

B. Collection of Information Employing Statistical Methods

1. Universe and Respondent Descriptions

The NPS-8 data collection is a complete enumeration of persons under sentence of death and a review of the status of capital statutes in the United States. BJS collects data from state and federal departments of corrections in jurisdictions that have capital sentencing laws in effect. Currently, 36 states and the Federal government have capital sentencing laws.

For the NPS-8, BJS uses the universe of departments of corrections having legal authority to hold prisoners under sentence as the universe of respondents for obtaining data on all persons under sentence of death. As of yearend 2011, this included 36 states and the Federal Bureau of Prisons who were responsible for 3,082 prisoners under sentence of death. Sampling to obtain these data would mitigate BJS' ability to achieve its goals for this collection and would greatly diminish the quality and utility of the data. As state and federal law determines eligibility for sentence of death, one important objective of the collection is to provide jurisdiction-specific data on prisoners under sentence of death and to track movements onto and off of death row by jurisdiction. Sampling from the roster of persons under sentence of death to obtain data to generate precise estimates of the characteristics of persons under sentence of death by jurisdiction is not feasible given the distribution of persons under sentence of death by jurisdiction. At yearend 2011, for example, 28 jurisdictions held fewer than 90 persons under sentence of death. The distribution of important attributes of prisoners under sentence of death (e.g., age, race, Hispanic origin, gender) would result in complex stratification designs with cells in which complete enumerations (e.g., for gender) are required. Even within jurisdictions with relatively large numbers of persons under sentence of death (e.g., in 2011, California with 705 or Florida with 393) sampling would result in imprecise estimates of movements of inmates removed from under sentence of death by means other than execution.

The universe of NPS respondents is as follows:

a. NPS-8/NPS-8A respondents

Respondents are comprised of staff from the Department of Corrections in each State that authorizes capital punishment and from the Federal Bureau of Prisons. The appropriate respondents are designated by the individual agency. While some respondents are in the records office of the Department of Corrections, others are in the facilities responsible for the custody of the inmates under sentence of death. For the 2011 reference year, there were 43 NPS-8/NPS-8A respondents in the 37 jurisdictions which authorized capital punishment.

b. NPS8-B/NPS-8C respondents

Respondents are comprised of legal staff from the Office of the Attorney General in each State, the U.S. Attorney's Office in the District of Columbia, and the Office of General Counsel at the Federal Bureau of Prisons. Each respondent is sent a form to update changes to the capital statutes during the reference year. Based on the status of death penalty statutes in the jurisdiction on December 31

of the previous year, a respondent will be asked to fill out the NPS-8B form (No Statute in Force for the previous year) or the NPS-8C form (Statute in Force for the previous year). During 2011, 15 NPS-8B forms were submitted by respondents and 37 NPS-8C forms were submitted by respondents.

Universe and response rate

	Universe	Expected response rate
Departments of Correction	43	100%
Attorneys General	52	100%

For the 2011 reference year, as in previous years, no respondents refused to participate. Based on response rates for previous reference years, it is expected that 100% of respondents from both the offices of the Attorneys General and the Departments of Corrections will participate in the survey.

2. Procedures for Collecting Information

In late November each respondent from the previous year is contacted by e-mail or phone to verify the accuracy of contact information. The NPS-8/8A respondents are asked whether they prefer to use the mail or web-based response option (see below for more detail). Respondents indicating a preference for mail are asked if they have enough NPS-8 forms to report inmates received under sentence of death during the current year. Materials pertaining to data collection and submission are mailed to all respondents around December 15. All respondents will receive information which will allow them to submit responses via the web-based tool should they decide to exercise this option.

a. Departments of Correction

Mail option: Each respondent receives an NPS-8A for each inmate reported as being under sentence of death on December 31 of the prior collection year. They are asked to review the reported information and update the status of each of these inmates. Based on the initial contact in November, the respondent also is sent a supply of NPS-8 forms to report any inmates received under sentence of death between January 1 and December 31 of the current report year.

Web-based option: Upon logging in, the respondent will see a list of all inmates previously reported under sentence of death in their jurisdictions on December 31, of the prior collection year (their NPS-8A inmates). Respondents are asked to review the reported information and update the status of each of these inmates. Respondents are also able to create a new record for any inmate received under sentence of death between January 1 and December 31 of the current report year (NPS-8 inmates).

b. Attorneys General

Each respondent is sent a form to report changes to the capital statutes during the reference year. Based on the status of death penalty statutes in the jurisdiction on December 31 of the previous year, a respondent will be asked to fill out the NPS-8B form (No Statute in Force for the previous year) or the NPS-8C form (Statue in Force for the previous year). During the 2011 data collection cycle, 15 NPS-8B forms and 37 NPS-8C forms were submitted by respondents.

3. Methods to Maximize Response

As BJS has consistently obtained a 100% unit response rate for this collection, the methods used in prior years' collections will continue to be followed, while at the same time BJS will seek to identify ways to reduce burden.

As BJS' collection agent begins to receive the submissions for a given collection year (mid-January to late April), follow-up calls are made to clarify any inconsistencies in the information submitted. As necessary, follow-up phone calls are made to respondents who have not returned forms.

Since 2011, BJS has convened regular meetings of its corrections data providers and corrections researchers to discuss its set of corrections-related collections, the products it produces from them, stakeholder needs and interests, and BJS' plans for its corrections collections. Part of the meeting is typically devoted to hosting a forum for BJS corrections data providers to meet to identify and discuss among themselves common (or unique) issues and problems associated with providing BJS data and to begin develop solutions to them. As many NPS-8 providers also provide data for other BJS corrections collections, BJS plans to invite them to attend the meeting. BJS goals for this meeting include improving working relationships with its data provider community; learning from its provider community about better ways to minimize burden; and addressing longer-run burden issues by establishing a framework for discussing the Global Justice Information Sharing Initiative and the National Information Exchange Model as approaches for providing data through data exchange. These sessions have proven helpful in getting respondent feedback for reducing burden and improving the usability of BJS products. We hope that future meetings will yield similar results

4. Testing Procedures

BJS has consistently achieved 100% unit response rate for this data collection. In addition, for critical items such as race and Hispanic origin, gender, date of sentencing, BJS has obtained 100% or near 100% (e.g., 99.7%) item response rates. The highest item non-response rates appear in variables that are unrelated to correctional administration, but even among these, item non-response rates are comparatively low. For example, for the 2011 collection, marital status at the time of imprisonment was missing for 12% of cases and legal status at the time of the capital offense was missing for 11% of cases. The highest item non-response was for education level, with 17% of the cases having missing data.

BJS is not planning to implement modifications to the collection during this upcoming three-year cycle. Hence, there are no new items to be tested. During the collection cycle,

BJS switched collection agents for the NPS-8 from the Crime Surveys Branch of the Demographic Surveys Division to the Criminal Justice Statistics Branch of the Government's Division of Census. This transition prompted BJS and the Census Bureau to undertake a complete redesign of the web-based collection system during the past collection cycle. The restructured system is more user-friendly and has built in several features suggested by respondents which make it easier for them to use. As a result of this effort, BJS has seen a dramatic increase in the number of respondents submitting data electronically: NPS-8/8A electronic submissions increased from 5% in 2008 to 53% of all responses in 2011; and NPS-8B/8C electronic submissions increased from 6% in 2009 (the first year it was available to these respondents) to 46% in 2011.

BJS is planning to use other data collection projects to inform future enhancements to the NPS-8. The National Judicial Reporting Program (NJRP) is being redesigned and will ultimately compile administrative data from state and county courts on all sentences imposed and dispositions of sentences in the state. Data from the National Corrections Reporting Program (NCRP) compiles individual-level data from the states regarding persons sentenced to serve time in prison, including death sentences. BJS intends to assess the information available from each of these data collections, the unique characteristics of data obtained from each of them, and whether there is overlap that might allow BJS to use the larger data collections to obtain the same information as that currently obtained from NPS-8.

BJS also has conducted a Survey of State Court Criminal Appeals (SSCCA). The SSCCA examines case processing in state appellate courts, focusing on criminal appeals cases disposed, to include all capital appeals cases disposed by courts of last resort in the states during the study year. The SSCCA aims to obtain data on certain key appellate case characteristics, including the types of criminal cases appealed to state intermediate appellate courts and courts of last resort, the disposition of criminal appeals, appellate case processing time, and the impact of appellate litigation on trial court outcomes. Along with case characteristics and appeal outcomes, data elements pertaining to legal and factual issues raised on appeal and time spent in various stages of appellate case processing (e.g., filing of notice of appeal, generation of trial court record/transcript, oral argument) were included in the collection. The study aims to produce national estimates of direct appeals disposed in the intermediate appellate courts and the courts of last resort in the states, to include a certainty sample of all capital cases disposed in courts of last resort. The SSCCA can inform the NPS-8 about availability of other data elements that can be incorporated into the NPS-8 as well as about data collection challenges.

5. Contacts for Statistical Aspects of the Data Collection

The Corrections Statistics Unit at BJS takes responsibility for the overall design and management of the survey, including the development of the questionnaires, and the analysis and publication of the data. BJS contacts include:

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The Criminal Justice Statistics Branch of the Governments Division, U.S. Bureau of the Census, manages and coordinates the collection of all data. Contacts at the Census Bureau include:

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