



American Statistical Association

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May 18, 2009

The Honorable Eric Holder
The Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Holder,

Congratulations on your appointment and confirmation to head the Department of Justice. As you develop your road map for the next several years, I write to offer the support of the American Statistical Association (ASA) in enhancing the ability of the Bureau of Justice Statistics (BJS) to help you achieve your goals. We are encouraged by President Barack Obama's emphasis on science and this administration's data-driven decisionmaking. We believe BJS is vital to such decisionmaking at the Department of Justice, but believe that BJS autonomy, scope, and stature must first be addressed. These fundamental needs are consistent with the National Academies' *Principles and Practices for a Federal Statistical Agency*, the fourth edition of which was just endorsed by the ASA Board of Directors.

Autonomy

In the *Principles and Practices* document, a "strong position of independence" is one of four key principles to better ensure a statistical agency can be a "trustworthy source of objective, accurate information." BJS's autonomy as a statistical agency has been undermined by a provision in the 2001 PATRIOT Act and subsequent revisions that assert a strong oversight role of BJS by the Office of Justice Programs and, subsequently, the attorney general's office. Further, we understand a political appointee outside BJS interfered with a proposed 2005 press release describing the findings of a key BJS report on different experiences during traffic stops by race, and that this ultimately led to the resignation of the BJS director. Such outside influence runs counter to ensuring the integrity of BJS statistical products.

Scope

BJS was set up to meet many of the DOJ's statistical needs, with a mission to "collect, process, analyze, and disseminate accurate and timely information on crime and the administration of justice and to assist States and localities to improve criminal justice record-keeping." BJS, however, currently lacks the authority to influence the data issues more broadly within DOJ. With a higher

profile, BJS would be better positioned to work with other DOJ units to bolster data analysis on enforcement operations, civil rights prosecution, and other issues. BJS could also work more effectively with the research arms of DOJ on key projects and provide invaluable input on the measurement of accuracy and statistical standards for forensic procedures (e.g., fingerprints, DNA, trace analysis, paint, oil, glass, tool marks, etc.)

To address the BJS autonomy and scope issues, we recommend that BJS have a more direct arrangement for reporting to your office, thus enabling it to play a more effective role within DOJ and to strengthen its independence. Further, we urge that the BJS director continue to be appointed by the president to underscore the vital role BJS plays. To better ensure BJS's autonomy, we recommend that the director's term be fixed and staggered from the presidential cycle. These recommendations are in accordance with the *Principles and Practices*.

Budget

We are pleased with your FY10 budget request for the BJS to improve its statistical programs, including the redesign of the methodology of the National Crime Victimization Survey in a manner consistent with the recommendations of the National Academies' report, *Surveying Victims: Options for Conducting the National Crime Victimization Survey*. We commend this effort and thank you for the strong support. We request that this be a multi-year effort to continue to address issues identified in this report and ask you to give careful consideration to the issues identified in the upcoming National Academies' BJS report, *Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics*.

The American Statistical Association—the second-oldest, continuously operating professional society in the United States—has 18,000 members in government, industry, and academia. The ASA has a proud tradition of service to statisticians, quantitative scientists, and users of statistics across a wealth of academic areas and applications. Among our many committees is the Committee on Law and Justice Statistics, which is devoted to BJS issues.

As you well know, the United States needs comprehensive, reliable, and timely statistics on crime and justice, which the BJS is capable of providing. We request that you address the autonomy, scope, and stature of the BJS to ensure it fulfills its full potential within the Department of Justice.

Thank you for your consideration.

Sincerely,



Sally C. Morton, PhD
President, American Statistical Association

Cc: Laurie Robinson, Acting Assistant Attorney General, Office of Justice Programs