

DEATH PENALTY INFORMATION CENTER

Facts About the Death Penalty

January 19, 2005

STATES WITH THE DEATH PENALTY (38[^])

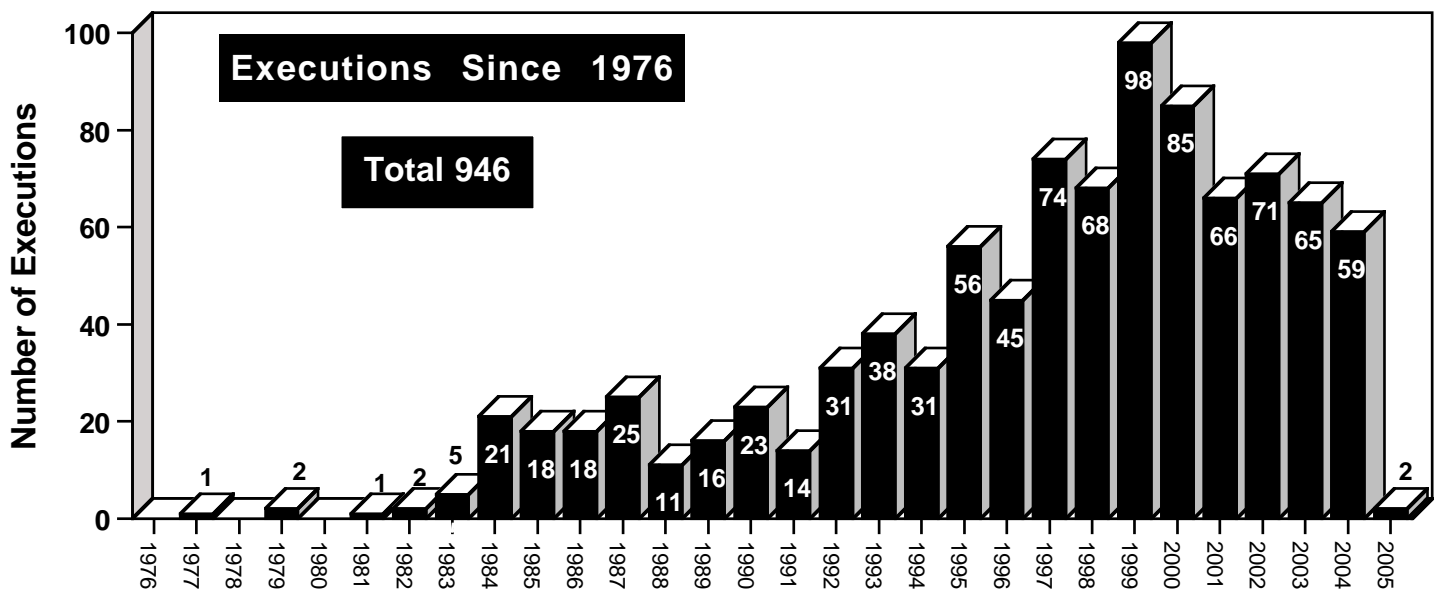
Alabama	Florida	Louisiana	N. Hampshire*	Oregon	Virginia
Arizona	Georgia	Maryland	New Jersey*	Pennsylvania	Washington
Arkansas	Idaho	Mississippi	New Mexico	S. Carolina	Wyoming
California	Illinois	Missouri	New York* ^	S. Dakota*	
Colorado	Indiana	Montana	N. Carolina	Tennessee	-plus
Connecticut*	Kansas* ^	Nebraska	Ohio	Texas	U.S. Gov't
Delaware	Kentucky	Nevada	Oklahoma	Utah	U.S. Military*

*Indicates jurisdictions with no executions since 1976.

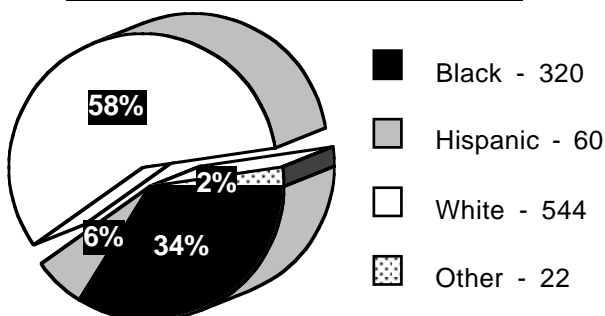
^ In 2004, the death penalty statutes in New York (June 24) and Kansas (Dec. 17) were declared unconstitutional.

STATES WITHOUT THE DEATH PENALTY (12)

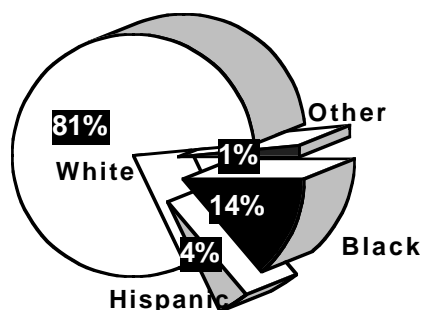
Alaska	Maine	Minnesota	Vermont	
Hawaii	Mass.	N. Dakota	W. Virginia	-plus
Iowa	Michigan	Rhode Island	Wisconsin	District of Columbia



Race of Defendants Executed



Race of Victims in Death Penalty cases



Over 80% of the murder victims in cases resulting in an execution were white, even though nationally only 50% of murder victims generally are white.

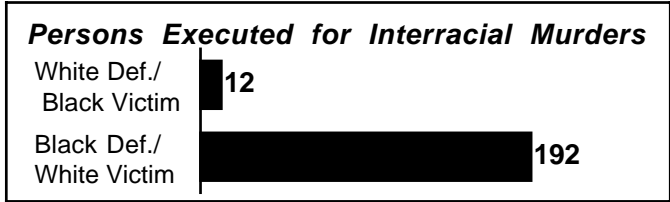
Recent Studies on Race

• In 96% of the 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. David Baldus report to the ABA, 1998)

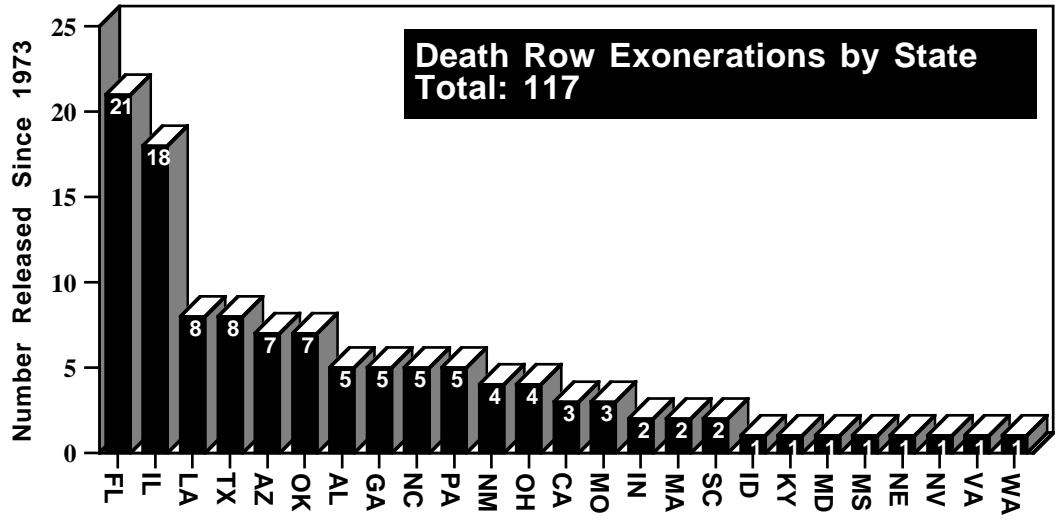
• 98% of the chief district attorneys in death penalty states are white; only 1% are black. (Prof. Jeffrey Pokorak, Cornell Law Review, 1998)

• A sophisticated statistical study in Philadelphia found that for similar crimes committed by similar defendants, blacks received the death penalty at a 38% higher rate than all others. (*The Death Penalty in Black & White* - DPIC, 1998)

• A comprehensive study on 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)



Innocence and the Death Penalty

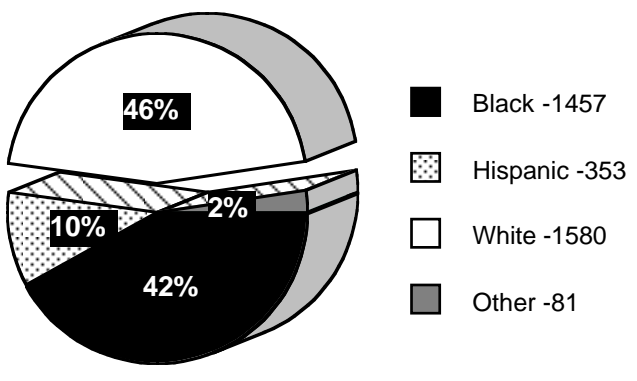


• Since 1973, over 100 people have been released from death row with evidence of their innocence. (Staff Report, House Judiciary Subcommittee on Civil & Constitutional Rights, Oct. 1993, with updates from DPIC).

• In 2000, 8 inmates were freed from death row and exonerated; in 2001 - 2002, another 9 were freed; and in 2003, 12 were exonerated. In 2004, there were 5 exonerations.

States Where Inmates Have Been Released

Race of Death Row Inmates



DEATH ROW INMATES BY STATE*

California	638	S.Carolina	74	Utah	10
Texas	455	Mississippi	69	Illinois	9
Florida	384	Missouri	58	Maryland	9
Penn.	232	Arkansas	39	Connecticut	8
Ohio	206	Indiana	37	Kansas	7
N. Carolina	201	Kentucky	35	U.S. Military	7
Alabama	199	U.S. Gov't	34	Nebraska	7
Arizona	128	Oregon	31	Montana	4
Georgia	114	Virginia	23	S. Dakota	4
Tennessee	108	Idaho	20	Colorado	3
Oklahoma	97	Delaware	19	New Mexico	2
Louisiana	91	New Jersey	15	New York	2
Nevada	86	Washington	11	Wyoming	2

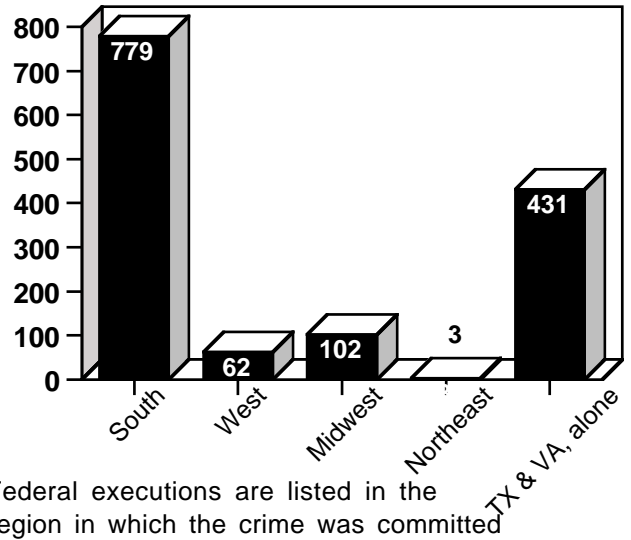
TOTAL: 3,471*

Source: NAACP LDF *Death Row, U.S.A.* (10/1/04) (includes cases with temporary reversals)
*When added, state totals are slightly higher because some inmates are sentenced in more than one state.

NUMBER OF EXECUTIONS BY STATE SINCE 1976

	Total	2004	2005		Total	2004	2005
Texas	337	23	1	Indiana	11		
Virginia	94	5		Nevada	11	2	
Oklahoma	75	6		Mississippi	6		
Missouri	61			Utah	6		
Florida	59	2		Maryland	4	1	
Georgia	36	2		Washington	4		
N Carolina	34	4		Nebraska	3		
S Carolina	32	4		Pennsylvania	3		
Alabama	30	2		Kentucky	2		
Louisiana	27			Montana	2		
Arkansas	26	1		Oregon	2		
Arizona	22			Colorado	1		
Ohio	15	7		Idaho	1		
Delaware	13			New Mexico	1		
Illinois	12			Tennessee	1		
California	11		1	Wyoming	1		
				US Government	3		

Executions By Region*



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

JUVENILES AND THE DEATH PENALTY

- There were 72 death row inmates (all male) sentenced as juveniles, (under 18 at time of crime) as of Oct. 1, 2004. They make up 2% of the total death row; 38% of these are in Texas. (Victor Streib, *The Juvenile Death Penalty Today*, 2004)
- 22 defendants have been executed for crimes committed as juveniles since 1976.
- Nineteen states plus the federal government have an age minimum of at least 18 for capital punishment: CA, CO, CT, IL, IN, KS, MD, MO, MT, NE, NJ, NM, NY, OH, OR, SD, TN, WA, WY , & US. Five states place the minimum death penalty age at 17: FL, GA, NH, NC, and TX.
- A May 2002 Gallup Poll found that a majority of Americans (69%) oppose executing those who are juveniles at the time of their crime.
- The U.S. Supreme Court will rule in early 2005 in *Roper v. Simmons* on the constitutionality of executing defendants who were juveniles at the time of their crime.

MENTAL RETARDATION AND THE DEATH PENALTY

- In 2002, the Supreme Court issued a landmark ruling in *Atkins v. Virginia* holding that it is unconstitutional to execute defendants with mental retardation. Prior to the ruling, eighteen states plus the federal government prohibited such executions: AZ, AR, CO, CT, FL, GA, IN, KS, KY, MD, MO, NM, NE, NY, NC, SD, TN, WA, & US.

WOMEN AND THE DEATH PENALTY

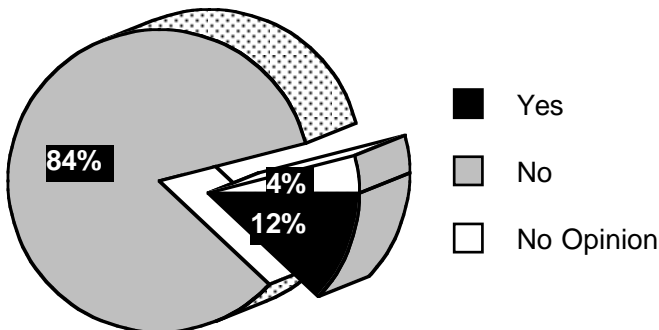
- There were 52 women on death row as of October 1, 2004. This constitutes 1.49% of the total death row population. (NAACP LDF *Death Row, U.S.A.*)
- 10 women have been executed since 1976

DETERRENCE AND THE DEATH PENALTY

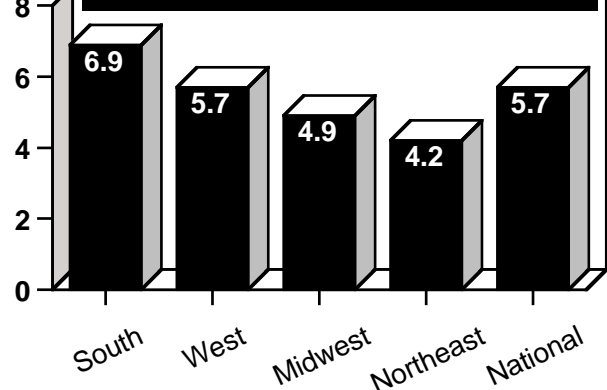
- According to a survey of the former and present presidents of the country's top academic criminological societies, **84% of these experts rejected the notion that the death penalty acts as a deterrent to murder.** (Radelet & Akers, 1996)

- Consistent with previous years, the 2003 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, again had the lowest murder rate.

Criminologists View of Deterrence



Murder rates per 100,000 - 2003



EXECUTIONS SINCE 1976 BY METHOD USED

778	Lethal Injection
152	Electrocution
11	Gas Chamber
3	Hanging
2	Firing Squad

37 of 38 states plus the US government use lethal injection as their primary method. Nebraska is the only state to solely use electrocution. Some states utilizing lethal injection have other methods available as backups.

FINANCIAL FACTS ABOUT THE DEATH PENALTY

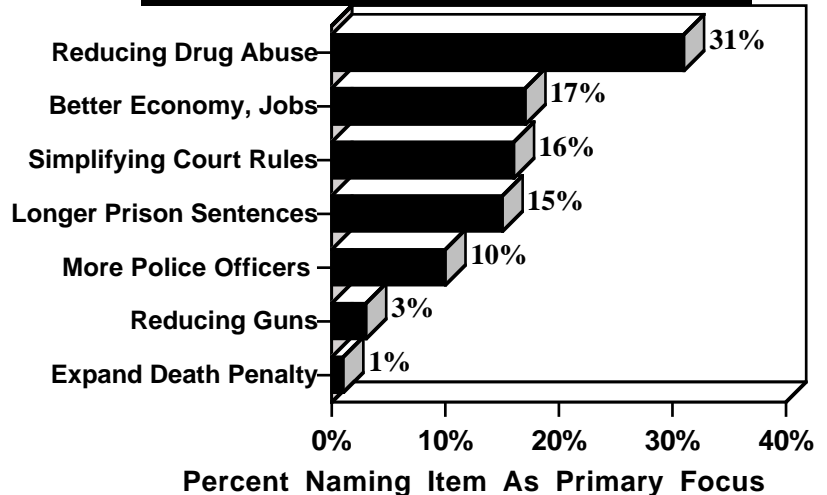
- In Kansas, the costs of capital cases are 70% more expensive than comparable non-capital cases, including the costs of incarceration. (Kansas Performance Audit Report, December 2003).
- In Indiana, the total costs of the death penalty exceed the complete costs of life without parole sentences by about 38%, assuming that 20% of death sentences are overturned and reduced to life. (Indiana Criminal Law Study Commission, January 10, 2002).
- The most comprehensive study in the country found that the death penalty costs North Carolina \$2.16 million per execution over the costs of sentencing murderers to life imprisonment. The majority of those costs occur at the trial level. (Duke University, May, 1993).
- Enforcing the death penalty costs Florida \$51 million a year above what it would cost to punish all first-degree murderers with life in prison without parole. Based on the 44 executions Florida had carried out since 1976, that amounts to a cost of \$24 million for each execution. (Palm Beach Post, January 4, 2000).
- In Texas, a death penalty case costs an average of \$2.3 million, about three times the cost of imprisoning someone in a single cell at the highest security level for 40 years. (Dallas Morning News, March 8, 1992).
- The death penalty costs California \$90 million annually beyond the ordinary costs of the justice system-\$78 million of that total is incurred at the trial level. (Sacramento Bee, March 28, 1988).

PUBLIC OPINION AND THE DEATH PENALTY

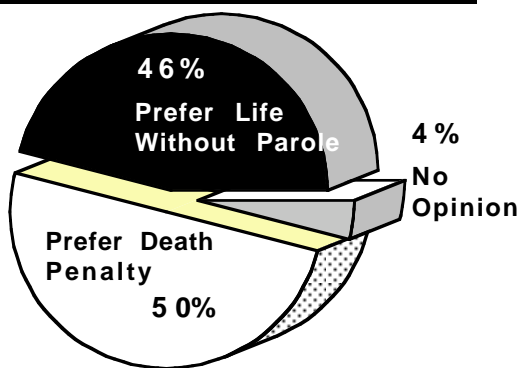
• The October 2004 Gallup Poll found that overall support of the death penalty was 66% (down from 80% in 1994). Another Gallup Poll (May 2004) revealed that when respondents are given the choice of life without parole as an alternate sentencing option, support for the death penalty is at 50%.

• A 1995 Hart Research Poll of police chiefs in the U.S. found that the majority of the chiefs do not believe that the death penalty is an effective law enforcement tool.

Police Chiefs Place Death Penalty Last in Reducing Violent Crime



Support for Life Without Parole



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

- "Year End Report: Historic Five-year Decline in Death Penalty Continues in 2004" (2004)
- "Innocence and the Crisis in the American Death Penalty" (2004)
- "International Perspectives on the Death Penalty: A Costly Isolation for the U.S." (1999)
- "The Death Penalty in Black & White: Who Lives, Who Dies, Who Decides" (1998)
- "Innocence and the Death Penalty: The Increasing Danger of Executing the Innocent" (1997)
- "Killing for Votes: The Dangers of Politicizing the Death Penalty Process" (1996)
- "Twenty Years of Capital Punishment: A Re-evaluation" (1996)
- "With Justice for Few: The Growing Crisis in Death Penalty Representation" (1995)
- "On the Front Line: Law Enforcement Views on the Death Penalty" (1995)
- "The Future of the Death Penalty in the United States: A Texas-Sized Crisis" (1994)
- "Millions Misspent: What Politicians Don't Say About the High Costs of the Death Penalty" (updated 1994)