

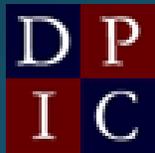


The Death Penalty in the USA

15th International Conference Against the Death Penalty

Catholic University of America

Washington, D.C. June 23, 2017



Robert Brett Dunham, Executive Director

Death Penalty Information Center

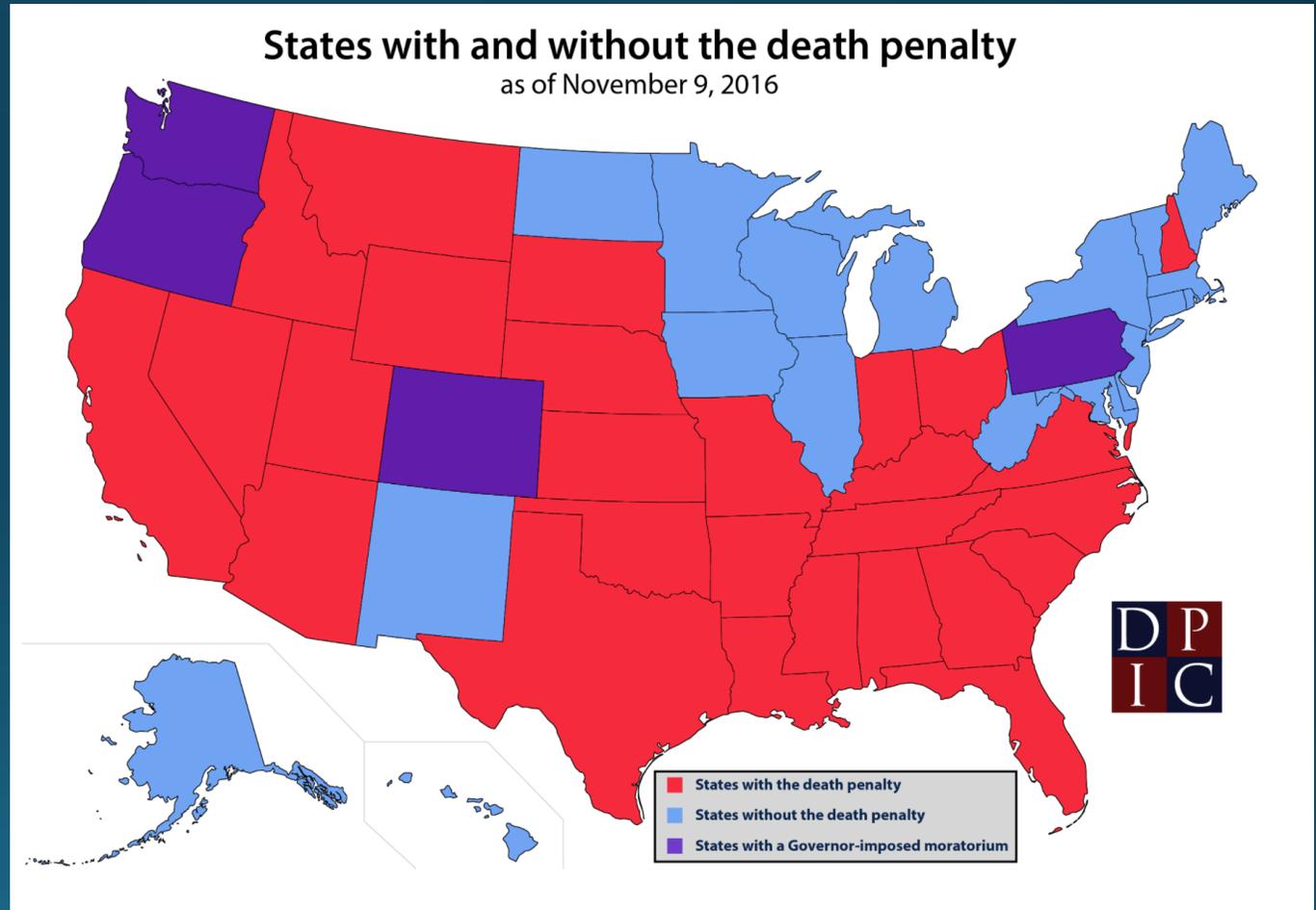
The Death Penalty in the United States

States with the death penalty

31 states and the federal government

States without the death penalty

19 states and the District of Columbia

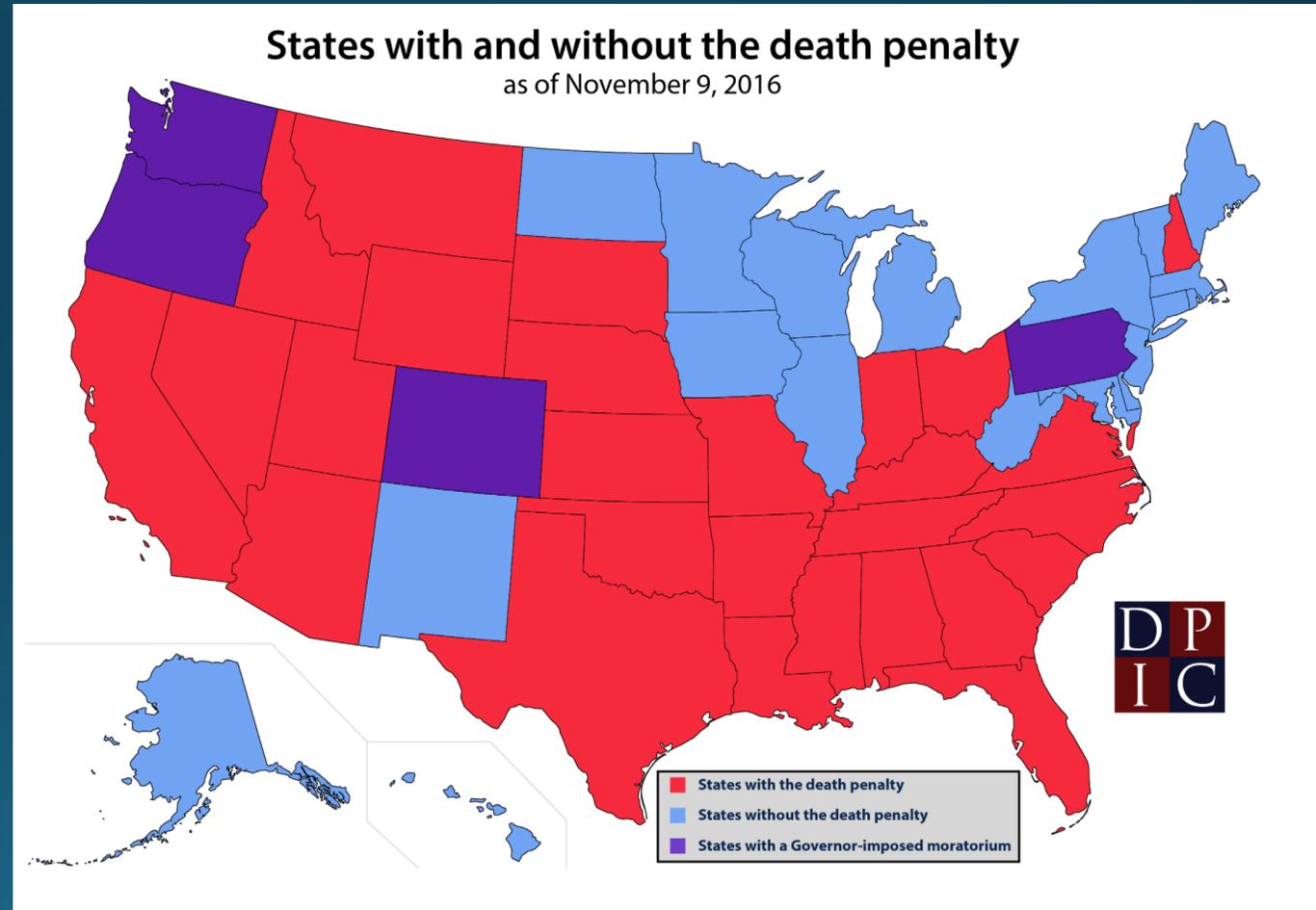


The Death Penalty in the United States

Direction of Change

Since 2007, seven states have repealed their state's death penalty or declared it unconstitutional.

Nebraska's legislature repealed the death penalty in 2015. Voters restored the law in 2016.



THE DEATH PENALTY IN 2016: YEAR END REPORT

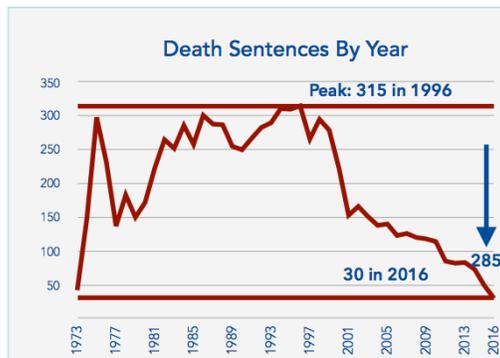
ANOTHER RECORD DECLINE IN DEATH PENALTY USE

DEATH SENTENCES, EXECUTIONS, AND PUBLIC SUPPORT FOR DEATH PENALTY AT HISTORIC LOWS

COURTS BAR UNCONSTITUTIONAL PRACTICES IN 4 STATES

KEY FINDINGS

- There will be approximately 30 **death sentences** in 2016, down 39% from the record low set last year.
- The 20 **executions** in 2016 were the fewest since 1991.
- Fewer new death sentences were imposed in the past decade than in the decade preceding the Supreme Court's invalidation of capital punishment in 1972.
- State courts in **Florida** and **Delaware** declared their death sentencing statutes unconstitutional.



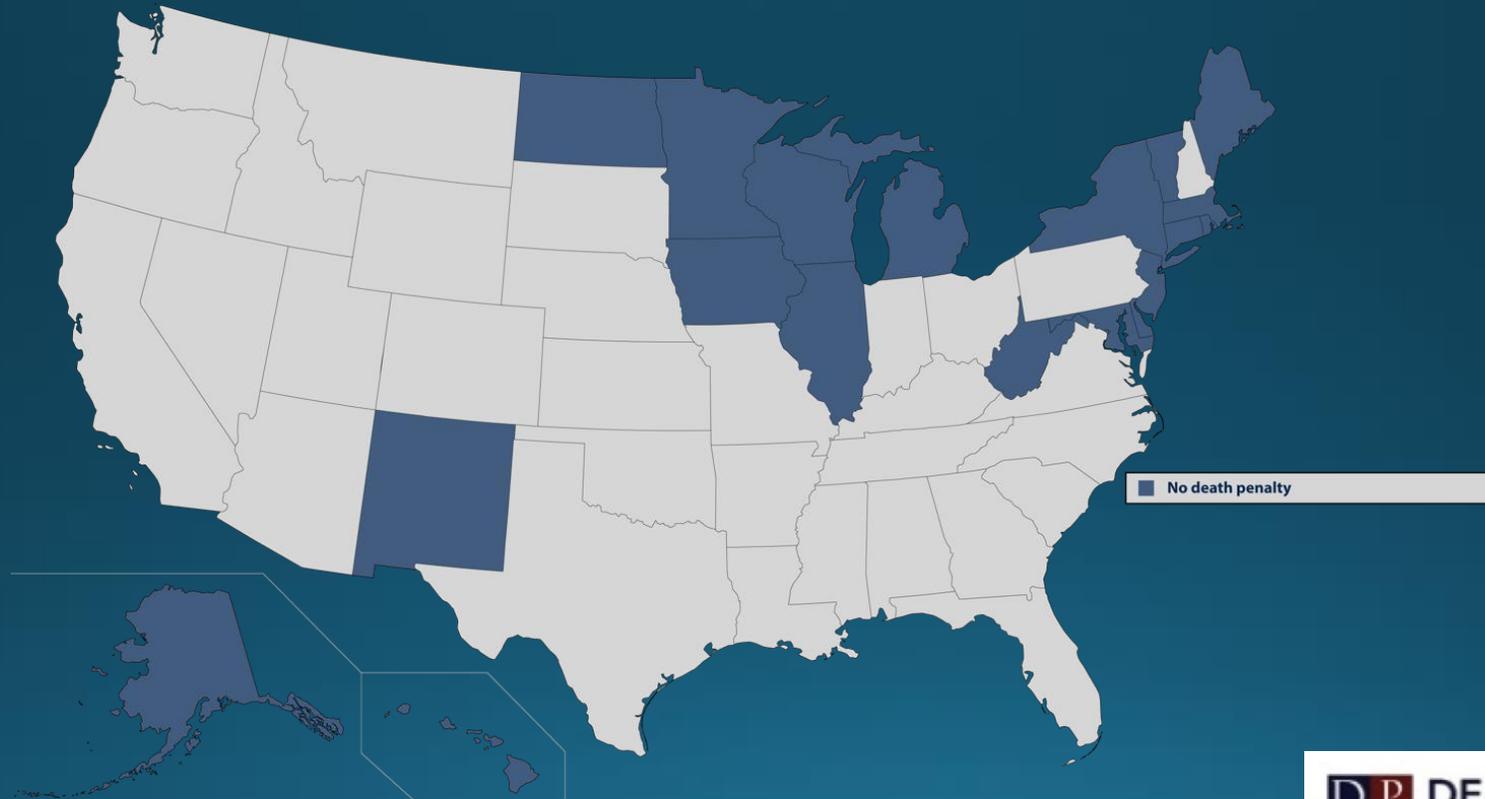
Death Penalty Developments in the U.S. in 2016

DP **IC**

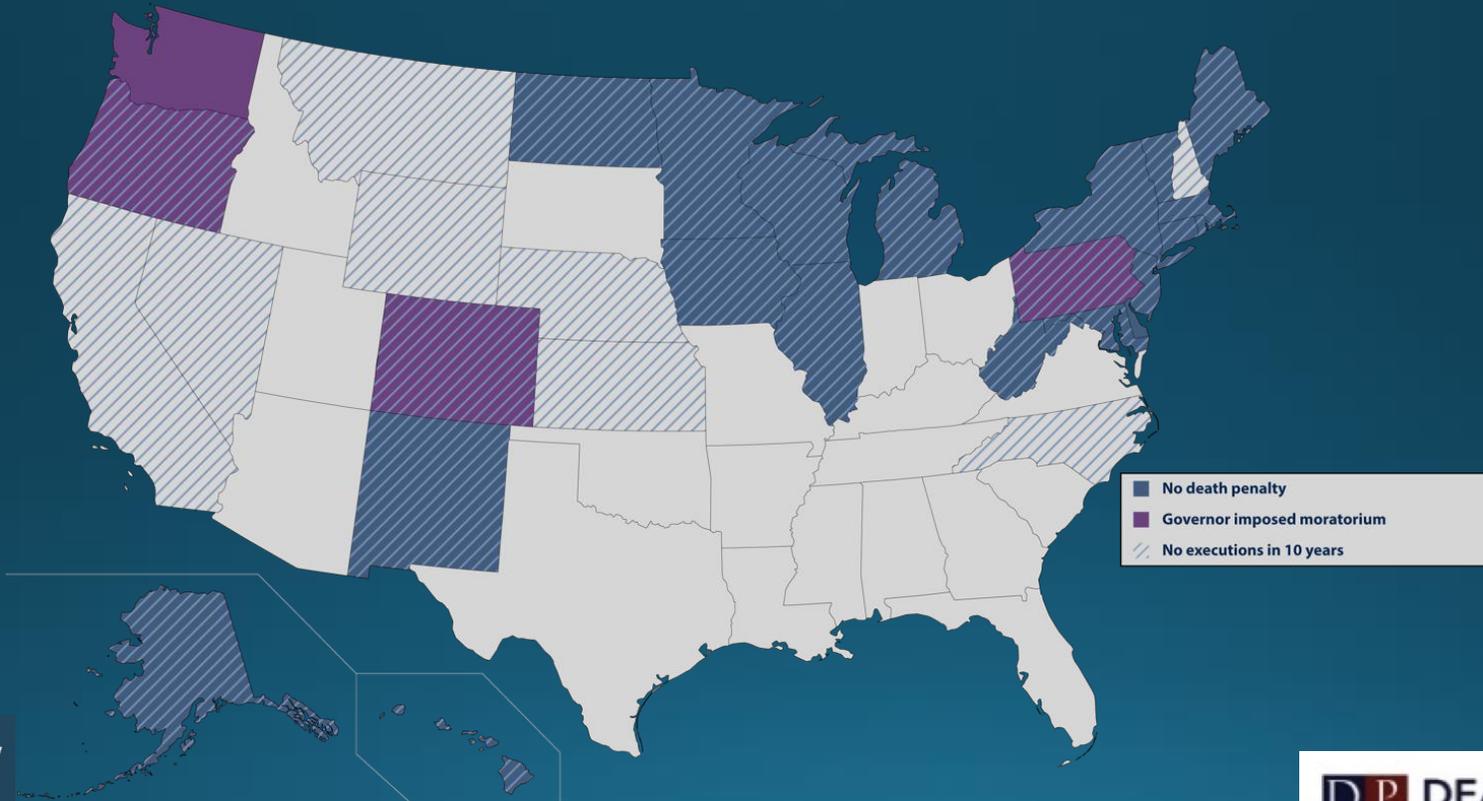
VOTERS ELECT NEW PROSECUTORS IN HEAVY-USE DEATH PENALTY COUNTIES

- Harris County, Texas:** Kim Ogg
- Jefferson County, Alabama:** Lynnece Olive-Washington and Charles Todd Henderson
- Duval County, Florida:** Melissa Nelson
- Hillsborough County, Florida:** Andrew Warren

19 states have abolished the death penalty

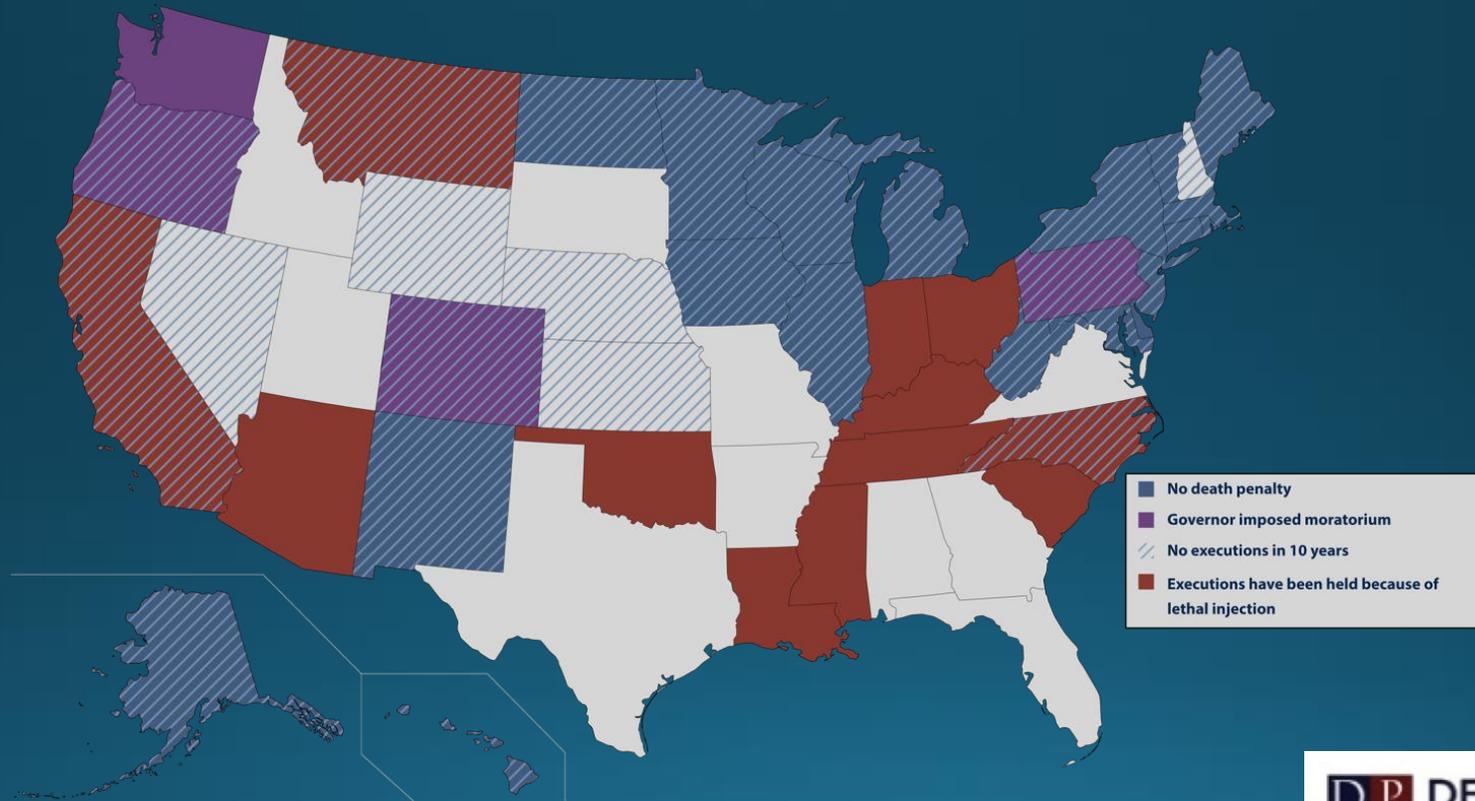


**31 states have abolished the death penalty,
have a moratorium, or have had no executions
in more than a decade.***

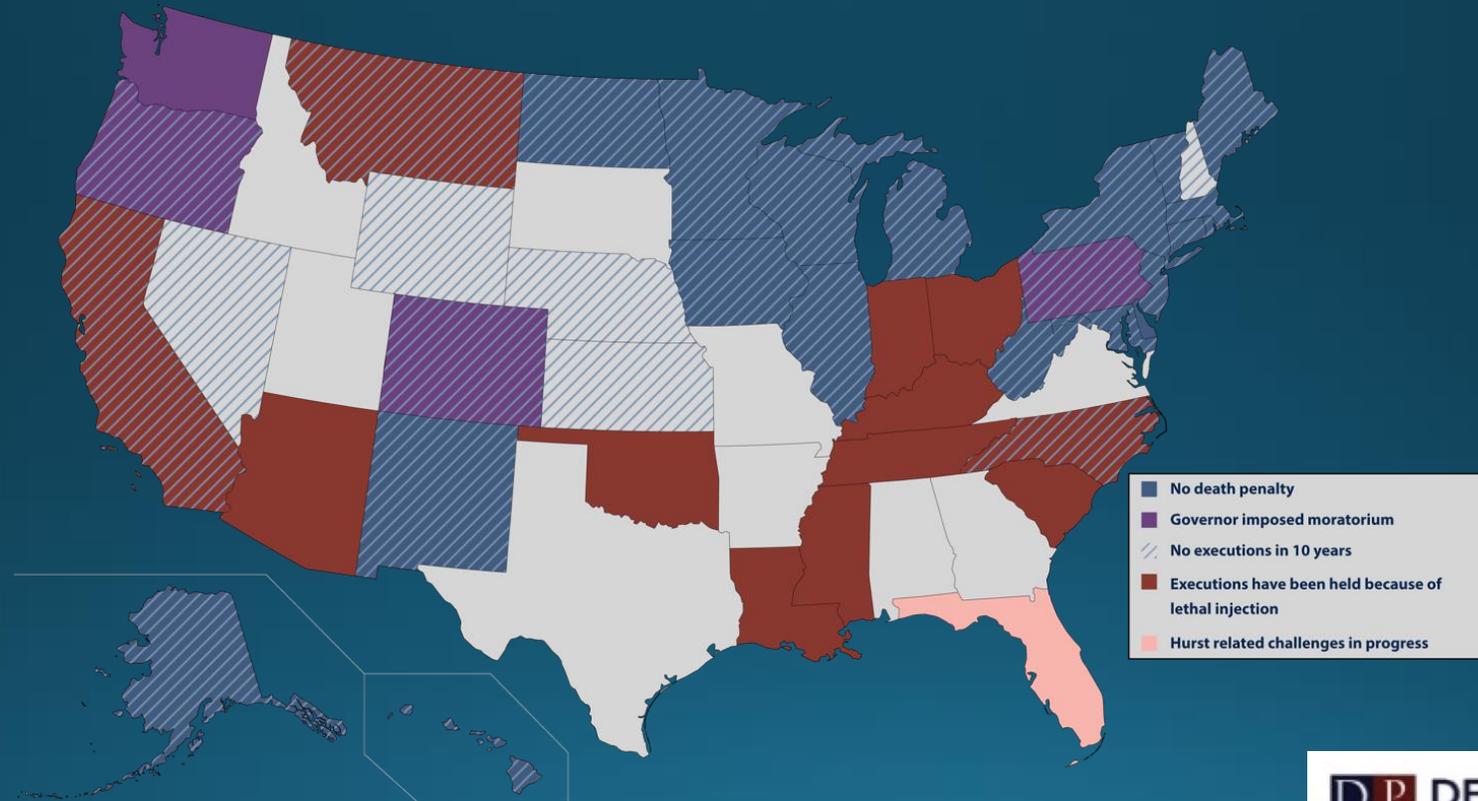


plus the federal government,
the U.S. military, and the
District of Columbia

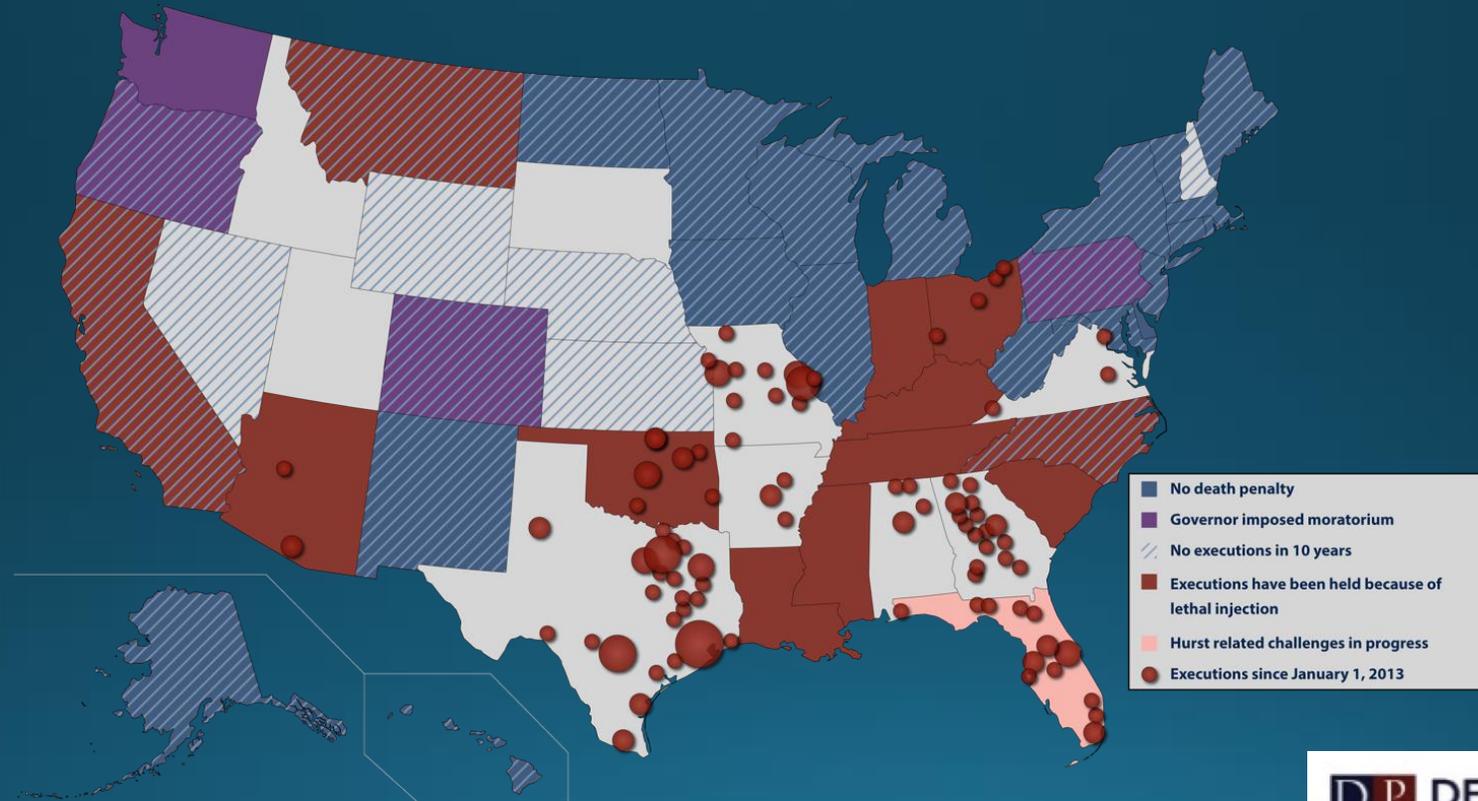
Executions are blocked by challenges to execution practices in 12 states.



The death penalty in Florida—the nation's 3rd largest death row—was declared unconstitutional.



Executions in the past five years also show how regionally isolated the death penalty has become.



Who Drives the Death Penalty?

The 2% Death Penalty:

How a Minority of Counties Produce Most Death Cases At Enormous Costs to All

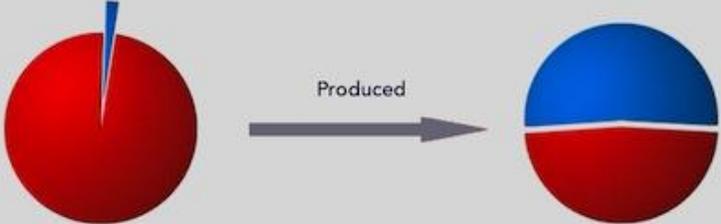


DP
IC DEATH PENALTY
INFORMATION CENTER

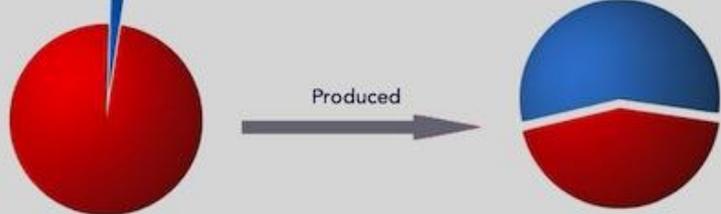
THE 2% NATIONAL DEATH PENALTY

Although death penalty laws are on the books of 32 states, a small minority of counties are responsible for the majority of executions and the death row population in the United States.

2% of Counties Produced **52% of All Executions Since 1976**



2% of Counties Produced **56% of U.S. Death Row**

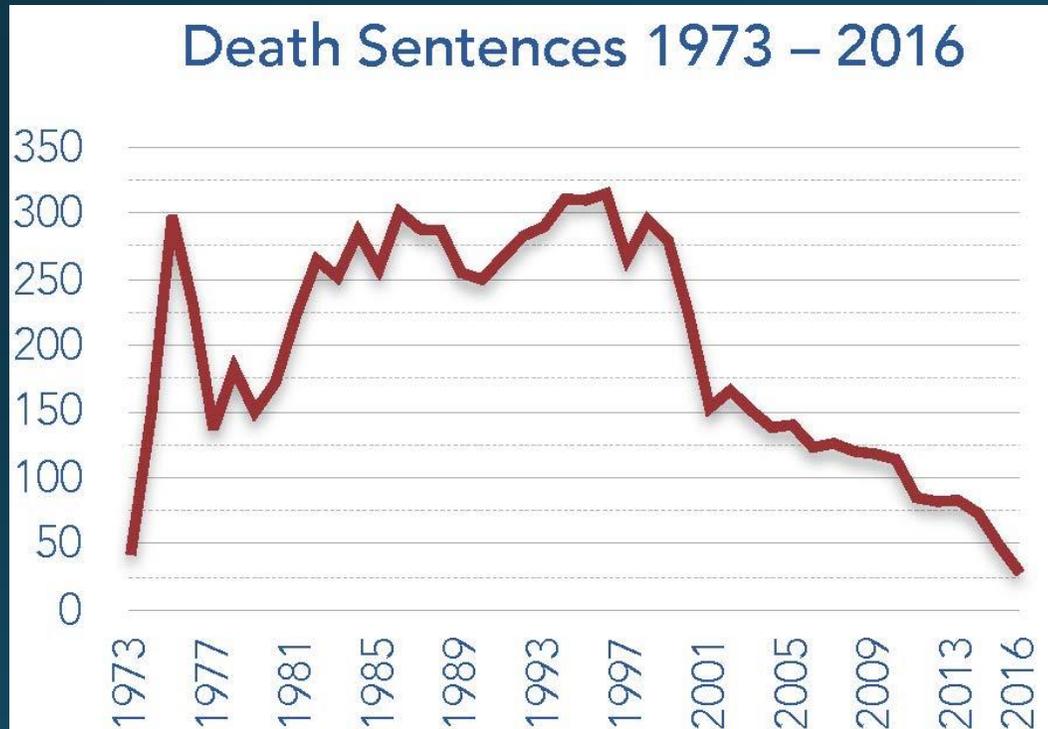


DP DEATH PENALTY
IC INFORMATION CENTER

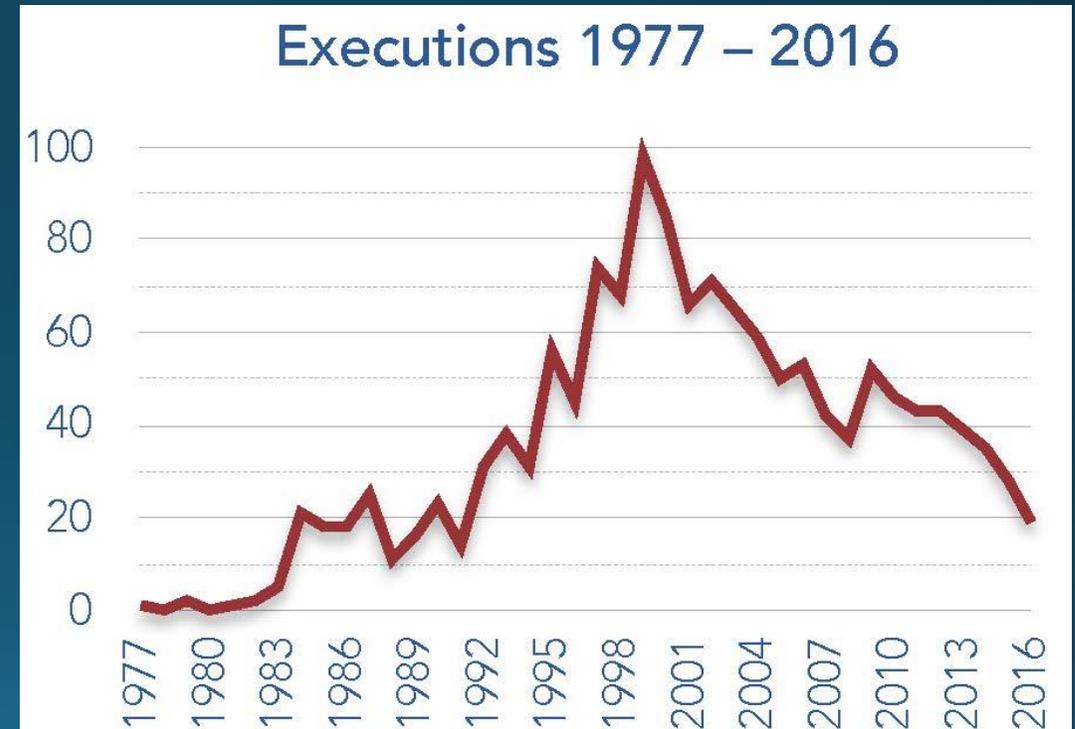
Source: "THE 2% DEATH PENALTY"
For more info, visit deathpenaltyinfo.org/twopercent

Death Penalty Trends

New Death Sentences



Executions



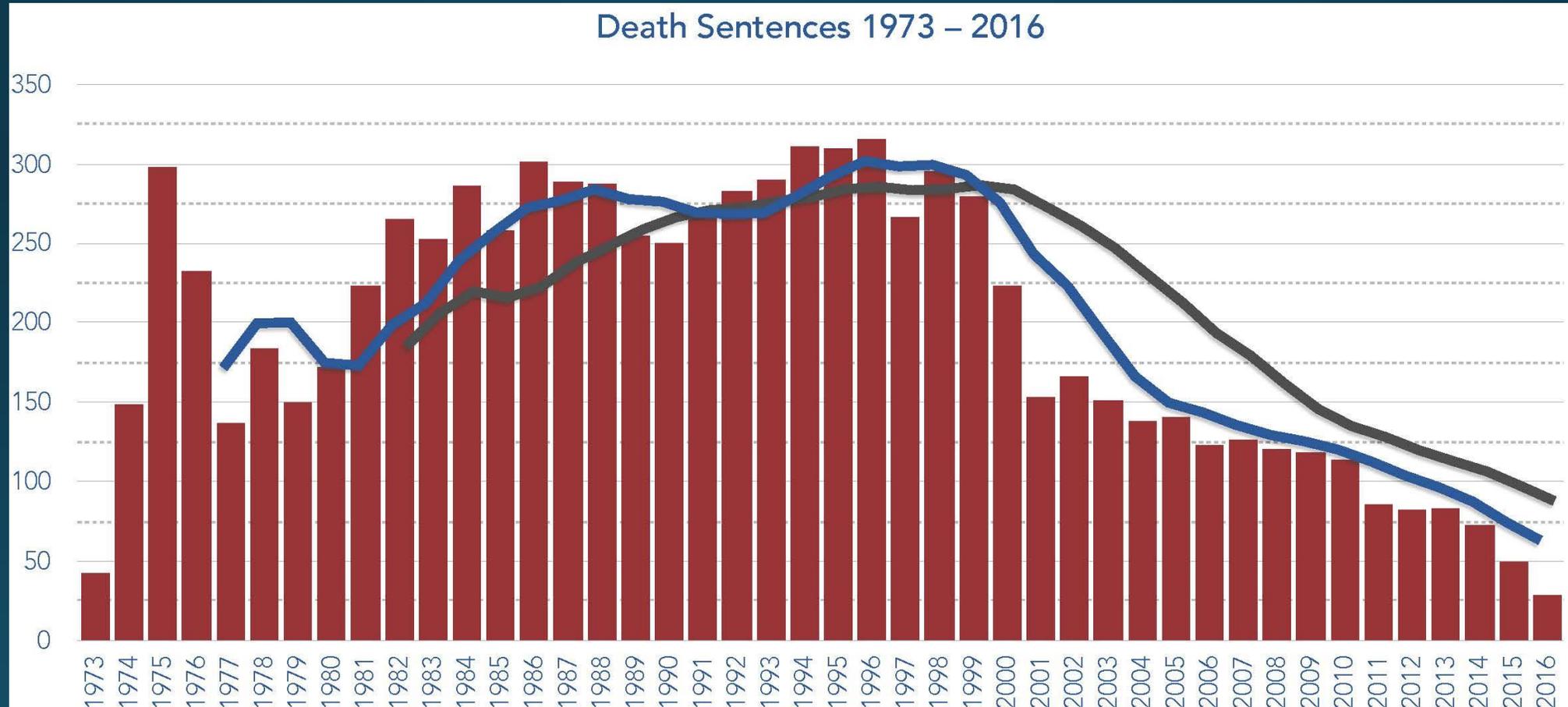
Fewer states and counties are imposing death sentences.



NUMBER OF JURISDICTIONS IMPOSING NEW DEATH SENTENCES, 2012-2016

Years	State Jurisdictions		Federal Jurisdictions		Jurisdictions	
	Counties	States	Fed Gvt	Military	Total	% Decrease
2012	60	18	1	0	61	–
2013	56	15	1	1	58	4.9%
2014	56	20	1	0	57	6.6%
2015	35	15	1	0	36	41.0%
2016	27	13	0	0	27	55.7%

The long-term death-sentencing decline



Long-term decline likely to continue

Florida

Abolishes non-unanimous jury votes for death

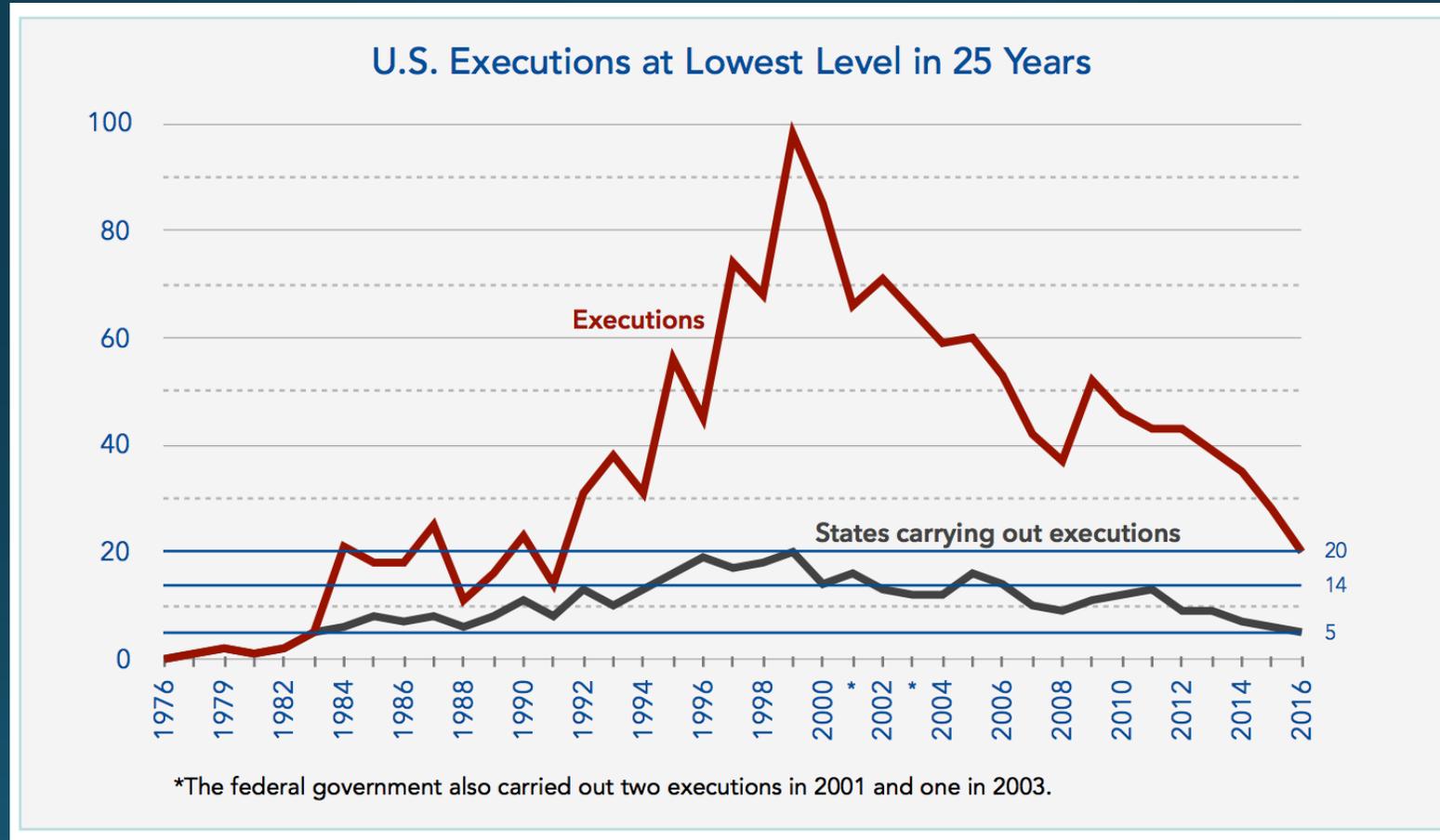


Alabama

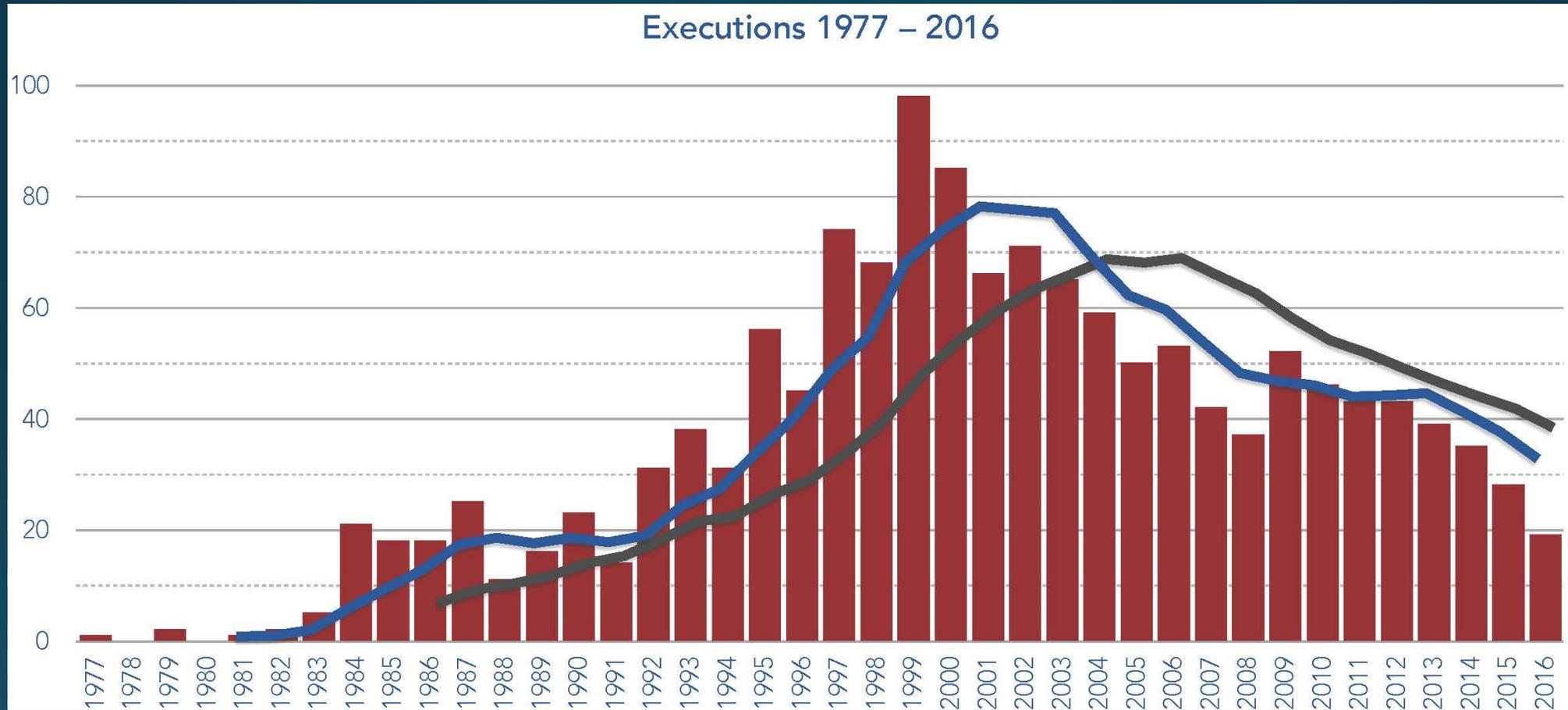
Abolishes judicial override of jury life recommendations



Fewest executions by fewest states in 25 years.



The long-term execution decline

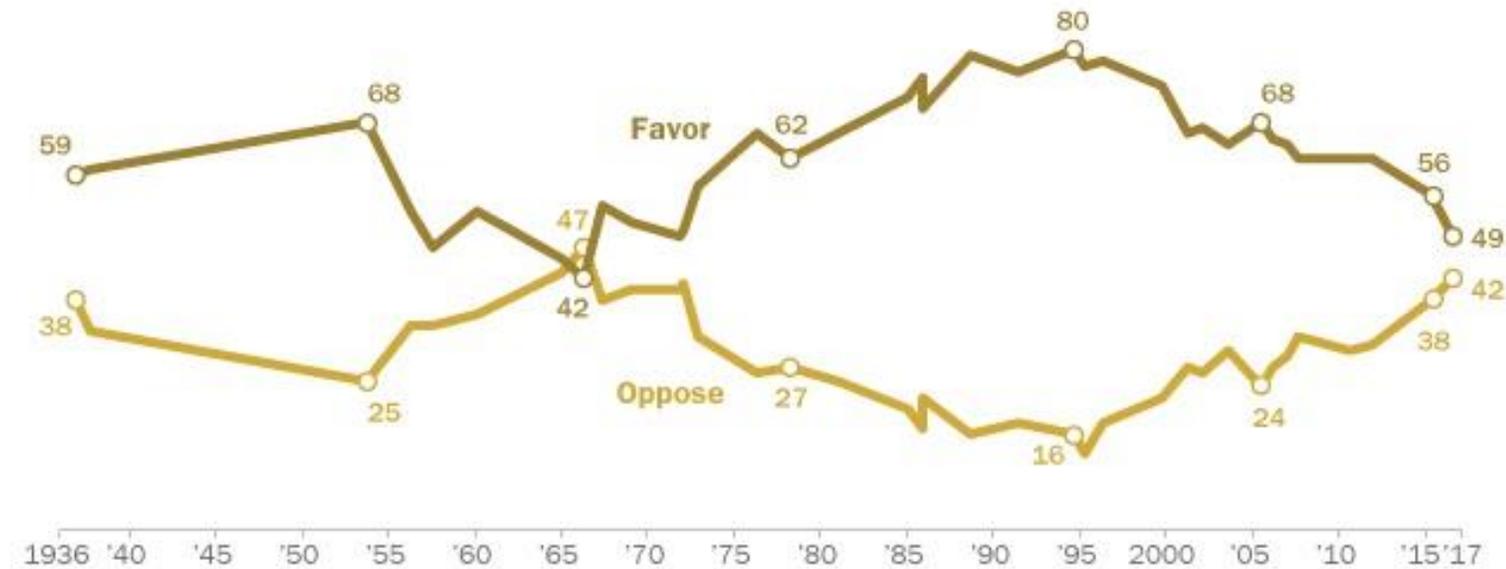


Support for death penalty lowest in more than four decades

BY BAXTER OLIPHANT | 5 COMMENTS

Support for death penalty continues to fall

% who ___ the death penalty for persons convicted of murder



Notes: Don't know responses not shown. 1935-1995 data from Gallup.

Source: Survey conducted Aug. 23-Sept. 2, 2016.

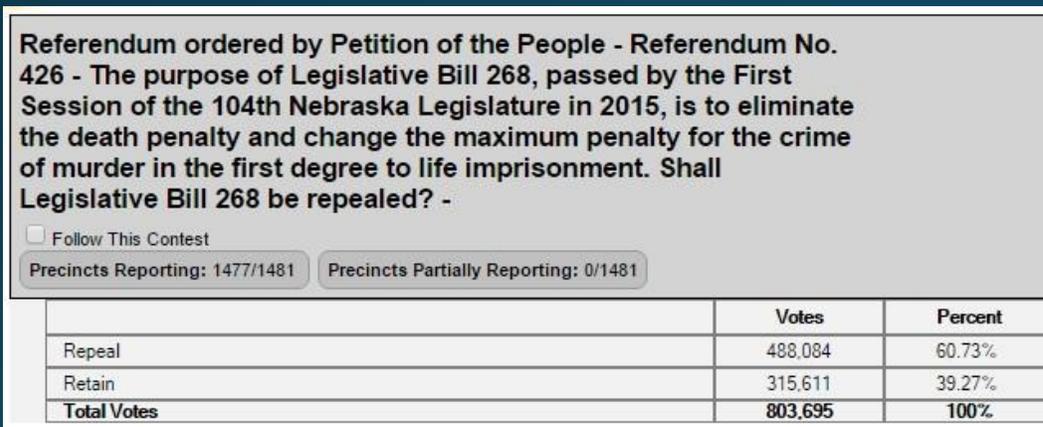
PEW RESEARCH CENTER

- Pew Research Center

Is there a death penalty resurgence?

Nebraska referendum repeals death penalty abolition law

Oklahoma referendum puts the death penalty in state constitution



California

Proposition 62 Abolish the Death Penalty



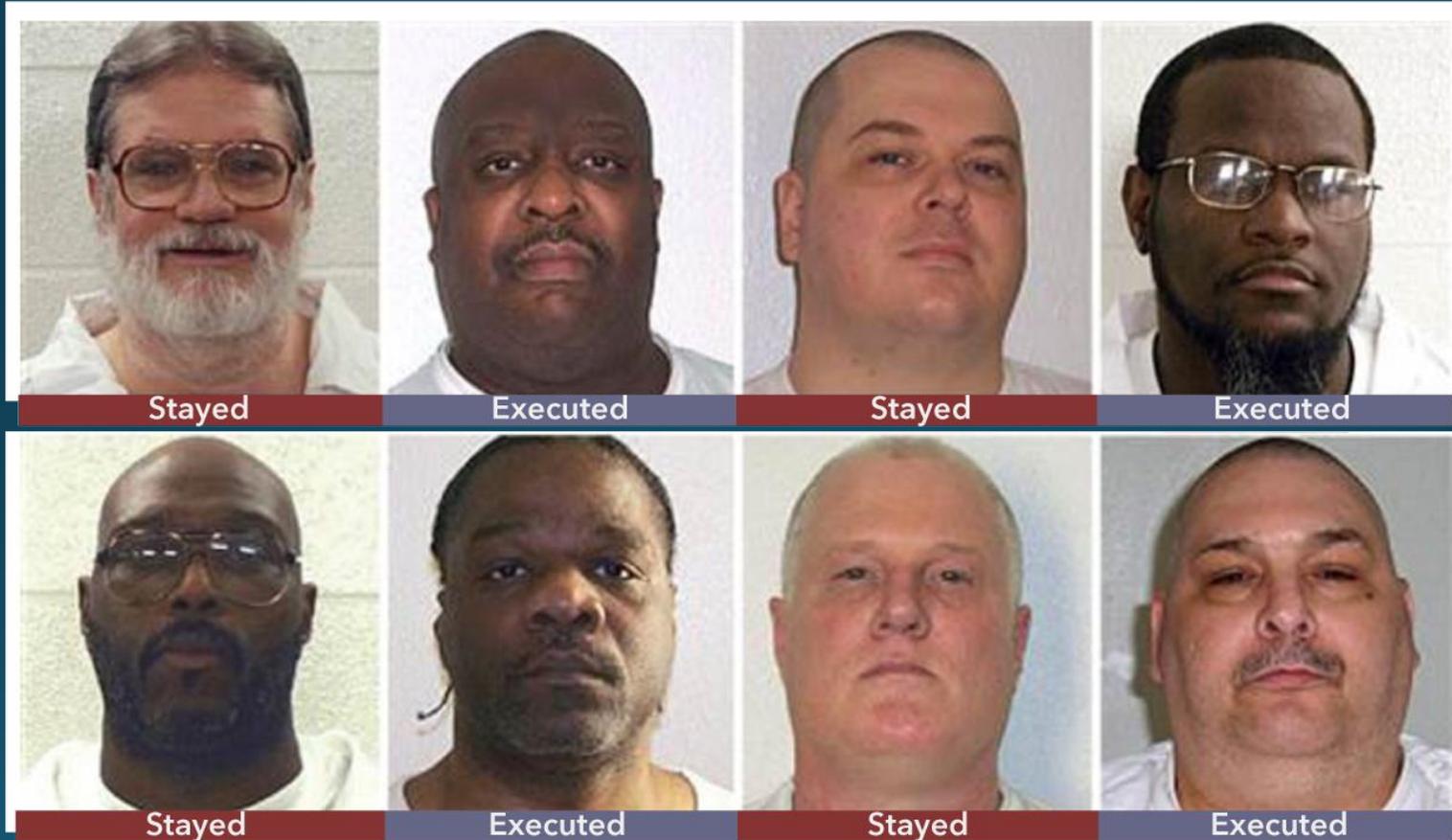
Proposition 66 Expedite State Appeals



Governor Rick Scott removes Orlando State Attorney Aramis Ayala from 23 potentially capital cases.



Arkansas — attempts 8 executions in 11 days

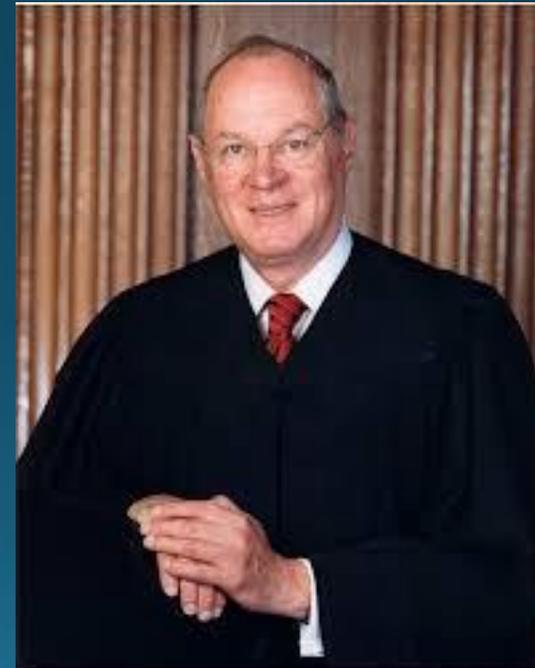


The impact of a Trump Court

Justice Gorsuch, instead of Merrick Garland, replaces Justice Scalia



The next appointment changes the balance of the Court.



But the death penalty is local in practice and local elections are telling us more.

DPIC

**VOTERS ELECT
NEW PROSECUTORS
IN HEAVY-USE
DEATH PENALTY
COUNTIES**

Harris County, Texas
Kim Ogg

Jefferson County, Alabama
Lynnelce Olive-Washington
Charles Todd Henderson

Duval County, Florida
Melissa Nelson

Hillsborough County, Florida
Andrew Warren

The New Generation of DAs

Denver — Voters Elect Beth McCann
after no-death penalty pledge



Philadelphia — Democrats Nominate
Lawrence Krasner



Even with Arkansas execution spree, 2017 executions remain low



First half of 2017 —
13 executions
10 scheduled so far for rest of
year

First half of 2016 —
14 executions
20 for full year

First half of 2015 —
17 executions
28 for full year

Innocence and the Death Penalty

THE MORNING CALL
THURSDAY, OCTOBER 18, 2006 www.mcall.com 50¢

Partly cloudy
88°-150°
Forecast: B2

BRIEFING

AT LEAST 15 U.S. TROOPS were killed in the last day of the Iraq war, bringing October's toll to 70. Hundreds of Iraqis have been killed in the past week. **A1**

DENNIS COUNTERMAN, who spent more than 18 years in prison after being charged with setting a fire that killed his three children, was released Wednesday under a plea agreement. **A1**

SOCIAL SECURITY PAYMENTS to veterans are going up by 2.2 percent next year, but that's half the rate of inflation in the Lehigh Valley. **A1**

REPUBLICAN TONY SWANSON on Wednesday brought his gubernatorial campaign to the Lehigh Valley again, the stump tour in Bethlehem, Easton and Easton. **A8**

SEVEN FEDERAL HOME DEPARTMENT loans in a scheme to sell 200 to 250 homes. The mortgage lender guilty and has agreed to cooperate with investigators, prosecutor said Wednesday. **A1**

SEVEN NFL FOOTBALL STADIUMS will be hit with radiological dirty bombs this week, according to a report from a think tank. But the government expressed doubts about the threat. **A1**

"I'm more frustrated than angry. I spent all this time for something I didn't even do."
DENNIS COUNTERMAN

Death row to freedom

Dennis Counterman released after plea agreement in children's deaths.

By Debra Gelardi
of mcall.com

Dennis Counterman, who spent more than 18 years in prison, on center on death row setting a fire that killed his three children, was released Wednesday as a result of a plea agreement.

"Today, Mr. Counterman, you are a free man," Lehigh County Judge Lawrence J. Berman said after a 45-minute statement from a July 25, 2006, hearing in the case, which the Counterman family issues at 400 S. Chestnut St. Counterman still dressed in dark blue prison coveralls and shoes.

Counterman walked to the courtroom gallery and embraced his family, who were on his shoulders. For the first time since he was charged in August 1988, he left the courtroom without handcuffs and leg shackles.

"I'd like to be with family," he said. "It's been a long time."

At the courtroom, he hugged one of his brothers, Russell Counter, who came from Chesham, N.J., for the case.

COUNTERMAN PAGE A1



Photo: Peter De Marco for mcall.com



There have now been 159 exonerations from death row in the United States



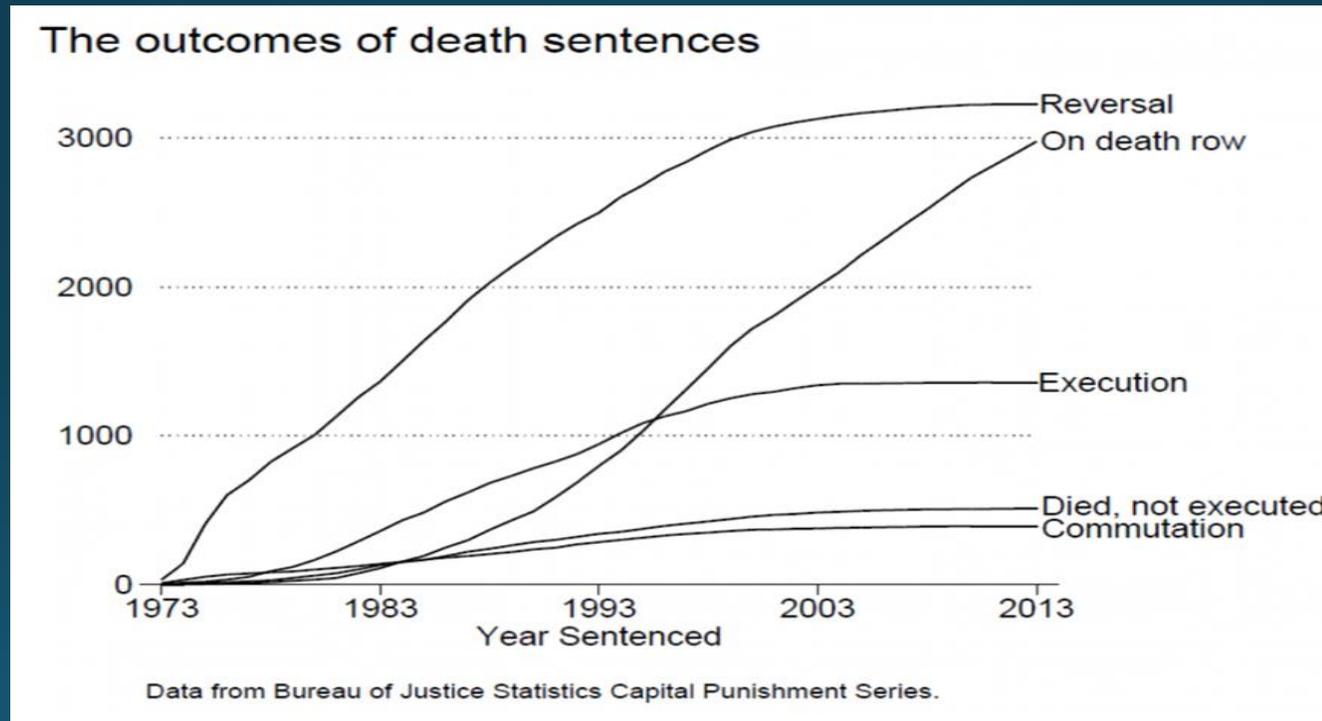
The Faces of Innocence

Since 1973, 159 people in 27 states who have been wrongly convicted and sentenced to death have been exonerated.

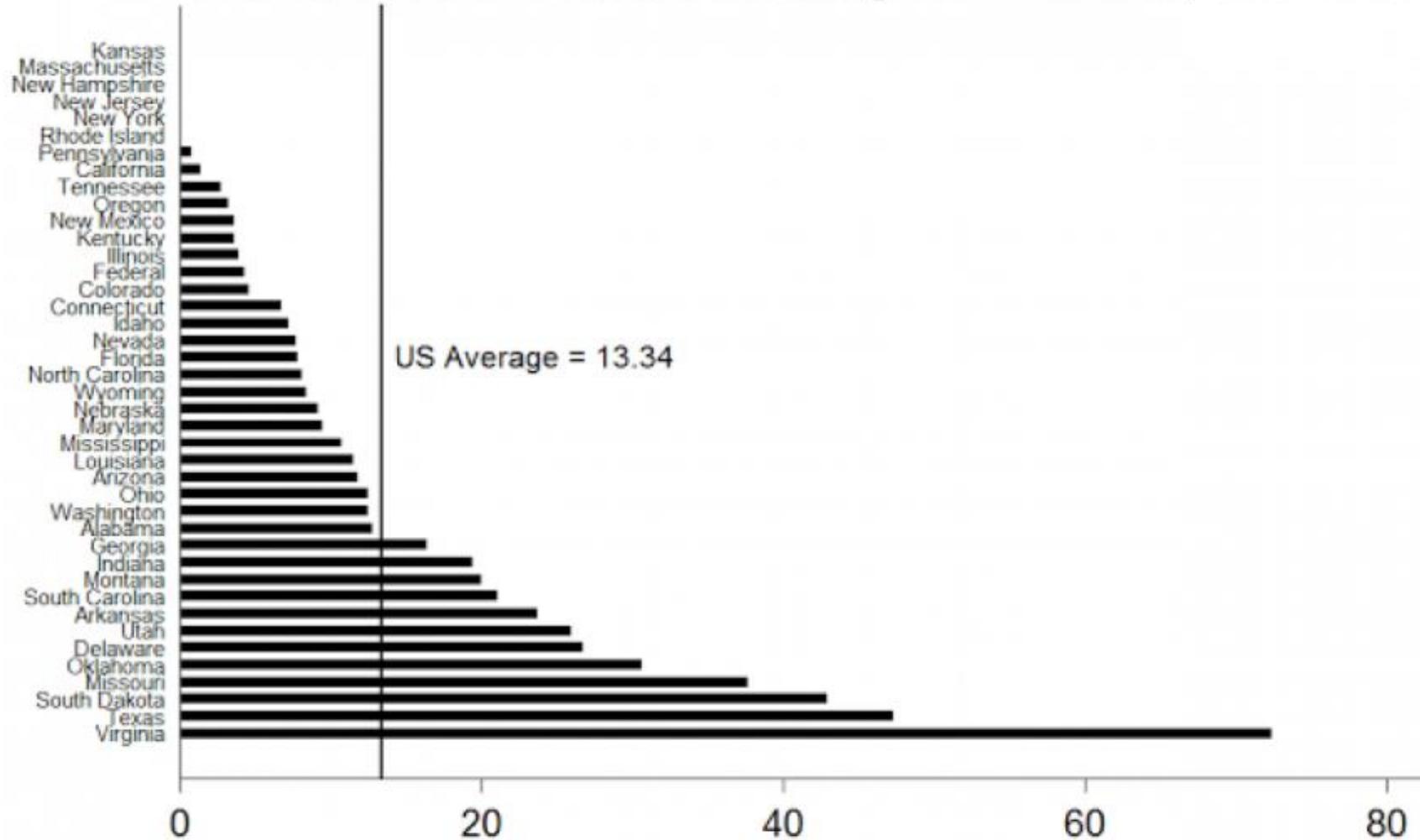


Death Penalty Outcomes

- Single most likely outcome of a capital case once the death penalty is imposed is that death sentence will be reversed.



Percent of Death Sentences Resulting in an Execution, 1977-2013



Executions as a percentage of all death sentences.
Includes 40 States and the Federal Government.

Data from BJS Capital Punishment Series