

## SUPPORTING STATEMENT

### A. Justification

#### 1. Necessity of the Information Collection

The National Prisoner Statistics (NPS) Program was begun in 1926 by the U.S. Census Bureau in response to a Congressional mandate to obtain national measures of the population in correctional systems. In 1950, the program was transferred to the Federal Bureau of Prisons, U. S. Department of Justice, where it remained until 1971 when responsibility for the program was assigned to the Law Enforcement Assistance Administration, now the Bureau of Justice Statistics (BJS). Since 1973, the collection and analysis of these data, authorized by Title 42, United States Code, Section 3732, has been carried out by BJS, with the Census Bureau acting as the collecting agent.

BJS is responsible for compiling a report of inmates under sentence of death in each State, the District of Columbia, and the Federal system at the end of each calendar year. The Capital Punishment series is designed to provide detailed information on prisoners under sentence of death.

As reported, in part, in the BJS Bulletin *Capital Punishment 2005*, 7,320 people have been held under sentence of death in the United States between 1977 and 2005, of whom 14% were executed, 4% died by causes other than execution, and 37% received other dispositions. The number of inmates executed has generally been declining since 1999. During 2005, 60 executions were carried out, which was 1 more than in 2004. Those executed during 2005 had been under sentence of death an average of 12 years and 3 months, 15 months longer than the period for inmates executed in 2004. At yearend 2005, 3,254 prisoners were under sentence of death.

The number of States authorizing lethal injection increased from 32 in 1995 to 37 in 2005. In 2005, 100% of executions were by lethal injection, compared to 88% in 1995. Since 1977, 836 of the 1,004 executions (83%) were by lethal injection. Twelve States and the District of Columbia do not authorize capital punishment.

The Federal Government has collected and published statistics on executions for 76 consecutive years and has provided data on persons under sentence of death since 1953. In recent years, the collection has included criminal history information on death row inmates and tracked changes in statutes relating to the death penalty. These extensive time-series data on inmates under sentence of death and State and Federal capital statutes are not available from any other source.

#### 2. Needs and Uses

Data gathered in this collection form the basis for historical trend analysis and are currently used by BJS, journalists, researchers, students, and employees of all branches and all levels of government as a source of national and comparative data on capital punishment. Bulletins and reports of the data are sent automatically to persons on the BJS mailing list and are available via FAX and the Internet. Requests for information on the subject are also frequently answered by telephone. If these data were no longer collected, information seekers would no longer have the benefit of adequate historical and current facts on the subject. Legislative, judicial, and executive department decisions would also suffer.

3. Use of Information Technology

BJS and the Census Bureau had implemented an Internet-based form for the NPS-8B and NPS-8C forms (status of States' death penalty laws) for the year 2000 and 2001 collection years. Due to reorganization at the Census Bureau and the lack of computer equipment and technical support, this effort was temporarily suspended. BJS and the Census Bureau have an Interagency Agreement to renew electronic data collection efforts. The IAA includes conducting a feasibility study with respondents to determine their capability and interest in submitting data electronically, the development of computer-assisted forms to assist respondents in completing the NPS-8 and NPS-8A, and internet-based forms for NPS-8B and NPS-8C.

4. Efforts to Identify Duplication

No other governmental organization collects nationwide comprehensive information on inmates under sentence of death. Information such as statutory, demographic and criminal history data collected from the NPS-8, NPS-8A, NPS-8B, and NPS-8C is not attainable from any other data source. The information and comparisons available to users of the NPS-8 series are unique to this project.

5. Methods to Minimize Burden on Small Businesses

N/A. The information collection does not involve small businesses or other small entities. The respondents are State and Federal agencies (Departments of Correction personnel and Attorneys General staff).

6. Consequences of Less Frequent Collection

The NPS-8, NPS-8A, NPS-8B, and NPS-8C are completed once a year. Any less frequent data collection would result in a deficiency of the information needed by criminal justice system planners and policymakers to carry out timely and informed decisions.

7. Special Circumstances

N/A. There are no special circumstances.

8. Consultations Outside the Agency

The NPS-8, NPS-8A, NPS-8B, and NPS-8C questionnaires were developed by BJS staff and the Census Bureau staff who are in frequent contact with State respondents. The main contacts in the Census Bureau are Steve Bittner and Nicole Butler, Demographic Surveys Division, Room 7H126F, Bureau of the Census, Washington, DC 20233. They can be reached toll free on 1-800-221-1829.

A notice was published in the Federal Register, on April 25, 2007, at 72 FR 20562-20563 allowing for a 60-day period of public comment on this information collection. A second notice was published in the Federal Register, on June 29, 2007, at 72 FR 35736-35637, allowing for a 30-day period of public comment.

We have contacted experts outside BJS, including respondents and Department of Corrections officials. No substantive comments regarding the information collection were received. The following individuals have been consulted on such issues as instructions for completion of questionnaires, format and content of the questions, data collection methods, and publication design:

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9. Payment other than Remuneration to Contractors

N/A. No payment other than remuneration is provided to contractors.

10. Assurance of Confidentiality

All information which can identify individuals is held confidential by the Census Bureau and BJS according to the provisions stated in Title 42, United States Code, Sections 3735 and 3789g. Respondents are assured in a letter from BJS that the personal information they provide regarding inmates under sentence of death is kept confidential and the identity of inmates is neither published nor released.

11. Justification for Sensitive Questions

N/A. There are no questions of a sensitive nature included on the NPS-8, 8A, 8B, or 8C.

12. Estimate of Respondent Burden

The NPS-8 is completed for each person who is sentenced to death during the report year. This form takes about 30 minutes to complete. The NPS-8A, which is used to add or correct information for a person who was on death row at the end of the previous report year, takes 30 minutes to complete. The NPS-8 and NPS-8A forms are sent to 44 respondents in 38 States and the Federal Bureau of Prisons.

One NPS-8B is completed by a respondent in the Office of the Attorney General of each State that had no death penalty statute as of December 31 of the previous year, and one NPS-8C is completed by a respondent in the Office of the Attorney General of each State with a death penalty statute in force as of December 31 of the previous year. In total, 52 death penalty statute forms are completed per report year – one for each of the 50 States, the District of Columbia, and the Federal Bureau of Prisons, requiring 15 minutes.

The 44 respondents for the NPS-8/8A and the 52 respondents for NPS-8B/8C makes 96 respondents for this data collection.

During 2005, 142 NPS-8 forms, 3,320 NPS-8A forms, and 52 capital punishment statute forms (NPS-8B/8C) were completed. This totaled 1,744 burden hours. The respondent burden in future years is estimated to be 1,744 hours.

	<u>Forms Filed</u>	<u>Respondent Hours</u>
Responses, NPS-8A	3,320	1,660
Responses, NPS-8	142	71
Attorneys General NPS-8B, NPS-8C	52	13
Total	<u>3,514</u>	<u>1,744</u>



Assuming an average salary of \$25 per hour for each respondent, we estimate a total annual cost to respondents of \$43,600.

13. Costs for reporting and recordkeeping

N/A. No costs other than the cost of the hour burden exist for this data collection.

14. Cost to the Federal Government

The collection, processing, and dissemination of capital punishment data in Fiscal Year 2006 cost approximately \$301,800. The cost included the following:

Bureau of the Census	salaries and data collection	\$245,200
Bureau of Justice Statistics	salaries and printing	44,900
National Criminal Justice Reference Service	salaries and mailing	<u>11,700</u>
		\$301,800

15. Reason for Change in Burden

The NPS-8 data collection is based primarily on individuals under sentence of death. During 2005 death row admissions dropped for the third consecutive year: the 128 persons admitted to death row during 2005 was the lowest number since 1973, when 44 persons were put on death row. This has contributed to a decrease in the number of NPS-8 forms which are completed each year.

The number of persons on death row on December 31, 2005, was 3,254. This was the fifth consecutive year that the number of prisoners under a sentence of death declined.

Changes in both the number of admissions to death row and the number of persons under sentence of death from one year to the next will result in a corresponding change in the annual response burden.

16. Project Schedule

In late November each respondent is asked for an estimate of the number of inmates the State sentenced to death during the year.

About December 28, forms are mailed out to all respondents. NPS-8B or NPS-8C forms are sent to staff in the Attorney General's office of each State. States that reported inmates under sentence of death on December 31 of the prior year are sent an NPS-8A form for each inmate. NPS-8 forms are sent for reporting of inmates received under sentence of death from January 1 to December 31 of the current report year. Respondents are asked to return completed forms no later than March 31 of the year after the report year.

As forms are received, (mid-January to late April), data are entered in the computer and reviewed. If necessary, follow-up phone calls are made to the respondents and the data are completed and corrected as appropriate.

In the summer following the report year, the Census Bureau delivers two data files to BJS: one file contains information about persons under sentence of death at any time during the report year (active file); the other provides information about persons who were previously under sentence of death (historical file).

17. Request to Not Display Expiration Date

N/A. There are no exceptions to the certification.

18. Exceptions to Certification

There are no exceptions to the certification.

B. Collection of Information Employing Statistical Methods

This data collection is a complete enumeration and does not employ statistical sampling methods.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards for directives, and any other information policy directives promulgated under the Paperwork Reduction Act of 1980.

Concurrence:

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Signature (Program Signatory)

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Date