

N.C. DEATH PENALTY FAST FACTS

Last updated 12.12.2018

- There are **140 people on North Carolina's death row**, 137 men and 3 women.
 - North Carolina has the **6th largest death row** in the United States.
 - African-Americans make up **more than half of NC's death row prisoners** but less than a quarter of the state's population.
 - **43 people have been executed** under North Carolina's modern death penalty.
 - Five people have been granted clemency by the governor.
 - The **last execution in North Carolina was in 2006**. Concerns about systemic racial bias and the state's lethal injection procedure led to a suspension of executions.
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INNOCENCE

- In the modern era of the death penalty, **nine people on North Carolina's death row have been exonerated**.
 - For every five people executed in North Carolina, one innocent person has been removed from death row.
 - All total, **exonerated men have served 85 years on death row**.
 - On September 2, 2014, Henry McCollum, N.C.'s longest-serving person on death row, was **exonerated by DNA evidence after 30 years** of living under a death sentence. His brother, Leon Brown, who was serving a life sentence for the crime, was also exonerated.
 - The innocence claims of **several more people on death row** are still under investigation.
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RACIAL BIAS

- The N.C. Racial Justice Act, passed in 2009, has brought revelations of racial bias in capital trials.
 - A comprehensive study done in response to the law found that qualified African-Americans are more than **twice as likely as white people to be denied the right to serve on capital juries**.
 - The study also showed that a person's chances of being sentenced to death **increase significantly if the victim is white**.
 - Four people on death row were resentenced to life without the possibility of parole under the Racial Justice Act, after proving that racial bias helped secure their death sentences.
 - The Racial Justice Act was repealed by the legislature in 2012, and the four people were sent back to death row. Their cases are currently awaiting a final decision by the N.C. Supreme Court
 - **More than 100 other people on death row have also presented evidence of significant racial bias** and their claims are still pending in court.
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For more information, visit the North Carolina Coalition for Alternatives to the Death Penalty at nccadp.org

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CRUEL AND UNUSUAL: LETHAL INJECTION LITIGATION

- North Carolina's new execution protocol, created in 2013, is being challenged in court. **Executions are on hold** until the case is decided.
 - The protocol was decided unilaterally by the state Department of Public Safety, with **no provisions for public input**. It does not require the state to reveal the source of its drugs and calls for the use of a drug that manufacturers refuse to sell for executions.
 - Transparency requires that the state explain how it will ensure that executions **do not violate the constitutional ban on cruel and unusual punishment**.
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UNEQUAL JUSTICE: PRE-REFORM UNFAIRNESS

- A series of death penalty reforms took effect in 2001, which are now considered essential to preventing wrongfully sentencing someone to death. Nearly three-quarters of people on death row were tried before 2001 and did not benefit from the reforms.
- The new laws include:

The **creation of the N.C. Office of Indigent Defense Services**, which drastically improved the quality of legal representation that defendants receive

The **right to open file discovery**, ensuring that defendants are able to examine all evidence, including exculpatory evidence, in their cases

The **option of a sentence of life imprisonment without parole for first-degree murder**, which means that juries no longer have to vote for death to ensure that a defendant will never be released from prison

The **granting of discretion to district attorneys**, who may now choose life without parole over the death penalty in certain first degree cases, even when there is evidence of an aggravating circumstance

Protocols for police lineups, ensuring that they are conducted in ways that do not encourage false identifications

A requirement that confessions be videotaped, rather than simply allowing suspects to sign confessions written by investigators.

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FALLING OUT OF FAVOR: PUBLIC OPINION

- Capital trials continue in North Carolina, but **juries have sentenced only a single person to death since 2014**. In three of the past four years, there have been no new death sentences.
 - By comparison, in the 1990s, 20 to 35 people were sentenced to death each year in NC.
 - A 2013 poll of N.C. voters, about three-quarters of whom identified themselves as conservative or moderate, found that the public supports replacing the death penalty with life in prison without parole. **68 percent favored life without parole** if individuals were required to work and pay restitution to their victims' families, and 63 percent favored a life sentence if the money now spent on the death penalty were redirected to crime fighting.
 - A 2018 Gallup poll showed that **fewer than half of Americans believe the death penalty is applied fairly**, a new low. The number of Americans who support the death penalty is near its lowest point in 40 years.
 - Eight states have abolished the death penalty since 2007.
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HIGH COST OF DEATH

- On average, defense in a **capital trial is four times more expensive** than in a trial where the maximum punishment is life without parole.
- North Carolina **could save at least \$11 million a year by abolishing the death penalty**, a 2009 study found. That conservative estimate did not take into account significant prosecution and court costs.
- If carried through to execution, capital cases cost an average of **\$2.2 million more than non-capital ones**, a 1993 Duke University study found. Costs have surely risen since then, and most or all of those expenses are paid by the state.
- The death penalty is necessarily expensive. The United States Supreme Court has made it clear that when someone's life is at stake, the investigation must be thorough. Lengthy appeals are necessary to avoid executing an innocent person. **The only way to make the death penalty less expensive is to abolish it.**