

KENTUCKY'S DEATH PENALTY



**CATHOLIC
MOBILIZING
NETWORK**

ENDING THE DEATH PENALTY.
PROMOTING RESTORATIVE JUSTICE.

- 31 people currently on death row
- 3 executions since 1976
- 424 executions before 1976
- Jury decides the sentence
- Life without parole is a sentencing option
- Method of execution is lethal injection for persons sentenced on or after 3/31/98; inmates sentenced prior may select lethal injection or electrocution
- 1 person has been freed from death row
- 2 persons have been granted clemency

A Flawed System

A 2011 poll found that 62 percent of Kentuckians supported a temporary halt of executions. A 2016 poll conducted by the University of Kentucky Survey Research Center found that 72.4 percent of Kentuckians would support the governor in deciding to halt all executions until problems with the state's system can be addressed.

Kentucky Bishops Stand Against Capital Punishment

In 2013, Archbishop Joseph Kurtz, Archbishop of the Archdiocese of Louisville, Kentucky, toured around Kentucky speaking to Catholics about the death penalty and why Kentucky, and the rest of the United States, does not need it. He said, "I'm against the use of the death penalty... understand that the taking of a life, innocent or otherwise, will only beget more violence... The reason I stand against the death penalty is because I'm aware that violence will only beget more violence and also... a culture of death is fed by violence..."

Kentucky Coalition to Abolish the Death Penalty actively works on death penalty legislation as part of their mission to abolish the death penalty in the Commonwealth of Kentucky.

Visit their website to learn more: <http://kcadp.org>

LEGISLATIVE ACTION 2019

In July 2019, Franklin Circuit Court Judge Phillip J. Shepherd declared Kentucky death row protocol "unconstitutional and invalid because it does not automatically suspend an execution when [the Kentucky Department of Corrections'] internal review shows that the condemned person is intellectually disabled."

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 estimates that Kentucky spent as much as \$8 million a year prosecuting, defending, and incarcerating death-row inmates. We could use those funds for common sense solutions for public safety like:

- Increased funding for victims' services
- More resources for police departments
- Better sentencing and parole programs such as drug treatment and re-entry services.

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' (Francis) 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.

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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