

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, 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 2017, this included 34 state departments of correction (DOCs) and the Federal Bureau of Prisons (BOP) who were responsible for 2,703 prisoners under sentence of death. Sampling to obtain these data would impede BJS's 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 2017, for example, 26 states and the BOP 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 sex) are required. Even within jurisdictions with relatively large numbers of persons under sentence of death (e.g., in 2017, California with 742 or Florida with 349) 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 DOC in each state that authorizes capital punishment and from the Federal BOP. The appropriate respondents are designated by the individual agency. While some respondents are in the records office of the DOC, others are in the facilities responsible for the custody of the inmates under sentence of death. For the 2018 reference year, there were 37 NPS-8/NPS-8A respondents in the 35 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 BOP. 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 (Status of Death

Penalty – No Statute in Force) or the NPS-8C form (Status of Death – Statute in Force). During 2018, 17 NPS-8B forms were submitted by respondents and 35 NPS-8C forms were submitted by respondents.

Universe and response rate

	Universe	Expected response rate
Departments of Correction	35	100%
Attorneys General	52	100%

For the 2018 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

In late November each respondent from the previous year is contacted by e-mail or phone to verify the accuracy of contact information. During this contact, NPS-8/8A respondents are asked for their preferred response method (mail-out/mail-back option or web-based data collection tool). Use of the web-based data collection tool is encouraged. The NPS-8/8A respondents who indicate a preference for mail are asked how many blank NPS-8 forms they need to report inmates received under sentence of death during the reference year (sample forms in Appendices 2 and 3). Respondents in the offices of the Attorneys General will receive the NPS-8B or NPS-8C forms (see Appendices 7 and 8). Materials are mailed to all respondents around December 28th.

a. Departments of Correction

Mail-out/mail-back 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, mail-out/mail-back respondents are also sent a supply of NPS-8 forms to report any inmates newly received under sentence of death between January 1 and December 31 of the current reference 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 (NPS-8) for any inmate newly received under sentence of death between January 1 and December 31 of the current reference year. Screenshots of the NPS-8 and NPS-8A from the 2018 collection in Appendix 13.

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 (Status of Death Penalty – No Statute in Force) or the NPS-8C form (Status of Death Penalty – Statute in Force). Screenshots for the NPS-8B and NPS-8C forms are available in Appendix 14.

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 seeking ways to reduce burden.

As BJS's collection agent begins to receive the submissions for a given reference 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. As part of the follow-up activities, the collection agency queries respondents about comments they have about the data collection and instruments and inquires about any difficulties they may have encountered during the data collection cycle.

4. Testing Procedures

BJS has consistently achieved 100% unit response rate for this data collection. In addition, for critical items such as race, sex, date of capital sentence, 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 2017 collection, marital status at the time of imprisonment was missing for 14% 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 20% 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. Beginning with the 2010 reference year, BJS moved the NPS-8 collection from the Demographic Surveys Division 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.

In the most recent Terms of Clearance for this collection, issued on December 19, 2016, OMB stated that BJS must develop a plan to evaluate the usability of the web-based data collection mode. In response, the data collection agent has begun to regularly engage respondents during the follow-up response activities. Both users and non-users of the web-based data collection tool are asked about the reasons for the data submission mode they elect to use. In addition, respondents are asked to describe their experiences using

the web-based tool and to offer any suggestions for changes/improvements. These activities are summarized in a memo submitted to OMB (Subject: Summary of usability of web-based for data collection for Capital Punishment Report of Inmates Under Sentence of Death (NPS-8) collection)

Since the initial implementation of a web-based data collection, BJS has seen a dramatic increase in the number of responses submitted electronically: NPS-8/8A electronic submissions increased from 5% of all responses in 2008 to 99% in 2018; and NPS-8B/8C electronic submissions increased from 6% in 2009 (the first year it was available to these respondents) to 73% in 2018.

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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