

# Racial Bias in Washington State's Death Penalty

As of May 26, 2015, there were 9 persons on Washington State's death row: **5 White and 4 Black**. The percentage of Black people on Washington's death row (44%) is a grossly larger portion than Blacks' portion of the state's population, and it is even a bit higher than the 42% rate of Blacks on all states' death rows nationwide reported on January 1, 2014. [Nationwide data about race on death row came from NAACP-LDF "Death Row USA (January 1, 2014)"] It also exceeds the rate at which members of these racial groups commit murders.

**Every juror that convicted and sentenced Washington State's black defendants was white.** Nationwide, the death penalty process has a number of racial biases built into it. These racial biases pertain to Washington State along with all other states that use the death penalty.

**In Washington State, when the facts of the cases are similar, jurors are three times more likely to recommend a death sentence if the defendant is black instead of white.** The highly respected Death Penalty Information Center (DPIC, [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org)) reports this startling, upsetting information:

"According to a recent study by Professor Katherine Beckett of the University of Washington, jurors in **Washington** are three times more likely to recommend a death sentence for a black defendant than for a white defendant in a similar case. The disparity in sentencing occurred despite the fact that prosecutors were slightly more likely to seek the death penalty against white defendants.

"The study examined 285 cases in which defendants were convicted of aggravated murder. The cases were analyzed for factors that might influence sentencing, including the number of victims, the prior criminal record of the defendant, and the number of aggravating factors alleged by the prosecutor."

**"The Role of Race in Washington State Capital Sentencing, 1981-2012"**

[www.deathpenaltyinfo.org/documents/WashRaceStudy2014.pdf](http://www.deathpenaltyinfo.org/documents/WashRaceStudy2014.pdf) (Jan. 27, 2014).

See this 27-page report and more information at the Death Penalty Information Center's website, [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org)

Overall, executions nationwide and in Washington State have been declining for a century. Washington State's Dept. of Corrections reported a total of 78 executions from 1904 to 2014. During these 111 years, even though the state's population increased tremendously, the number of executions per year has declined significantly:

Span of years	Number of persons executed	Average number of executions per year during this span of years
1904 – 1911 (8 years)	15	1.9
1912 – 1920 (9 years)	0	0 (Abolished death penalty in 1913 but brought it back in 1919)
1921-1950 (30 years)	50	1.7
1951-1962 (12 years)	8	0.7
1963-1992 (30 years)	0	0
1993-2010 (18 years)	5	0.3
2011-2014 (4 years)	0	0

Of these 78 persons executed during the entire period from 1904 to 2014, 85% were white, 9% were black (all seven blacks during the years from 1926 to 1949), and the rest were of other racial or ethnic groups. The seven black persons the State of Washington executed from 1926 to 1949 (16% of the total number of persons executed during those years) **vastly exceeded the Black portion of our population** and their percentage of murderers during those years.

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The Washington Death Penalty Assistance Center compiled these data in 2003. Facts may have changed since then.

**The death penalty is more likely to be used when the victim is white than black:**

- Death has been sought in 38% of white victim cases and in 11% of black victim cases.
- Death has been imposed in 14% of the white victim cases and 6% of the black victim cases.

**Bias exists considering the races of defendants and victims:**

- Death **prosecution notices** have NEVER been filed in a case with a white defendant and black victim.
- Death **prosecution notices** have been filed in 42% of the cases with a black defendant and a white victim.
- Death **sentences** have NEVER been imposed in a case with a white defendant and black victim.
- Death **sentences** have been imposed in 21% of the cases where there is a black defendant and a white victim.

What happens when African-Americans are murdered? Racial bias pertains there too. Research showing that murders of African-Americans are less likely to be investigated or solved suggests that Black lives do NOT matter. An article in the May-June 2015 issue of *Mother Jones* Magazine provides interesting information about this from several parts of our nation.

## **Racial bias in selecting people to serve on juries:**

**Every juror that convicted and sentenced the four black defendants currently on Washington's death row was white.** Nationwide, the death penalty process has a number of racial biases built into it. These biases pertain to Washington State along with all other states that use the death penalty.

**The jury selection process – especially in death penalty cases – is seriously biased by race.** Black defendants are significantly less likely to face “a jury of their peers,” because black persons are commonly excluded from juries. Jurors are chosen from lists of registered voters, but black people are less likely to be registered for several reasons, including racist laws and policies that inhibit them from voting, and because felons (disproportionately black) are often preventing from registering even after having “paid their debt to society.”

Recent news events remind us that people of color are disproportionately targeted and treated unjustly by police, so prosecutors are likely to exclude them from juries because prosecutors know that many black people's personal experiences have caused them to distrust what prosecutors and police witnesses might say in court. Prosecutors often try various methods (some of them illegal) to exclude blacks from juries. In death penalty cases, the U.S. Supreme Court has upheld excluding persons who oppose the death penalty. Since black people are more likely than whites to oppose the death penalty, they are likely to be excluded from juries for this reason as well.

**No amount of “reforms” can stop the racial bias that is built into the death penalty.** When Harry Blackmun was serving on the U.S. Supreme Court, he stated, “Even under the most sophisticated death penalty statutes, race continues to play a major role in determining who shall live and who shall die.”