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Executions and Death Sentences Drop to Historic Lows in 2020, even as Federal Government Ramps Up Executions

(Washington, D.C.) In a year unlike any other that featured the combination of court shutdowns from the worst pandemic in more than a century, a national reawakening on racial justice issues, and historically aberrant behavior by the federal government, executions and death sentences in the United States fell to historic lows. The deep decline in death sentences and state executions was unquestionably a by-product of the pandemic, but even before the pandemic struck, the nation was on pace for the sixth straight year of near-record low sentences and executions.

Read "The Death Penalty in 2020: Year End Report" at https://bit.ly/34ecLPv.

Colorado became the 22nd state to abolish the death penalty and two states – Louisiana and Utah – reached ten years with no executions. New reform prosecutors who pledged never to use the death penalty or to seek it only sparingly were elected in counties across the country comprising more than 12% of the nation's death row. The resumption of federal executions after 17 years with an historically unprecedented six-month execution spree marked the federal government as an outlier in 2020, as for the first time in the nation's history, the federal government carried out more civilian executions than all of the states of the Union combined.

"At the end of the year, more states and counties had moved to end or reduce death-penalty usage, fewer new death sentences were imposed than in any prior year since capital punishment resumed in the U.S. in 1970s, and states carried out fewer executions than at any time in the past 37 years," said Robert Dunham, DPIC's executive director and the lead author of "The Death Penalty in 2020: Year End Report." "What was happening in the rest of the country showed that the administration's policies were not just out of step with the historical practices of previous presidents, they were also completely out of step with today's state practices."

Seventeen people were executed in 2020, down from 22 in 2019. Just five states – Alabama, Georgia, Missouri, Tennessee and Texas – performed executions this year and only one, Texas, conducted more than one. The total number of executions was the lowest since 1991 and the lowest number of executions performed at the state level since 1983.

Executions halted completely at the state level in July out of public health concerns related to COVID-19. However, in the midst of a worsening pandemic, the federal government moved forward with executions that contributed to an outbreak in the Federal Correctional Complex in Terre Haute, infected at least nine members of federal execution teams, and to several lawyers and at least one religious advisor contracting COVID-19. By the end of

2020, the federal government had conducted more civilian executions in five months than any other presidency in the 20th or 21st centuries, performed the first executions by a lame-duck president in more than a century, and scheduled more executions than had ever occurred in a presidential transition period in the history of the United States.

DPIC projects that there will be a record low of 18 new death sentences in 2020, a 45% decline from the previous record low of 31 in 2016. Because of the pandemic, these numbers are not meaningful in assessing long-term trends. However, most of the sentences were imposed in the first three months of 2020, before courts across the country delayed trials due to the pandemic, and it was already apparent at that time that 2020 was on pace to be the sixth consecutive year with fewer than 50 new death sentences.

Only seven states – Arizona, California, Florida, Mississippi, Ohio, Oklahoma, and Texas – imposed death sentences this year and just three – California, Florida, and Texas – imposed more than one. Only two counties – Riverside County, California (3) and Lafayette, Florida (2) – imposed more than one death sentence, and the death sentences in Lafayette were imposed on co-defendants in a single joint trial. The 15 counties that imposed death sentences represent less than half of one percent of all U.S. counties.

The racial disparities exhibited in this year's executions remain consistent with decades-long trends, with almost half of the defendants executed being people of color and 76% of the executions for the deaths of white victims.

"Racism has always infected the use of the death penalty and this year is no exception. The death penalty -- as the most severe punishment -- must be part of the efforts to address racism in the criminal legal system as a whole," said Ngozi Ndulue, DPIC's Senior Director of Research and Special Projects and the lead author of "Enduring Injustice: the Persistence of Racial Discrimination in the U.S. Death Penalty," which DPIC released in September.

The year has brought important developments in racial justice legislation. The North Carolina Supreme Court has reinstated the relief granted under the state's now-repealed Racial Justice Act and allowed defendants who had filed claims before its repeal to seek relief based on racial bias in their trials. The court's action reinstated life sentences granted to 4 death-row prisoners and allowed more than 140 death-row prisoners to pursue RJA claims. In California, the legislature passed a wide-ranging Racial Justice Act and legislation strengthening the prohibition against discriminatory jury selection.

Other findings in the "The Death Penalty in 2020: Year End Report" include:

- Every prisoner executed this year was age 21 or younger at the offense or had at least one of the following impairments: significant evidence of mental illness (8); evidence of brain injury, developmental brain damage, or an IQ in the intellectually disabled range (6); chronic serious childhood trauma, neglect, and/or abuse (14).

- Five people were exonerated from death row in 2020, bringing the number of people exonerated from death row to 172 since 1973. In each of the five cases, prosecutorial misconduct contributed to the wrongful conviction.

- With Colorado abolishing capital punishment this year, more than two-thirds of states (34) have either repealed the death penalty or not carried out an execution in 10 years. According to Gallup, the 43 percent of people who opposed the death penalty in 2020 is the highest level of opposition since 1966.

- Candidates pledging systemic reforms, including reduced use or abandonment of the death penalty, won prosecutor races in several jurisdictions that have historically produced a large number of death sentences: Los Angeles County (CA), Travis County (Austin, TX), Orange-Osceola counties (Orlando, FL), and Franklin County (Columbus, OH). Across the county, reform prosecutors took the helm in counties comprising more than 12 percent of the nation's death-row population.

- Problematic federal executions included the first ever federal execution of a Native American for a crime on tribal land, in violation of Native sovereignty; the first federal executions of teenage offenders in 78 years; executions of individuals with intellectual disability or serious mental illness; and the first federal execution in 57 years for a crime committed in a state that had abolished the death penalty.

To speak with Robert Dunham, DPIC's Executive Director, or Ngozi Ndulue, DPIC's Senior Director of Research and Special Projects, please contact Chloe Madvig at cmadvig(at)deathpenaltyinfo(dot)org.

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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.