

March 22, 2023

The Honorable Jeanne Shaheen
Chair, Subcommittee on Commerce, Justice,
Science, and Related Agencies
Senate Committee on Appropriations
Washington, DC 20510

The Honorable Jerry Moran
Ranking Member, Subcommittee on Commerce,
Justice, Science, and Related Agencies
Senate Committee on Appropriations
Washington, DC 20510

Dear Chair Shaheen and Ranking Member Moran,

We write in support of the President's budget request to increase the Bureau of Justice Statistics' (BJS) budget to \$78 million in fiscal year 2024. While the demand for information on crime in the US is likely higher now than it's ever been, BJS struggles to keep up with its mandated programs because it has lost 22% in purchasing power since FY12 and 35% since the late 2000s. Restoring the OJP set-aside to 3% for BJS and NIJ is also a vital and responsible investment because the two agencies provide research and data to guide and evaluate OJP grants in support of its mission.

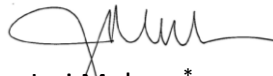
We have detailed in the enclosed how we recommend a FY24 BJS budget of \$78 million could be effectively and importantly invested to start both filling the gaps and meeting the demand for more criminal justice information. Just as importantly, BJS should be provided the staff to oversee its expansion of programs.

Thank you for your consideration.

Sincerely,



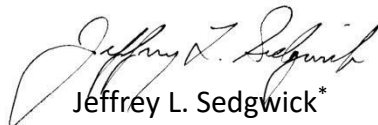
James Lynch*
Director, BJS, 2010-2012



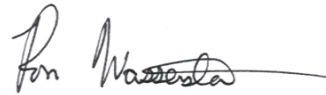
Jeri Mulrow*
Principal Deputy Director, BJS, 2016-2019



William Sabol*
Director, BJS, 2015-2016



Jeffrey L. Sedgwick*
Director, BJS, 2006-2008



Ron Wasserstein
Executive Director
American Statistical Association

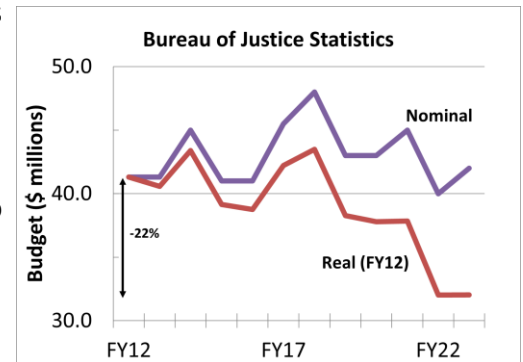
Enclosure: BJS FY24 Funding Recommendations

*The Directors are signing in their personal capacity and not as representatives of their employers.

Invest in the Future of US Criminal Justice Statistics: The case for funding the Bureau of Justice Statistics (BJS) to \$78 million in FY24

What is BJS? The BJS in the Department of Justice provides objective, reliable, and trustworthy statistics on a variety of justice-related issues, including “crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government.” These data are critical to federal, state, and local policymakers in combating crime and ensuring that justice is both efficient and evenhanded. Established in 1979, its existing principal products cover the following nine topics: corrections, courts, crime type, criminal justice data improvement program, employment and expenditure, federal processing of criminal cases, Indian country justice statistics, law enforcement, and victims.

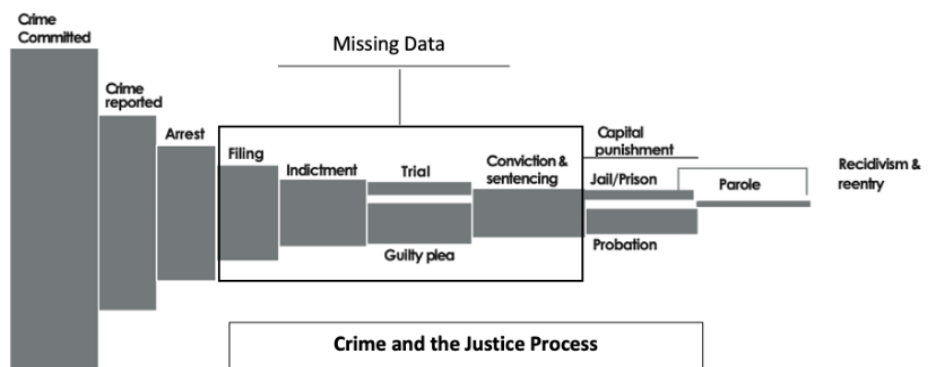
What are BJS’ Challenges? The need for objective, reliable statistics on crime and our criminal justice system is now as important as it has ever been, with a White House initiative underway to address the need and multiple private efforts underway. Despite its broad charge, BJS is among the smallest of the 13 principal federal statistical agencies by budget with an FY23 level of \$42 million. Further hampering its ability to fulfill its mission and meet demand for criminal justice statistics, BJS has been flat funded for over a decade, resulting in a 22% loss of purchasing power since 2012 and 35% since the late 2000’s. A \$10 million increase in FY24 would be a much-needed down payment for a multi-year increase so that it can meet its mandates.



Budget Request: We support the President’s funding request of \$78 million—including the 3% set-aside of OJP programs for BJS and NIJ—and have identified two congruent initiatives that support increased funding for BJS. Our first priority, filling data gaps in the criminal justice system, is consistent with three initiatives included in the President’s budget: (1) death in custody reporting act collection; (2) tracking arrests and court case outcomes and (3) advancing effective accountable policing and criminal justice which total \$8M. We recommend an additional \$2M investment in FY24 to support our second priority, enhancing NCVS.

Priority 1: Filling the data gap in coverage of the criminal justice system

The criminal justice process is a complicated, extended process, a simplified version of which is depicted in the graphic below. While we have more transparency at either end of the process, on the incidence of crime and arrests and on incarceration, there are glaring data gaps in data in the middle, in the area of prosecution and court statistics.



Despite the prosecutorial process arguably being the most consequential step in the criminal justice proceedings, in part because many decisions are not subject to review (e.g., the declination decision), we have little if any information about this phase, rendering it largely invisible. Similarly, sentencing is the decision with the greatest impact on citizens, yet our only information on sentencing comes from correctional agencies when an offender is admitted to prison. How often sentences are imposed and all other aspects of criminal sentencing, such as fines, special conditions of supervision, and mandatory treatment, are unknown. BJS has not had the funds to maintain their existing collection and to follow the National Academy of Science's recommendation of building new collections on prosecution and sentencing.

Investing now will position BJS to leverage new privately and publicly funded efforts to build statistical systems to collect data in new and less burdensome ways. Two privately funded efforts—Measures for Justice and Criminal Justice Administrative Record System (CJARS)—have employed cooperative agreements, Freedom of Information Act requests and web scraping to access information from prosecutors and the courts that was previously inaccessible to BJS. While these organizations have done impressive work, they do not (and do not seek to) provide national estimates. With sustained additional funding, BJS could work with these and other organizations to expand the number of jurisdictions contributing data and develop new methods for making national estimates.

A related effort involves assessing the reliability of criminal history records for measuring prosecution and court decisions. Currently, BJS has used these to study recidivism, and in doing so has invested in assessing the reliability of their records for statistical purposes. However, because of the variability in records across systems, further work needs to be done to determine how reliably these records can measure booking, charging, and sentencing decisions by accounting for differences among states in reporting and recording records. Additional funding could support a long-term (e.g., 5-year) effort that builds upon private sector efforts.

Priority 2: Sustaining National Crime Victimization Survey (NCVS) Advances

While better covered through the NCVS, the coverage of crime and responses is both at risk and in need of improvements. Arguably the best victimization survey in the world, the NCVS provides the victim's view of crime and the justice system, a perspective especially important now when the public's view of components of the system is not particularly favorable.

In 2010 and 2011 BJS received investments for the NCVS to reverse the effect of decades of underfunding and sample cuts. These funds were also used to research how to improve the range and quality of data in several areas. The production of sub-national estimates for states and large jurisdictions has long been a goal of the survey and some of these funds were initially used to increase the sample size and change its design to better provide sub-national estimates. That research was essentially completed several years ago but, due to flat funding in recent years, it has not been incorporated into the survey. Sustained additional funding is required to reap the benefits of initial investments.

Beginning in FY26 or FY27 BJS will add two new NCVS modules, community wellness and police contact. Additional funding would allow BJS to conduct research and pilot projects on topics such as fentanyl overdoses, school shootings, and hate crimes. By conducting annual data collection and community estimates, researchers and policy makers will have national data on police and citizen contact and hate crimes.