

ARKANSAS' DEATH PENALTY



The Facts

- 31 people currently on death row
- 31 executions since 1976
- 478 executions before 1976
- Jury decides the sentence
- Life without parole is a sentencing option
- Method of execution is a lethal injection. For persons sentenced before 7/4/1983, the electric chair is an option.
- 1 person has been freed from death row
- 2 people have been granted clemency

Legislative Progress

In February 2015, a Senate Bill, aimed at repealing capital punishment, passed out of the Senate Judiciary Committee. The Senate Bill was approved on a voice-vote with no audible "nays." This demonstrated a historically positive step in Arkansas' journey to end the death penalty.

A Warden's Advocacy

Retired Warden, Frank Thompson, spoke out about his change of belief regarding the death penalty. He said, "It's being administered against the poor; it lacks proof that it deters anything...I realized that I was training decent men and women how to take the life of a human being..."

Arkansas Bishop Stands Against Capital Punishment

Bishop Anthony B. Taylor, Bishop of the Diocese of Little Rock, Arkansas, spoke in front of the Senate Judiciary Committee in 2013, and again to the Governor in 2017 with the scheduled 8 executions in the span of 10 days. A segment states, "Since the penal system of our state is well equipped to keep them incarcerated for the rest of their life (and thus protect society), we should limit ourselves to non-lethal means - hence this appeal to you...As governor you have the power to commute these sentences to life without possibility of parole and so I appeal to you to do so - and not only out of concern for these eight men, but also out of concern for the damage that the death penalty does to all of us as a society."

LETHAL INJECTION COMPLICATIONS

In 2013, Arkansas modified their lethal injection protocol by introducing a new drug, Midazolam, in their lethal injection protocol. Midazolam had not been used for executions and experts worried that using an untested drug could result in inhuman treatment. Arkansas' was unable to collect Midazolam because the manufacturer restricted the drug as it was to be used for executions.

AN EXPENSIVE SYSTEM

Just as in other states, the cost of execution is far greater than the cost of a life sentence. Many aspects of capital punishment cases, including jury selection, trials, and appeals, can take more than 10 years and are very costly for the state. The state Department of Public Advocacy in one state estimated that as much as \$8 million a year was spent prosecuting, defending, and incarcerating death row inmates. States could use those funds for commonsense solutions for public safety, like:

- Increased funding for victims' services
- More resources for police
- Better sentencing and parole programs

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",[1] 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*, 27)

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.
- African-Americans are overrepresented on death row. They makeup 13% of the US population but constitute 42% of death row.

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



CATHOLIC MOBILIZING NETWORK

ENDING THE DEATH PENALTY.
PROMOTING RESTORATIVE JUSTICE.