

OHIOANS TO STOP EXECUTIONS

RACE AND THE DEATH PENALTY IN OHIO

Throughout our nation's history of racial injustice, from slavery to lynchings to systemic racism, white lives have been valued over black and brown lives. The criminal justice system, long rooted in racism, continues to be infected by racial bias. The death penalty, with its brutal record of racial injustice and other myriad problems, is the epitome of all that is broken in the criminal justice system.

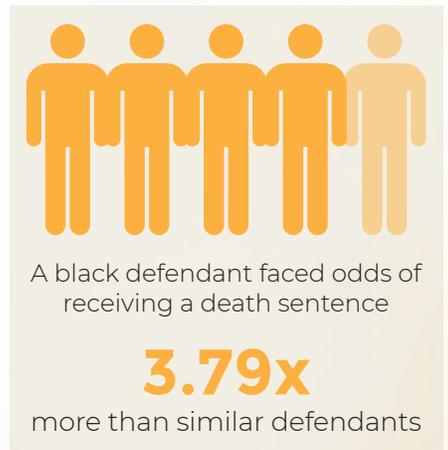
In the death penalty system, racial bias works against defendants of color and in favor of cases involving white victims. Cases involving black victims are far less likely to result in a death sentence than cases involving white victims. The likelihood of a death sentence reduces further if the defendant is white. And it doesn't stop there. **Racial bias infects every stage of the capital process - from prosecution to sentencing to execution.**

Numerous states and the federal government have attempted to address racial bias in the death penalty system. These attempts have only made the problem worse as each change makes the system more complicated, more expensive, more risky, and more unjust. **A 2014 joint study by the Ohio Supreme Court and the Ohio Bar Association found over 50 instances where Ohio's death penalty suffers from unfairness, racial bias, and inaccuracy.**

WHO GETS DEATH?

Across the nation and in Ohio, race plays a role in who lives and who dies.

- Year after year, studies have found significant evidence of the influence of race on Ohio's death penalty. In 2020, The Columbia Human Rights Law Review published a study of 599 aggravated murder charges in Hamilton County from January 1992 to August 2017. The researchers found, "that a case with at least one white victim faced odds of being charged capitally that were 4.54 times the odds of a similarly situated case with no white victims."¹
- The 2020 Hamilton County study also found an impact when considering the race of the defendant: "A black defendant who killed at least one white victim faced odds of receiving a death sentence that were 3.79 times those of all other similarly situated defendants."
- The 2020 study further found "A black defendant with at least one white victim faced odds of receiving a death sentence that were 5.33 times higher than all other cases."
- A major study by the Associated Press of 1,936 indictments reported from October 1981 to December 2002 found that defendants facing a capital charge for killing a white person were twice as likely to be sentenced to death than defendants charged with killing a black person.



1. Hamilton County is particularly notable because of its long history of racial violence and injustices, including a significant history of lynchings. Hamilton County is also among the 2% of U.S. counties that are responsible for the majority of executions in the U.S.

- The impact of race on Ohio's death penalty is not an anomaly. Studies in Texas, Missouri, North Carolina, Florida, Georgia, Utah, Indiana and Virginia have produced similar results, as have studies in the recently repealed states of New Jersey, Illinois, Delaware, and Maryland.
- There are many factors that allow race to play such a deeply disturbing and tragic role in the application of the death penalty, most significantly the decisions of individual prosecutors. Juries too are not immune to allowing race to influence their decisions. This is not surprising. According to the Death Penalty Information Center in Washington, DC (DPIC), at least one out of five African Americans executed in the U.S. since 1977 were tried in front of all-white juries.
- In March 2020, the Ohio Supreme Court granted a new trial to a death row inmate because his attorney should have struck a juror who "strongly agree(d)" with a statement on a jury questionnaire that said, "some races and/or ethnic groups tend to be more violent than others." In the explanation space, the juror wrote, "Blacks."

RACE AND WRONGFUL CONVICTIONS

The high prevalence of wrongful convictions in capital cases is well known. According to the Death Penalty Information Center, as of July 2020, 170 death row inmates have been exonerated since 1973. Given human fallibility, there will always be the danger that an innocent person could be executed. Since race plays a central role in the criminal justice system, it is not surprising that it is also central to the problem of wrongful convictions. According to a report by the National Registry of Exonerations (NER), most of the exonerations in the United States in the past 28 years have been of black defendants. **The NER report further states that black people convicted of murder are 50 percent more likely to be innocent than white people convicted of murder and that black people are more likely to be wrongly convicted of murder when the victim was white.**

While people of color make up less than 15% of Ohio's population, they make up 56% of Ohio's death row, 33% of those executed, and 66% of those exonerated. However, when Ohio executions have taken place, 75% of the time it has involved a white victim - indicating which lives Ohio has deemed worthy of the ultimate punishment.

