



# Death Penalty Factsheet

NAACP Criminal Justice Department

January 2017

## **The death penalty is plagued with racial disparities:**

In states across the country, African Americans are disproportionately represented on death row and among those who have been executed. Black people make up 13% of the population, but they make up 42% of death row and 35% of those executed.<sup>i</sup> In addition, many studies have found the race of the victim to affect who receives the death penalty, with homicides of white victims more likely to result in the death penalty.<sup>ii</sup>

Federal death row is no different. There are 63 people on federal death row, 37 are people of color. Twenty-seven of these individuals are Black.<sup>iii</sup> Several reviews of the federal death penalty have found troubling racial disparities in charging, plea bargaining, sentencing, and executions.<sup>iv</sup> For example, a review conducted by the United States Department of Justice found that 48% of White defendants were able to receive a sentence less than death through plea bargaining. Yet, only 25% of Black defendants and 28% of Hispanic defendants were able to plead guilty in exchange for life sentences.<sup>v</sup>

## **Innocent people have been sentenced to death and executed:**

If innocent people can be convicted, sentenced to death, and executed, the criminal justice system cannot be trusted to reliably separate the innocent from the guilty. Between 1973 and 2016, 156 people who had been sentenced to death were subsequently determined to be innocent.<sup>vi</sup> During the same period, 1142 people have been executed.<sup>vii</sup> This means that for every ten people executed, more than one person has been exonerated. This number does not include the people who were executed despite compelling evidence of innocence, or for whom evidence of innocence was found after execution.<sup>viii</sup> As Troy Davis's case demonstrates, innocence does not protect people from execution.<sup>ix</sup>

## **The death penalty consumes an enormous amount of resources without improving safety:**

There is no reliable evidence that the death penalty deters people from committing crime.<sup>x</sup> In fact, murder rates are higher in states that have capital punishment than they are in states without it.<sup>xi</sup> At the same time, the death penalty drains resources from the legal system, prisons, and law enforcement.<sup>xii</sup> Contrary to popular belief, the death penalty is much more expensive than a sentence of life without parole. Before Maryland abolished the death penalty, a detailed study showed that the average death penalty case cost \$2 million dollars more than a death-eligible case in which prosecutors decided not to pursue the death penalty.<sup>xiii</sup>

## **Most of the world has rejected the death penalty, and national support for the death penalty has plummeted:**

Two-thirds of countries either have formally abolished the death penalty or have ceased to use it.<sup>xiv</sup> In 2016, the United States executed the sixth highest number of people in the world. The only countries that executed more people were China, Iran, Saudi Arabia, Iraq, and Pakistan.<sup>xv</sup>

In the United States, the number of executions and new death sentences are at historic lows. In 2016, 20 people were executed, the lowest number since 1991. Thirty death sentences were imposed, the lowest in the modern era of the death penalty.<sup>xvi</sup> Polls show that between 49 and 60 percent of the American public support the death penalty. These numbers are also the lowest in the modern era of the death penalty.<sup>xvii</sup>

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- <sup>i</sup> NAACP Legal Defense & Education Fund, *Death Row U.S.A.*, pp. 1,9 (Summer 2016), [http://www.naacpldf.org/files/publications/DRUSA\\_Summer\\_2016.pdf](http://www.naacpldf.org/files/publications/DRUSA_Summer_2016.pdf); Matt Ford, *Racism and the Execution Chamber*, The Atlantic, June 23, 2014, <http://www.theatlantic.com/politics/archive/2014/06/race-and-the-death-penalty/373081/>.
- <sup>ii</sup> Scott Phillips, *Continued Racial Disparities in the Capital of Capital Punishment: The Rosenthal Era*, 50 *Houston L. Rev.* 131 (2012), <http://www.houstonlawreview.org/wp-content/uploads/2012/11/4-Phillips.pdf>; Sheri Lynn Johnson, et al., *The Delaware Death Penalty: An Empirical Study*, Cornell Legal Studies Research Paper No. 12-24 (2012), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2019913](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2019913); Michael L. Radelet & Glenn L. Pierce, *Race and Death Sentencing in North Carolina: 1980-2007*, 89 *N. Carolina L.Rev.* 2119 (2011), <http://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=4522&context=nclr>; Christopher Slobogin, *The Death Penalty in Florida*, 1 *Elon L. Rev.* 17 (2009), [http://www.elon.edu/docs/e-web/law/law\\_review/Issues/Slobogin.pdf](http://www.elon.edu/docs/e-web/law/law_review/Issues/Slobogin.pdf); David C. Baldus & George Woodworth, *Race Discrimination in the Administration of the Death Penalty: An Overview of the Empirical Evidence with Special Emphasis on the Post-1990 Research*, 41 *No. 2 Crim. L. Bull.* 6 (April 2005); Raymond Paternoster, et al., *Justice by Geography and Race: The Administration of the Death Penalty in Maryland, 1978-1999*, 4 *Margins* 1 (2004), <http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1050&context=rrgc>.
- <sup>iii</sup> Death Penalty Information Center, *Federal Death Row*, <http://www.deathpenaltyinfo.org/federal-death-row-prisoners#list> (last visited January 17, 2017).
- <sup>iv</sup> ACLU, *The Persistent Problem of Racial Disparities in The Federal Death Penalty* (June 25, 2007), [https://www.aclu.org/sites/default/files/pdfs/capital/racial\\_disparities\\_federal\\_deathpen.pdf](https://www.aclu.org/sites/default/files/pdfs/capital/racial_disparities_federal_deathpen.pdf).
- <sup>v</sup> U.S. Dept. of Justice, *The Federal Death Penalty System, A Statistical Survey*, pp. 34-35 (September 12, 2000), <http://www.usdoj.gov/dag/pubdoc/dpsurvey.html>. A later DOJ review attempted to downplay the significance of this disparity. U.S. Dept. of Justice, *The Federal Death Penalty System: Supplementary Data, Analysis and Revised Protocols for Capital Case Review*, pp. 14-15 (June 6, 2001), <http://www.usdoj.gov/dag/pubdoc/deathpenaltystudy.htm>.
- <sup>vi</sup> Death Penalty Information Center, *Innocence: List of Those Freed From Death Row*, <http://www.deathpenaltyinfo.org/innocence-list-those-freed-death-row> (last visited January 8, 2017).
- <sup>vii</sup> Death Penalty Information Center, *Executions by Year*, <http://www.deathpenaltyinfo.org/executions-year> (last visited January 8, 2017); Death Penalty Information Center, *Part I: History of the Death Penalty: Reinstating the Death Penalty*, <http://www.deathpenaltyinfo.org/part-i-history-death-penalty#reinst> (noting that no executions occurred between 1968 and 1976) (last visited January 8, 2017).
- <sup>viii</sup> National Coalition to Abolish the Death Penalty, *Executed and Innocent: Four Chapters in the Life of America's Death Penalty* (2013), [http://b3cdn.net/ncadp/d245477f2f03c18f99\\_1pm6bsa34.pdf](http://b3cdn.net/ncadp/d245477f2f03c18f99_1pm6bsa34.pdf); Richard A. Stack, *Grave Injustice: Unearthing Wrongful Executions*, Potomac Books, 2013.
- <sup>ix</sup> Ed Pilkington, *Troy Davis Executed After Supreme Court Refuses Last-Minute Reprieve*, The Guardian, September 21, 2011, <https://www.theguardian.com/world/2011/sep/22/troy-davis-execution-goes-ahead>.
- <sup>x</sup> National Research Council, *Deterrence and the Death Penalty* (2012), <https://www.nap.edu/read/13363>.
- <sup>xi</sup> Death Penalty Information Center, *Deterrence: States Without the Death Penalty Have Had Consistently Lower Murder Rates*, <http://www.deathpenaltyinfo.org/deterrence-states-without-death-penalty-have-had-consistently-lower-murder-rates#stateswithwithout> (last visited January 8, 2017).
- <sup>xii</sup> Death Penalty Information Center, *Smart on Crime: Reconsidering the Death Penalty in a Time of Economic Crisis* (2009), <http://www.deathpenaltyinfo.org/documents/CostsRptFinal.pdf>.
- <sup>xiii</sup> John Roman, et al., *The Cost of the Death Penalty in Maryland*, Urban Institute (2008), <http://www.urban.org/research/publication/cost-death-penalty-maryland>.
- <sup>xiv</sup> Amnesty International, *Death Sentences and Executions in 2015*, <https://www.amnesty.org/en/latest/research/2016/04/death-sentences-executions-2015/> (last visited January 8, 2017).
- <sup>xv</sup> Reprieve, *Global Executions in 2016*, December 29, 2016, <http://www.reprieve.org.uk/press/global-executions-2016/> (This report estimates the number of executions in China because China does not disclose this figure.) (last visited January 8, 2017).
- <sup>xvi</sup> Death Penalty Information Center, *The Death Penalty in 2016: Year End Report* (December 21, 2016), <http://deathpenaltyinfo.org/documents/2016YrEnd.pdf>.
- <sup>xvii</sup> Baxter Oliphant, *Support for Death Penalty Lowest in More Than Four Decades*, Pew Research Center, September 29, 2016, <http://www.pewresearch.org/fact-tank/2016/09/29/support-for-death-penalty-lowest-in-more-than-four-decades/>; Jeffrey M. Jones, *U.S. Death Penalty Support at 60%*, Gallup, October 25, 2016, [www.gallup.com/poll/196676/death-penalty-support.aspx](http://www.gallup.com/poll/196676/death-penalty-support.aspx).