



Bureau of Justice Statistics
Bulletin

Capital Punishment, 1986

Seven States executed 18 prisoners during 1986, bringing the total number of executions to 68 since 1976, the year that the United States Supreme Court reinstated the death penalty. Those executed during 1986 had spent an average of 7 years and 2 months awaiting execution.

During 1986, 297 prisoners were received under sentence of death from the courts. Sixty-four persons had their death sentences vacated or commuted during the year, and 9 died while under a death sentence. At yearend, 32 States reported a total of 1,781 prisoners under sentence of death; all but 1 had been convicted of murder (an inmate admitted during 1986 for the capital rape of a child in Mississippi). The median time since the death sentence was imposed for the 1,781 prisoners was 40 months.

About 2 in 3 offenders under sentence of death for whom such information was available had a prior felony conviction; about 1 in 12 had a prior homicide conviction. About 2 in 5 condemned prisoners were in some criminal justice status at the time of the capital offense. Half of these were on parole; the rest were in prison, on escape from prison, on probation, or had charges pending against them.

The majority of those under sentence of death (1,006) were white (56.5%); 750 were black (42.1%); 16 were American Indian (.9%); and 9, Asian (.5%). With respect to ethnicity, 107 were classified as Hispanic (6%). Eighteen of those under a death sentence were female (1%). The median age was nearly 32 years.

About 62% of those under sentence of death were held by States in the South. Western States held an additional 17%; Midwestern States, 15%; and the Northeastern States of New

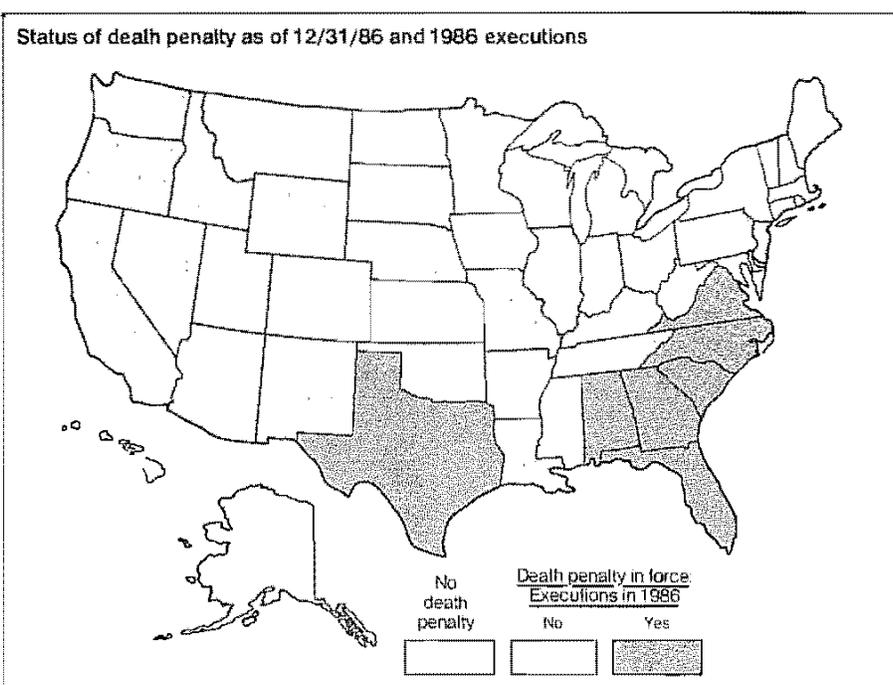


Figure 1

Jersey and Pennsylvania, more than 5%. Florida had the largest number of condemned inmates (254), followed by Texas (236), California (176), Georgia (111), and Illinois (101).

During 1986, 27 State prison systems received prisoners under sentence of death from the courts. Oregon received its first two inmates during 1986 under a death penalty statute enacted in December 1984. Texas (41 admissions), Florida (39 admissions), and Illinois (25 admissions) accounted for more than a third of the inmates entering prisons under a death sentence during the year.

The 18 executions in 1986 were carried out by 7 States; there were 10 executions in Texas, 3 in Florida, and 1

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The capital punishment statistical series has now completed 56 years of continuous Federal sponsorship. The series is designed to provide detailed national information on those under death sentences. This year's report contains special appendices on women and the death penalty and on Federal death penalty statutes contained in the United States Code. The Bureau of Justice Statistics gratefully acknowledges the cooperation and participation of officials throughout the States whose generous assistance makes this reporting program possible.

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Director

each in Alabama, Georgia, North Carolina, South Carolina, and Virginia. Eleven of those executed were white males, and 7 were black males.

From the beginning of 1977 to the end of 1986, a total of 68 executions were carried out by 12 States. Over the same period, 2,419 persons were admitted to prisons under sentence of death, and 990 persons were removed from the condemned population as a result of dispositions other than execution (resentencing, retrial, commutation, or death occurring while awaiting execution).

Capital punishment in the courts

On January 22, 1986, the Supreme Court in *Cabana v. Bullock* handed down an important decision relating to the culpability of accomplices to capital murder. In a previous decision, *Enmund v. Florida* (1982), the High Court ruled that the Eighth Amendment required that "one ... who aids and abets a felony in the course of which a murder is committed by others" must be shown to have killed, attempted to kill, intended that a killing take place, or intended that lethal force be employed to impose a capital sentence. Mississippi law, by contrast, provided for capital sentencing of accomplices to capital murder whether or not the intent to kill was demonstrated.

In *Cabana v. Bullock* the Supreme Court concluded that the Mississippi judicial system needed to determine clearly whether the *Enmund* criteria were met. The Court also ruled, however, that such a determination need not be made by the sentencing jury and that the *Enmund* criteria could be evaluated by any appropriate tribunal—appellate court, a trial judge, or a jury. Mississippi subsequently adopted a new statute that required the jury to determine whether an accomplice actually killed, attempted to kill, or intended to kill or use lethal force (Miss. Code Ann. Section 99-19-101(7)).

In *Skipper v. South Carolina* (decided April 29, 1986) the Court reversed and remanded a case involving the exclusion of defense witnesses who would have offered mitigating evidence during the sentencing phase of the trial. The witnesses (two jail employees and a "regular visitor" to the jail) were prepared to offer their views on the behavior and conduct of the defendant during the time he was held in jail. South Carolina courts concluded that such evidence was irrelevant and, therefore, inadmissible. The Supreme Court's decision affirmed the right of defendants in

capital cases to present "any and all relevant mitigating evidence that is available" at the time of sentencing.

Turner v. Murray (decided April 30, 1986) dealt with the question of potential racial prejudice among jurors in interracial capital crimes. The defendant, a black male, was indicted for the robbery-murder of a white store proprietor in Virginia. During jury selection the defendant's request to question prospective jurors on racial prejudice was denied by the trial judge, and the defendant was subsequently convicted and sentenced to death. The Supreme Court reversed the ruling of the Virginia courts and concluded "that a defendant accused of an interracial capital crime is entitled to have prospective jurors informed of the victim's race and questioned on the issue of racial bias."

On May 5, 1986, the Supreme Court addressed the issue of double jeopardy with respect to aggravating circumstances in *Poland v. Arizona*. The case involved a robbery-murder of two armored car guards who were drowned by the two defendants. At the initial sentencing hearing the trial judge concluded that the aggravating circumstance of murder for pecuniary gain only applied to contract murders and was not applicable in this case. He then imposed the death penalty based upon another aggravating circumstance, murder in a cruel and heinous fashion. On appeal, the Arizona Supreme Court reversed the trial court's conviction, finding the evidence insufficient to support the cruel and heinous circumstance. The court also indicated that the pecuniary gain circumstance was not limited to contract murder, as had been concluded by the trial judge.

Upon remand, the defendants were again convicted of the murders; the trial judge found that both the pecuniary gain and cruel and heinous murder circumstances were present, and he sentenced the defendants to death. The defendants appealed again on the grounds of double jeopardy. They contended that they had been acquitted of the death penalty because of the earlier finding by the Arizona Supreme Court that there was insufficient evidence to support a finding of a cruel and heinous circumstance. The State Supreme Court again concluded that the evidence did not support the cruel and heinous circumstance but did support the finding of murder for pecuniary gain. The U.S. Supreme Court, in its review, concluded that the death penalty could be reimposed because the trial judge's

initial rejection of the pecuniary gain circumstance did not constitute an acquittal of that circumstance for double jeopardy purposes, and the State Supreme Court's rejection of the cruel and heinous circumstance at the first review did not constitute an acquittal of the death penalty. The High Court found that since a new trial was conducted because the original conviction was nullified on appeal, no acquittal had occurred, and the double jeopardy clause was not violated.

On May 5, 1986, the Supreme Court decided an Arkansas case not directly dealing with the death penalty but having implications for juror selection in capital cases (*Lockhart v. McCree*). The defendant, charged with a capital felony murder, objected to juror selection procedures requiring that prospective jurors who stated they could not vote for a death penalty under any circumstances be excluded (so-called Witherspoon-excludables based upon the 1968 case of *Witherspoon v. Illinois*). The defendant, though convicted and sentenced to life imprisonment, contended that a such a jury was more conviction-prone than a jury drawn from a representative cross section of viewpoints from the community.

The High Court concluded that exclusions based upon shared attitudes toward the death penalty rather than shared characteristics (such as race or ethnicity) were not sufficient to prove that an unbalanced jury had been selected. The Court noted the inherent difficulties that would occur if juries were required to represent a balance of all possible viewpoints. Rather, the Court noted, the "Constitution presupposes that a jury selected from a fair cross section of the community is impartial, regardless of the mix of individual viewpoints actually represented on the jury, so long as the jurors can conscientiously and properly carry out their sworn duty to apply the law to the facts of the particular case."

In *Ford v. Wainwright* (decided June 26, 1986) the issue of the mental competency of condemned prisoners prior to execution was considered by the High Court in a Florida case. The case dealt with a prisoner who was mentally competent at the time of the offense, trial, and sentencing but claimed incompetence after he was imprisoned under sentence of death. Florida law provided for the Governor to appoint three psychiatrists to examine the condemned prisoner. The psychiatrists produced different diagnoses but were

unanimous that the prisoner was competent to be executed. The Governor, based on these findings, subsequently signed a death warrant without a hearing or further court intervention. The Supreme Court reversed, concluding that a hearing was necessary in order for the defense to challenge the findings of the State-appointed psychiatrists and to assure that the executive branch (which was responsible for the prosecution) was not also the final determiner of facts as presented by the psychiatrists. The Court mandated that an evidentiary hearing on the competency issue take place in the District Court.

Smith v. Murray (decided June 26, 1986), a Virginia case, dealt with a different issue regarding psychiatric evidence. In this case, information on prior offense obtained during a pretrial psychiatric examination was introduced during the sentencing phase of the trial. This evidence was used as an aggravating factor by the prosecution, and the jury subsequently recommended a death sentence. On direct appeal, the defense counsel failed to raise the question of the Fifth Amendment protection against self-incrimination, having concluded that such a claim

would fail in State court. A subsequent appeal to the Federal courts, however, did raise this claim. The U.S. Supreme Court concluded that the petitioner had defaulted on his constitutional challenge to the psychiatric testimony by not raising the issue on appeal before the Virginia Supreme Court and that such failure was not the result of deficient legal defense because it was a deliberate, tactical decision.

Capital punishment laws

At yearend 1986 the death penalty was authorized by the statutes of 37 States and by Federal statute (table 1).¹ During 1986 there were no successful challenges to the constitutionality of State death penalty laws or enactment of any new legislation authorizing capital punishment.

Statutory changes

Seven States altered their existing death penalty statutes during 1986. New Hampshire (effective in 1987) and Delaware added lethal injection as a method of execution to replace the

¹See Appendix II for a listing of all Federal death penalty statutes currently in existence.

existing method of hanging used by these two States. Washington also modified its method of execution, changing a requirement that sodium thiopental be used for lethal injections to less specific language authorizing the use of lethal substances.

Indiana added victim dismemberment to the list of aggravating circumstances that could be considered during the sentencing phase. Kentucky required that jurors be informed of the defendant's prior criminal history during the sentencing hearing. New Jersey added a requirement for automatic appellate review of death sentences.

Method of execution

At yearend 1986, lethal injection (17 States) and electrocution (15 States) were the most common methods of execution (table 2). Eight States authorized lethal gas; four States, hanging; and two States, a firing squad. Nine States provided for more than one method of execution—lethal injection and an alternative method—generally at the election of the condemned prisoner.

Table 1. Capital offenses, by State, 1986

Alabama. Murder during kidnaping, robbery, rape, sodomy, burglary, sexual assault, or arson; murder of peace officer, correctional officer, or public official; murder while under a life sentence; murder for pecuniary gain or contract murder; multiple murders; aircraft piracy; murder by a defendant with a previous murder conviction; murder of a witness to a crime.	Kentucky. Aggravated murder; kidnaping when victim is killed.	purposeful killing or prior attempted murder; murder of a peace officer; murder arising from specified felonies (rape, kidnaping, arson, robbery, burglary); murder of a witness to prevent testimony in a criminal proceeding.
Arizona. First-degree murder.	Louisiana. First-degree murder.	Oklahoma. Murder with malice aforethought; murder arising from specified felonies (forcible rape, robbery with a dangerous weapon, kidnaping, escape from lawful custody, first-degree burglary, arson); murder when the victim is a child.
Arkansas. Capital murder as defined by Arkansas statute (41-1501).	Maryland. First-degree murder, either premeditated or during the commission of a felony.	Oregon. Aggravated murder.
California. Treason; aggravated assault by a prisoner serving a life term; first-degree murder with special circumstances; train wrecking.	Mississippi. Capital murder includes murder of a peace officer or correctional officer, murder while under a life sentence, murder by bomb or explosive, contract murder, murder committed during specific felonies (rape, burglary, kidnaping, arson, robbery, sexual battery, unnatural intercourse with a child, nonconsensual unnatural intercourse), and murder of an elected official; capital rape is the forcible rape of a child under 14 years by a person 18 years or older.	Pennsylvania. First-degree murder.
Colorado. First-degree murder; first-degree kidnaping.	Missouri. First-degree murder.	South Carolina. Murder with statutory aggravating circumstances.
Connecticut. Murder of a public safety or correctional officer; murder for pecuniary gain; murder in the course of a felony; murder by a defendant with a previous conviction for intentional murder; murder while under a life sentence; murder during a kidnaping; illegal sale of cocaine, methadone, or heroin to a person who dies from using these drugs; murder during first-degree sexual assault; multiple murders.	Montana. Deliberate homicide; aggravated kidnaping when victim dies; attempted deliberate homicide, aggravated assault, or aggravated kidnaping by a State prison inmate with a prior conviction for deliberate homicide or who has been previously declared a persistent felony offender.	South Dakota. First-degree murder; kidnaping with gross permanent physical injury inflicted on the victim.
Delaware. First-degree murder with aggravating circumstances.	Nebraska. First-degree murder.	Tennessee. First-degree murder.
Florida. First-degree murder.	Nevada. First-degree murder.	Texas. Murder of a public safety officer, fireman, or correctional employee; murder during the commission of specified felonies (kidnaping, burglary, robbery, aggravated rape, arson); murder for remuneration; multiple murders.
Georgia. Murder; kidnaping with bodily injury when the victim dies; aircraft hijacking; treason.	New Hampshire. Contract murder; murder of a law enforcement officer; murder of a kidnap victim.	Utah. First-degree murder.
Idaho. First-degree murder; aggravated kidnaping.	New Jersey. Purposeful or knowing murder; contract murder; murder during a kidnaping.	Vermont. Murder of a police officer or correctional officer; kidnaping for ransom.
Illinois. Murder.	New Mexico. First-degree murder.	Virginia. Murder during the commission of specified felonies (abduction, armed robbery, rape); contract murder; murder by a prisoner while in custody; murder of a law enforcement officer; multiple murders; murder of a child under 12 years old during an abduction.
Indiana. Murder.	North Carolina. First-degree murder.	Washington. First-degree premeditated murder.
	Ohio. Assassination; contract murder; murder during escape; murder while in a correctional facility; murder after conviction of a prior	Wyoming. First-degree murder including felony murder.

Note: See Appendix II for complete listing of Federal statutes relating to capital offenses.

Lethal injection	Electrocutinon	Lethal gas	Hanging	Firing squad
Arkansas ^a	Alabama	Arizona	Delaware ^a	Idaho ^a
Delaware ^a	Arkansas ^a	California	Montana ^a	Utah ^a
Idaho ^a	Connecticut	Colorado	New Hampshire ^c	
Illinois	Florida	Maryland	Washington ^a	
Mississippi ^b	Georgia	Mississippi ^b		
Montana ^a	Indiana	Missouri		
Nevada	Kentucky	North Carolina ^a		
New Jersey	Louisiana	Wyoming ^a		
New Mexico	Nebraska			
North Carolina ^a	Ohio			
Oklahoma	Pennsylvania			
Oregon	South Carolina			
South Dakota	Tennessee			
Texas	Vermont			
Utah ^a	Virginia			
Washington ^a				
Wyoming ^a				

^aAuthorizes two methods of execution.
^bMississippi authorizes lethal injection for those convicted after 7/1/84; executions of those convicted prior to that date are to be carried out with lethal gas.
^cLethal injection authorized effective 1/1/87.

10 years	Indiana
13 years	Mississippi
14 years	Maryland Missouri North Carolina
15 years	Arkansas Louisiana Virginia
16 years	Nevada Oregon ^a
17 years	Georgia New Hampshire Texas
18 years	California Connecticut Colorado Idaho Illinois Nebraska New Jersey New Mexico Ohio
No minimum age specified	Federal Alabama Arizona Delaware Florida Kentucky ^b Montana Oklahoma Pennsylvania South Carolina ^c South Dakota ^c Tennessee Utah Vermont Washington Wyoming

^aAfter removal to adult court.
^bEffective 7/1/87, the minimum age in Kentucky will be 16 (KRS 640.040).
^cMust be tried as an adult.

Some States have stipulated an alternative to lethal injection, anticipating that it may be found unconstitutional. Each of the other four methods, previously challenged on Eighth Amendment grounds as cruel and unusual punishment, has been found to be constitutional. The method of execution for Federal offenders is that of the State in which the execution takes place.

Automatic review

Of the 37 States with capital punishment statutes at yearend 1986, 33 provided for an automatic review of all death sentences. Arkansas, Florida, Ohio, and Vermont had no specific provisions for automatic review. In most States automatic review is conducted regardless of the defendant's wishes. While most of the 33 States authorize automatic review of both conviction and sentence, Idaho, Maryland, and New Mexico require review of the sentence only. Typically, the review is undertaken directly by the State Supreme Court. If either the conviction or sentence is vacated, the case may be remanded to the trial court for additional proceedings or for retrial. It is possible that as a result of retrial or resentencing, the death sentence may be reimposed. Some statutes also permit the State Supreme Court to commute a death sentence to life imprisonment.

Minimum age

A total of 22 States specify a minimum age at which the death penalty may be imposed (table 3). In some States the minimum age is specified in the capital punishment statute; in others it is, in effect, set forth in the statutory provisions that determine the age at which a juvenile may be transferred to criminal court for trial as an adult. The most frequently specified age is 18 years (9 States). Fourteen States and the Federal system report no minimum age.

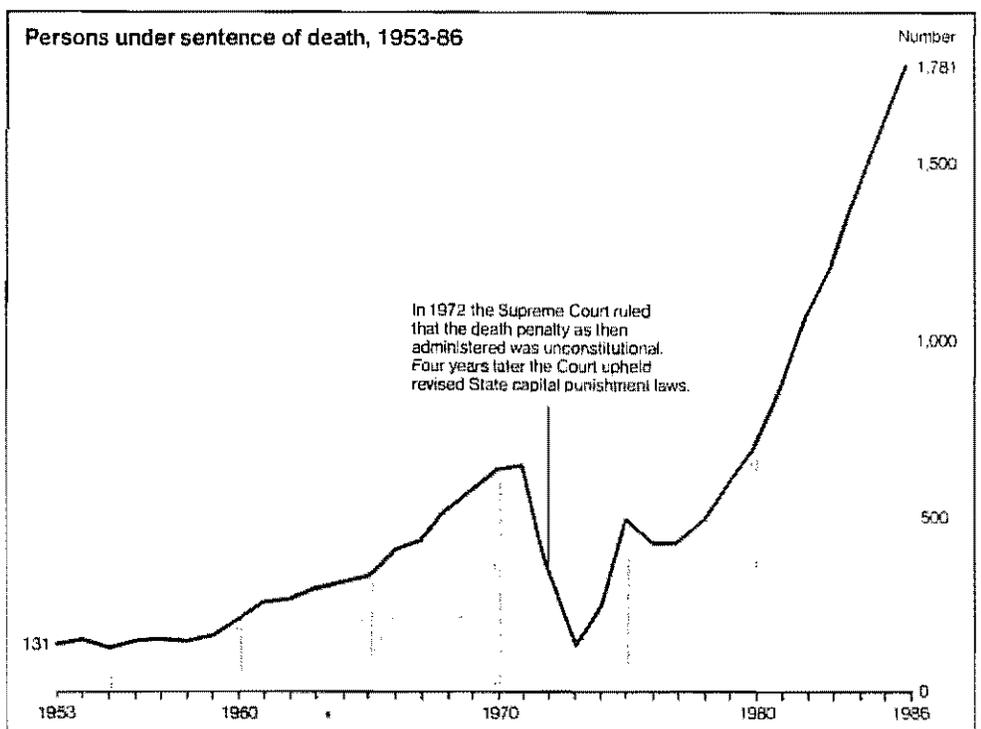


Figure 2

Prisoners under sentence of death at yearend 1986

A total of 32 States reported 1,781 persons under sentence of death on December 31, 1986, an increase of 206 or 13.1% over the count at the end of 1985 (table 4). States with the largest number of prisoners under sentence of death were Florida (254), Texas (236), California (176), Georgia (111), and Illinois (101).

Although 37 States (covering 77% of the Nation's adult population) had statutes authorizing the death penalty, 5 of these reported no prisoners under sentence of death at yearend (Connecticut, New Hampshire, New Mexico, South Dakota, and Vermont).

Of the 1,781 persons under sentence of death, more than three-fifths (62%) were in the South, 17% were in Western States, 15% were in the Midwest, and 5% were in the Northeastern States of New Jersey and Pennsylvania. Nearly all were male (99%), and most were white (56.5%) (table 5). Blacks constituted 42.1% of those under sentence of death, and another 1.4% were American Indians or Asian Americans. The States reported a total of 107 Hispanics under death sentence, 6% of the total. The largest numbers of Hispanics were held in States with relatively large Hispanic populations: Texas (36), California (22), Florida (14), Illinois (10), and Arizona (9).

The median age of those under sentence of death was nearly 32 years. Slightly more than 1% were under the age of 20, and 2% were 55 or older. The youngest offender under sentence of death was 17 years old; the oldest was 75 years old. About 1 in 10 of the inmates for whom information on education was available had not gone beyond seventh grade, but about 1 in 11 had some college education. The median level of education was 10.6 years. Less than a third of the condemned inmates for whom data on marital status were available were married, a fifth were divorced or separated, and more than two-fifths had never been married.

The 18 women under sentence of death at yearend 1986 were held in 12 States; Indiana's 3 female inmates were the most of any State (table 6). Since 1972, a total of 17 States have held women under death sentences. Since 1977, one woman has been executed. (For additional information on capital punishment and women see Appendix 1.)

Table 4. Prisoners under sentence of death, by region and State, yearend 1985 and 1986

Region and State	Prisoners under sentence 1985	Changes during 1986			Prisoners under sentence 1986
		Received under sentence	Removed from death row (excluding executions)	Executed	
U.S. total	1,575	297	73 ^a	18	1,781
Federal^b	0	0	0	0	0
State	1,575	297	73	18	1,781
Northeast	75	25	3	0	97
Connecticut	0	0	0	0	0
New Hampshire	0	0	0	0	0
New Jersey	17	6	0	0	23
Pennsylvania	58	19	3	0	74
Vermont	0	0	0	0	0
Midwest	216	58	7	0	267
Illinois	78	25	2	0	101
Indiana	34	6	0	0	40
Missouri	36	10	3	0	43
Nebraska	12	2	0	0	14
Ohio	50	15	2	0	69
South Dakota	0	0	0	0	0
South	999	174	47	18	1,100
Alabama	79	8	3	1	83
Arkansas	26	4	4	0	26
Delaware	4	0	0	0	4
Florida	227	39	9	3	254
Georgia	107	11	8	1	111
Kentucky	23	8	0	0	31
Louisiana	40	3	4	0	39
Maryland	17	2	1	0	18
Mississippi	40	2	4	0	38
North Carolina	56	11	3	1	63
Oklahoma	58	16	2	0	72
South Carolina	40	13	5	1	47
Tennessee	47	7	1	0	53
Texas	208	41	3	10	236
Virginia	27	9	2	1	33
West	285	40	16	0	309
Arizona	55	6	2	0	59
California	159	24	7	0	176
Colorado	1	0	0	0	1
Idaho	14	1	1	0	14
Montana	5	0	0	0	5
Nevada	31	5	1	0	35
New Mexico	5	0	5	0	0
Oregon	0	2	0	0	2
Utah	7	0	0	0	7
Washington	5	2	0	0	7
Wyoming	3	0	0	0	3

Note: States not listed and the District of Columbia did not have the death penalty as of 12/31/85. Some of the figures shown for yearend 1985 are revised from those shown in Capital Punishment, 1985, NCJ-102742. The revised figures include 12 inmates who were either reported late to the NPS program or who were not in the custody of State correctional authorities as of 12/31/85 (2 in Pennsylvania, 1 in Missouri, 1 in Tennessee, 3 in Florida, 1 in Louisiana, 3 in Texas, and 1 in Utah) and exclude 28 inmates relieved of the

death sentence before 12/31/85 (5 in Illinois, 1 in Missouri, 2 in South Carolina, 2 in Florida, 2 in Kentucky, 1 in Mississippi, 2 in Arkansas, 1 in Texas, 1 in Arizona, and 11 in California).
^aIncludes three deaths which were suicides (one each in Missouri, Florida, and Texas) and six deaths due to natural causes (one each in Ohio, South Carolina, Florida, Louisiana, Texas, and Arizona).
^bExcludes one male held under Armed Forces jurisdiction with a military death sentence for murder.

Entries and removals of persons under sentence of death

During 1986, 27 State prison systems reported receiving prisoners under sentence of death. Texas reported the largest number (41), followed by Florida (39), Illinois (25), and California (24).

Of the 297 prisoners received under sentence of death:

- all but 1 were convicted of murder—one admission in Mississippi was reported for capital rape of a child;
- 162 were white males, 121 were black males, 2 were white females, 2 were black females, 5 were male American Indians, 1 was a female American Indian, and 4 were male Asians; and
- 16 were Hispanic.

Twenty-two States reported a total of 64 persons whose sentences of death were vacated or commuted during 1986. Florida (7), California (7), and Georgia (6) reported the largest numbers of such exits.

Of the 64 persons whose death sentences were vacated or commuted during 1986:

- 45 had their sentences vacated but convictions upheld;
- 12 had both their convictions and sentences vacated; and
- 7 had their sentences commuted, including all 5 prisoners under the death sentence in New Mexico.

At yearend, 38 of the 64 were serving reduced sentences (37 to life imprisonment), 10 were awaiting new trials, 15 were awaiting resentencing, and 1 was released on an appeal bond.

In addition, nine persons died while under sentence of death in 1986. Missouri, Florida, and Texas each reported one death by suicide, and six States reported deaths from natural causes (Ohio, South Carolina, Florida, Louisiana, Texas, and Arizona).

From 1977, the year after the Supreme Court reinstated the death penalty, through 1986, a total of 2,419 persons entered prison under a sentence of death; 990 had their capital sentences vacated or commuted or died while under sentence; and 68 were executed. Of those admitted, 1,389 (57.4%) were white, 997 (41.2%) were black, and 33 (1.4%) were classified as other races. Of those who had their sentences vacated or commuted or who died while under sentence, 564 (57%) were white, 418 (42.2%) were black, and 8 (.8%) were classified as other races. Of the 68 executed, 44 (64.7%) were white, and 24 (35.3%) were black.

Table 5. Demographic profile of prisoners under sentence of death, 1986

	Yearend 1986	1986 admissions	1986 removals
Total number under sentence of death	1,781	297	91
Sex			
Male	99.0%	98.7%	96.7%
Female	1.0	1.3	3.3
Race			
White	56.5%	55.2%	59.3%
Black	42.1	41.4	40.7
Other ^a	1.4	3.4	0
Ethnicity			
Hispanic	6.0%	5.4%	6.6%
Non-Hispanic	94.0	94.6	93.4
Age^b			
Less than 20 years	1.1%	6.7%	0%
20-24	12.2	22.2	9.9
25-29	26.2	30.3	27.5
30-34	22.8	16.5	19.8
35-39	17.8	14.5	19.8
40-54	18.1	9.1	16.5
55+	1.9	0.7	6.6
Median age	31.9 years	27.4 years	32.6 years
Education			
7th grade or less	10.4%	6.9%	7.9%
8th	11.1	7.3	6.6
9th-11th	36.7	41.3	36.8
12th	32.7	35.1	42.1
Any college	9.1	9.3	6.6
Median education	10.6 years	10.7 years	10.2 years
Marital status			
Married	31.0%	26.1%	37.1%
Divorced/separated	21.3	18.7	18.0
Widowed	2.2	3.4	4.5
Never married	45.5	51.9	40.4
<p>Note: Percentage and median calculations are based on those cases for which data were reported. Education data were not reported for 208 prisoners at yearend 1986, 38 prisoners admitted in 1986, and 15 prisoners removed in 1986. Data on marital status were not reported for 85 prisoners at yearend 1986, 29 prisoners admitted in 1986, and 2 prisoners removed in 1986.</p>			
<p>^aConsists of 16 American Indians and 9 Asians present at the end of 1986 and 6 American Indians and 4 Asians admitted during the year. ^bThe youngest person under sentence of death was a black inmate in Arkansas born in October 1969. The oldest was a white inmate in Kentucky born in October 1911.</p>			

Table 6. Number of women on death row, by State, yearend 1972-86

State	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986
U.S. total	4	3	3	8	7	6	5	7	9	11	14	13	17	17	18
California	3			1	2										
Georgia	1	2	1	1	1	1	1	2	3	4	4	3	2	2	1
North Carolina		1	2	3			2	1	1	1	1				
Ohio				2	3	4						2	2	2	1
Oklahoma				1				1	1	1	2	1	1	1	1
Florida					1	1	1	1	1			1	2	2	2
Alabama							1	1		1	1	2	2	2	2
Texas								1	2	2	2		1	2	2
Kentucky									1	1					
Maryland										1	2	1	2	1	1
Mississippi											1	1	1	1	2
Nevada											1	1	2	2	1
New Jersey													1	1	1
Arkansas													1		
Idaho													1		
Indiana														1	3
Tennessee															1

Criminal history of inmates under sentence of death in 1986

Among those under sentence of death at yearend 1986 for whom criminal history information was available, 66% had a history of felony convictions (table 7). Among those for whom information on prior homicide convictions was available, 9% had a previous conviction for that crime.

Among those for whom legal status at the time of the capital offense was reported, about 40% had an active criminal justice status: half of these were on parole, while the rest had charges pending, were on probation, or were prison inmates or escapees. Excluding those with pending charges, a total of 1 in 3 were already under sentence for another crime when the offense for which they were condemned occurred; in a number of States such status is considered an aggravating factor in capital sentencing.

The criminal history patterns were similar for whites and blacks, although somewhat higher percentages of blacks than whites had prior felony convictions, prior homicide convictions, or were on parole at the time of the capital offense.

Table 7. Criminal history profile of prisoners under sentence of death, by race, 1986

	Number under sentence of death			Percent of those under sentence of death ^a		
	All races ^b	White	Black	All races ^b	White	Black
Prior felony conviction history						
Yes	1,085	581	491	65.8%	61.7%	71.9%
No	565	361	192	34.2	38.3	28.1
Not reported	131	64	67			
Prior homicide conviction history						
Yes	128	56	69	8.6%	6.7%	11.2%
No	1,353	784	549	91.4	93.3	88.8
Not reported	300	166	132			
Legal status at time of capital offense						
Charges pending	91	56	33	6.1%	6.7%	5.3%
Probation	85	59	25	5.7	7.0	4.0
Parole	304	140	163	20.5	16.6	26.3
Prison escapee	33	21	12	2.2	2.5	1.9
Prison inmate	49	29	20	3.3	3.4	3.2
Other status ^c	20	10	9	1.3	1.2	1.5
None	901	527	357	60.8	62.6	57.7
Not reported	298	164	131			
Median time elapsed since imposition of death sentence	40 mos.	39 mos.	41 mos.			
^a Percents are based on those offenders for whom data were reported.						
^b Includes whites, blacks, and persons classified as members of other races.						
^c Includes five persons on mandatory release, two on bail, three on furlough from prison, one for whom charges were pending from the U.S. Army, one in a local jail, and eight on work release/work furlough from prison.						

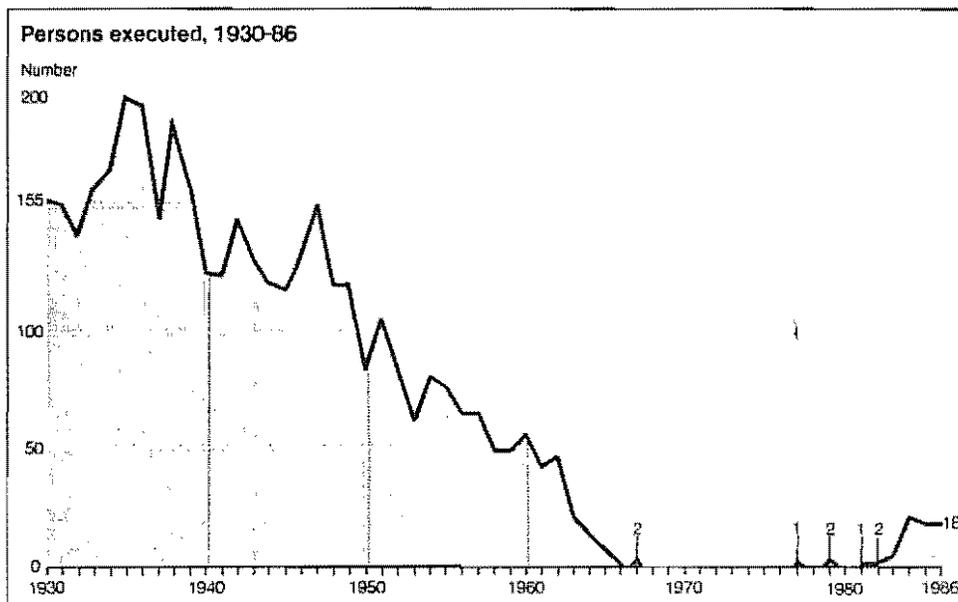


Figure 3

Executions

Since 1930, when data on executions were first collected by the Federal Government, 3,927 executions have been conducted under civil authority (table 8).² Since the death penalty was reinstated by the Supreme Court in 1976,³ the States have executed 68 persons:

1977: 1	1983: 5
1979: 2	1984: 21
1981: 1	1985: 18
1982: 2	1986: 18

A total of 12 States have carried out executions since 1977. During the period, 43 white males, 24 black males, and 1 white female have been executed. The largest number of executions occurred in Texas (20), Florida (16), Georgia (7), and Louisiana (7).

Since 1977 a total of 2,839 offenders have been under a death sentence for varying periods of time (table 9). There were 68 executions (2.4% of those at risk) and 990 removals (34.9% of those at risk) during this period. A slightly higher percentage of whites than blacks were executed (2.7% versus 2%), but removal rates for the two races were nearly identical (34.9% versus 35.1%).

²An additional 160 executions have been carried out under military authority since 1930.

³For the period 1977-86, the FBI reported 204,300 cases of murder and nonnegligent manslaughter and an estimated 197,920 arrests for these crimes. During the same period, 2,419 persons entered prison under sentence of death, and there were 68 executions. In 1986, there were 20,610 reported murders and nonnegligent manslaughters, 19,190 arrests, 297 persons who entered prison under a death sentence, and 18 executions.

Table 8. Number of persons executed by jurisdiction, in rank order, 1930-86

State	Number executed	
	Since 1930	Since 1977
U.S. total	3,927	68
Georgia	373	7
New York	329	
Texas	317	20
California	292	
North Carolina	266	3
Florida	186	16
Ohio	172	
South Carolina	164	2
Mississippi	155	1
Pennsylvania	152	
Louisiana	140	7
Alabama	137	2
Arkansas	118	
Kentucky	103	
Virginia	97	5
Tennessee	93	
Illinois	90	
New Jersey	74	
Maryland	68	
Missouri	62	
Oklahoma	60	
Washington	47	
Colorado	47	
Indiana	43	2
West Virginia	40	
District of Columbia	40	
Arizona	38	
Federal system	33	
Nevada	31	2
Massachusetts	27	
Connecticut	21	
Oregon	19	
Iowa	18	
Kansas	15	
Utah	14	1
Delaware	12	
New Mexico	8	
Wyoming	7	
Montana	6	
Vermont	4	
Nebraska	4	
Idaho	3	
South Dakota	1	
New Hampshire	1	
Wisconsin	0	
Rhode Island	0	
North Dakota	0	
Minnesota	0	
Michigan	0	
Maine	0	
Hawaii	0	
Alaska	0	

For those executed since 1977, the average time between sentence imposition and execution was 6 years and 4 months (table 10). For the 18 prisoners executed during 1986, the average time spent under a death sentence was just over 7 years, about 15 months longer than those executed during the preceding year. Black prisoners executed during 1986 had spent an average of 8 1/2 years awaiting execution; whites, 6 years and 5 months.

Table 9. Percentage of those under sentence of death who were executed or received other dispositions, by race, 1977-86

Race	Total under sentence of death 1977-86 ^a	Prisoners executed		Prisoners who received other dispositions ^b	
		Number	Percent of total	Number	Percent of total
All races ^c	2,839	68	2.4%	990	34.9%
White	1,614	44	2.7	564	34.9
Black	1,192	24	2.0	418	35.1

^aThose under sentence of death at the beginning of 1977 (420) plus all new admissions under sentence of death between 1977 and 1986 (2,419).

^bOther dispositions include persons removed from a sentence of death due to statutes struck down on appeal, sentences/convictions

waived, commutations, or death other than by execution. Of the 990 removals, 41 resulted from death during confinement--17 from natural causes, 17 by suicide, 2 during escape attempts, and 5 murdered by other inmates. ^cIncludes whites, blacks, and persons classified as members of other races.

Table 10. Elapsed time between imposition of death sentence and execution, by race, 1977-86

Year of execution	Number executed			Average elapsed time from sentence to execution for:		
	All races	White	Black	All races	White	Black
Total	68	44	24	76 months	70 months	86 months
1977-83	11	9	2	58	59	58
1984	21	13	8	79	76	84
1985	16	11	7	71	65	80
1986	18	11	7	86	77	102

Note: Three cases were resentenced to death after appeal. For these executions, average time was calculated from the original sentencing dates. The range for elapsed time for the 68 executions was 3 months to 135 months.

Appendix 1: Women and the death penalty

A total of 44 women have been under a sentence of death in 17 States at some time during the 10-year period, 1977-86 (7 present at the beginning of 1977 and 37 new commitments, Appendix table 1). Of these, 25 had their death sentences vacated or commuted or died while confined, and 1 was executed. During the same period a total of 2,795 males were under a sentence of death at some time, of whom 965 had their sentences vacated or commuted or died, and 67 were executed. The proportions of women and men under sentence of death who were executed were nearly identical—2.3% of women and 2.4% of men.

Since 1930, 33 women have been executed in the United States: 5 by New York; 4 by California; 3 each by Alabama, Mississippi, North Carolina, and Ohio; 2 each by Louisiana, Pennsylvania, South Carolina, and the Federal Government; and 1 each by Arizona, Delaware, Illinois, and Georgia (appendix table 2). The sole woman executed since 1977 was by North Carolina (1984).

Appendix table 1. Movement of women under sentence of death, by State, 1977-86

State	Prisoners under sentence on 1/1/77	Changes from 1977-1986			Prisoners under sentence on 12/31/86
		Received under sentence	Death sentence removed	Executed	
U.S. total	7	37	25	1	18
Alabama	0	3	1	0	2
Arkansas	0	1	1	0	0
California	2	0	2	0	0
Florida	1	2	1	0	2
Georgia	1	4	4	0	1
Idaho	0	1	1	0	0
Indiana	0	3	0	0	3
Kentucky	0	1	1	0	0
Maryland	0	3	2	0	1
Mississippi	0	3	1	0	2
Nevada	0	2	1	0	1
New Jersey	0	1	0	0	1
North Carolina	0	2	1	1	0
Ohio	3	3	5	0	1
Oklahoma	0	2	1	0	1
Tennessee	0	1	0	0	1
Texas	0	5	3	0	2

Appendix table 2. Women executed under civil authority, 1930-86

Year	Number executed	States with executions
Total	33	
1984	1	North Carolina
1962	1	California
1957	1	Alabama
1955	1	California
1954	2	Ohio
1953	3	Alabama, Federal (Missouri, New York)
1951	1	New York
1947	2	California, South Carolina
1946	1	Pennsylvania
1945	1	Georgia
1944	3	Mississippi, New York, North Carolina
1943	3	Mississippi, North Carolina, South Carolina
1942	1	Louisiana
1941	1	California
1938	2	Illinois, Ohio
1937	1	Mississippi
1936	1	New York
1935	3	Delaware, Louisiana, New York
1934	1	New York
1931	1	Pennsylvania
1930	2	Alabama, Arizona

Note: Thirty-two of the executions were for murder. Two of the executions in 1953 were Federal, one for espionage and one for kidnaping/murder.

Appendix II: Federal laws providing for the death penalty

Since the Supreme Court's decision in *Furman v. Georgia* in 1972 striking down the death penalty as then applied, two death penalty statutes have been enacted by the Congress:

- Espionage by a member of the Armed Forces: communication of information to a foreign government relating to nuclear weaponry, military spacecraft or satellites, early warning systems, war plans, communications intelligence or cryptographic information, or any other major weapons or defense strategy (10 U.S.C. §906 (a)).

- Death resulting from aircraft hijacking (49 U.S.C. §§1472 and 1473).

Currently, one male is awaiting execution under a military death sentence for murder. The following capital punishment provisions, which were enacted prior to the *Furman* decision, remain in the U.S. Code:

- Murder while a member of the Armed Forces (10 U.S.C. §918).

- Destruction of aircraft, motor vehicles, or related facilities resulting in death (18 U.S.C. §§32, 33, and 34).

- Retaliatory murder of a member of the immediate family of law enforcement officials (18 U.S.C. §115(b)(3) [by cross-reference to 18 U.S.C. §1111]).

- Murder of a member of Congress, an important executive official, or a Supreme Court justice (18 U.S.C. §351 [by cross-reference to U.S.C. §1111]).

- Espionage (18 U.S.C. §794).

- Destruction of government property resulting in death (18 U.S.C. §844(f)).

- First-degree murder (18 U.S.C. §1111).

- Mailing of injurious articles with the intent to kill or resulting in death (18 U.S.C. §1716).

- Assassination or kidnaping resulting in the death of the President or Vice President (18 U.S.C. §1751 [by cross-reference to 18 U.S.C. §1111]).

- Willful wrecking of a train resulting in death (18 U.S.C. §1992).

- Bank robbery--related murder or kidnaping (18 U.S.C. §2113).

- Treason (18 U.S.C. §2381).

Methodological note

The statistics reported in this bulletin may differ from data collected by other organizations for a variety of reasons: (1) Inmates are originally added to the National Prisoner Statistics death-row counts not at the time the court hands down the sentence but at the time they are admitted to a State or Federal correctional facility. (2) Subsequently, admissions to death row or releases as a result of a court order are attributed to the year in which the sentence or court order occurred; prior year counts are, therefore, adjusted to reflect the actual dates of court decisions (see Note, table 4). (3) NPS death-row counts are always for the last day of the calendar year and thus will differ from counts for more recent periods.

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Lockhart v. McCree, 106 S. Ct. 1758 (1986)
Witherspoon v. Illinois, 391 U.S. 510 (1968)
Ford v. Wainwright, 106 S. Ct. 2595 (1986)
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Furman v. Georgia, 408 U.S. 238 (1972)

State notes

Delaware--Del. C. Section 4209. Changed method of execution from hanging to lethal injection but preserved hanging should lethal injection be found unconstitutional. Persons sentenced to death prior to the effective date are permitted to elect lethal injection as the method of execution. Effective 6/13/86.

Indiana--Indiana Code 35-50-2-9. Added victim dismemberment as an aggravating circumstance. Effective 9/1/86.

Kentucky--KRS 532.025. Added language requiring that during the sentencing hearing jurors be informed of the defendant's prior criminal convictions, guilty pleas, and pleas of nolo contendere. Effective 7/13/86.

New Hampshire--New Hampshire Criminal Code 630:5, IX-XII. Changed method of execution from hanging to lethal injection and provided for a 1-year automatic delay between imposition of sentence and execution. Effective 1/1/87.

New Jersey--N.J.S.A 2C: 11-3. Amendments provided for automatic appellate review of death sentences. Effective 1/17/86.

South Carolina--Statutes of South Carolina, Section 16-3-20. Rewrote section detailing methods and procedures relating to capital sentencing. Effective 6/3/86.

Washington--RCW 10.95.180. Changed lethal injection from sodium thiopental to unspecified lethal substance(s). Effective date unspecified.

Bureau of Justice Statistics bulletins are written principally by BJS staff. This bulletin was written by Lawrence A. Greenfeld, corrections unit chief. Frank D. Balog edited the bulletin. Marilyn Marbrook, publications unit chief, administered production, assisted by Jeanne Harris, Betty Sherman, Joyce A. Hartman, and Arlene F. James. Data were collected and tabulated by Arlene Rasmussen and other staff of the U.S. Bureau of the Census under the supervision of Larry McGinn and Gertrude Odom.

September 1987, NCJ-106483

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