Facts About the Death Penalty

December 17, 2004

STATES WITH THE DEATH PENALTY (38 ^ #)

Alabama   Florida   Louisiana   N. Hampshire*   Oregon   Virgina
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.
^ New York's death penalty statute was declared unconstitutional on June 24, 2004.
# Kansas' death penalty statute was declared unconstitutional on December 17, 2004.

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

Executions Since 1976

Total 944

Race of Defendants Executed

- Black - 320
- Hispanic - 60
- White - 542
- Other - 22

Race of Victims in Death Penalty cases

- White - 31%
- Black - 14%
- Hispanic - 4%
- Other - 2%
- Over 80% of completed capital cases involve white victims, even though nationally only 50% of murder victims are white.
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).

Innocent inmates spent about 9 years incarcerated prior to release.

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


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)

Race of Death Row Inmates

- Black -1467
- Hispanic -356
- White -1587
- Other -80

TOTAL: 3,490*

Persons Executed for Interracial Murders

<table>
<thead>
<tr>
<th>White Def./ Black Victim</th>
<th>Black Def./ White Victim</th>
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<tbody>
<tr>
<td>12</td>
<td>192</td>
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DEATH ROW INMATES BY STATE*

<table>
<thead>
<tr>
<th>State</th>
<th>Number of Inmates</th>
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<tbody>
<tr>
<td>California</td>
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<tr>
<td>Texas</td>
<td>457</td>
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<tr>
<td>Florida</td>
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<td>Penn.</td>
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<td>S. Carolina</td>
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<td>Washington</td>
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Death Penalty Information Center 2

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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. 
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Innecence and the Death Penalty

Death Row Exonerations by State

Number Released Since 1973

States Where Inmates Have Been Released

Race of Death Row Inmates

-Black -1467
-Hispanic -356
-White -1587
-Other -80

TOTAL: 3,490*

Source: NAACP LDF Death Row, U.S.A. (7/1/04) (includes cases with temporary reversals)

*When added, state totals are slightly higher because some inmates are sentenced in more than one state.
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)

MENTAL RETARDATION AND THE DEATH PENALTY

• On June 20, 2002, the Supreme Court issued a landmark ruling ending the execution of those with mental retardation. In Atkins v. Virginia, the Court held that it is a violation of the ban on cruel and unusual punishment to execute death row inmates who have mental retardation. Prior to the ruling, eighteen states, plus the federal government prohibited such executions: AZ, AR, CO, CT, FL, GA, IN, KS, MD, MO, MT, NE, NJ, NM, NY, OH, OR, SD, TN, WA, WY, and U.S. Five states place the minimum death penalty age at 17: FL, GA, NH, NC, and TX. (Note: Florida's minimum age may have been lowered to 16 by a 2002 referendum).

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JUVENILES AND THE DEATH PENALTY

• There were 72 death row inmates (all male) sentenced as juveniles, (under 18 at time of crime) as of Sept. 30, 2004. They make up 2% of the total death row: 38% of these are in Texas. (Victor Streib, The Juvenile Death Penalty Today)

• 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, and U.S. Five states place the minimum death penalty age at 17: FL, GA, NH, NC, and TX. (Note: Florida's minimum age may have been lowered to 16 by a 2002 referendum).

• A May 2002 Gallup Poll found that a majority of Americans (69%) oppose executing those who are juveniles at the time of their crime.

WOMEN AND THE DEATH PENALTY

• There were 52 women on death row as of July 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.

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EXECUTIONS SINCE 1976 BY METHOD USED*

*some states authorize more than one method

776  Lethal Injection  (37 states, plus the U.S. Government and Military)
152  Electrocution  (8 states; sole method in 1 state (Nebraska))
11  Gas Chamber  (5 states; all have lethal injection as an alternative method)
 3  Hanging  (2 states; all have lethal injection as an alternative method)
 2  Firing Squad  (3 states; all have lethal injection as an alternative method)

FINANCIAL FACTS ABOUT THE DEATH PENALTY

• The state of Kansas reviewed its death penalty expenses and found that capital cases are 70% more expensive than comparable non-capital cases, including incarceration. (Kansas Performance Audit Report, December 2003)
• A study by Indiana's Criminal Law Study Commission found that 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 resentenced 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 a non-death penalty murder case with a sentence of imprisonment for life. 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 and beyond what it would cost to punish all first-degree murderers with life in prison without parole. Based on the 44 executions Florida has 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 2003 Gallup Poll found that overall support of the death penalty had dropped to its lowest level in 25 years: 64% supported the death penalty and 32% opposed. 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.

Support for Life Without Parole

Police Chiefs Place Death Penalty Last in Reducing Violent Crime

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

"Innocence and the Crisis in the American Death Penalty" (2004)
"Innocence and the Death Penalty: The Increasing Danger of Executing the Innocent" (1997)
"Twenty Years of Capital Punishment: A Re-evaluation" (1996)
"Millions Misspent: What Politicians Don't Say About the High Costs of the Death Penalty" (updated 1994)