

DEATH PENALTY SENTENCING

The study analyzes recent trends in prison admissions for murder, including sentences that require the death penalty, and provides measures that identify racial and geographic disparity in the application of capital punishment.

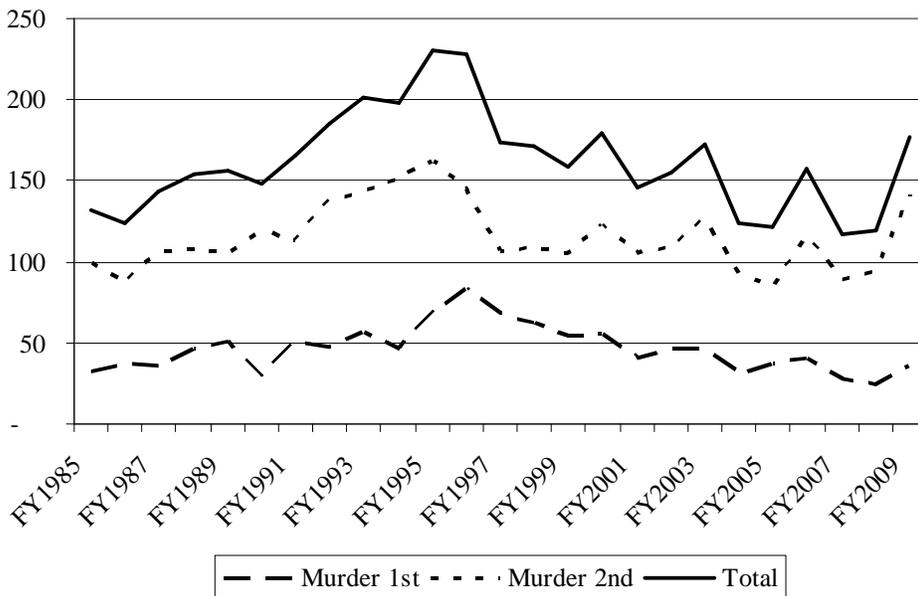
Sentencing for Murder (565 RSMo)

The death sentence for murder was re-imposed in Missouri in 1977 as capital murder and the authorized sentences were the death penalty or life with no parole for 50 years. In October 1984 Capital Murder was replaced by Murder 1st degree and the authorized sentences were the death penalty or life without parole. Prior to October 1984 Murder 1st degree had an authorized sentence of life with parole eligibility. The death penalty analysis for Murder 1st degree includes sentences of capital murder but excludes sentences of Murder 1st degree for offenses committed prior to October 1984. The sentencing data used in this review uses the first sentencing decision. Following appeals against the death penalty the original decision may be later reversed.

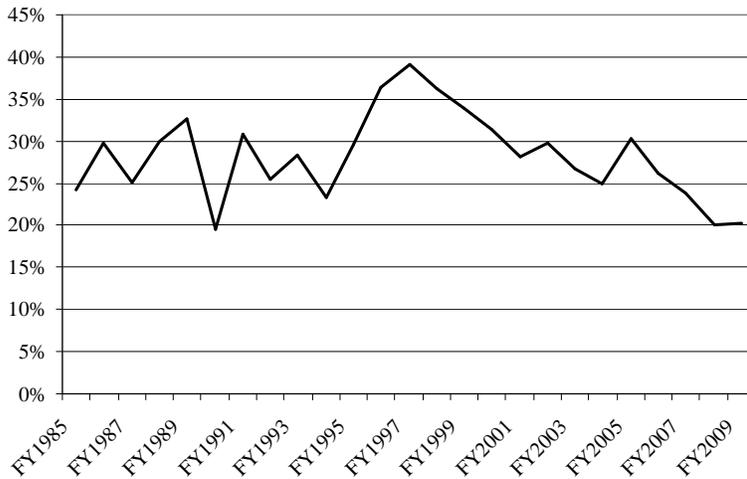
Admissions for Murder

Until FY09 prison admissions for Murder were declining, a trend starting in FY95. The increase in FY09 was sizable and may indicate higher future levels of homicide and other violent crimes. In FY95 there were 230 admissions for Murder and 177 in FY09.

Admissions for Murder 1st and 2nd Degree



Murder 1st Degree as Percent of all Murder Admissions



Murder 1st degree admissions as a percent of all murder conviction has continued to decline since the spike in FY97 when it accounted for 38% of murder admissions. In FY09 the percentage was 20%.

Offenders Received for Murder 1 and Murder 2

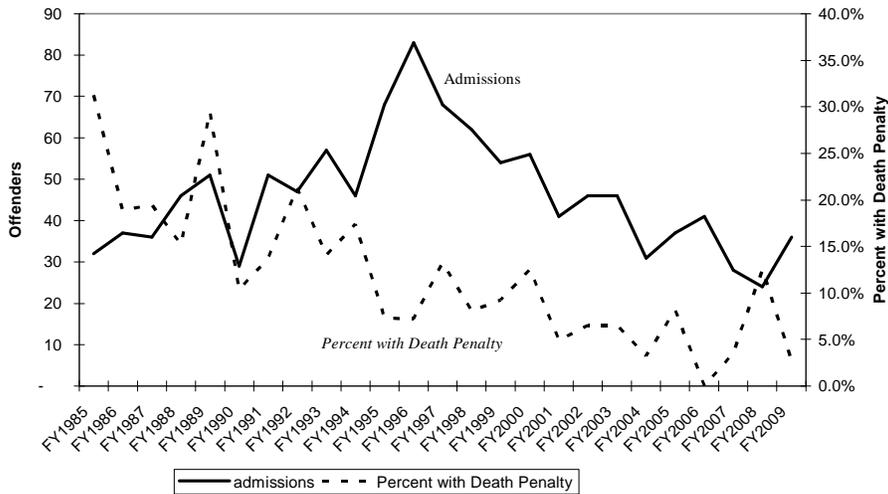
	Murder 1st	Murder 2nd	Total	Percent Murder I
FY1985	32	100	132	24%
FY1986	37	87	124	30%
FY1987	36	107	143	25%
FY1988	46	108	154	30%
FY1989	51	105	156	33%
FY1990	29	119	148	20%
FY1991	51	114	165	31%
FY1992	47	138	185	25%
FY1993	57	144	201	28%
FY1994	46	152	198	23%
FY1995	68	162	230	30%
FY1996	83	145	228	36%
FY1997	68	106	174	39%
FY1998	62	109	171	36%
FY1999	54	105	159	34%
FY2000	56	123	179	31%
FY2001	41	105	146	28%
FY2002	46	109	155	30%
FY2003	46	126	172	27%
FY2004	31	93	124	25%
FY2005	37	85	122	30%
FY2006	41	116	157	26%
FY2007	28	89	117	24%
FY2008	24	95	119	20%
FY2009	36	141	177	20%
Total	1,153	2,883	4,036	29%

The application of the death penalty

In January 2006 a decision by a US District Court on the constitutionality of Missouri’s method of execution placed a moratorium on executions. The 8th Circuit Courts of Appeals vacated that decision in June 2008. The last execution in Missouri at the time of this review (September 2009) was in May 20, 2009.

Although the percentage of offenders convicted of Murder 1st degree and sentenced to death has fluctuated from year to year, the trend since the middle 1980s has generally been downwards. In FY2006 there were no offenders received by the DOC with the death penalty and in the following three years to June 30, 2009 there have been only been five offenders sentenced to death received by the DOC.

Murder 1st Admissions and Percent with Death Penalty



Offenders Received for Murder 1st Degree and Executions (FY85-FY09)

	Life NP	Death Penalty	Total	Percent DP	Executions
FY1985	22	10	32	31.3%	
FY1986	30	7	37	18.9%	
FY1987	29	7	36	19.4%	
FY1988	39	7	46	15.2%	
FY1989	36	15	51	29.4%	1
FY1990	26	3	29	10.3%	3
FY1991	44	7	51	13.7%	1
FY1992	37	10	47	21.3%	1
FY1993	49	8	57	14.0%	2
FY1994	38	8	46	17.4%	3
FY1995	63	5	68	7.4%	2
FY1996	77	6	83	7.2%	6
FY1997	59	9	68	13.2%	5
FY1998	57	5	62	8.1%	8
FY1999	49	5	54	9.3%	8
FY2000	49	7	56	12.5%	3
FY2001	39	2	41	4.9%	7
FY2002	43	3	46	6.5%	7
FY2003	43	3	46	6.5%	3
FY2004	30	1	31	3.2%	2
FY2005	34	3	37	8.1%	3
FY2006	41	-	41	0.0%	2
FY2007	27	1	28	3.6%	-
FY2008	21	3	24	12.5%	-
FY2009	35	1	36	2.8%	1
Total	1,017	136	1,153	11.8%	68

Is there racial disparity in the application of the death penalty?

Commitment rates for murder indicate that Blacks are eleven times more likely to be convicted of murder than Other Races.

Average Annual Murder Commitment Rates per 100,000 population

	FY85-FY97	FY98-FY09	FY09
Black	17.1	13.1	15.8
Other Races	1.6	1.3	1.4
Total	3.5	2.7	3.1

Commitment rate is:

Annual admissions for murder/Missouri population *100,000

Missouri Population: US Bureau of Census 1990, 2000, 2008

The indicators used to measure racial disparity in the application of the death penalty are:

- The percent of offenders convicted of Murder I that receive the death penalty
- The percent of offenders who are convicted of Murder who are sentenced to Murder 1st.

The two measures indicate that Other Races are more likely to be convicted of Murder 1st and to receive the death penalty than Blacks. From FY85 to FY97 11.6% of Blacks convicted of Murder 1st degree received the death sentence compared to 20.4% of Other Races. In the period FY98-FY09 4.4% of Blacks convicted of Murder 1st degree received the death sentence compared to 9.5% of Other Races. Although the percent of offenders receiving the death sentence has declined the difference between Other Races and Blacks has increased as a ratio from 1.75 to 2.15. Since FY98 Other Races convicted of Murder 1st degree are more than twice as likely to receive the death sentence than Blacks.

Murder 1st as Percent of Murder Sentences and Death Penalty Sentences as a Percent of Murder 1st Degree Sentences by Race

	Blacks					Other Races				
	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st
FY85-97	1,307	352	41	26.9%	11.6%	931	299	61	32.1%	20.4%
FY98-09	1,020	271	12	26.6%	4.4%	778	231	22	29.7%	9.5%
FY09	107	23	-	21.5%	0.0%	70	13	1	18.6%	7.7%

Is there a geographical disparity in death penalty cases?

The metro areas have the lowest percent of Murder 1st degree offenders and sentenced to death but St. Louis County is much more similar to the rural counties. First class counties impose the death sentence most often.

Death Penalty Sentencing By Court Circuit FY85 - FY97

	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st
St. Louis City	515	117	11	22.7%	9.4%
St. Louis County	300	91	14	30.3%	15.4%
Jackson County	676	211	18	31.2%	8.5%
Metro total	1,491	419	43	28.1%	10.3%
First Class	375	138	41	36.8%	29.7%
Rural	372	94	18	25.3%	19.1%
Total	2,238	651	102	29.1%	15.7%

Since FY98 only one offender has been sentenced to death in St. Louis and none in Jackson County. St. Louis County has the highest percentage sentenced to death (20.3%).

Death Penalty Sentencing By Court Circuit FY98 - FY09

	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st
St. Louis City	477	87	1	18.2%	1.1%
St. Louis County	201	59	12	29.4%	20.3%
Jackson County	414	137	-	33.1%	0.0%
Metro total	1,092	283	13	25.9%	4.6%
First Class	369	103	12	27.9%	11.7%
Rural	337	116	9	34.4%	7.8%
Total	1,798	502	34	27.9%	6.8%

Is there a racial disparity by sentencing county in death penalty cases?

During the period FY98-FY09 no geographic area sentenced a higher proportion of Blacks to the death sentence than Other Races. Because of the smaller numbers sentenced the death since FY98 compared to FY85-FY97 there is more randomness in the variation of rates. The metro areas sentenced 3.6% of Blacks to death compared to 8.6% of Other Races. First class counties sentenced equally (12%).

Death Penalty Sentencing By Court Circuit and Race FY98 - FY09

	Blacks					Other Races				
	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st
St. Louis City	349	57	-	16.3%	0.0%	128	30	1	23.4%	3.3%
St. Louis County	149	42	8	28.2%	19.0%	52	17	4	32.7%	23.5%
Jackson County	370	126	-	34.1%	0.0%	44	11	-	25.0%	0.0%
Metro total	868	225	8	25.9%	3.6%	224	58	5	25.9%	8.6%
First Class	101	26	3	25.7%	11.5%	268	77	9	28.7%	11.7%
Rural	51	20	1	39.2%	5.0%	286	96	8	33.6%	8.3%
Total	1,020	271	12	26.6%	4.4%	778	231	22	29.7%	9.5%