

THE DEATH PENALTY IS APPLIED IN AN UNFAIR AND ARBITRARY MANNER

The death penalty is applied in an arbitrary manner, determined primarily by inappropriate factors, such as what county the crime is committed in, the ability of the defendant to obtain and pay for a qualified attorney, and the race and economic status of the victims, instead of the nature of the crime. Two identical crimes that take place just miles apart will frequently result in completely different sentences depending on the whims of the local prosecutor.

GEOGRAPHIC BIAS

- There are clear geographic differences in death penalty usage across the country and within individual states even for similar crimes. Even within a state, death penalty usage is usually isolated to just a handful of counties, primarily driven by the political whims and ideology of the local prosecutor, though the expense is often shared by all taxpayers.
- Fewer than 2% of counties in the U.S. account for more than half of the nation's death-row population and 80% of the country's 3,144 counties have no one on death row.

BAD LAWYERING

- Across the country, almost none of the defendants that face the death penalty can afford to hire an attorney. They must rely on court appointed attorneys.
- Poor defendants sentenced to die have been represented by lawyers who were drunk, asleep, or later disbarred. Others have been represented by collections or tax attorneys or lawyers fresh out of school. Some court-appointed lawyers can be so overworked or indifferent that they don't even bother to defend their clients.
- Defense in capital cases is much more time-consuming and complicated than in other criminal defense work. It requires highly trained and experienced lawyers

receiving appropriate compensation for hundreds of hours of work. Yet public defense offices are plagued by unmanageable caseloads, high turnover, and some of the lowest pay in the profession.

- Even the best public defenders often rely on court approval for funds to pay for investigators, forensic scientists, and other experts needed for an effective defense. Such funds can be limited or unavailable.
- Caps on pay in many states mean that lawyers defending poor clients can earn less than minimum wage if they provide a decent defense. In Ohio, for example, costs are often only approved after a case is completed – meaning defense lawyers can work for *weeks, months, or even years* without knowing if they will be paid for all their time.
- The American Bar Association sets minimum standards for lawyers in death penalty cases, but many people are sent to death row despite the fact that their lawyers failed to meet these standards. A North Carolina study found at least three-dozen people on death row – and 16 who had been executed – whose lawyers would not meet the state’s current minimum standards.

RACE STILL IMPACTS WHO IS SENTENCED TO DIE

- The race of the victim(s) continues to have a significant impact on who is sentenced to death and executed in the U.S. In cases resulting in execution, 75% of the victims are white, even though white people make up approximately one half of all murder victims in the U.S. Black people account for 34% of the people who are executed, even though they only account for 13% of the U.S. population.
- Studies in states as diverse as California, Ohio, and Georgia have found that people convicted of murdering a white victim were many times more likely to get sentenced to death than people convicted of killing African Americans or Latinos.
- In Harris County, Texas, one of the most frequent users of the death penalty, 23 out of the last 24 people sentenced to death have been people of color.

Instead of being reserved for the so-called “worst of the worst” as is required by law, the death penalty is arbitrarily applied, based primarily on inappropriate factors such as where the crime was committed, the race and economic status of the victims, and whether the defendant has access to a qualified attorney. **Learn more at enddeathpenalty.org.**