



DEATH PENALTY INFORMATION CENTER

THE DEATH PENALTY IN 2014: YEAR END REPORT

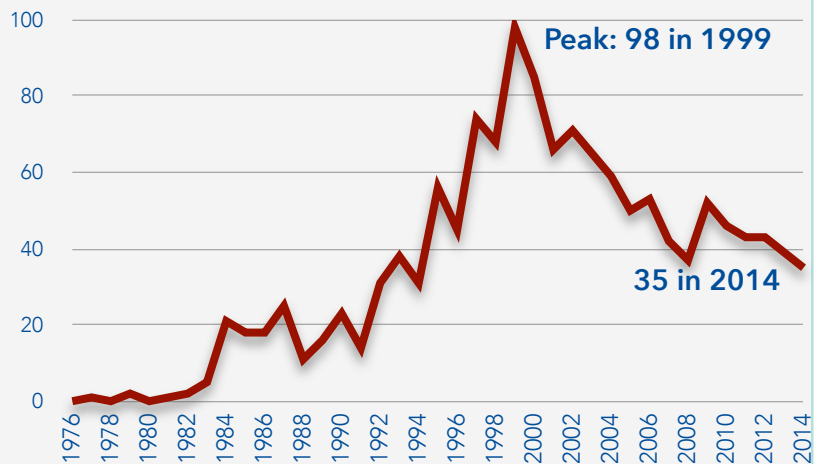
EXECUTIONS FEWEST IN 20 YEARS DEATH SENTENCES AT 40-YEAR LOW

Seven Exonerations – Most in 5 Years

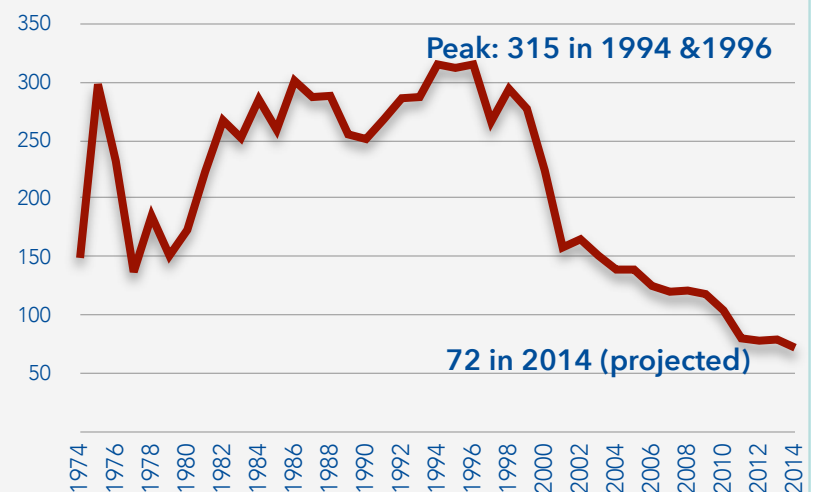
KEY FINDINGS

- There were 35 **executions** in 7 states, the fewest number put to death since 1994.
- There were 72 **death sentences** in 2014, the lowest number in the 40 years of the modern death penalty.
- **Botched executions** in Ohio, Oklahoma and Arizona have resulted in outcry and delays.
- Seven former death row inmates were **exonerated of all charges**.

Executions By Year



Death Sentences By Year



DEATH PENALTY DECLINE CONTINUES IN 2014

Executions by State	2014	2013
Texas	10	16
Missouri	10	2
Florida	8	7
Oklahoma	3	6
Georgia	2	1
Ohio	1	3
Arizona	1	2
Alabama	0	1
Virginia	0	1
Totals	35	39

In 2014 the use of the death penalty continued its steady decline by most measures. **Executions** dropped by over 10% compared to 2013, from 39 to 35, the lowest number in 20 years. Just three states, **Texas** (10), **Missouri** (10), and **Florida** (8), were responsible for 80% of the country's executions.

The number of executions has declined in 11 of the past 15 years. In 1999, 20 states carried out executions. In 2014, only 7 states did so, the fewest number of states in 25 years.

About two-thirds (66%) of those executed were members of minorities. Only 6 of the 35 executions (17%) involved cases in which the underlying murders involved black victims, even though generally almost half of murder victims in the U.S. are black.

The number of **new death sentences** reached its lowest level since 1974, when states resumed sentencing after the death penalty was struck down. With less than two weeks remaining in 2014, and few cases pending, there have been 72 new death sentences, seven less than

in 2013, and 77% less than in 1996, when there were 315 (see graph on page 1). This was the fourth year in a row that there were fewer than 100 sentences; by comparison, there were over 100 death sentences every year from 1974 to 2010. **California** (14) and **Florida** (11) provided 35% of the death sentences in the country. For the seventh year in a row, **Texas** had fewer than a dozen death sentences, a sharp decline from 1999, when it recorded 48. Other leading jurisdictions in 2014 included Alabama, Pennsylvania, and the federal system with four death sentences each. **Missouri** had no new death sentences in 2014, despite equaling Texas with the most executions.

In 2014, only 7 states carried out executions, the fewest number of states in 25 years.

The number of people on **death row** continued to decline. As of October 1, 2014, there were 3,035 inmates on death rows across the country. The total population on death row has decreased every year since 2001. In 2000, 3,670 inmates were under a sentence of death.

About 57% of death row is made up of minorities. California (745) has the largest death row, followed by Florida (404) and Texas (276). Three states had inmates on death row, but have barred the death penalty for future cases (New Mexico, Connecticut, and Maryland). In three other states, governors have put all executions on hold (Colorado, Oregon, and Washington).

SEVEN MORE EXONERATIONS IN 2014



Seven former death row inmates were exonerated this year, the most since 2009. Two men were freed in North Carolina, one each in Louisiana and Florida, and three in Ohio.

Henry McCollum (l.) and **Leon Brown** (r.), two brothers who were convicted of murder and sentenced to death in 1984, were exonerated after 30 years because of evidence uncovered by the **North Carolina** Innocence Commission. Both defendants were teenagers when they were accused of the rape and murder of an 11-year-old girl. Both men are intellectually disabled. The Commission found DNA evidence near the crime scene belonging to another man, who had been already been convicted of a similar crime in the same area. The District Attorney did not oppose their release.



Glenn Ford also spent 30 years on death row before he was freed in **Louisiana** after prosecutors filed motions to vacate his conviction, indicating Ford "was neither present at, nor a participant in, the robbery and murder" of which he was convicted in 1984. One of the witnesses against him said at trial that police had helped her make up her story. Ford's lead trial attorney had never tried a jury case before, and failed to hire any experts to rebut the prosecution's case.



Carl Dausch was acquitted by the **Florida** Supreme Court after his conviction in 2011 because the evidence against him was so weak. "At best," the Court said, the state created only "a suspicion of guilt." Florida has had more exonerations than any other state (25).

In November, **Ricky Jackson** (l., below) and **Wiley Bridgeman** (c.) were released from prison in **Ohio** after 39 years. Prosecutors filed a motion to drop all charges against Jackson, Bridgeman, and their co-defendant, **Kwame Ajamu** (r.) (formerly, Ronnie Bridgeman), who had been released earlier. A judge officially dismissed the charges against all

Death Row By State (10/1/14)	2014
California	745
Florida	404
Texas	276
Alabama	198
Pennsylvania	188
N. Carolina	160
Ohio	144
Arizona	123
Georgia	90
Louisiana	85
Nevada	78
Tennessee	75
US Government	63
Oklahoma	49
Mississippi	49
S. Carolina	47
Missouri	39
Oregon	36
Kentucky	35
Arkansas	33
Delaware	18
Indiana	14
Connecticut*	12
Idaho	11
Nebraska	11
Kansas	10
Utah	9
Washington	9
Virginia	8
US Military	6
Maryland*	4
S. Dakota	3
Colorado	3
Montana	2
New Mexico*	2
New Hampshire	1
Wyoming	1
Total	
*abolished death penalty	3,035



three defendants. They had been convicted and sentenced to death for a 1975 murder based on the testimony of a 12-year-old boy, who recently recanted, saying he had not witnessed the murder at all.

BOTCHED EXECUTIONS RESULT IN OUTCRY AND DELAY

America continued its experiment with lethal injection drugs in 2014. The first four executions were carried out using four different drug combinations. At least three of the executions in 2014 were badly mishandled, with prisoners gasping for air or struggling over prolonged time periods. In almost all of the executions in 2014, states withheld critical information about the process from both the inmates and the public.



OHIO: In January, Ohio used a new lethal drug combination that had never been tried before in the U.S. There were warnings that the drugs might be insufficient to cause a swift and humane death, but there was no opportunity for a full scientific inquiry about what might occur. The inmate, Dennis McGuire, lay for almost a half-hour on the gurney, with his children watching in horror as he gasped and struggled from the effect of the drugs. No executions have been conducted in Ohio since then. The state legislature is considering new legislation to conceal the source of its execution drugs and the identity of participating medical personnel.

OKLAHOMA: In April, Oklahoma proceeded under court-sanctioned secrecy with the execution of Clayton Lockett, using one of the same drugs that failed in Ohio. The person inserting the IV for the lethal drugs was not able to find a suitable vein in Lockett's arms. An attempt was made to locate and insert the IV in the femoral vein, but apparently the insertion pierced through the vein, thereby depositing the drugs into the surrounding tissue. Lockett struggled for 43 minutes, clearly conscious for part of the time, making movements and sounds. Finally, the warden called off the execution, drawing the curtain in the chamber to hide the proceedings from the witnesses. A short time later, Lockett's death was declared, mistakenly attributed to a heart attack. Oklahoma also halted executions for the remainder of the year. In preparation for future executions, it remodeled its execution chamber and curtailed the number of media witnesses for future executions.

ARIZONA: Arizona's execution of Joseph Wood in July also did not go as planned. The state had to use fifteen doses of drugs (including the same ones used in Ohio) until finally they were able to declare death almost two hours after the process had begun. During most of this time the prisoner was noticeably breathing in a labored manner. One media witness counted over 600 gasps for breath.

The execution took so long that attorneys for the prisoner left the witness room and filed an emergency petition to stop the procedure with a federal judge. The assistant attorney general assured the judge by phone that the prisoner was already “brain dead,” a judgment that turned out to be completely inaccurate. The judge allowed the lengthy execution to continue and the prisoner was eventually declared dead.

President Obama, Attorney General Holder, U.S. Senators, medical experts, and many others condemned these botched executions, calling them “torture” and “deeply disturbing.” Most critics called for thorough investigations and changes. Nevertheless, at least 30 executions are already scheduled for 2015, including many in the states with the most severe problems, and with no indication that the issues have been resolved.

“If you are taking breaths, you are not brain dead. Period. That is not compatible with brain death, at all. In fact, it is not compatible with any form of death.”

-Dr. Chitra Venkat, Stanford Univ.

MENTAL HEALTH ISSUES DRAW CONCERNS

As the use of the death penalty has declined, more attention has been focused on the mental state of those still facing execution. In May, the Supreme Court in *Hall v. Florida* held that **Florida’s** restrictive standards for determining intellectual disability in capital cases violated the national standards of decency. Florida maintained that an IQ of 71 automatically qualified a defendant for execution, but the Court said, “Intellectual disability is a condition, not a number.” A **Georgia** court cleared the way for the execution of Warren Hill, despite his consistent diagnoses of intellectual disability. Georgia--alone among all the states--requires proof of such a disability beyond a reasonable doubt. Further review is under way in light of *Hall v. Florida*.

Missouri executed John Middleton in July despite a federal judge’s concerns that he “frequently talks to people who are not there and tells stories that could not have had any basis in reality.” In **Texas**, evangelical leaders, mental health professionals, and prominent legal scholars called for sparing the life of Scott Panetti, a severely mentally ill man with a long history of schizophrenia, who represented himself at trial dressed in a cowboy suit, issuing subpoenas to Jesus Christ, the pope, and 200 others. Texas set an execution date and denied clemency, but the execution was stayed by a federal court. One Texas appellate judge, who objected to the execution, announced he now believed the death penalty should be abolished. In **Ohio**, a state Task Force recommended that people with severe mental illness should be categorically exempted from the death penalty.

A study in the *Hastings Law Journal* of recent executions found that “Over half of the last one hundred executed offenders had been diagnosed with or displayed symptoms of a severe mental illness.” **California**, the state with the largest death row in the country, plans to add a

40-bed psychiatric hospital to its death row at San Quentin. Suicide among death row inmates was one of the reasons for the new facility.

ACTIVITY IN THE STATES

"Equal justice under the law is the state's primary responsibility. And in death penalty cases, I'm not convinced equal justice is being served."

-Gov. Jay Inslee (WA)

Two death row inmates had their death sentences commuted in 2014, one in **Georgia** and one in **Ohio**. **New Hampshire's** legislative House passed a bill to abolish the death penalty, but the the vote in the Senate was a tie, preventing Gov. Hassan from making New Hampshire the seventh state since to 2007 to repeal capital punishment. In **Washington**, Gov. Jay Inslee (pictured) announced that no executions would take place while he was governor, stating, "Equal justice under the law is the state's primary responsibility. And in death penalty cases, I'm not convinced equal justice is being served. The use of the death penalty in this state is unequally applied, sometimes dependent on the budget of the county where the crime occurred." Inslee joined the governors of Oregon and Colorado who earlier had come to similar conclusions about the death penalty in their states. Bills to place lethal injections under greater secrecy were rejected in **Alabama** and **Louisiana**, and the governor of **Arizona** vetoed a bill to expand its death penalty law. **Tennessee** reinstated the electric chair as a mandatory method of execution if lethal injection drugs could not be found.



In **California**, a federal judge declared the state's death penalty unconstitutional because executions had become random and meaningless. Judge Cormac Carney held, "Inordinate and unpredictable delay has resulted in a death penalty system in which very few of the hundreds of individuals sentenced to death have been, or even will be, executed by the State. It has resulted in a system in which arbitrary factors, rather than legitimate ones like the nature of the crime or the date of the death sentence, determine whether an individual will actually be executed. And it has resulted in a system that serves no penological purpose. Such a system is unconstitutional." The state is appealing the ruling. California has not had an execution since 2006 and has executed a total of 13 prisoners since reinstating the death penalty in 1978, yet maintains a death row of 745 people.

A legislative study in **Nevada** concluded that the typical death penalty case costs taxpayers a half million dollars more than a similar case without the death penalty. Since reinstatement, Nevada has sentenced 153 people to death, implying an extra cost of over \$76 million.

NOTABLE VOICES FROM 2014

Many prominent people expressed concerns about the death penalty in 2014, including some who have supported it:

"In the application of the death penalty in this country, we have seen significant problems — racial bias, uneven application of the death penalty, ... situations in which there were individuals on death row who later on were discovered to have been innocent because of exculpatory evidence. And all these, I think, do raise significant questions about how the death penalty is being applied."

-President Obama

"It is impossible to imagine that states today cannot make use of another means than capital punishment to defend peoples' lives from an unjust aggressor."

-Pope Francis

"The death penalty is the gravest sentence our society may impose. Persons facing that most severe sanction must have a fair opportunity to show that the Constitution prohibits their execution. Florida's law contravenes our Nation's commitment to dignity and its duty to teach human decency as the mark of a civilized world. The States are laboratories for experimentation, but those experiments may not deny the basic dignity the Constitution protects."

-Justice Anthony Kennedy, *Hall v. Florida*

"Having spent the last forty years as a judge for the State of Texas, of which the last eighteen years have been as a judge on this Court, I have given a substantial amount of consideration to the propriety of the death penalty as a form of punishment for those who commit capital murder, and I now believe that it should be abolished."

-Judge Tom Price, Texas Court of Criminal Appeals

"I'm a 'law and order' guy. Don't get me wrong. Individuals need to be held accountable...but I have always felt... and always said that there are very serious questions about the justice of the death penalty."

-Oliver North

"On the core issue—yes or no on capital punishment—I'm with the opponents. Better to err on the side of not taking life. ... The state has the legitimate authority to execute criminals, but it should refrain if it has other means of protecting people from them. Our government almost always does."

-Ramesh Ponnuru, conservative commentator

"I still have nightmares. [Execution is] the most premeditated form of murder you can possibly imagine and it stays in your psyche forever."

-Dr. Allen Ault, former Georgia Warden

CONCLUSION

The year 2014 set a number of milestones in the declining use of the death penalty. New death sentences in the U.S. reached their lowest level in 40 years, the start of the death penalty's modern era. The number of executions was the fewest recorded in the past 20 years, and the seven states carrying out executions was the fewest number of states to do so in 25 years. Eighty percent (80%) of the executions were in just three states--Texas, Missouri, and Florida. The size of death row declined for the fourteenth straight year.

Executions are on hold in many states, partly because of the difficulties in establishing an acceptable protocol for lethal injections. Some states tried new drugs and new combinations of drugs, resulting in three badly botched executions and an urgent call from the President and other national leaders for change. Executions were halted in Ohio, Oklahoma, and Arizona following prolonged and embarrassing procedures exposing the flaws in current protocols.

The traditional problems with the death penalty persisted in 2014. Seven people who had been on death row were cleared of all charges, the most exonerations since 2009. Concerns about the mental health of those facing execution led the Supreme Court to intervene on the issue of intellectual disabilities. A state task force in Ohio recommended exempting all those with severe mental illness from the death penalty. The governor of Washington joined his fellow governors in Oregon and Colorado in banning executions for the remainders of their terms.

Experience has shown that the problems of the death penalty are not easily fixed. Not every year will show declines in every measure, but the overall pattern has been away from the death penalty. Even as executions continue, there is growing concern that this sporadic and isolated use of the death penalty serves no compelling purpose.



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The Death Penalty Information Center is a non-profit organization serving the media and the public with information and analysis on capital punishment. The Center provides in-depth reports, conducts briefings for journalists, promotes informed discussion, and serves as a resource to those working on this issue. Richard Dieter, DPIC's Executive Director, wrote this report with assistance from DPIC's staff. Further sources for facts and quotations are available upon request. The Center is funded through the generosity of individual donors and foundations, including the MacArthur Justice Center, the Open Society Foundations, Atlantic Philanthropies, and the Proteus Action League. The views expressed in this report are those of DPIC and do not necessarily reflect the opinions of its donors.