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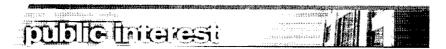
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The Death Penalty In The United States

WHEREAS recent empirical research reviewing all death penalty cases in the United States concluded that two thirds of the death penalty cases from 1973 to 1995 were overturned on appeal with the most common reasons cited as incompetent counsel, inadequate investigative services, or the police and prosecutors withholding exculpatory evidence. (Liebman, Fagan, & West, 2000); and

WHEREAS the recent application of DNA technology has resulted in, as of June 2000, 62 post-conviction determinations of actual innocence, with eight of these having been for persons sentenced to death at trial (Scheck, Neufeld, Weyer, 2000; Wells, Malpass, Lindsay, Fisher, Turtle, & Fulero, 2000); and

WHEREAS research on the process of qualifying jurors for service on death penalty cases shows that jurors who survive the qualification process ("death-qualified jurors") are more conviction-prone than jurors who have reservations about the death penalty and are therefore disqualified from service. (Bersoff, 1987; Cowan, Thompson and Ellsworth, 1984; Ellsworth, 1988; Bersoff & Ogden, 1987; Haney, 1984); and

WHEREAS recent social science research reveals strong inconsistencies in prosecutors' decisions to seek the death penalty in particular cases, based on factors other than the severity of the crime. The "prosecutor is more likely to ask for a death sentence when the victim is European-American, of high social status, a stranger to the offender, and when counsel is appointed" (Beck & Shumsky, 1997, p. 534); and

WHEREAS race and ethnicity have been shown to affect the likelihood of being charged with a capital crime by prosecutors (e.g., Beck & Shumsky, 1997; Bowers, 1983; Paternoster, 1991; Paternoster & Kazyaka, 1988; Sorensen & Wallace, 1995) and therefore of being sentenced to die by the jury. Those who kill European-American victims are more likely to receive the death penalty, even after differences such as the heinousness of the crime, prior convictions, and the relationship between the victim and the perpetrator are considered. This is especially true for African-Americans (e.g., Keil & Vito, 1995; Thomson, 1997) and Hispanic-Americans who kill European-Americans (Thomson, 1997); and

WHEREAS psychological research consistently demonstrates that juries often misunderstand the concept of mitigation and its intended application (e.g., Haney & Lynch, 1994, 1997; Wiener, Pritchard, & Weston, 1995; Wiener, Hurt, Thomas, Sadler, Bauer & Sargent, 1998), so that mitigation factors, e.g., the defendant's previous life circumstances, mental and emotional difficulties and age, have little or no relation to penalty phase verdicts (Beck & Shumsky, 1997; Costanzo & Costanzo, 1994); and

WHEREAS death penalty prosecutions may involve persons with serious mental illness or mental retardation. Procedural problems, such as assessing competency, take on particular importance in cases where the death penalty is applied to such

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populations (Skeem, Golding, Berge & Cohn, 1998; Rosenfeld & Wall, 1988; Hoge, Poythress, Bonnie, Monahan, Eisenberg & Feucht-Haviar, 1997; Cooper & Grisso, 1997); and

WHEREAS death penalty prosecutions may involve persons under 18 (sometimes as young as 14). Procedural problems, such as assessing competency, take on particular importance in cases where the death penalty is applied to juveniles (Grisso & Schwartz, 2000; Lewis et al., 1988); and

WHEREAS capital punishment appears statistically neither to exert a deterrent effect (e.g., Bailey, 1983; 1990; Bailey & Peterson, 1994; Cheatwood, 1993; Costanzo, 1997; Decker & Kohfeld, 1984; Radelet & Akers, 1996; Stack, 1993) nor save a significant number of lives through the prevention of repeat offenses (Vito, Koester, & Wilson, 1991; Vito, Wilson, & Latessa, 1991); Further, research shows that the murder rate increases just after state-sanctioned executions (Bowers, 1988; Costanzo, 1998; Phillips, 1983; Phillips & Hensley, 1984);

THEREFORE, BE IT RESOLVED, that the American Psychological Association:

Calls upon each jurisdiction in the United States that imposes capital punishment not to carry out the death penalty until the jurisdiction implements policies and procedures that can be shown through psychological and other social science research to ameliorate the deficiencies identified above.

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