



May 22, 2024

Dr. Kevin M. Scott
Acting Director
Bureau of Justice Statistics
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, D.C. 20531

Re: Public comment on proposed information collection, “Capital Punishment Report of Inmates Under Sentence of Death”, OMB Number 1121-0030.

Dear Dr. Scott,

NAMI appreciates the opportunity to submit comments in support of the Bureau of Justice Statistics’ (BJS) efforts to collect information through the tool, “Capital Punishment Report of Inmates Under Sentence of Death.” NAMI, the National Alliance on Mental Illness, is the nation’s largest grassroots mental health organization, dedicated to building better lives for all people affected by mental illness. We do this by providing education, support, public awareness, and advocacy through our over 700 state and local affiliate organizations in communities across the country.

Tragically, people with mental illness are overrepresented in our nation’s criminal justice system. Particularly vulnerable to the inequities of this system are people with serious mental illness (SMI), who often face longer¹ and more severe sentences, such as capital punishment. We applaud BJS for continuing this collection effort and documenting unbiased facts regarding those subject to the most severe punishment in our nation’s criminal justice system.

NAMI as a long history of advocating in death penalty cases, and we oppose² this harsh and inhumane sentence for people with SMI. At both the state and federal level, we work to change policies to prevent people with SMI from receiving sentences of capital punishment. A key component of our efforts is having clear and unbiased data to identify the use of this punishment, and to understand which individuals are waiting to be executed. We believe that the “Capital Punishment Report of Inmates Under Sentence of Death” provides that unbiased data.

While the information collected is useful in its current form, there is additional information that could be helpful for a variety of stakeholders. Currently the survey tool does not ask for information regarding previous diagnosis or treatment for mental health. There is some evidence that nearly a quarter³ of people on death row have SMI, yet the “Capital Punishment Report of Inmates Under Sentence of Death” does

¹ James, D. J., Glaze, L.E. *Mental Health Problems of Prison and Jail Inmates*. Bureau of Justice Statistics. (2006). <https://bjs.ojp.gov/content/pub/pdf/mhppji.pdf>

² NAMI. Public Policy Position on the Death Penalty. <https://www.nami.org/advocacy/policy-priorities/stopping-harmful-practices/death-penalty/>

³ Mental Health America. *Death Penalty and People with Mental Illness*. https://www.mhanational.org/issues/death-penalty-and-people-mental-illnesses#_edn9

not provide conclusive data to validate estimates. While we understand that there can be challenges in collecting this information, including protecting the health privacy of those on death row, this information would help to clearly document the disproportionate use of this punishment towards people with SMI, and we encourage you to consider adding questions regarding previous diagnosis or treatment for mental health.

Thank you for the opportunity to comment on this important data collection. We believe this data collection is a necessary part of BJS's role and the utility of the information outweighs the minimal burden placed on local agencies to participate. If you have any questions or would like to discuss our comments further, please contact Shannon Scully, Director of Justice Policy & Initiatives at sscully@nami.org.

Sincerely,

A handwritten signature in black ink that reads "Hannah Wesolowski". The signature is written in a cursive, flowing style.

Hannah Wesolowski
Chief Advocacy Officer
National Alliance on Mental Illness (NAMI)