

SUPPORTING STATEMENT

Capital Punishment Report of Inmates Under Sentence of Death

A. Justification

1. Necessity of the Information Collection

The National Prisoner Statistics Program (NPS) was initiated by the Bureau of the Census in 1926 in response to a Congressional mandate to obtain national measures of inmates in State and Federal correctional institutions. The Census Bureau collected state-specific information on persons admitted to and released from prisons and the number present at yearend through the NPS-1 data collections. The Census Bureau added a new component to the NPS series, the NPS-8, to obtain annual counts of inmates executed under civil authority in 1930.

In 1947, the program was transferred to the Federal Bureau of Prisons (BOP), U. S. Department of Justice. BOP expanded NPS-8 to include counts of persons received and removed from under sentence of death as well as one-day counts and characteristics of those under sentence of death.

In 1971, 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 collection agent.

NPS-8 covers all persons held in a State or Federal correctional facility under sentence of death at any time during the calendar year. The coverage includes capital prisoners transferred from death row to such non-correctional institutions as mental hospitals and prisoners who may have escaped custody. Excluded are capital prisoners who for any reason remain in local correctional institutions outside the jurisdiction of State or Federal correctional authorities from whom data are collected for this series.

The death penalty is the most severe sanction a person can receive for committing a crime. Unlike a sentence to life in prison, once carried out, a capital sentence cannot be reversed. Consequently, ensuring fairness in the administration of death sentences is of overriding importance. The annual NPS-8 collection of information by the Bureau of Justice Statistics on the laws authorizing the death penalty and characteristics and dispositions of persons who have been sentenced to death is critical to describing the administration of justice in this country and the use of its most severe sanctions.

The NPS-8 fits within the larger BJS portfolio of surveys that inform the nation on the nature and composition of inmates sentenced to state and federal prisons. BJS's National Prisoner Statistics prison population reports (NPS-1, OMB Control Number 1121-0102) provide aggregated annual counts and movements of sentenced inmates, while the National Corrections Reporting Program (NCRP, OMB Control Number 1121-0065) provides individual-level data on offenses, sentence length, and the characteristics of persons admitted to state prison in selected states. While NPS-1 and NCRP describe prisoners and their characteristics, the NPS-8 allows us to examine not only the small subset of inmates who have been sentenced to death, but also to track changes in the laws that guide who may receive these most punitive sentences.

The Federal Government has collected and published statistics on executions for 84 consecutive years and has provided data on persons under sentence of death since 1953. Critical elements of the NPS-8 collection include state, sex, race and Hispanic origin, dates of birth and sentence, and means of removal from under sentence of death (including date

of removal). In recent years, the NPS-8 collection has added information on the criminal history of death row inmates and tracked changes in statutes relating to the death penalty. Other entities¹ maintain rosters of persons under sentence of death and executed, but these rosters typically include only state, sex, and race of inmates. The extensive time-series data on inmates under sentence of death and State and Federal capital statutes collected through the NPS-8 are not available from any other source.

BJS compiles data from NPS-8 to produce a report describing 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 about these prisoners.

As reported in *Capital Punishment 2013 – Statistical Tables*, 8,124 people have been held under sentence of death in the United States between 1977 and 2013, of whom 17% were executed, 6% died by causes other than execution, and 40% received other dispositions. The number of inmates executed has generally been declining since 1999. During 2013, 39 executions were carried out, which was 4 fewer than in 2012. Those executed during 2013 had been under sentence of death an average of 15 years and 6 months which was 4 months less than inmates executed in 2012. At yearend 2013, 2,979 prisoners were under sentence of death.

Thirty-five states and the Federal Government authorized the use of lethal injection in 2013, compared to 25 in 1993 and 37 in 2003. In 2013, lethal injection accounted for all 39 executions. Between 1977 and 2013, 1,184 of the 1,359 executions (87%) were by lethal injection.

2. Needs and Uses

The NPS-8 data collection fulfills a wide variety of needs for the criminal justice and the broader research and public policy community, both in the U.S. and internationally.

The death penalty is the most severe sanction that can be imposed by courts. This leads to a high level of scrutiny by courts endeavoring to ensure that sentences are imposed fairly. This is evidenced by the fact that capital cases appear on the U.S. Supreme Court docket each term. BJS's capital punishment data have helped inform the courts regarding the ways in which death sentences are administered. BJS's capital punishment statistics have been cited in opinions issued by Supreme Court justices.²

The ability of courts to efficiently process cases and bring defendants to trial in a timely fashion has become an issue of concern for court administrators. Capital cases can have a profound impact on the court operations. Because of the finality of the death penalty, both the trial and appeals process for capital cases have become specialized relative to other types of court cases. The bifurcated trial, expert defense counsel, and automatic appeals unique to capital cases can absorb the limited resources of courts. A number of researchers have used NPS-8 data to study the impact of capital cases on the courts. Some researchers have studied the use of plea bargaining,³ while others have examined the impact of capital appeals on the ability of state courts to effectively process cases.⁴

1For example, the NAACP Legal Defense Fund, Inc. (<http://www.naacpldf.org/category/criminal-justice/capital-punishment>), the Death Penalty Information Center (<http://www.deathpenaltyinfo.org>), or the Death Penalty News & Updates website (<http://people.smu.edu/rhalperi/>).

2See, for example, *Kennedy v. Louisiana*, 554 U.S. 407 (2008) (dissenting Opinion) or *Glossip v. Gross*, 576 U.S. ___ (2015).

3Kuziemko, I. (2006). Does the threat of the death penalty affect plea bargaining in murder cases? Evidence from New York's 1995 reinstatement of capital punishment. *American Law and Economics Review*, 8(1), 116-142.

4Latzer, B. & Cauthen, J.N.G. (March 2007). Justice Delayed? Time Consumption in Capital Appeals: A Multistate Study. Final Report. National Institute of Justice, March. Grant #2004-IJ-CX-0005.

The frequency and manner in which the death penalty is implemented can greatly impact other areas of the criminal justice system. The ability to compare changes in statutes, the flow of inmates sentenced to death, and the disposition of death sentences handed down is critical to understanding how the criminal justice system operates. The collection of NPS-8 data makes it possible for users to investigate such important issues as the effect of changes to death penalty laws on crimes,⁵ the deterrent effects of the death penalty on crime,⁶ the impact of wrongful convictions in capital cases on the criminal justice system and on sentencing in capital cases,⁷ and cross-state comparisons of who gets sentenced to death.⁸ These data provide a point of comparison for states to study the impact of capital cases on criminal justice resources.⁹

The NPS-8 has been a key resource for researchers to track the status of the death penalty, which has become increasingly complicated since yearend 2003. At that time, 38 states had capital statutes, while 12 states and the District of Columbia did not authorize the death penalty.¹⁰ By December 31, 2015, the number of states with valid capital statutes had declined to 35 with several others restricting the application of the death penalty.

Recently, capital statutes in some states have been challenged and there has not yet been a final resolution to those challenges. For example, a recent ruling by the U.S. Supreme Court¹¹ held that Florida's sentencing procedures violated defendants' Sixth Amendment right to an impartial jury as held in a previous Supreme Court ruling.¹² Citing this recent decision, the Delaware Supreme Court ruled in August 2016 that the state's death penalty law is unconstitutional.¹³

In May 2015, the Nebraska legislature voted to repeal that state's capital statute¹⁴ after overriding a gubernatorial veto of the legislation. The repeal has been stayed following a successful petition to hold the issue to a statewide referendum in November 2016. If the repeal is supported in the referendum, the death sentences of inmates sentenced prior to the repeal would have their sentences changed to life imprisonment. Oklahoma has a similar referendum¹⁵, and California has 2 ballot questions (one to abolish the death penalty¹⁶ as well as one to speed the pace of appeals and executions¹⁷).

5Flexon, J.L.; Stolzenbuer, L., & D'Alessio, S.J. (2011). Cheating the hangman: The effect of the Roper v. Simmons decision on homicides committed by juveniles. *Crime and Delinquency*, 57(6), 928-949.

6See, for example, Nagin, D.S. & Pepper, J.V. (Eds.). (2013). Deterrence and the death penalty. Washington, DC: The National Academies Press. Donohue, J.J. & Wolfers, J. (2009). Estimating the impact of the death penalty on murder. *American Law and Economics*, 11(2), 249-309.

7Acker, J.R. (2009). Actual innocence: Is death different? *Behavioral Sciences and the Law*, 27(3), 297-311 Gross, S.

R., O'Brien, B., Chen, H., & Kennedy, E. H. (2014). Rate of false conviction of criminal defendants who are sentenced to death. *Proceedings Of The National Academy Of Sciences Of The United States Of America*, 111(20), 7230-7235. Liebman, J.S., Crowley, S., Markquart, A., & Rosenberg, L. (2014). *The wrong Carlos: Anatomy of a wrongful execution*. New York: Columbia University Press.

8Behnken, M.P., Caudill, J.W., Berg, M.T., Trulson, C.R., & DeLisi, M. (2011). Marked for death: An empirical criminal careers analysis of death sentences in a sample of convicted male homicide offenders. *Journal of Criminal Justice*, 39(6), 471-478.

9For example, the Louisiana Legislative Auditor and the Nevada Department of Legislative Audits are currently investigating these issues.

10See *Capital Punishment, 2003*, NCJ 206627, <http://www.bjs.gov/content/pub/pdf/cp03.pdf>.

11Hurst v. Florida, 577 U. S. ____ (2016).

12Ring v. Arizona, 536 U. S. 584 (2002).

13Palazzolo, J. (2016, August 2). Delaware Court strikes down state's death-penalty law, citing Supreme Court ruling. *Wall Street Journal*. Retrieved from <http://www.wsj.com>.

14Laws 2015, LB 268 § 35.

15[https://ballotpedia.org/Oklahoma_Death_Penalty_State_Question_776_\(2016\)](https://ballotpedia.org/Oklahoma_Death_Penalty_State_Question_776_(2016))

16California Proposition 62, Repeal of the Death Penalty
([https://ballotpedia.org/California_Proposition_62_Repeal_of_the_Death_Penalty_\(2016\)](https://ballotpedia.org/California_Proposition_62_Repeal_of_the_Death_Penalty_(2016)))

17California Proposition 66, Death Penalty Procedures
([https://ballotpedia.org/California_Proposition_66_Death_Penalty_Procedures_\(2016\)](https://ballotpedia.org/California_Proposition_66_Death_Penalty_Procedures_(2016)))

BJS's collection of changes to state death penalty laws and inmates under sentence of death through NPS-8 allows researchers to track not only such statutory changes, court rulings and referenda, but also to examine the potential changes in the death row population in the affected states as well as other similar states. For example, the sentencing procedures recently overturned in Florida and Delaware are similar to those in Alabama, the only other state to allow judges rather than juries to impose the sentence in capital cases.

Following a court's determination that an inmate will be sentenced to death, execution is not the only possible outcome. A number of factors may affect the ultimate disposition of a death sentence. Researchers have used NPS-8 data to study the broad perspective of what happens after an inmate receives a death sentence.¹⁸ Others have used the means of removal from NPS-8 to focus on specific outcomes, such as death or commutation.¹⁹ Still others use data as a foundation to consider the purpose and appropriateness of the death penalty.²⁰

Interest in the death penalty is not limited to the United States. The United Nations has a number of committees to monitor issues in the international arena. The UN committees generate periodic country-specific reports assessing an individual country's record on various human rights matters. These reports rely on NPS-8 data to assess the record of the United States in areas such as human rights²¹ and executions.²²

Data gathered in the NPS-8 collection form the basis for historical trend analysis and fulfill a wide variety of needs within BJS and for the broader research and public policy community.²³ This brief review of some recent uses of NPS-8 data demonstrates the importance of these data to the national debate on capital punishment.

In addition, NPS-8 data are accessed by a wide-spectrum of users via public use files, reports and statistics available from the BJS website, and information requests made directly to BJS by phone and e-mail. Students, advocacy groups, attorneys, and employees of all branches and all levels of government use NPS-8 as a source of national and comparative data on capital punishment. The number of users accessing or sending queries through the BJS website for capital punishment statistics has made the NPS-8 one of the most requested BJS data collections. If these data were no longer collected, information seekers would no longer have the benefit of adequate historical and current facts on the subject.

3. Use of Information Technology

The NPS-8 collection has 2 components, each with 2 associated forms (see attached). The

18 Christopher, R.L. (2014). Death delayed is retribution denied. *Minnesota Law Review* 99(2), 421-466.

19Williams, J. J., & Murry, C. L. (2016). Dying on Death Row (Other Than by Execution). *Corrections Today* 78(4), 40-44. Heise, M. (2015). The death of death row clemency and the evolving politics of unequal grace. *Alabama Law Review* 65(5), 949-987.

20McLeod, M.S. (2016). Does the death penalty require death row? The harm of legislative silence. *Ohio State Law Journal* 77(3): 525-592.

21International Covenant on Civil and Political Rights. (2012). Periodic Report of the United States of America to the U.N. Committee on Human Rights.

(<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/429/66/PDF/G1242966.pdf>).

22Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions, Phillip Alston, on his mission to the United States of America. 2009. (http://www.extrajudicialexecutions.org/application/media/11%20HRC%20Mission%20to%20US%20%28A_HRC_11_2_Add.5%29.pdf).

23See, for example, Dieter, R.C. (2015). The future of the death penalty in the United States. *University of Richmond Law Review* 49(3), 921-938. Tabak, R.J. (2016). Capital punishment. In M.E. Wojcik (Ed.), *The State of Criminal Justice 2016* (pp. 237-317). American Bar Association.

first component collects individual-level data from the departments of correction (DOC) for all inmates under sentence of death during the reference year. Information about inmates received by the DOC under sentence of death is submitted on the NPS-8 form, which requests demographic characteristics, criminal history, and dates of conviction and sentence for the capital offense. In years following the submission of the NPS-8 form, respondents receive an NPS-8A form, which is used to update information about the inmate and the status of the death sentence.

The second component is designed to capture information about the statutes authorizing the imposition and implementation of the death penalty and changes that have occurred during the reference year. Staff from the office of the attorney general in states with no capital statute in force during the previous reference year fill out the NPS-8B form, while those in states with a capital statute in force fill out the NPS-8C form.

A web-based data collection for inmates under sentence of death was implemented during the 2008 data collection cycle for the NPS-8 and NPS-8A portion of the collection and a similar web-based reporting option was implemented during the 2009 data collection cycle for the NPS-8B/8C portion of the collection.

The web-based data collection tools for these forms were revamped for the 2011 data collection cycle. The newly-developed web interface allows respondents reporting on inmates under sentence of death (NPS-8/8A) to access a form for each individual who was reported as being under sentence of death on December 31 of the previous reference year. Respondents can revise data to each online form, as necessary. Respondents can also submit a new record for any inmates received under sentence of death since the previous year's submission. A separate electronic collection was designed for respondents reporting changes to the death penalty laws in their jurisdictions (NPS-8B/8C). The interface for this system allows respondents to fill out the forms as well as submit supplemental materials documenting the content of capital statutes and legislative changes to those statutes.

Respondents who Submitted Electronically

	2012		2013		2014	
	Number	Percent	Number	Percent	Number	Percent
NPS-8/8A Respondents	29	73%	29	73%	38	95%
NPS-8B/8C Respondents	24	46%	31	60%	32	62%

Forms Submitted Electronically for NPS-8 Data Collection

	2012		2013		2014	
	Number	Percent	Number	Percent	Number	Percent
NPS-8 Forms	61	73%	71	58%	58	78%
NPS-8A Forms	1,789	58%	1,723	57%	2,215	74%
NPS-8B Forms	1	7%	5	33%	6	38%
NPS-8C Forms	23	62%	26	70%	26	72%

The web-based data collection tools for both the inmate records (NPS-8/8A) and the status of death penalty laws (NPS-8B/8C) are designed to promote efficiency and reduce the reporting burden. Skip patterns are built in; as such, a respondent's answer to a previous question is used to determine which subsequent questions are applicable. BJS and the Census Bureau continue to explore alternative methods for submitting data electronically which may be more suitable for the capabilities and capacities of individual respondents (e.g. uploading of extracted data).

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 Death Penalty Information Center (DPIC) maintains a searchable database with individual-level information on inmates executed between 1977 and 2016 (<http://www.deathpenaltyinfo.org/views-executions>). Data elements included in this database consist of execution date, state and county of conviction; offender age, sex, and race; sex and race of victims; method of execution; and other case factors such as whether the inmate waived appeals, was a foreign national, or was a juvenile at the time of the capital offense. Much of the other information available from this website (characteristics of death row inmates, time on death row, state death penalty laws, etc.) cites BJS's data and reports.

BJS also conducted a search of the National Archives of Criminal Justice Data (NACJD) to identify other data collections with information on inmates under sentence of death and capital statutes. NACJD, which is sponsored by the research and grant-making bureaus in the Office of Justice Programs (BJS, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Bureau of Justice Assistance), has a stated mission "to facilitate research in criminal justice and criminology, through the preservation, enhancement, and sharing of computerized data resources; through the production of original research based on archived data; and through specialized training workshops in quantitative analysis of crime and justice data." NACJD maintains nearly 2,000 publicly-available criminal justice-related data collections and citations for more than 13,000 books, articles, conference proceedings, and other publications derived from these data collections. The search revealed no duplication with NPS-8. The information and comparisons available to users of the NPS-8 series are unique to this project.

5. Impact 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. Imposition of a death sentence is a rare event. In 2006, only 2% of sentences imposed on felons convicted in state courts for murder were death sentences.²⁴ The 2,979 inmates under sentence of death at yearend 2013 represented only 0.22% of all sentenced inmates in states with a valid capital statute at that time. Collecting data annually allows BJS and others to track annual changes in the capital statutes, which ultimately determine which offenders can be tried and sentenced to death.

Furthermore, the data maintained through the NPS-8 data collection records the flow of inmates in and out of death penalty status since 1973. Less frequent data collection would introduce gaps in the data series. This would impact users' ability to track changes and their impacts on prison populations.

7. Special Circumstances Influencing Collection

N/A. The NPS-8 is a voluntary data collection and imposes no penalty for those who choose not to participate. The NPS-8 is consistent with the public protection guidelines as specified in 5 CFR 1320.6.

²⁴See *Felony Sentences in State Courts, 2006 – Statistical Tables*, table 4.4.

8. Adherence to 5 CFR 1230.6 and Consultations Outside the Agency

The research under this clearance is consistent with the guidelines for 5 CFR 1320.6. The 60-day and 30-day notices for public commentary have been published in the Federal Register, on June 24, 2016, at 81 FR 41352-41353 and on November 4, 2016, at 81 FR 76965-76966, respectively.

BJS and Census Bureau staffs maintain frequent contact with data providers and data users in an effort to improve data collection, reporting procedures, data analysis, and data presentation. The individuals listed below have been consulted on such issues as instructions for completion of questionnaires and burden estimates, format and content of the questions, data collection methods, and design of data display:

Jeff Duncan
Oregon Department of Corrections

Karen Hall
Texas Department of Criminal Justice

Roy Korte
Wisconsin Department of Justice

Brenda Leikala
Office of the Ohio Attorney General

Gay Marsalis
Mississippi Department of Correction

Rebecca McBride
Delaware Department of Correction

Jennifer Miller
Oklahoma Office of the Attorney General

Andrew Peterson
Utah Office of the Attorney

Robert Ruddle
San Quentin State Prison
California Department of Corrections and Rehabilitation

Maghen Shipley
Louisiana State Penitentiary
Louisiana Department of Public Safety and Corrections

Kevin Takata
Hawaii Department of the Attorney General

9. Payment other than Remuneration to Contractors

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

10. Assurance of Confidentiality

Respondents will be advised that data are collected according to the provisions of the Title

42 USC, Sections 3735 and 3789g, which establish the allowable use of data collected by BJS. Under these sections (See Attachments 1 and 2), all information which can identify individuals is held confidential by BJS and “shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes” (Section 3735). As the collection agent for BJS, the Census Bureau collects these data with assurances pursuant to these sections.

All names and personal identifiers are removed from the data files prior to their submission to the National Archives of Criminal Justice Data, which serves as the public repository for all BJS datasets. Moreover, as required under these sections, any BJS report using these data will only be statistical in nature and will not identify individual subjects. Personal information provided by respondents 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 reported under sentence of death during the report year. We estimate the average reporting time to be about 30 minutes per form. The NPS-8A is used to add or correct information for a person who was on death row at the end of the previous report year. We estimate an average reporting time of 30 minutes per form. The NPS-8 and NPS-8A forms are sent to 42 respondents in 36 States and the Federal Bureau of Prisons.

One NPS-8B is completed by a respondent in the Office of the Attorney General in 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 42 respondents for the NPS-8/8A and the 52 respondents for NPS-8B/8C add up to 94 respondents for this data collection.

During 2014, 74 NPS-8 forms, 2,979 NPS-8A forms, and 52 capital punishment statute forms (NPS-8B/8C) were completed by respondents. This totaled 1,539.5 burden hours. Assuming the response burden remains about the same, the burden in future years is estimated to be 1,539.5 hours.

	<u>Number of Respondents</u>	<u>Average Number of Responses</u>	<u>Estimated Response Burden</u>	<u>Burden Hours</u>
NPS-8A			42	2,979
			30 min	1,489.5
NPS-8			42	30 min
			74	37
			37	
NPS-8B, NPS-8C	<u>52</u>	<u>52</u>	15 min	<u>13</u>
Total	94	3,105		1,539.5

Assuming an average salary of \$25 per hour for each respondent (based on Bureau of Labor Statistics wages for attorneys and correctional officers employed by state governments), we estimate a total annual cost to respondents of \$29,800.

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 2016 cost approximately \$326,300. The cost included the following:

<i>Estimated costs for the NPS-8 for FY 2016</i>	
BJS costs	
Staff salaries	
GS-13 Statistician (25%)	\$29,200
GS-14 Supervisory Statistician (2%)	\$2,200
Fringe benefits (28% of salaries)	\$8,800
Subtotal: Salary & fringe	\$40,200
Other administrative costs of salary & fringe (30%)	\$12,100
Subtotal: BJS costs	\$52,300
Census Bureau costs (Collection agent)	
Census costs (salaries, fringe benefits, forms design, printing, mailout, fax, email and phone follow-up, programming, web maintenance, and Census overhead)	\$274,000
Total estimated costs	\$326,300

15. Reason for Change in Burden

Fluctuations in the flow and the population of inmates under sentence of death from one year to the next will result in corresponding changes in the annual response burden.

The NPS-8 data collection is based primarily on individuals under sentence of death. During 2013, death row admissions dropped: the 83 persons admitted to prisons under sentence of death during 2013 was the lowest number since 1973, when 44 persons were put on death row. This drop represents the continuation of a general trend of declining admissions that started in 1999. The number of persons on death row on December 31, 2013, was 2,979, a decrease of 32 from the number under sentence of death at yearend 2012. This was the thirteenth consecutive year that the number of prisoners under a sentence of death declined. While the number of persons admitted to prisons under sentence of death has been declining gradually since 1999, the number of persons removed from death row since 2001 has generally increased relative to the number removed in years prior to 2001. Finally, since 2007, 5 states have repealed their capital statutes (although 1 of the 5 continues to hold a small number of inmates who remain under previously imposed sentences of death). All of these factors have contributed to a decrease in the number of NPS-8 and NPS-8A forms completed each year and a corresponding decrease in the total response burden.

16. Project Schedule and Publication Plan

In late November, Census Bureau staff calls/e-mails each respondent from the prior year to verify their contact information. At that time, the NPS-8/8A respondents are asked whether they prefer to respond using the mail-out/mail-back option or using the web-based data collection tool (use of the web-based tool is encouraged). Those opting to respond by mail are asked if they need blank NPS-8 forms to report inmates received under sentence of death during the current year and if so, how many forms they need.

About December 15, materials are mailed out to all respondents. For NPS-8/8A respondents who requested the mail-out/mail-back option, NPS-8 forms are sent, as needed, in order for respondents to report inmates received under sentence of death from January 1 to December 31 of the current report year. Respondents who reported inmates under sentence of death as of December 31 of the previous collection year are sent an NPS-8A form for each inmate. Respondents with a preference for the web-based data collection tool are mailed one NPS-8 form and a blank NPS-8A form to serve as a reminder of the information we have requested in the previous collection years.

A separate letter is sent to all NPS-8/8A respondents containing a username and password to access the web-based data collection tool. This includes those respondents who requested the mail-out/mail-back option, in the event that they decide to try the web-based data collection tool.

NPS-8/8A respondents with a small population of inmates under sentence of death are requested to submit completed forms by February 1 of the year following the reference year. Those states with a moderate population of inmates under sentence of death are given a deadline of February 15. Those states with a large population of inmates under sentence of death are given a deadline of March 15. Respondents with the largest numbers of inmates under sentence of death are given a later completion date, if necessary, to allow sufficient time to review, update, and submit records.

NPS-8B or NPS-8C forms are mailed to staff in the Attorney General's office of each State. Each respondent receives a form and a return envelope. The letter sent to NPS-8B/8C includes a username and password for them to submit their forms via the web-based data collection tool. The NPS-8B/8C respondents are asked to submit their responses by February 1.

As paper forms are received, (generally mid-January to late April), data are entered in the database and reviewed. For respondents who submit data electronically, Census Bureau staff receive notifications of any updates that have been made to records. Updates are incorporated into the database. Upon reviewing the changes, follow-up phone calls are made to the respondents, as necessary, 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).

BJS Bulletins

BJS typically disseminates an annual report of statistical tables in the fourth quarter of the calendar year. The statistical tables include a summary of current state and federal capital statutes as well as a summary the statutory changes which became effective in the reference year. Tables showing the annual movement of the population inmates under sentence of death, characteristics of persons under sentence of death, and details of persons executed. Also included are summary tables showing death sentences handed down by year of sentence and the outcomes of those sentences. Prior to the release of the statistical tables, BJS sends a letter to respondents to notify them of the expected release date and

includes a courtesy copy of all state-specific tables for their review.

BJA will produce three annual reports from the NPS-8 data series:

- Capital Punishment, 2014-15 (expected release January 2017)
- Capital Punishment, 2016 (expected release October 2017)
- Capital Punishment, 2017 (expected release October 2018)

BJA archives the NPS-8 data at the National Archive of Criminal Justice Data on an annual basis which makes available a public-use data set.

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.

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:

Signature (Program Signatory)

Date