

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. As of 2016, 34 states and the Federal government have laws authorizing capital punishment.

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 2013, this included 36 states¹ and the Federal Bureau of Prisons who were responsible for 2,979 prisoners under sentence of death. 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.

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 2015 reference year, there were 42 NPS-8/NPS-8A respondents in the 36 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. The appropriate respondents are designated by the individual agency and are most often the attorney in charge of handling capital cases for the jurisdiction. 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 2015, 16 NPS-8B forms were submitted by respondents and 36 NPS-8C forms were submitted by respondents.

Universe and response rate

1 At yearend 2013, while Maryland and Connecticut have repealed laws authorizing any future death sentences, both of those states held inmates who were under previously-imposed death sentences. In 2015, the Governor of Maryland commuted the 4 remaining death sentences. In 2016, the Connecticut Supreme Court vacated the death sentences of the 11 inmates whose sentences had been imposed prior to the repeal in that state.

| | Universe | Expected response rate |
|---------------------------|----------|------------------------|
| Departments of Correction | 42 | 100% |
| Attorneys General | 52 | 100% |

For the 2015 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 continue to participate in the survey.

2. Procedures for Collecting Information

a. Sampling Methodology

Sampling to obtain these data would mitigate BJS’s ability to achieve its goals for this collection and would greatly diminish the quality and utility of the data. 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 reasonable given the distribution of persons under sentence of death by jurisdiction. At yearend 2013, 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 2013, California with 735 or Florida with 398) sampling would result in imprecise estimates of movements of inmates removed from under sentence of death by means other than execution.

b. Contact Procedures

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.

i. 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 (NPS-8A inmates). Respondents are asked to review the reported information and update the status of each of these inmates. Respondents may also create a new record for inmates received under sentence of death between January 1 and December 31 of the report year (NPS-8 inmates).

ii. 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 (Statute in Force for the previous year). During the 2015 data collection cycle, 16 NPS-8B forms and 36 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's 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.

Every spring, BJS convenes regular meetings of its corrections data providers and corrections researchers to discuss its corrections-related collections, the products it produces from them, stakeholder needs and interests, and BJS's 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 identify solutions. 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 an open forum for communication that extends beyond the annual meeting. These sessions have proven helpful in getting respondent feedback for reducing burden and improving the usability of BJS corrections products. Since many NPS-8 providers also provide data for other BJS corrections collections, BJS has identified this meeting as a resource for improving data collection methods. We plan to take advantage of future meetings to encourage open communications with our NPS-8 corrections respondents in order to yield similar results.

BJS has consistently achieved a 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. For example, for the 2013 collection, marital status at the time of imprisonment was missing for 11% of cases and legal status at the time of the capital offense was missing for 10% of cases. The highest item non-response was for education level, with 18% of the cases having

missing data. BJS does not impute for item non-response.

4. Testing Procedures

BJS is not planning to implement modifications to the data collection during this upcoming three-year cycle. Hence, there are no new items to be tested. Beginning with the 2010 reference year, BJS moved the NPS-8 collection to the Criminal Justice Branch of the Economic Reimbursable Surveys Division of the Census Bureau. 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 than previous online data collection efforts. The current system 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 significant increase in the number of respondents submitting data electronically: NPS-8/8A electronic submissions increased from 5% in 2008 to 74% of all responses in 2014; and NPS-8B/8C electronic submissions increased from 6% in 2009 (the first year it was available to these respondents) to 62% in 2014. At the time the current system was developed, no usability testing was done on the web-based system. In order to further improve the electronic response rates and reduce respondent burden, BJS is considering conducting usability tests of the web-based system.

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:

Tracy L. Snell, Statistician
Corrections Unit
Bureau of Justice Statistics
810 7th Street, NW
Washington, D.C. 20531
(202) 616-3288

Michael Planty, Acting Chief
Corrections Statistics Unit
Bureau of Justice Statistics
810 7th Street, NW
Washington, D.C. 20531
(202) 514-9746

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:

Nicole Adolph, Chief
Criminal Justice Branch
Economic Reimbursable Surveys Division
U.S. Bureau of the Census
Washington, DC 20233

(301)763-1577

Alonzo Johnson, Supervisory Statistician
Criminal Justice Branch
Economic Reimbursable Surveys Division
U.S. Bureau of the Census
Washington, DC 20233
(301) 763-4511

Sabrina Webb, Survey Statistician
Criminal Justice Branch
Economic Reimbursable Surveys Division
U.S. Bureau of the Census
Washington, DC 20233
(301) 763-4782