinstatement of FIST is one step toward the creation of a data infrastructure that can meaningfully inform policymaking. After all, the program is one of the very few federal data sources that even allow for basic estimates of firearm ownership — a necessary statistic for examining the effect of gun laws and practices.

Second, a revitalized FIST program could easily be enhanced to include collection of other critical data filling a gap in the current information that is impeding the effective use of data for policy making. For example, FIST could collect information on how often firearms are transferred without a passed background check due to checks not being completed within the time allowed. FIST could also track the proportion of these transfers that were later determined to involve a prohibited possessor, and the proportion of these where firearms were later recovered from the prohibited purchaser.

It should be noted that to produce estimates on the number of background checks for firearm transfers or permits the FIST program also relies upon the National Instant Criminal Background Check System (NICS). The NICS determines whether a sale can proceed or is rejected — inaccuracies and limitations in NICS create inaccurate reporting in FIST, and thus the FIST program's success is closely tied to NICS. In February 2013, the National Consortium for Justice Information and Statistics (SEARCH) [released a report](#) describing how almost all of the data in NICS that determines if an individual is ineligible to purchase a firearm are drawn from state data collections that suffer from substantial gaps in information. The NORC expert panel recommends, and we agree, that an audit should be conducted to determine precisely how much legally required information does and does not flow into the NICS. That audit should document specific barriers and provide recommendations for remediating those barriers, including an estimate of the financial investment required for the database to comply with the legal obligations in the authorizing law, the Brady Act. The expert panel further recommends that the audit is conducted annually to ensure sustainable compliance as incomplete data ensures that at least some dangerous individuals can legally purchase a weapon. These data gaps are a threat to community safety and instrumental to the FIST program.

While there are limitations in the U.S. federal system of data for understanding firearms violence, reinstating the FIST program is a step in the right direction as improvements to firearms data infrastructure can help researchers and policy makers answer fundamental questions on the effect of firearms laws and practices.

We appreciate the opportunity to comment on this proposed data collection effort.

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