

VIRGINIA'S DEATH PENALTY



The Facts

- 3 people currently on death row
- 113 executions since 1976
- 1277 executions before 1976
- Jury decides the sentence
- Life without parole is a sentencing option
- Method of execution is a choice of electrocution or lethal injection
- 1 person released from death row based on evidence of innocence

A Dark Record

Virginia holds the record for the most individuals executed in its history. As a colony and a state, Virginia has executed more than 1300 people. Virginia has also executed more women and the youngest children of any state

A Warden's Advocacy

In 2000, Virginia death row inmate Earl Washington was found to be innocent of the crime for which he had been sentenced to die. DNA evidence excluded him as the perpetrator and he was released after spending 17 years in prison. He once came within nine days of execution. Washington is intellectually disabled, and had been coerced into confessing to the crime.

Racial Bias

Researchers in Virginia found that a person is more than three times as likely to be sentenced to death when the victim of the crime is white vs. when the victim is black.

Geography Determines Execution Rates

In Virginia, murder convictions ending in the death penalty are twice as likely in suburban and rural jurisdictions as in urban.

Virginia Bishops Stand Against Capital Punishment

In 2007, Bishops Francis X, DiLorenzo, and Paul S. Loverde supported the Governor's veto of five bills that would have expanded the use of the death penalty. They said, "A just punishment must be consistent with both the demands of justice and with respect for human life and dignity. Although often difficult or painful to acknowledge, respect for life applies to all, even the perpetrators of the most terrible acts imaginable."

VIRGINIA LAWMAKERS IGNORE ABA RECOMMENDATIONS

A 2013 study conducted by the American Bar Association found the state of Virginia to be not in compliance or only in partial compliance with many of the ABA's protocols for the death penalty. Virginia lawmakers failed to enact any of the ABA's recommendations into law.

EXECUTION OF VIRGINIA'S MENTALLY DISABLED

The Supreme Court held that the execution of defendants with mental disabilities is unconstitutional in *Atkins v. Virginia* (2002).

-Currently in Virginia, a defendant must present an IQ score of 70 or below to prove that she or he has mental retardation. This is a requirement that has been expressly rejected by the American Association on Intellectual and Developmental Disabilities (AAIDD) and is contrary to the modern, scientific understanding of mental retardation. Virginia's rules and laws allow the execution of those with several mental disorders or illnesses.

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' 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



**CATHOLIC
MOBILIZING
NETWORK**

**ENDING THE DEATH PENALTY.
PROMOTING RESTORATIVE JUSTICE.**