

The Death Penalty is Arbitrarily Applied

*"We have a system of justice in the US that treats you much better if you're rich and guilty than if you're poor and innocent. **Wealth, not culpability, shapes outcomes.**"*

-Bryan Stevenson, Delaware native

Founder and Executive Director of The Equal Justice Initiative

*"Twenty years have passed since this Court declared that the death penalty must be imposed fairly, and with reasonable consistency, or not at all...and, **despite the efforts of the States and courts** to devise legal formulas and procedural rules to meet this daunting challenge, **the death penalty remains fraught with arbitrariness, discrimination, caprice, and mistake.**"*

-Harry Blackman, former Supreme Court Justice, Callins V Collins (1994)

Across the country, both federal and state governments have examined the unfair application of the death penalty and attempted reforms. Each reform makes a complicated system more complicated and expensive, while creating a new wave of problems in application. Best faith efforts are not enough when a human life is at stake.

The Worst of the Worst?

How do we decide who lives and dies? Are we truly selecting the "worst of the worst" – or simply those with the worst lawyers, the wrong geographic location, or the wrong skin color?

- Many of the nation's most **high-profile murderers or serial killers don't get the death penalty** because they have better lawyers who negotiate deals.
- Poorer defendants are executed for robberies "gone wrong" or other **murders that were not premeditated**.
- **Accomplices that have not killed anyone** have been executed in cases where the actual killer got life.
- The death penalty is disproportionately applied to already marginalized populations: people of color, poor communities, and those with mental illness.

Poverty—Not Justice—Determines Life or Death

We all expect justice to be blind; otherwise it's not justice at all. Strikingly, poverty remains a contributing factor in life or death.

- The vast majority of defendants in capital cases cannot afford their own attorneys. Quality representation is one of the most important factors in determining whether a defendant will receive a death sentence.
- The appointed attorneys are regularly overworked, underpaid, or –most egregiously—lacking the trial experience required for capital punishment cases.

Mental Illness

- Dozens of prisoners have been executed despite suffering from serious mental illness.
- The National Alliance on Mental Illness estimates that as many as 10% of those on death row have serious mental illness.
- Studies suggest that defendants with severe mental illnesses who commit capital crimes are more likely to be sentenced to death than those without mental illnesses convicted of similar crimes.ⁱ
- Over 95% of death row prisoners who volunteer to be executed have a history of mental illness.

ⁱ NAMI.

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