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New Report Documents the Racist Roots of Ohio's Death Penalty and the Impact of Race Today

(Columbus, Ohio) As Ohio legislators debate expanding or repealing the death penalty, the Death Penalty Information Center (DPIC) today released a report that documents how racial bias and violence affected the past use of the death penalty in Ohio and how that history continues to influence the current administration of capital punishment in the state. None of the reforms recommended by a bipartisan task force 10 years ago to reduce racial disparities in capital cases have been adopted.

The report, "Broken Promises: How A History of Racial Violence and Bias Shaped Ohio's Death Penalty" and "Five Facts You Should Know About Ohio's Death Penalty" are available at: www.deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-special-reports/broken-promises-ohio-racial-justice-report

"Two centuries ago, race was a critical factor affecting whether prosecutors sought the death penalty and whether someone was executed in our state, and race still influences many death penalty decisions today," said Tiana Herring, DPIC's Data Storyteller and the lead author of the report, who resides in Cincinnati. "This can't be squared with the reasonable expectation that Ohioans have to be treated equally by our legal system."

As the report documents, racial discrimination is the throughline that runs from the state's founding to its application of capital punishment today. For example, from the early 19th century, Ohio's Black Laws imposed legal restrictions on the rights and status of Black people in the state, including barring Black people from jury service. In 1807, Ohio adopted a "Negro Evidence Law" which prohibited Black people from testifying against white people, establishing a legal double standard. In the 19th and early 20th centuries, lynch mobs tortured and killed Black men after accusing them of raping white women without evidence. Even when photos were taken in broad daylight of lynch mob participants, they rarely faced legal consequences for these extrajudicial murders.

As the report reveals, race, especially the race of the victim, continues to play an outsized role in Ohio's death penalty system. For example, homicides involving white female victims are **six times more likely** to result in execution compared to those involving Black male victims, despite the majority of murder victims in the state being Black. Similarly, a study of aggravated murder charges in Hamilton County shows that prosecutors are **four and a half times more likely** to seek the death penalty if there is at least one white victim, compared to similar cases without white victims.

Underscoring the heightened risks faced by young Black defendants, the report states that 66% of death-sentenced Ohio prisoners aged 16 to 20 at the time of their crime were Black,

compared to the national figure of 49%. Research indicates that Black youth are often perceived as older and more culpable and therefore receive harsher punishments.

In addition to the weight of the statistics, the report spotlights individual stories that show that racial discrimination persists into the present death penalty system. For example, Kevin Keith is still serving a life sentence in Ohio, after then-Governor Strickland commuted his death sentence in 2010. Mr. Keith's conviction and death sentence rested on eyewitnesses who provided a vague description of "a large Black man" in the area, a forensic analyst who used racial slurs, and prosecutors who illegally withheld evidence that was favorable to Mr. Keith, among many concerning issues.

Recommendations to reduce racial disparities in death penalty cases have yet to be implemented despite the Chief Justice of the Supreme Court of Ohio and the President of the Ohio State Bar Association forming a joint task force in 2011 to review Ohio's death penalty administration. Many of the people who helped develop and enforce Ohio's death penalty law have since announced their opposition to it, citing the absence of reforms. Former Governor Robert Taft and former state attorneys general Jim Petro and Lee Fisher have called Ohio's death penalty system "broken, costly, and unjust," and have stated that race and geography play an "intolerable role in deciding who lives and who dies."

"With the ongoing debate in the state legislature, Ohio has a unique opportunity to reckon with its history and use that understanding to create a justice system that treats people equally. We hope that legislators will seriously consider this in-depth study of capital punishment in Ohio," said Robin M. Maher, DPIC's Executive Director.

"Broken Promises" builds upon DPIC's 2020 report, "Enduring Injustice: The Persistence of Racial Discrimination in the U.S. Death Penalty." It is the fourth in a series of reports detailing how individual state histories of racial injustice affect the current use of capital punishment. In 2023, DPIC released "Doomed to Repeat: The Legacy of Race in Tennessee's Contemporary Death Penalty" and "Compromised Justice: How A Legacy of Racial Violence Informs Missouri's Death Penalty Today." In 2022, DPIC released "Deeply Rooted: How Racial History Informs Oklahoma's Death Penalty.

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The **Death Penalty Information Center** (DPIC) is a national non-profit organization whose mission is to serve the media, policymakers, and the general public with data and analysis on issues concerning capital punishment and the people it affects. DPIC does not take a position on the death penalty itself but is critical of problems in its application.

Founded in 1990, DPIC promotes insightful discourse on the death penalty by curating and presenting expansive, authoritative data from credible sources and offering clear, trustworthy, and timely information and research about the history and current application of the death penalty. DPIC produces groundbreaking reports on issues such as arbitrariness, costs, innocence, and racial disparities. DPIC also releases an annual year-end report highlighting significant developments and trends. A wide variety of free online

resources are available on DPIC's award-winning website, including searchable databases; data visualizations; educational curricula; and podcast series, Discussions with DPIC, which explores diverse viewpoints and experiences related to capital punishment.