



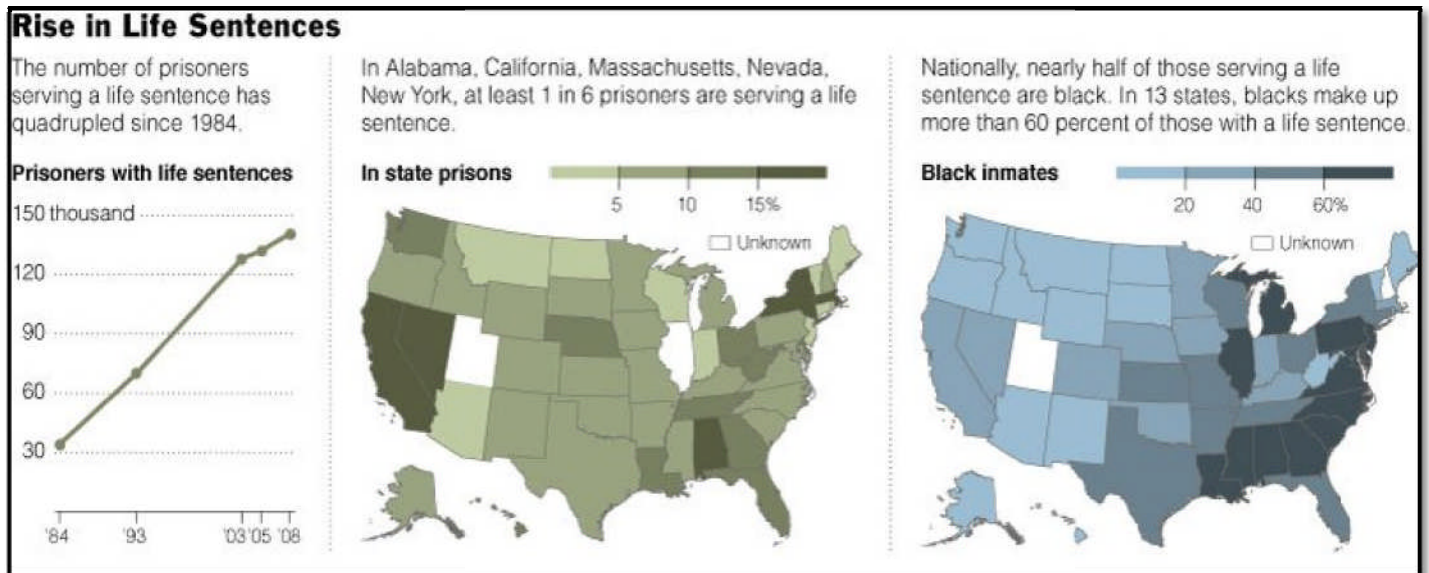
FACT SHEET

AFRICAN AMERICAN SENTENCING AND DEATH PENALTY DISPARITIES

African Americans are disproportionately sentenced to life in prison, face harsher drug sentences, and are executed at higher rates compared with all other races. Research has shown that the criminal justice system is particularly severe for some African Americans in several states.

Life-Sentencing Disparities

- As of 2008, a record high of 140,610 individuals were serving life sentences in state and federal prisons, 6,807 of whom were juveniles at the time of the crime;¹ blacks make up more than 60 percent of those with a life sentence in 13 states.²
- In Alabama, California, Massachusetts, Nevada, and New York, at least one in six people in prison are serving a life sentence.³
- Two-thirds of people with life sentences (66.4 percent) are nonwhite, reaching as high as 83.7 percent of the life-sentenced population in the state of New York.⁴
- There are 4,694 women and girls serving life sentences; 28.4 percent of females sentenced to life do not have the possibility of parole.⁵



Source: The Sentencing Project, 2009

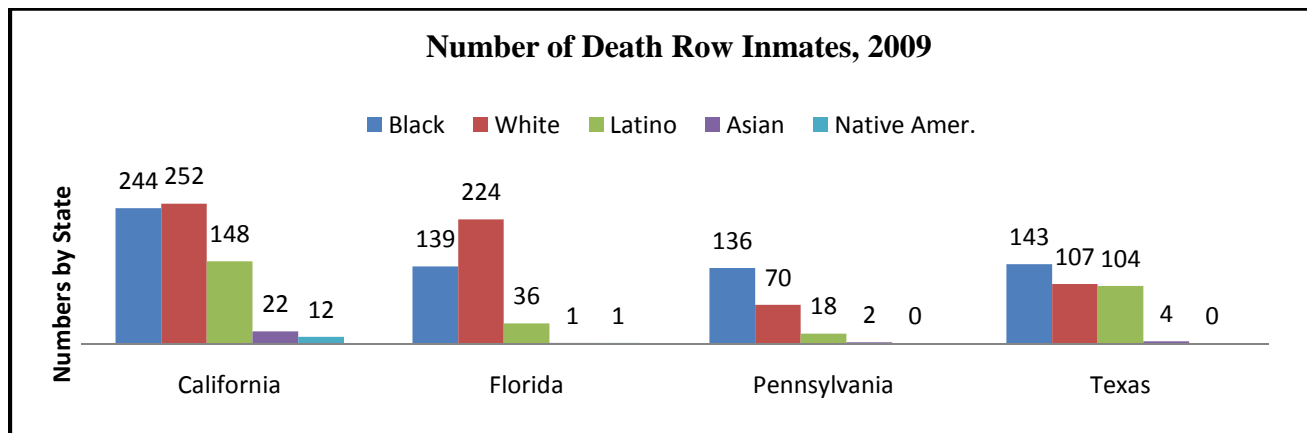
Drug-Sentencing Disparities

- In 2005, despite the fact that more than 66 percent of crack users were white or Latino,⁶ 81.8 percent of crack defendants were African American.⁷
- African Americans now serve virtually as much time in prison for a drug offense (58.7 months) as whites do for a violent offense (61.7 months).⁸
- Crack cocaine is also the only drug that carries a mandatory prison sentence for a first-time possession offense. A person convicted in federal court of simple possession of 5 grams of crack is subject to a

mandatory five-year prison term, while the maximum sentence for simple possession of any other drug, be it powder cocaine or heroin, is one year in prison.⁹

Death Penalty Disparities

- As of 2009, African Americans made up 13.4 percent of the total U.S. population¹⁰ but 41.48 percent (or approximately 1,371 defendants) awaiting execution on death row.¹¹
- Texas, Pennsylvania, Florida, and California are the states where the majority of Americans face execution, and in Texas and Pennsylvania a greater proportion of African Americans await execution.



Source: NAACP-LDF, "Death Row USA," January 1, 2009

- Currently the death penalty is a legal sentence in 35 states; only 15 states have outlawed it.

States with the Death Penalty (35)

Alabama	Florida	Louisiana	Nebraska	South Carolina
Arkansas	Georgia	Missouri	North Carolina	Tennessee
Arizona	Idaho	Montana	Ohio	Texas
California	Indiana	Mississippi	Oregon	Utah
Connecticut	Illinois	Maryland	Oklahoma	Virginia
Colorado	Kansas*	New Hampshire*	Pennsylvania	Washington
Delaware	Kentucky	Nevada	South Dakota	Wyoming

Source: Death Penalty Information Center, "Facts about the Death Penalty," 2009

* U.S. government and U.S. military.

States without the Death Penalty (15 plus District of Columbia)

Alaska	Iowa	Minnesota	North Dakota	West Virginia
District of Columbia*	Maine	New York	Rhode Island	Wisconsin
Hawaii	Massachusetts	New Jersey	Vermont	
	Michigan	New Mexico**		

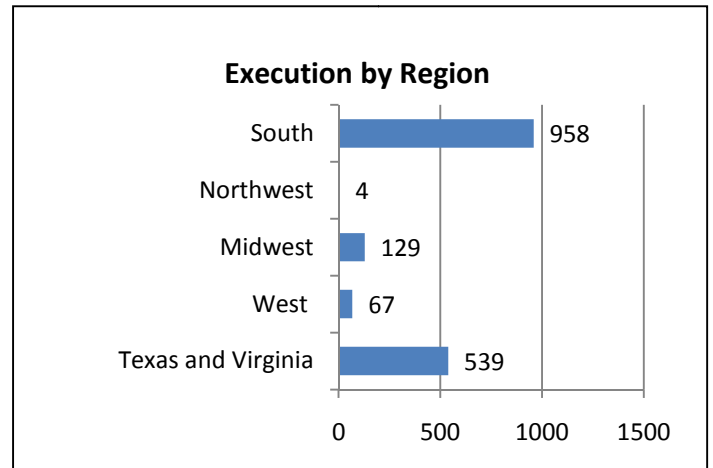
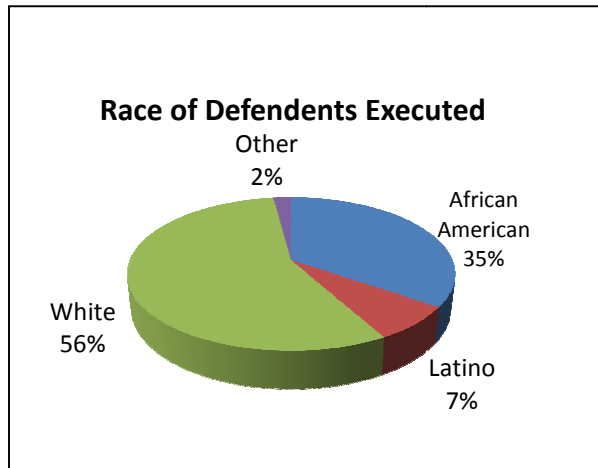
Source: Death Penalty Information Center, "Facts about the Death Penalty," 2009,

* Jurisdictions with no executions since 1976.

** Two inmates remain on death row in New Mexico.

- As of 2009, African Americans constituted 35 percent of the total population executed, whereas white Americans accounted for 56 percent.
- To date, a vast majority of all executions have occurred in the southern states, particularly within Texas and Virginia.

Race and Number of Executions, 1976–2009: 1,158



Source: Death Penalty Information Center, “Facts about the Death Penalty,” 2009

¹ Ryan King and Ashley Nellis, *No Exit: The Expanding Use of Life Sentences in America* (The Sentencing Project, 2009), http://www.sentencingproject.org/doc/publications/inc_noexit.pdf (accessed August 10, 2009).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Substance Abuse and Mental Health Services Administration, *Results from the 2005 National Survey on Drug Use and Health*, detailed table J (Washington, D.C.: September 2006. Available at: <http://www.oas.samhsa.gov/NSDUH/2k5NSDUH/2k5Results.htm> (accessed August 11, 2009).

⁷ United States Sentencing Commission, *Report to Congress: Cocaine and Federal Sentencing Policy* (May 2007), p. 15, www.ussc.gov/r_Congress/Cocaine2007.pdf (accessed August 10, 2009).

⁸ Bureau of Justice Statistics (BJS), *Compendium of Federal Justice Statistics, 1994* (Washington, D.C.: March 1998), table 6.11, p. 85; and BJS, *Compendium of Federal Justice Statistics, 2003* (Washington, D.C.: October 2004), table 7.16, p. 112.

⁹ Ibid.

¹⁰ U.S. Census Bureau, population statistics, <http://www.census.gov/popest/estimates.html> (accessed August 17, 2009).

¹¹ NAACP-LDF, “Death Row USA,” January 1, 2009, <http://www.naacpldf.org/content.aspx?article=297> (accessed August 18, 2009).