

SOUTH DAKOTA'S DEATH PENALTY



**CATHOLIC
MOBILIZING
NETWORK**

ENDING THE DEATH PENALTY.
PROMOTING RESTORATIVE JUSTICE.

The Facts

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

2015 Legislative Session

Sen. Bernie Hunhoff introduces a repeal measure to be considered in the 2015 legislative session. SB 151 would have replaced the death penalty with life imprisonment without the possibility of parole. There was another bill considered in the legislative session which sought to severely limit the usage of the death penalty. The law, if it had passed, would have allowed a jury to recommend a death sentence only if: A) an aggravating circumstance had been found, and B) if the defendant is found to be too dangerous to be incarcerated as an ongoing danger to the public and to the prison community.

South Dakota's Bishops Stand Against Capital Punishment

In January of 2014, when proposed repeal legislation was introduced, the Catholic Bishops of South Dakota weighed in: "Violence in response to violence does not relieve personal anguish or result in societal protection. State-sanctioned violence does not heal or redress wounds. Only forgiveness can do so. As hard as that is, with God's grace, it is possible. Forgiveness does not justify or condone wrongful acts, nor does it disrespect or minimize the sacrifice of those who have suffered. It can, however, relieve the burden of the past that weighs down survivors and can contribute to the conversion and true repentance of the criminal."

SOUTH DAKOTA IN THE NEWS

Former President Jimmy Carter, on April 25, 2012, wrote an op-ed piece which was published in the Atlanta Journal-Constitution which noted that North Dakota, which does not have the death penalty, has a lower murder rate than South Dakota, which does have the death penalty.

MURDER VICTIMS' FAMILY MEMBERS

The death penalty does not bring loved ones back and any "closure" that comes from an execution is often fleeting and insufficient.

Countless murder victims' family members oppose the death penalty because they recognize it does not bring true healing and merely fosters vengeance.

SOUTH DAKOTA'S FAILED LEGISLATION

Repeal bills have frequently surfaced in the legislative chambers in South Dakota. However, they have gone nowhere.

The Church and State Speak

The Church Speaks

Catechism of the Catholic Church

"The Church teaches, in the light of the Gospel, that 'the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person,' and she works with determination for its abolition worldwide." (CCC 2267)

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*

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.

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.

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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