

Center for the Analysis of Crime Statistics

State Data Brief

July 2009. CACS 2009-01-01SS

Capital Punishment in Nevada, 1977-2008

By Terance D. Miethe, Ph.D.
and Timothy C. Hart, Ph.D.

Over 1,100 prisoners in 33 different states have been executed in the United States from 1977 to 2008 (DPIC, 2008). As of yearend 2008, over 3,300 convicted offenders across this country are also awaiting execution for a death sentence (NAACP, 2008).

Nevada has executed 12 convicted murders over this 32-year period. At yearend 2007, 77 capital offenders in Nevada were under a death sentence.

This State Data Brief describes the nature of Nevada's death sentences over time and compares these trends with national patterns. Reasons for the differences between Nevada and other states are also discussed.

Nevada's Capital Offenses

Nevada restricts capital punishment to first-degree murders with at least one of 16 aggravating circumstances (see NRS 200.020, 200.033, and 200.035; See also Death Penalty Information Center for complete list of circumstances). Lethal injection is the current method of execution in Nevada.

Nevada excludes mentally retarded persons from capital sentences. The minimum age of eligibility for a death sentence is being 18 years old when the capital offense was committed.

State Differences in Death Sentences

The prevalence of capital sentences and executions in Nevada is far higher than expected based on its population rank among U.S. states. Specifically, Nevada is the 35th most populous state, but it is ranked as 17th in executions since 1976 and 13th in the number of inmates under a death sentence at

Highlights

- Nevada has executed 12 prisoners from 1977 to yearend 2008. At yearend 2008, 77 inmates in this state were under a death sentence.
- Nationally, Nevada ranks 17th in the number of executions since 1976 and 13th in the size of its death row population. However, it is only the 35th most populated state in the country.
- A total of 141 offenders were convicted of capital crimes in Nevada between 1973 and 2005. The majority of these convicted offenders (58%) remained on death row by yearend 2005 and a large minority of them (26%) had their sentence or conviction overturned.
- Nevada is similar to other states in its overrepresentation of Black offenders on death row. However, the racial composition of executions (8% Black, 8% Asian) is similar to Nevada's state population distribution.
- There is no definitive evidence that capital punishment is a general deterrent that reduces murder rates.

yearend 2007. The relatively high rank of Nevada on capital punishment is explained in part by its higher than average murder rate—for example, Nevada had the 4th highest murder rate among states in 2005. Texas far exceeds other states in executions (405 since 1976) and California is the national leader in the size of their death row population (667 inmates).

Outcome of Capital Cases

A total of 141 offenders in Nevada were convicted of capital crimes between 1973 and 2005 (Snell, 2008). By yearend 2005, the majority (58%) of these offenders were still on death row, about one-fourth (26%) had their sentence or conviction overturned, and the remainder either died in prison (9%) or were executed (8%) (Table 1).

Table 1. Outcomes of capital convictions in Nevada, 1973-2005 (N=141 offenders).

Outcome	%
On death row at yearend, 2005	58
Overtured conviction or sentence commuted	26
Died in custody	9
Executed	8
Total	100%

Note: Detail may not add to 100% due to rounding. Source: Snell, T. L. (2005). *Capital Punishment, 2005*. U.S. Government Printing Office, Bureau of Justice Statistics, (NCJ 215083), Washington, DC.

Demographic Profile

Convicted offenders of capital crimes in Nevada and nationwide are far more likely to be men and Black compared to their distribution in the population. The national profile of executed offenders is also disproportionately male and Black.

As of yearend 2008, all 77 inmates with death sentences in Nevada were men and 36% were Black. All 12 inmates executed in the state since 1977 were also men. However, close to their proportions in Nevada's state population, 75% of executed prisoners were White (9 of 12), 8% were Black (1 of 12), 8% Hispanic (1 of 12), and another 8% were Asian (1 of 12). While over-representation of Blacks is observed in the composition of death row inmates in Nevada, it is not found in those who have been executed in the last 30 years (Table 2).

Arbitrariness of Execution Cases

Critics of capital punishment have long argued that the death penalty is an arbitrary punishment because of the enormous gap between those who are eligible

Table 2. Capital offenders on death row (N=77) and executed (N=12) in Nevada, by race.

Race	On death row	Executed
	%	%
White	52	75
Black	36	8
Hispanic	10	8
Asian	1	8
Native American	0	0
Total	100%	100%

Note: Detail may not add to 100% due to rounding. Source: NAACP Legal Defense and Educational Fund, Inc. (2008). *Death Row, U.S.A., Winter, 2008*.

for this penalty and those who are actually executed. There is also a major concern about the disparities that arise when some heinous murders are given a death sentence but others of equal or greater gravity are not. Widespread regional variation in death sentences is another basis for claims of arbitrary punishment.

Nationally, only about 1 of every 8 persons sentenced to death between 1973 and 2005 were actually executed by yearend 2005 (Snell, 2008). More than 3 of every 8 of these offenders were still under a death sentence and a similar proportion had their sentence or conviction overturned or commuted. In Nevada, this disparity in executions is even greater--only 1 of every 13 eligible offenders were executed in this time period.

Deterrent Effect of Capital Punishment

A common justification for the death penalty is its value in deterring other potential offenders from committing crimes. Under this general deterrence effect, higher levels of executions are expected to lower rates of murder.

A comparison of the U.S. murder rates and executions over time reveals a strong negative relationship between these variables. Consistent with the deterrence doctrine, relatively higher murder rates are found in time periods with relatively lower numbers of executions (Figure 1). However, there are numerous other explanations for changes in murder rates over time (e.g., changes in drug activity, gang crime, gun availability, and/or routine activities). The fear of capital punishment may deter

some potential murders from killing another, but the bulk of the scientific evidence has failed to clearly establish this general deterrent effect.

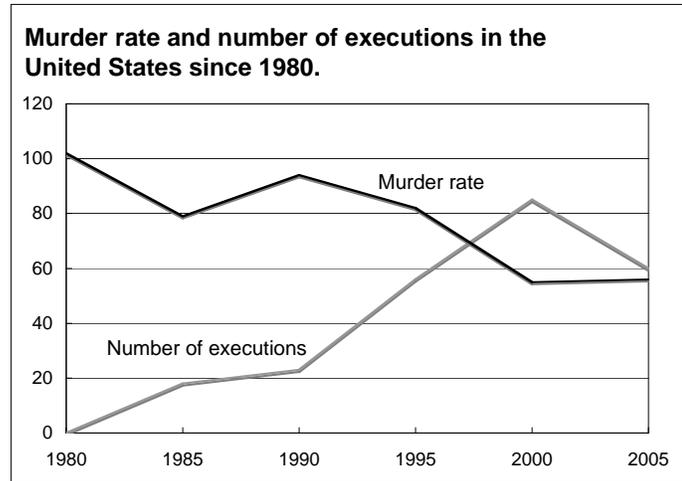


Figure 1

About the Data

The primary data sources used in this brief include (1) the Death Penalty Information Center and (2) the Bureau of Justice Statistics Capital Punishment bulletins, which are produced from information collected through the National Prison Statistics (NPS) program.

State Data Brief Project

As independent research projects, faculty and graduate students in UNLV's Department of Criminal Justice write research reports on major issues in criminal justice in Nevada. These "State Data Briefs" are statistical summaries of various criminal justice system practices in Nevada over time and highlight differences between Nevada and other states. These reports cover all aspects of the criminal justice system, including trends in crime and arrests, police practices, prosecution and pretrial activities, adjudication and sentencing, and corrections.

The data briefs are short in length (2-4 pages), provide several graphs and charts of statewide and

national patterns, and are written in an easily readable, non-technical style. They are designed to provide members of the general public, local officials, community organizations, and media outlets a concise and objective statistical profile of current criminal justice practices in Nevada that may serve as a foundation for informed discussions of future crime control policies and practices.

References

Death Penalty Information Center (DPIC) (2008). Death Penalty Fact Sheet. Retrieved on December 15, 2008 from <http://www.deathpenaltyinfo.org/FactSheet.pdf>.

NAACP Legal Defense and Educational Fund, Inc. (2008). *Death Row, U.S.A., Winter, 2008*. Retrieved on December 15, 2008 from http://www.naacpldf.org/content/pdf/pubs/drusa/DRUSA_Winter_2008.pdf.

Snell, T. L. (2008). *Capital Punishment, 2005*. U.S. Government Printing Office, Bureau of Justice Statistics, (NCJ 215083), Washington, DC.

Contact Information

Questions or comments about the information contained in this report, data used to generate this report, or about other resources available related to this topic should be address to:

Terance D. Miethe, Ph.D.
 State Data Brief Project Coordinator
 Center for the Analysis of Crime Statistics
 University of Nevada Las Vegas
 4505 Maryland Parkway - Box 5009
 Las Vegas, NV 89154-5009

(B)702-895-0236
 (F)702-895-0252