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A National Estimate

Presale Handgun Checks, 1997

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During 1997 about 2,574,000 background checks of potential handgun buyers prevented an estimated 69,000 purchases. The inquiries revealed purchasers' ineligibility to buy a handgun under State or Federal laws, particularly the Brady Handgun Violence Prevention Act (Pub. L. No. 103-159, 107 Stat. 1536 (1993)), which became effective on February 28, 1994. Sixty-two percent of those rejected had been convicted of a felony or were under felony indictment.

From March 1, 1994, through the end of 1997, handgun sellers submitted an estimated 10.4 million inquiries about potential handgun buyers of whom about 242,000 were rejected. These estimates include about 62,000 rejections of handgun purchase applications in the last 10 months of 1994, 41,000 for all of 1995, and 70,000 for all of 1996.

The Firearm Inquiry Statistics (FIST) program administered by the Bureau of Justice Statistics (BJS) collected the data. FIST was initiated in 1994 to describe presale background checks of applicants to buy a handgun from a Federal firearm licensee. Chief law enforcement officers made the checks in accordance with the Brady Act or comparable State legislation.

Highlights

Presale handgun checks: Estimates of inquiries and rejections, 1997

	Presale checks for handguns, 1/1/97-12/31/97		
	All States	Original Brady States*	Brady States during 1997
Inquiries and rejections			
Inquiries/applications	2,574,000	1,197,000	803,000
Rejected	69,000	42,000	24,000
Rejection rate	2.7%	3.5%	3.0%
Reasons for rejection			
Felony indictment/conviction	43,000	30,000	12,000
Other	26,000	12,000	12,000

Note: All estimated counts are rounded. Percentages were calculated from unrounded data. Detail may not add to total because of rounding.

*Original Brady States are the 32 States required to follow presale review procedures set out in the Brady Act when it became effective on February 28, 1994. At the end of 1997, 23 of the 32 were still Brady States. (See table 2.)

- During 1997 about 69,000 out of an estimated 2,574,000 applications for the purchase of a handgun were rejected due to presale background checks of the potential purchasers.

- About 62% of the rejections were for a prior felony conviction or a current felony indictment. Domestic violence misdemeanor convictions accounted for over 9% of rejections; domestic violence restraining orders, 2%.

- In the 46 months from the inception of the Brady Handgun Violence Prevention Act to yearend 1997, an estimated 10,356,000 applications for handgun purchases resulted in 242,000 rejections through background checks.

- At the beginning of the Brady Act, March 1, 1994, 32 States and Puerto Rico were required to follow the procedures set forth in the act (Brady States). Currently there are 23 Brady States.

- After November 1998 —
  — presale background checks will be required for sales of all firearms, not just handguns

  — background checks will be made to the FBI's National Instant Criminal Background Check System (NICS), either directly or through the State Point of Contact (POC), unless the State operates under an approved firearm permit system.

- During 1997 the FBI received 3,930,000 inquiries to its National Crime Information Center about persons applying to carry or purchase a firearm.

Table 1. Reasons for rejection of handgun purchase applications, national estimates, 1997

Reason for rejection	All States	Original Brady States	Brady States during 1997
Total	100.0%	100.0%	100.0%
Felony (indictment/ conviction/no disposition)	61.7	69.9	50.3
Fugitive	5.9	7.5	12.8
Domestic violence			
Misdemeanor convictions	9.1	9.6	14.6
Restraining order	2.1	2.2	0.4
State law prohibition	6.1	3.0	5.7
Mental illness or disability	0.9	0.1	0.2
Drug addiction	1.6	2.2	5.2
Local law prohibition	0.9	0.1	0.1
Other*	11.7	5.4	10.7

*Includes illegal aliens, juveniles, persons discharged from the armed services dishonorably, persons who have renounced their U.S. citizenship, and other unspecified persons. At the end of 1997, 23 of the 32 original Brady States were still under the Brady Act.

The estimates of applications and rejections for handgun purchases include States operating under the Brady Act (Brady States) and States with comparable statutes preventing handgun sales to prohibited persons (Brady-alternative States). The original 32 Brady States started following the Brady Act review procedures on February 28, 1994. There were 18 original Brady-alternative States. At the end of 1996, because of changed statutes, there were fewer Brady States (23) and more Brady-alternative States (27) than originally; there was no change to this status in 1997.

Rates of rejection of potential handgun purchases in 1997 can be compared for these sets of States — the original or current grouping of Brady and Brady-alternative States.

In 1997 the original Brady States processed 1,197,000 applications and rejected about 42,000, a rejection rate of 3.5%. The original Brady-alternative States processed 1,378,000 applications and rejected 27,000 — 1.9%, which differed significantly from the rate for the original Brady States. In 1996 the original Brady States processed an estimated 1,213,000 applications and rejected about 44,000, a 3.6% rejection rate (*Presale Handgun Checks, 1996*, BJS Bulletin, NCJ 165704, September 1997).

The original Brady-alternative States processed 1,380,000 applications and rejected 26,000 — 1.9%.

The current Brady States in 1997 processed 803,000 applications, of which they rejected 24,000, a rejection rate of 3.0%. The current Brady-alternative States processed 1,771,000 and rejected 45,000 — 2.5%, a rate lower than the rejection rate of current Brady States. For 1996, the current Brady States processed 816,000 applications and rejected 25,000, a 3.1% rate, and the current Brady-alternative States processed 1,778,000 applications and rejected 45,000 — 2.5%.

For all States in both 1996 and 1997, the most prevalent reason for rejection was that the applicant either was under felony indictment or had a felony conviction (67.8% in 1996 and 61.7% in 1997).

In 1997 a misdemeanor conviction for domestic violence (9.1%) or being a violator of a State law prohibition (6.1%) were the next most prevalent reasons for rejection of a handgun purchase, followed by being a fugitive from justice (5.9%). In 1996 rejection for being a fugitive was 6%, and State law prohibition was 5.5%. Misdemeanor conviction for domestic violence was not added as a prohibited category until October 1996.

Almost all States are able to check computer databases to determine past criminal convictions (table 2). Some States are able to refer to other databases to check additional characteristics that may make a person ineligible to purchase a handgun — fugitive status, court restraining orders, and mental illness.

In the 44 States that reported rejections for fugitive status, 6.7% of handgun application rejections were for such a status. In the 36 States checking for a disqualifying domestic-violence related restraining order, potential purchasers accounted for 5.5% of application rejections. Fifteen States reported rejections for applicants with mental illness; in these States mental illness accounted for 1.9% of the handgun application rejections. In States that reported rejections based on misdemeanor convictions for domestic violence, 10.9% of handgun application rejections were due to a prior misdemeanor conviction.

Nonfelony reasons	Percent of rejections in States that search records for specific nonfelony reasons
Fugitive	7%
Mental illness	2
Domestic violence	
Misdemeanor convictions	11
Restraining orders	6

Note: Percentages cannot be added because a different set of States is included in each category of reasons.

Statewide reporting of handgun applications and rejections

State governments, the Federal Bureau of Investigation (FBI), and the Bureau of Alcohol, Tobacco and Firearms (BATF) have cooperated to identify about 5,400 law enforcement agencies and their heads as chief law enforcement officers (CLEOs) nationwide. Data for 1997 were collected from 268 CLEOs out of a sample of 600. 311 CLEOs provided data in 1996. The decline is due in part to the U.S. Supreme Court decision in June 1996 that CLEOs were no longer required to make a mandatory background check (see *Background* for further details).

Among the responding CLEOs, 21 served as the only CLEO for the State and provided statewide totals (table 3).

These States, which represented 50% of U.S. resident population and over half of the total applications for handgun purchases during 1997, processed 1,440,963 applications and rejected 35,382 — a rejection rate of 2.5%. Sixty percent of rejections were for a past felony conviction or felony indictment.

Table 2. Background checks for handgun purchases, by State, 1997

State[a]	Brady status: Original 3/1/94	Brady status: Current 12/31/97	Number of law enforcement agencies responsible for record checks	State databases being accessed: Criminal histories	Wanted fugitives	Re-strain-ing orders	Mental health	Domes-tic violence misde-meanor
Alabama	■	■	67	■	■	■		
Alaska	■	■	35	■	■	■		■
Arizona	■	■	1	■	■			
Arkansas	■	■	1	■	■	■		■
California[b]			1	■	■	■	■	■
Colorado	■		1	■	■	■		■
Connecticut[b]			1	■	■	■		■
Delaware[b]			1	■	■	■	■	■
Florida[b]			1	■	■	■	■	■
Georgia	■		1	■	■		■	■
Hawaii[b]			4	■			■	■
Idaho	■		1	■	■	■		■
Illinois[b]			1	■	■	■	■	■
Indiana			1	■				
Iowa			100	■	■	■		■
Kansas	■	■	123	■				■
Kentucky	■	■	5	■	■	■		
Louisiana	■	■	64	■	■			
Maine	■	■	128	■	■	■		
Maryland			1	■	■	■		■
Massachusetts			270	■	■	■	■	■
Michigan			595	■	■	■	■	■
Minnesota	■		568	■	■	■	■	
Mississippi	■	■	263					
Missouri			115	■	■	■		■
Montana	■	■	56	■	■			
Nebraska			95	■	■			
Nevada	■	■	1	■	■			■
New Hampshire	■		1	■	■	■		■
New Jersey[b]			505	■	■	■		■
New Mexico	■	■	113	■				■
New York			58	■	■	■	■	■
North Carolina	■		100	■	■	■		■
North Dakota	■	■	53	■	■	■		
Ohio	■	■	1	■	■	■		■
Oklahoma	■	■	440	■				
Oregon			1	■	■	■	■	
Pennsylvania	■	■	67	■	■			
Rhode Island[b]	■	■	39	■	■	■	■	■
South Carolina	■	■	1	■	■	■		■
South Dakota	■	■	66	■	■	■		
Tennessee	■		96	■	■	■		■
Texas	■	■	991	■	■	■		■
Utah	■		1	■	■	■		■
Vermont	■	■	22	■	■	■		■
Virginia[b]			1	■	■	■	■	■
Washington[b]	■		291	■	■	■	■	■
West Virginia	■	■	1	■	■	■		■
Wisconsin			1	■	■	■	■	■
Wyoming	■	■	40	■	■			
Total	32	23	5,390	49	44	36	15	34

Note: Not all States that reported having a database reported reasons for rejections.
[a]In the Brady States contacts are the chief law enforcement officers; in Brady-alternative States these contacts are identified according to criteria of each State.
[b]Background checks are required for handguns and long guns.

Reason for rejection by 21 statewide CLEOs	
Felony (indictment/ conviction/no disposition)	64%
Domestic violence	
Misdemeanor conviction	10
Restraining order	2
Fugitive	6
State law prohibition	5
Mental illness or disability	1
Drug addiction	1
Other*	11

*Includes illegal aliens, juveniles, persons discharged from the armed services dishonorably, persons who have renounced their U.S. citizenship, and other unspecified reasons.

Background

Thirty-two States and Puerto Rico were required to follow the review proce-

Table 3. Number of applications to buy handguns received or rejected in 21 States reporting complete data, 1997

State	Number of applications: Received	Number of applications: Rejected	Rejection rate
Total	1,440,963	35,382	2.5%
Arizona	62,266	2,277	3.7%
Arkansas	14,556	202	1.4
California	204,409	1,839	0.9
Colorado	46,853	2,476	5.3
Delaware*	11,369	491	4.3
Florida	198,922	7,348	3.7
Georgia	83,673	7,136	8.5
Idaho	22,761	790	3.5%
Illinois*	171,865	1,943	1.1
Indiana	110,999	1,085	1.0
Maryland	31,599	275	0.9
Nevada	24,765	686	2.8
New Hampshire	12,557	232	1.8
New Jersey	25,386	214	0.8
Ohio	55,074	473	0.9%
Oregon	48,597	1,370	2.8
South Carolina	50,789	2,650	5.2
Utah	32,389	792	2.4
Virginia*	180,527	2,364	1.3
West Virginia	20,577	295	1.4
Wisconsin	31,030	444	1.4

Note: Each State had 1 CLEO that reported complete statewide data for applications and rejections for 1997. Kentucky reported 79,574 applications and 1,973 rejections, but excluded data from 4 counties.
*Counts include handguns and long guns.

Bureau of Alcohol, Tobacco and Firearms estimates of inquiries and rejections, March 1, 1994, to December 31, 1995

	Bureau of Alcohol, Tobacco and Firearms estimates — may include handguns, long guns, and carry permits[a]			
	3/1/94 to 12/31/94		1/1/95 to 12/31/95	
	All States	Original Brady States[b]	All States	Original Brady States[b]
Inquiries and rejections				
Inquiries/applications	3,679,000	1,696,000	4,009,000	1,884,000
Rejected	92,000	42,000	60,000	28,000
Rejection rate	2.5%	2.5%	1.5%	1.5%
Reasons for rejection				
Felony indictment/conviction	65,000	30,000	43,000	20,000
Other	26,000	12,000	17,000	8,000

Note: All estimated counts are rounded. Percentages were calculated from unrounded data. Detail may not add to total because of rounding.
[a]Data for 1994 and 1995 from the Bureau of Alcohol, Tobacco and Firearms are based on inquiries to the FBI's National Crime Information Center.
[b]Original Brady States are the 32 States required to follow presale review procedures set out in the Brady Act when it became effective on February 28, 1994.

The Bureau of Alcohol, Tobacco and Firearms (BATF) calculated the number of applications for firearm purchases from March of 1994 to the end of 1995. (See *Presale Firearm Checks,* BJS Bulletin, NCJ-162787, February 1997.) The BATF estimates were calculated using the number of firearm-coded inquiries to the FBI's National Crime Information Center (NCIC). The percentage of denials used for these estimates was based on the experiences of jurisdictions that had implemented presale firearms check procedures prior to the Brady Act.

After the first 10 months of implementation of the Brady Act, the number of NCIC firearm-coded inquiries per 100,000 adult U.S. residents remained relatively consistent:

1994*	2,262
1995	2,083
1996	1,957
1997	1,984

*January and February numbers were imputed, using the average of those months, 1995-97.

On average during 1997 the FBI receives every month nearly 328,000 inquiries to the NCIC to qualify a person to purchase or carry a firearm. (See figure 1, page 5.)

The FIST data, also stable across the 4-year period, describe only applications for handgun purchases, a fraction of the larger number of potential firearm purchases. (The interim provisions of the Brady Act also cover only applications for a handgun purchase.)

Data collection for FIST began in January 1996. The estimated number of inquiries for handgun purchases during the year was 67% of the total number of firearm inquiries to the NCIC (3,842,000). To estimate the number of inquiries for handgun purchase applications before 1996, the BATF estimates were multiplied by 67%.

Estimated number of handgun inquiries (applications to purchase) and rejections, from March 1, 1994, to December 31, 1997

Estimate	3/1/94 - 12/31/94	1/1/95 - 12/31/95	1/1/96 - 12/31/96	1/1/97 - 12/31/97
Number of handgun inquiries	2,483,000	2,706,000	2,593,000	2,574,000
Number of rejections	62,000	41,000	70,000	69,000
Rejection rate	2.5%	1.5%	2.7%	2.7%

dures set forth in the Brady Act when it became effective (identified in this Bulletin as original Brady States). By the end of 1996 and through 1997, the number of States following the Brady Act review procedures rather than alternative State statutes had dropped to 23 (identified as current Brady States; see table 2 for each State's Brady status.)

Pursuant to the Federal Gun Control Act of 1968, as codified at 18 U.S.C. § 922, the sale of firearms is prohibited if the prospective purchaser —

- is a juvenile
- is a fugitive from justice
- is under indictment for, or has been convicted of, a crime punishable by imprisonment for more than 1 year
- is an unlawful user of a controlled substance
- has been adjudicated as a mental defective or committed to a mental institution
- is an alien unlawfully in the United States
- was discharged from the armed forces under dishonorable conditions
- has renounced U.S. citizenship
- is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child or
- is a person convicted of domestic violence.

The Brady Act was enacted in November 1993 and became effective in February 1994. The interim provisions of the Act require that federally licensed firearm dealers request a presale check on all potential handgun purchasers. The requests are made to CLEOs in the jurisdictions where the prospective purchasers reside.

The Federal firearms licensee must wait 5 business days before transferring the handgun to the buyer, unless earlier approval is received from the CLEO. These interim procedures will terminate no later than November 30, 1998.

The "interim provision" also permits States to follow a variety of alternative State procedures. (See *Survey of State Procedures Related to Firearm Sales, 1996*, BJS report, NCJ-163918, September 1997.) To qualify under these alternatives, State law must require that before any licensee completes the transfer of a handgun to a nonlicensee, a government official must verify that possession of a handgun by the transferee would not be a violation of law. Examples of Brady-alternative States include California ("point-of-sale check"), Virginia ("instant check"), and Missouri (permit).

After November 1998 a Federal firearms licensee will be required to obtain background checks on potential purchasers of all firearms. These inquiries will be made through the National Instant Criminal Background Check System (NICS) that the FBI will operate and maintain.

Under the permanent NICS configuration, firearm dealers can make NICS presale firearm inquiries either through the State, which will serve as a Point of Contact (POC) to the FBI, or directly to the FBI. The Brady Act also enables States to meet the requirements of the permanent system through an ATF-approved permit system. Felony and other criminal record data will be accessed by means of the Interstate Identification Index. In addition, the FBI NICS Index will provide States with access to Federal data on nonfelony prohibiting categories, such as illegal aliens. States serving as POCs will also have access to State data on nonfelony prohibiting categories.

On June 27, 1997, the U.S. Supreme Court overturned the provision requiring mandatory background checks by CLEOs in Brady States (see *Printz* [95-1478] and *Mack* [95-1503] v. *United States*). Since then, CLEOs in the Brady States continuing to do background checks do so on a voluntary basis. In Brady-alternative States (including States operating under a permit system) checks are made in accordance with State law. The impact of this decision on making a national estimate of presale handgun checks is addressed in *Methodology*.

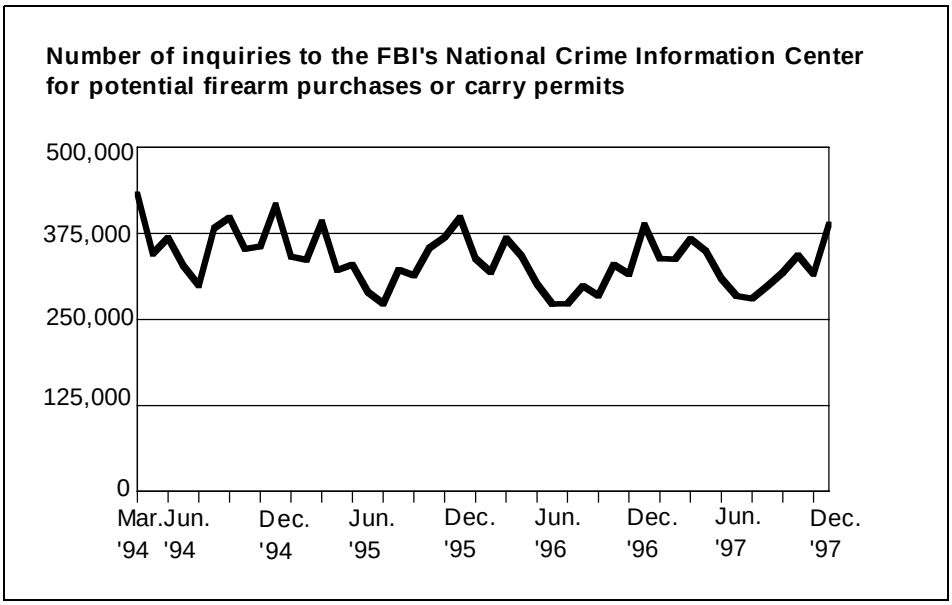

Figure 1

The National Criminal History Improvement Program (NCHIP)

To ensure immediate availability of complete and accurate State records, the Brady Act established a grant program authorized at $200 million. An additional authorization of $20 million was made available through the National Child Protection Act of 1993 (Pub. L. No. 103-209, 107 Stat. 2490 (1993)), and $6 million were authorized under the Violence Against Women Act (42 USC 13701 et seq.). The NCHIP program under which these funds are awarded is designed to assist States to develop or improve existing criminal history records systems and to establish an interface with the NICS.

Under NCHIP over $162 million was given in direct awards to the States during fiscal years 1995, 1996, and 1997. The appropriation for 1998 is $47.75 million. NCHIP funds have supported direct technical assistance to States, evaluation, and research related to improving criminal and other nonfelony records within the States.

The FIST program was established under NCHIP. Information requested from CLEOs does not include data traceable to an applicant and none of the FIST information provided from agencies to BJS contains or reveals the identity of individual applicants. The computer program that was subsequently developed and used by some agencies for both operational purposes and to collect FIST data transmits only the appropriately aggregated or categorized responses. Moreover, the computer program assists agencies to purge records after the delay times specified by law.

Methodology

The following presents the approach used to derive the 1997 estimates from a sample of chief law enforcement officers charged with determining eligibility to purchase a handgun. The data were stratified by size of the population served. Information collected included the following:

- handgun applications made to the CLEO;
- handgun applications rejected by the CLEO; and
- the reasons for rejection.

The sample for the survey was selected from a population of 5,400 CLEOs. These CLEOs ranged from State agencies which served an entire State population (category X); local CLEOs which served a population greater than 100,000 (category C); local CLEOs which served a population between 10,000 and 100,000 (category B); and local CLEOs which served a population of less than 10,000 (category A). Population size was based on 1990 Census information.

The population categories were chosen to be consistent with those commonly used by the FBI when conducting similar studies. A total of 600 CLEOs were randomly selected for inclusion in the study.

Since the start of this study two States have implemented operation of statewide CLEOs, and one State has begun reporting data for local jurisdictions. These changes have reduced the total number of CLEOs selected to 579.

The sample universe includes all 25 statewide CLEOs (category X), all 118 CLEOs who service populations in excess of 100,000 persons (category C), 189 CLEOs from category B, and 247 from category A. For each State 4% or a minimum of five CLEOs were selected in their respective A and B categories.

Overall, 268 CLEOs provided data for a response rate of 46%. Respondents included 23 statewide CLEOs, 41 local CLEOs in category C, 95 local CLEOs in category B, and 109 local CLEOs in category A. The 268 agencies that submitted data serviced 158,815,381 people or 64% of the 248,102,973 people who were identified in the 1990 Census.

Based on data provided by these CLEOs, national estimates were developed using weighting factors derived from the original stratification. When a CLEO did not provide data for all months, a simple linear extrapolation or interpolation was used to generate a 12-month total.

Information for one State required further analysis. New Jersey provided data on the number of applications and the number of rejections for the whole State, but did not provide reasons for rejections. Local CLEOs that had been sampled in New Jersey provided data on the reasons for rejection.

For purposes of applications, rejections and rejection rates, information from the statewide CLEO was used. The descriptive information about reasons for rejections used the data from both the local and State CLEOs.

Maine is one of several States that use both local CLEOs and the State police in areas not serviced by a local CLEO. In the other States, data from the State police were classified as category A data because of the rural area that is normally being served. However, Maine, because of the large portion of the State that the State police service (40%) and the wide range of population classifications they serve, State police data were classified as category X data.

Three agencies with a rejection rate over four standard deviations above the average standard rejection rate were classified as outliers and their data were not used for projection of estimates. In addition, one agency was classified as an outlier because its final rejection rate could not be determined with sufficient accuracy. The data provided by the outliers were added to the total estimated counts to get the final national totals.

To compensate for the June 1997 Supreme Court decision, the CLEOs from Brady States that had been selected for this study were surveyed to determine if they stopped performing background checks. For each size category, a percentage of the population which had stopped participating was computed. These percentages were then applied to the estimated number of rejections for that size category and subtracted from the total estimated number of rejections.

The accuracy of the estimates presented in this report depends on two types of errors: nonsampling and sampling. In this study, nonsampling error may occur from the following: nonresponse; differences in the ways CLEOs process, code, store and retrieve their information; differences in interpretation of the survey questions; and even activities which delay personnel from doing paperwork.

Also, the process of a researcher receiving data and storing it in the computer for analysis can introduce nonsampling error. In any sample survey, the full extent of nonsampling error is never fully known. However, steps were taken to minimize the potential for error. Extensive telephone follow-ups were made to encourage responses, answer questions about misunderstood requests, and generally help CLEOs in assembling the information in a form useable by FIST. Extensive verification of the data ensured the accuracy of the numbers.

Because of the sampling design, State comparisons cannot be made. The estimates are only for the 50 States and do not include U.S. territories or the District of Columbia. Sales of all firearms are prohibited in the District of Columbia except to law enforcement officers.

Data collection procedures

The Regional Justice Information Service (REJIS), through a cooperative agreement with BJS under the Firearm Inquiry Statistics program (FIST), collected the data.

The CLEOs supplied data on either paper or diskette. Several different forms were provided to meet the varying office procedures of the CLEOs. In addition REJIS wrote and provided special software that was distributed free of charge to requesting CLEOs. This software was designed to simplify the record tabulating functions of the CLEO. It also helped to reduce the burden of keeping the statistical data since one of the capabilities of the software was to automatically collect the data needed for the study. In all cases the data that the CLEO sent to REJIS contained only statistical information and would not allow the identification of an individual.

Determining populations

For local CLEOs, a State may choose to have county officials (usually the sheriff) as the CLEO or municipal officials (police departments) or a combination of the two. To evaluate properly the application and rejection rates for purchasing handguns within a given area, the appropriate CLEO population was needed and was determined as follows:

• The stratification classification of the county was based on the size of the largest city within the county.

• If cities within a participating county CLEO were acting as their own CLEOs, their populations were subtracted from the county population.

• If a municipal CLEO was discovered to be providing services for other selected municipalities, then populations for those municipalities were added to the populations of the city having the CLEO.

• Those CLEOs selected to participate in the study but found to be relying on other jurisdictions to conduct background checks were replaced by those other jurisdictions (for example, a town being replaced by a county).

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is Director.

BJS Bulletins present the first release of findings from permanent data collection programs such as the Firearm Inquiries Statistics program. State and local officials have cooperated in reporting the data presented.

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This report and others from the Bureau of Justice Statistics are available through the Internet —

http://www.ojp.usdoj.gov/bjs/