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2022 Saw Record Number of Botched Executions

Executions and Death Sentences Remain Near Historic Lows, As Oregon Governor Commutes All Prisoners on Death Row

Moratorium Supporters and Reform Prosecutors Win Election Despite Massive Campaign to Tie Reformers to Increase in Violent Crime

(Washington, D.C.) As lethal injection turns 40 years old this year, 2022 can be called "the year of the botched execution." Seven of the 20 execution attempts were visibly problematic — an astonishing 35% — as a result of executioner incompetence, failures to follow protocols, or defects in the protocols themselves, according to a year-end report released today by the Death Penalty Information Center (DPIC). For the eighth consecutive year, fewer than 50 new death sentences were imposed in the United States and fewer than 30 executions were carried out in 2022.

On December 13, 2022, Governor Brown in Oregon commuted the capital sentences of all 17 death row prisoners and instructed the department of corrections to begin dismantling the state's execution chamber. Thirty-seven states -- nearly three quarters of the country -- have now abolished the death penalty or not carried out an execution in more than a decade.

Read "The Death Penalty in 2022: Year End Report," here:
https://deathpenaltyinfo.org/facts-and-research/dpic-reports/the-death-penalty-in-2022-year-end-report

Alabama, Arizona, and Texas had botches when execution teams were unable to set IV lines, leading to cancelled executions or delays of hours. On July 28, 2022, executioners in Alabama took three hours to set an IV line before putting Joe James to death, the longest botched lethal injection execution in U.S. history. Executions were put on hold in Alabama, Idaho, Ohio, Tennessee, and South Carolina when the states were not able to carry out execution protocols.

"After 40 years, the states have proven themselves unable to carry out lethal injections without the risk that it will be botched. The families of victims and prisoners, other execution witnesses, and corrections personnel should not be subjected to the trauma of an execution gone bad," said Robert Dunham, DPIC's Executive Director.

20 new death sentences were imposed in the U.S. in 2022. With the exception of the pandemic years of 2020 and 2021, that total (two more than last year's record low of 18) will be the fewest imposed in the United States in any year in the past half-century. The 18 executions this year were the fewest in any pre-pandemic year since 1991.

The death penalty continued to be geographically isolated with only six states – Alabama, Arizona, Oklahoma, Mississippi, Missouri, and Texas – carrying out executions. Oklahoma (5) and Texas (5) performed more executions than any other states; together they conducted more than half of the year's executions. Oklahoma's decision to schedule 25 execution dates over the next two years marked the state as an outlier, even among states that regularly conduct executions. Just 35% of the 51 death warrants issued for 2022 were actually carried out.

Twelve states imposed new death sentences this year. Florida imposed four and Alabama imposed three. No U.S. county imposed more than one death sentence this year.

Eight of the 18 people executed were people of color (five were Black, one was Asian, one Native American, and one Latino) and five of the eight were executed for killing white victims. Missouri executed Kevin Johnson despite a special prosecutor's request to vacate his sentence because of racially biased sentencing decisions by the original prosecutor and intentional exclusion of Black jurors.

In a year that featured massive campaign advertising attempting to portray legal reformers as responsible for increases in violent crime, candidates committed to criminal legal reform or who promised to continue statewide moratoria on executions posted key election wins in the 2022 elections. Governors who promised to continue moratoria on executions in California, Oregon, and Pennsylvania were re-elected and elected.

Incumbent district attorneys, including in Dallas, San Antonio, and Indianapolis, were re-elected, despite opponents' concerted efforts to attack their reform initiatives. Reform candidates also took the prosecutorial reins in two heavy-use death penalty counties marred by histories of prosecutorial misconduct. In Oklahoma County**,** voters elected Vicki Behenna**,** the former executive director of the Oklahoma Innocence Project, to serve as district attorney. Shelby County (Memphis) voters ousted long-time prosecutor Amy Weirich in favor of University of Memphis law professor Steve Mulroy, a former federal civil rights prosecutor.

Other key findings in "The Death Penalty in 2022: Year End Report" include:

- Two more former death-row prisoners were exonerated in 2022, including the third woman wrongfully convicted and sentenced to death in the U.S. With DPIC's ongoing research discovering two additional unrecorded exonerations, the number of U.S. death-row exonerations since 1972 rose to 190.

- The vast majority of those executed in 2022 were individuals with significant vulnerabilities. At least 13 of the people executed in 2022 had one or more of the following impairments: serious mental illness (8); brain injury, developmental brain damage, or an IQ in the intellectually disabled range (5); chronic serious childhood trauma, neglect, and/or abuse (12). Three prisoners were executed for crimes

committed in their teens. At least four of the people executed this year were military veterans.

- Public opinion polls in 2022 showed support for capital punishment remained near historic lows, even amid rising perceptions of crime. A poll released in February found that Americans' support for the death penalty was even lower when asked about the classes of defendants who are most frequently subject to the punishment. Democrats, Republicans, and Independents by margins of more than 30 percentage points opposed the use of the death penalty against people with severe mental illness, brain damage, or intellectual impairments, and against veterans with posttraumatic stress disorder.

DPIC also released its Death Penalty Census in 2022, which analyzed the status of more than 9,700 death sentences imposed from 1972 to January 1, 2021. The data reveal that the single most likely outcome of a death sentence imposed in the United States is that the sentence or conviction is ultimately overturned and not re-imposed. Nearly half of the sentences (49.9%) were reversed as a result of court decisions. By comparison, fewer than one in six (15.7%) death sentences ended in execution. DPIC's ongoing prosecutorial accountability project identified more than 550 trials in which capital convictions or death sentences were overturned or wrongfully convicted death-row prisoners exonerated as a result of prosecutorial misconduct — more than 5.6% of all death sentences imposed in the past fifty years.

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The Death Penalty Information Center (www.deathpenaltyinfo.org) is a non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. DPIC was founded in 1990 and prepares in-depth reports, issues press releases, conducts briefings for the media, and serves as a resource to those working on this issue. DPIC does not take a position on the death penalty but has been critical of how it is administered.