

New Death Sentences at 3-Decade Low This Year, Report Says

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WASHINGTON — New death sentences in the United States were at or near a three-decade low this year and the number of people executed will be the lowest since 1994, according to a new report.

The nonprofit Death Penalty Information Center reports 37 executions in 2008, with no more expected for the remainder of the year. That's down 12 percent from 42 in 2007 and a 30 percent drop from 2006.

The center estimates the total number of death sentences this year at 111. That is on par with the 115 death sentences imposed in 2007 that represented a 30-year low. It is more than a 60 percent drop from 1998, reflecting a steady decline over the last decade.

The report from DPIC, which opposes the death penalty, also indicates that executions in the U.S. have essentially become a regional phenomenon. All but four of the 37 executions this year occurred in the South and Texas, with Ohio and Oklahoma providing the exceptions. Half of the executions occurred in Texas, where 18 inmates were put to death.

Virginia executed four prisoners. Georgia and South Carolina executed three each; Florida, Oklahoma, Mississippi and Ohio each executed two and Kentucky executed one.

All of the executions in 2008 occurred after April 16, when a U.S. Supreme Court decision on the use of lethal injections ended what had been a de facto moratorium in place for almost seven months.

Experts differed on the moratorium's effect. Richard Dieter, the DPIC's executive director, had feared the numbers would spike in 2008 as states rushed to implement executions that had been on hold.

The fact that there wasn't a spike, he said, demonstrates the inherent problems with the death penalty, including the struggle to ensure a fair appeal process on issues like DNA evidence and inadequate lawyering.

But Richard Bonnie, a law professor at the University of Virginia and an expert on capital punishment, said it was expected that it would take some time after the moratorium was lifted for the normal pace of executions to resume, and he does not consider the drop in executions in 2008 as proof of a long-term decline.

What is more important, Bonnie said, is the drop in death sentences. That data is unaffected by the moratorium, which banned only executions, not death sentences handed down by judges and juries.

Death sentences have been on the decline more a decade. Bonnie said that while a majority of Americans still favor the death penalty, their fervor for it has waned as violent crime rates have receded.

Dieter also said that recent death-row exonerations prompted by DNA evidence have planted seeds of doubt in the public's mind about carrying out an irrevocable punishment.

On a state level, changes in the law have also made a difference. In Texas, for instance, a 2005 law gives juries the option of imposing a life sentence without parole. Before then, any sentence short of execution carried the possibility of parole after 40 years in prison, said Kristen Houle, executive director of the Texas Coalition to Abolish the Death Penalty.

As a result, Texas has imposed only 10 death sentences in 2008, according to Houle's organization, the fewest since the U.S. Supreme Court reinstated capital punishment in 1976.

Other states have made changes — North Carolina and other states have made it easier for prosecutors to seek a life sentence instead of a death penalty. New Jersey abolished the death penalty at the end of 2007. Maryland's legislature is expected to consider abolition in 2009.

Bonnie said he believes that public attitudes have softened on the death penalty in the last decade as the violent crime rate has receded.

"The real test will be what happens when violent crime goes back up again, if that will lead to a reversal of these trends," Bonnie said.