NIAA Categories of Records

The Connecticut Strategy

The National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP) federal grant implements the provisions of the NICS Improvement Amendments Act (NIAA) of 2007. The State of Connecticut received funds under the NARIP 2011 grant to improve the quality, completeness, and availability of NICS records. One of Connecticut's challenges is to develop accurate NIAA State Estimates with narratives that identify the structural or reporting problems of potential NICS records. State Estimates are provided by the originating agencies who may only understand their responsibility in the overarching process.

Connecticut's NCHIP Official, who oversees and verifies the annual NIAA State Estimates to the U.S. Attorney General, sought to create a shared understanding about how data is transmitted to NCIC, III, and the NICS Index. NARIP 2011 funds were utilized to hire business analysts who developed flow charts for Connecticut's current "AS IS" business processes from the local, state and federal levels for all seven (7) categories of records specified in the NIAA. The documentation is intended to provide a comprehensive understanding of the multiple data sources and reporting paths the data follows, providing a more accurate understanding of where records exist and how data is reported. A thorough examination of all the reporting systems can identify and resolve disparities, leading to more records being made available to NICS.

The seven (7) NIAA categories of records that Connecticut is assessing which may disqualify an individual from possessing or receiving a firearm under federal law are as follows:

1) Felony Convictions
2) Felony Indictments
3) Fugitive from Justice (Warrants)
4) Unlawful Drug Use Adjudications
5) Mental Health Adjudications
6) Protection Orders
7) Misdemeanor Crimes of Domestic Violence

This document is a work in progress and part of Connecticut's NICS Record Improvement Plan. It provides an overview of each of the NIAA Categories of Records, the NIAA State Estimates, and an overview diagram of the high level system relationships that currently exist in Connecticut.

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NICS Improvement Amendments Act (NIAA): State Estimates

Pursuant to the National Instant Criminal Background Check System (NICS) Improvement Amendments Act (NIAA) of 2007, states are to provide the United States Attorney General with reasonable estimates of certain categories of available records in the state "concerning any event occurring within the prior 20 years." The term "event" means an action by a government agency that results in the creation of records pertaining to persons prohibited from purchasing a firearm of one or more of the following categories:

- **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 (1) year (e.g., federal or state felonies) and of any state misdemeanor punishable by a term of more than two (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 unlawfully using 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 had a mental health adjudication 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, and includes both temporary or permanent orders.
- **Category 7:** Records that are electronically available and identify a person convicted of a misdemeanor crime of domestic violence.

In general, these estimates pertain to records which, by definition, are disqualifying (e.g. Category 1, 2, 3 and 5). However, in some instances, estimates pertain to records which may not necessarily reflect disqualifying information (e.g. Category 4, 6 and 7). Ultimately, that determination may require additional research and analysis which typically is performed by NICS, the state firearm program, or by the agency that enters a particular record in the NICS Denied Person File.

The basic issue of record completeness being addressed by the NIAA 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 (e.g., 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 NICS.

The primary sources of information about these events are the originating agencies (e.g., the agencies that make the arrests, issue the warrants, indictments, 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, but so may the arresting agency or prosecutor's office involved in the case. Estimates are requested for records available in each NIAA record category at the originating agencies and State Repository for criminal justice information.

Collaboration in Developing NIAA State Estimates

The State of Connecticut established a NICS Record Improvement Task Force so that all contributing entities could participate in the estimation process. Each of the Task Force entities may have followed different paper and electronic record retention policies through the years. For example, a state court may only have paper records of events in a certain time period, while the repository and arresting agencies may have electronic records about those events. Similarly, the court may have destroyed paper records under its record retention policy, but the repository may still have its paper records for the time period. Collaboration between these agencies can assist in developing a more complete and informative estimate. Once the collaboration is completed, the estimates are certified by the state's NCHIP grant administering agency official and the office of the state court administrator.

Narrative Description of NIAA State Estimates

The state's assessment of record availability involves several considerations, including which agencies or entities originate the records, the number of these agencies, the number of available records, the format of the records, and the length of time agencies retain such records. This information helps to formulate record improvement plans and is useful in evaluating whether future grant proposals satisfy the authorized uses for funds.

It also calls for a narrative description of how records of relevant events are maintained and an explanation of the approach taken in using these information sources to develop the estimates. These explanations help to identify missing data and the failure to provide estimates breakdowns that demonstrate areas for improvement and challenges.

The narratives are used by the U.S. Attorney General as a basis for evaluating the reasonableness of the estimates, as required under the Act.

NIAA State Estimates in Connecticut

Annually, the NIAA State Estimates currently involve the examination of records in the state central record repository and records of the courts. However, it is anticipated that future estimate reporting will include surveys of local law enforcement agencies and originating agencies, analysis of court statistics, data collection from samples of local agency records, estimates derived from audits of local reporting agencies, or other analytical work which may or may not have been performed to support the development of current NIAA State Estimates.

Connecticut has continued to adjust its annual data collection methods to improve our ability to monitor compliance with the NIAA, so that future records estimates and other reports in support of the NIAA should be more accurate, complete and available. Site visits and outreach to local law enforcement agencies have also been initiated to better understand the local reporting of NICS records. Information gathered in these areas will enable the State of Connecticut to begin improving the quality, completeness and availability of records to NICS through improved procedures, and enhanced computer systems and data exchanges.

Connecticut agencies involved in the business processes that have an impact on the quality, completeness, and availability of records submitted under the seven (7) NIAA categories of records are:

- Local Law Enforcement Agencies
- Department of Emergency Services and Public Protection (DESPP)
- Department of Mental Health and Addiction Services (DMHAS)
- Judicial Branch
- Office of the Probate Court Administrator
- Office of Policy and Management
- Psychiatric Security Review Board (PSRB)
- Division of Criminal Justice, Office of the Chief State's Attorney (DCJ)

Listed below are the *systems* identified by Agency as being involved in the seven (7) NIAA categories of records:

Connecticut Agencies

Department of Mental Health and Addiction Services (DMHAS)

- Mental Health Gun Control System (MHGCS or "black box")
- Probate Client Database (Microsoft Access standalone)

Local Law Enforcement Agencies
- Automated Fingerprint Identification System (AFIS)
- Record Management System (RMS)

Department of Emergency Services and Public Protection (DESPP)
- Automated Fingerprint Identification System (AFIS)
- Computerized Criminal History (CCH or State Repository)
- Connecticut On-Line Law Enforcement Communications Teleprocessing (COLLECT) File 05 (Wanted Person File) and File 20 (Protection Order File)
- State Police Record Management System (RMS)
- Special Licensing and Firearms Unit (SLFU)

Connecticut Judicial Branch (Judicial)
- Protection Order Registry (POR)
- Case Management Information System (CMIS)
- Criminal Motor Vehicle System (CRMVS)
- POR Administrative Reporting Module (POR-ARM)
- Paperless Arrest Warrant Network (PRAWN)

Office of the Probate Court Administrator (PCA)
- Probate Case Management System (PCMS)
- Probate Central Data Mart or Central Data Repository (CDR)
- Document Management System (LaserFiche)
- Mental Health Adjudication Repository (MHAR, new under development)

U.S. Department of Justice (USDOJ)
- Integrated Automated Fingerprint Identification System (IAFIS)
- Interstate Identification Index (III)
- National Crime Information Center (NCIC) Wanted Person File and Protection Order File

Connecticut has identified significant challenges in reporting records to NICS including, inconsistent or incomplete data among seven (7) reporting categories, and outdated computer systems that should be replaced or substantially reconstructed to provide the necessary technical capacity for NICS reporting.

Understanding these challenges may help the NICS Record Improvement Task Force to focus on specific improvements or identify factors that affect the quality, completeness and availability of records for state and national files, including whether NIAA categories of records may be protected from disclosure. Such obstacles will need to be further investigated in developing a process to ensure all disqualifying records are made available to NICS. Even if significant improvements have been achieved for a particular NIAA category of record, the assessment continues until all records in that category are available to NICS.

Strategically, Connecticut has focused on the NIAA categories of records shown to be the most problematic and affecting the largest number of records (e.g. felony convictions, felony indictments, and arrests and convictions involving unlawful drug use.)

Mental health adjudications do not compare to felony convictions in regard to volume, however these adjudications pose a unique set of problems for NICS reporting. Records of many mental health adjudications are not available by means of the criminal history systems used by NICS, rendering them invisible to NICS unless special procedures are established for NICS. In contrast, many felony convictions, even when incomplete, can be traced through the various criminal history systems that feed or support NICS.

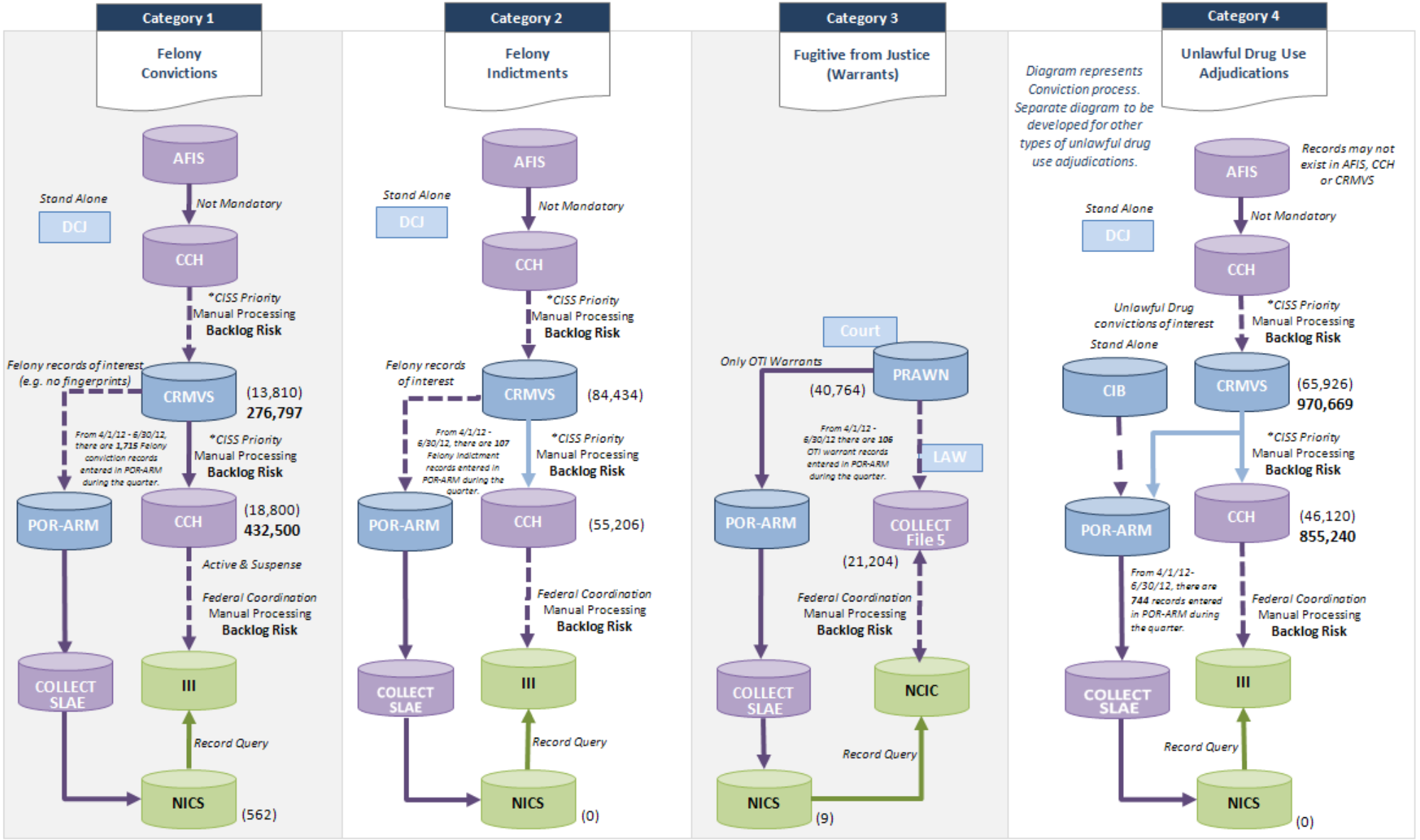
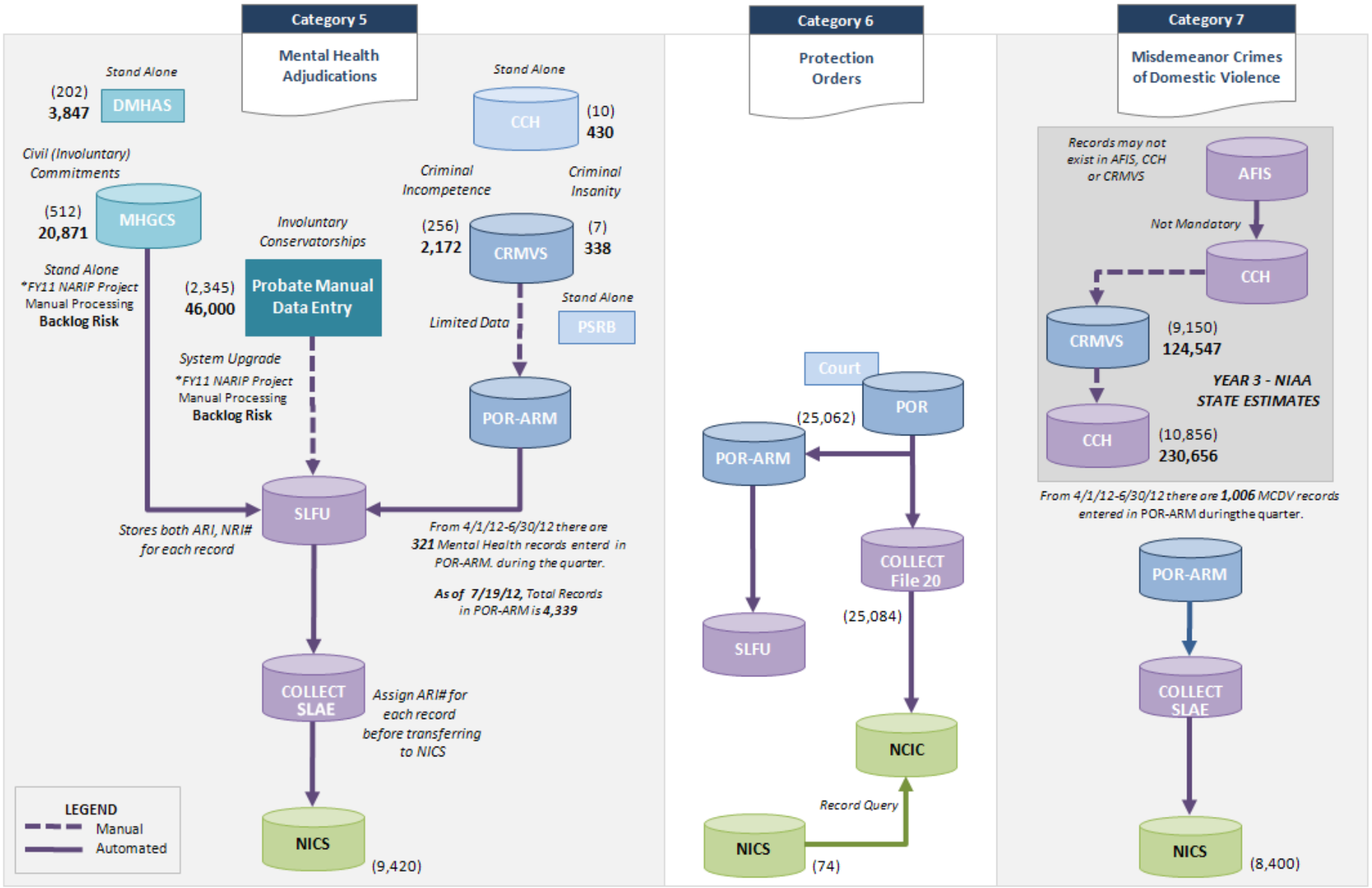
NARIP 2011 funded activities are focusing on two (2) areas of improvements; 1) the largest activity that leads to a firearms disqualification, convictions (felony and misdemeanor), and 2) the most problematic area, mental health adjudications.

The Mental Health Adjudication Repository (MHAR) application being developed using NARIP 2011 grant funds is expected to be completed by year-end 2012. Mental health records in the local probate courts from January 1, 2001 until present are being reviewed for errors or omissions before being entered into the database so an additional 10 years of historical information can be made available to NICS. Further, an electronic interface between the local probate courts' PCMS system and DMHAS is being built to feed NICS in order to eliminate manual data entry.

The NARIP 2011 grant is also providing preliminary funding for the Judicial Branch's criminal disposition module, a modern computer system that will interface with the legacy Criminal Motor Vehicle System (CRMVS) that is presently used in all criminal courts. Although it outdated, the CRMVS is now at the center of criminal justice reporting activities in the state, serving as the source for all state criminal history information made available on the internet, to the state repository, and to seventeen other computer systems or daily data extracts. The NARIP 2011 grant also funded the CRMVS Criminal Disposition Module project. Once the new criminal disposition module is completed, it will provide more accurate, complete, and timely electronic disposition records in the criminal courts and separate the maintenance and reporting of criminal dispositions from the main body of CRMVS processing. This will improve the availability of criminal court records in all seven categories of records in the NIAA estimates.

The following two (2) pages provide a visual representation of the high-level system diagrams and relationships for each of the seven (7) NIAA categories of records currently being assessed in Connecticut.

State of Connecticut – High-Level System Relationships for the Seven (7) NIAA Categories of Records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