

Richard C. Dieter
EXECUTIVE DIRECTOR

1320 18th St NW, 5th Fl
Washington, DC 20036
phone: (202) 293-6970
fax: (202) 822-4787
email: dpic@deathpenaltyinfo.org
www.deathpenaltyinfo.org

DEATH PENALTY INFORMATION CENTER

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CONTACT: Brenda Bowser
(202) 293-6970
bbowser@deathpenaltyinfo.org

2002 REPORT TRACES YEAR OF CHANGE IN CAPITAL PUNISHMENT

DPIC's Year End Report Examines Isolation of Death Penalty Use, Supreme Court Decisions, Reform Efforts

WASHINGTON, DC -- The year 2002 saw further isolation in the use of the death penalty, the exoneration of the nation's 100th death row inmate, key Supreme Court decisions restricting capital punishment, and a second state's implementation of a moratorium on executions. According to the Death Penalty Information Center's (DPIC) **2002 Year End Report**, continued frustration with capital punishment led governors, courts, and other officials to take concrete action on the death penalty throughout the year.

"The death penalty remains broken at the end of 2002, and the risk of error is intolerably high. The events of the past year demonstrate the need to reexamine the death penalty in every state and at every level," said Richard Dieter, Executive Director of the Death Penalty Information Center. "As examples of the system's inadequacies continue to surface, more of the public are insisting that if the death penalty cannot be administered accurately and fairly, then it should not be administered at all."

Illinois Governor George Ryan's blue-ribbon commission review of his state's death penalty and his on-going consideration of more than 150 clemency requests filed on behalf of death row inmates in the state stems from a deep concern about the possibility of executing an innocent inmate. During 2002, this same concern resonated throughout the nation as the number of individuals exonerated from death row climbed to more than 100. The four wrongly-convicted men freed in 2002 were among the 102 innocence cases that led federal Judge Jed Rakoff in New York to find the existing death penalty unconstitutional because its procedures fail to protect against the high risk of executing the innocent. While Rakoff's ruling was overturned, a second decision declaring the federal death penalty unconstitutional is still pending, and these events indicate that death penalty law will likely undergo more examination and revision in the future.

This year's judicial review of the death penalty yielded two landmark Supreme Court decisions restricting capital punishment. The Court in *Atkins v. Virginia* ruled that the execution of inmates with mental retardation is a violation of the ban on cruel and unusual punishment, and its decision in *Ring v. Arizona* requires that a jury, rather than a judge, determine whether a defendant is eligible for a death sentence. Both decisions have spurred state leaders to reexamine their death penalty laws in an effort to bring the policies into compliance with the Court's rulings. In addition, four Justices indicated a willingness to address the execution of juvenile offenders in the near future.

Reflecting concerns brought before courts around the country, many of the 38 states that maintain the death penalty considered legislation to reform capital punishment policies. Maryland joined Illinois to become the second state to institute a death penalty moratorium. Among other activities, legal scholars, national opinion leaders, and individuals such as former First Lady Rosalynn Carter spearheaded efforts to eliminate the juvenile death penalty, to ensure access to DNA testing, and to improve the quality of representation afforded capital defendants. International pressure to abolish the death penalty also continued to mount as the number of nations abandoning the practice rose to 111.

In the U.S., public opinion regarding capital punishment remained virtually unchanged in 2002, and the geographic isolation of the death penalty continued and grew more apparent. Only 13 states carried out executions, the fewest in eight years, and the South accounted for 86% of the nation's 71 executions this year. Of those, nearly half took place in Texas, which carried out 33 executions including three juvenile offenders. Data released in 2002 revealed that despite its frequent use of the death penalty, the South is the only region of the country to post a murder rate above the national average. The Northeast, which had no executions in 2002, posted the nation's lowest murder rate. While executions were up slightly from the 66 that took place in 2001, they remain significantly lower than the high of 98 during 1999.

The Death Penalty Information Center is a non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. The Center was founded in 1990 and serves as a resource to those working on this issue. Today's Year End Report is DPIC's seventh annual review.

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NOTE: A copy of DPIC's 2002 Year End Report is attached for your review. The report will be available on DPIC's Web site on December 18th at <http://www.deathpenaltyinfo.org/yrendrpt02.pdf>.