

# IDAHO'S DEATH PENALTY



**CATHOLIC  
MOBILIZING  
NETWORK**

ENDING THE DEATH PENALTY.  
PROMOTING RESTORATIVE JUSTICE.

## THE FACTS

- 9 people currently on death row
- 3 executions since 1976
- 26 executions before 1976
- Jury decides the sentence
- Life without parole is a sentencing option
- Method of execution is lethal injection
- 1 person released from death row based on evidence of innocence
- 1 person granted clemency

## Innocent Man Sentenced to Die

Charles Fain spent nearly 18 years on Idaho's death row for a crime he did not commit. In 1983, Fain was convicted of a Nampa murder. Several witnesses testified that Fain was living in Oregon at the time of the crime. Fain agreed to provide hair samples to investigators, and an FBI expert testified that the samples matched evidence from the crime scene. Fain was found to be innocent when new DNA testing methods excluded him as a suspect and pointed to two other suspects.

## The Diocese of Boise Ministers to Those in Prison

Inspired by the Gospel, the diocese of Boise serves the spiritual and personal needs of incarcerated persons. Diocesan Prison Ministry Director Fr. Jesús Camacho connects the ministry with scripture saying, "Jesus' identification with those who suffer and those in need is permanent. Jesus identifies with those in prison (see Mt 25,36). The invitation to take care of the incarcerated (see Heb. 13:3)

**"Be mindful of prisoners as if sharing their imprisonment, and of the ill-treated as of yourselves, for you also are in the body." (Heb. 13:3)**

## COSTLY AND LENGTHY CASES

A 2014 study of the costs of the death penalty in Idaho found that capital cases are more costly and take much more time to resolve than non-capital cases. Capital cases with trials took 20.5 months to reach a conclusion while non-capital cases with trials took 13.5 months. Simply having death as a sentencing option costs the state money every year.

## IDAHO DEATH PENALTY RARELY USED

The study also noted how infrequently the death penalty was applied in Idaho. Of the 251 defendants who were charged with first degree murder since 1998:

-Only 55 cases (22%) were death penalty cases

-Just 7 were sentenced to death

-More than half of the 40 people sentenced to death since 1977 have received lesser sentences after their death sentences were overturned.

Due to the infrequency at which capital punishment is applied in Idaho, it could be considered 'cruel and unusual punishment.'

# The Church and State Speak

## The Church Speaks

### *Evangelium Vitae*

Pope St. John Paul II's encyclical on human dignity, challenges us to be "unconditionally pro-life.": "The case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform." (*Evangelium Vitae*, 27)

### **Catechism of the Catholic Church**

"If...non-lethal means are sufficient to defend and protect people's safety from the aggressor, authority will limit itself such means, as these are more in keeping with the concrete conditions of the common good and more in conformity to the dignity of the person." (CCC #2267)

### **United States Conference of Catholic Bishops**

"Its [the death penalty] application is deeply flawed and can be irreversibly wrong, is prone to errors and is biased by factors such as race, the quality of legal representation and where the crime was committed." (*A Culture of Life and the Penalty of Death*, USCCB, 2005)

### **Words of the Popes**

**Pope Francis:** "Rendering justice' does not mean seeking punishment for its own sake, but ensuring that the basic purpose of all punishment is the rehabilitation of the offender." *World Congress Against the Death Penalty*, June 22, 2016

**Pope Emeritus Benedict XVI:** "Society's leaders should make every effort to eliminate the death penalty and to reform the penal system in a way that ensures respect for the prisoners' human dignity." *Benin, Africa*, Nov. 19, 2011

## The States Speak

### **Innocence**

- Nationally, over 160 people have been exonerated from death row.
- For every nine executions carried out in the United States, one person has been found to be innocent.
- In Louisiana, for every 2.5 executions there has been one exoneration.

### **Racial Bias**

- 76% of death row defendants have been executed for killing white victims, even though African-Americans make up about half of all homicide victims.
- Louisiana has not executed a white person for killing an African-American in over 300 years.

### **Criminalization of Mental Illness and Intellectual Disabilities**

- A study in the *Hastings Law Journal* of recent executions found that "over half of the last one hundred executed offenders have been diagnosed with or displayed symptoms of mental illness."
- The Supreme Court banned the execution of those with intellectual disabilities but states have significantly deviated from accepted clinical methods for determining intellectual disability.

### **Overrepresentation of the Poor**

- The majority of individuals on death row could not afford their own attorney. In many cases, the appointed attorneys are overworked, underpaid, or lacking the trial experience required for death penalty cases.

### **Costly Public Policy**

- Multiple studies have shown the cost of trial sentencing, appeals and imprisonment to be much higher in capital cases versus life in prison without parole.

### **Geographic Basis**

- 2% of all U.S. counties have produced 56% of the U.S. death row population



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