Summer 2019

Discussing US Legal Issues -- Death Penalty Fact Sheet

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**NUMBER OF EXECUTIONS SINCE 1976: 1500**

- **Race of Defendants Executed**
  - White: 836
  - Black: 513
  - Hispanic: 127
  - Other: 24

- **Race of Victims in Death Penalty Cases**
  - White: 76%
  - Black: 15%
  - Hispanic: 7%
  - Other: 2%

Over 75% of the murder victims in cases resulting in an execution were white, even though nationally only 50% of murder victims generally are white.
Persons Executed for Interracial Murders

- In 1973, more than 160 people have been released from death row with evidence of their innocence. (Staff Report, House Judiciary Subcommittee on Civil & Constitutional Rights, 1993, with updates by DPIC).

- From 1973-1999, there was an average of 3 exonerations per year. From 2000-2011, there was an average of 5 exonerations per year.

Race of Death Row Prisoners and Death Row Prisoners by State

- Since 1973, more than 160 people have been released from death row with evidence of their innocence. (Staff Report, House Judiciary Subcommittee on Civil & Constitutional Rights, 1993, with updates by DPIC).

- From 1973-1999, there was an average of 3 exonerations per year. From 2000-2011, there was an average of 5 exonerations per year.

- Jurors in Washington state are three times more likely to recommend a death sentence for a black defendant than for a white defendant in a similar case. (Prof. K. Beckett, Univ. of Washington, 2014).

- In Louisiana, the odds of a death sentence were 97% higher for those whose victim was white than for those whose victim was black. (Pierce & Radelet, Louisiana Law Review, 2011).

- A study in California found that those convicted of killing whites were more than 3 times as likely to be sentenced to death as those convicted of killing blacks and more than 4 times more likely as those convicted of killing Latinos. (Pierce & Radelet, Santa Clara Law Review, 2005).

- A comprehensive study of the death penalty in North Carolina found that the odds of receiving a death sentence rose by 3.5 times among those defendants whose victims were white. (Prof. Jack Boger and Dr. Isaac Unah, University of North Carolina, 2001).

- In 96% of states where there have been reviews of race and the death penalty, there was a pattern of either race-of-victim or race-of-defendant discrimination, or both. (Prof. Baldus report to the ABA, 1998).
**EXECUTIONS BY STATE SINCE 1976**

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**EXECUTIONS BY REGION***

- **South:** 1227
- **Midwest:** 184
- **West:** 85
- **Northeast:** 673

*Federal executions are listed in the region in which the crime was committed.

**DEATH SENTENCING**

The number of death sentences per year has dropped dramatically since 1999.

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**MENTAL DISABILITIES**

- **Intellectual Disabilities:** In 2002, the Supreme Court held in Atkins v. Virginia that it is unconstitutional to execute defendants with 'mental retardation.'
- **Mental Illness:** The American Psychiatric Association, the American Psychological Association, the National Alliance for the Mentally Ill, and the American Bar Association have endorsed resolutions calling for an exemption of the severely mentally ill.

**DETERRENCE**

- A report by the National Research Council, titled Deterrence and the Death Penalty, stated that studies claiming that the death penalty has a deterrent effect on murder rates are “fundamentally flawed” and should not be used when making policy decisions (2012).
- Consistent with previous years, the 2016 FBI Uniform Crime Report showed that the South had the highest murder rate. The South accounts for over 80% of executions. The Northeast, which has less than 1% of all executions, had lowest murder rate.
- According to a survey of the former and present presidents of the country’s top academic criminological societies, 88% of these experts rejected the notion that the death penalty acts as a deterrent to murder. (Radelet & Lacoc, 2009)

**EXECUTIONS SINCE 1976 BY METHOD USED**

- 1323 Lethal Injection
- 160 Electrocution
- 11 Gas Chamber
- 3 Hanging
- 3 Firing Squad

32 states plus the US government use lethal injection as their primary method. Some states utilizing lethal injection have other methods available as backups. Though New Mexico has abolished the death penalty, its law was not retroactive, leaving 2 prisoners on its death row and its lethal-injection protocol intact.

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**JUVENILES**

- In 2005, the Supreme Court in Roper v. Simmons struck down the death penalty for juveniles. 22 defendants had been executed for crimes committed as juveniles since 1976.

**WOMEN**

- There were 53 women on death row as of July 1, 2017. This constitutes less than 2% of the total death row population. (NAACP Legal Defense Fund, July 1, 2017). 16 women have been executed since 1976.
PUBLIC OPINION AND THE DEATH PENALTY

Support for Alternatives to the Death Penalty

- A 2010 poll by Lake Research Partners found that a clear majority of voters (61%) would choose a punishment other than the death penalty for murder.

What Interferes with Effective Law Enforcement?

Percent Ranking Item as One of Top Two or Three

- Lack of law enforcement resource: 20
- Drug/Alcohol abuse: 20
- Family problems/child abuse: 14
- Lack of programs for mentally ill: 12
- Crowded courts: 7
- Ineffective prosecution: 6
- Too many guns: 5
- Gangs: 3
- Insufficient use of the death penalty: 2

The Death Penalty Information Center has available more extensive reports on a variety of issues, including:

- “The Death Penalty in 2018: Year-End Report” (December 2018)
- “Behind the Curtain: Secrecy and the Death Penalty in the United States” (November 2018)
- “Battle Scars: Military Veterans and the Death Penalty” (November 2015)
- “The 2% Death Penalty: How a Minority of Counties Produce Most Death Cases at Enormous Costs to All” (October 2013)
- “Struck By Lightning: The Continuing Arbitrariness of the Death Penalty 35 Years After Its Reinstatement in 1976” (June 2011)
- “Smart on Crime: Reconsidering the Death Penalty in a Time of Economic Crisis” (October 2009)
- “A Crisis of Confidence: Americans’ Doubts About the Death Penalty” (2007)
- “Blind Justice: Juries Deciding Life and Death with Only Half the Truth” (2005)
- “Innocence and the Crisis in the American Death Penalty” (2004)