

Disparities in the Application of Capital Punishment in Kansas

A core principle of the United States criminal justice system is equal treatment under the law. Disparities in the application of the death penalty violate this core tenant of our understanding of justice and the principles of equality.

Kansas' Death Penalty: The Bottom Line

In the only study of its kind for Kansas, Professor Frank Baumgartner, University of North Carolina at Chapel Hill, looked at the Kansas death penalty from 1994 to 2023 to determine the statistics of homicides, death penalty prosecutions, and capital sentences. He found:

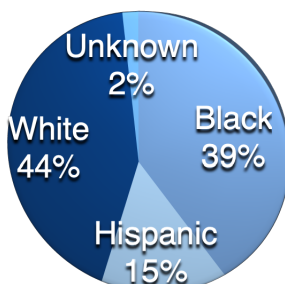
- The Kansas death penalty system has never led to a single execution in the 30 years it has been in operation.
- Only a miniscule proportion of homicides have led to a death sentence (0.4 percent).
- **There is strong reason to believe that the distinguishing features that separate the death-sentenced cases from those not leading to a death sentence are the racial and gender characteristics of the victims in the crime, as well as the combined race and gender of the offender and victim, considered together.**
- A system used extremely rarely, and that appears to be statistically disconnected from patterns of homicides, but potentially has much to do with race and gender, is far from the "evenhanded, rational, and consistent imposition of death sentences under law," imagined by the Supreme Court when it upheld reinstatement of the death penalty in *Jurek v. Texas*. (*emphasis added*)

"Homicides, Capital Prosecutions, and Death Sentences in Kansas, 1994 to 2023" Professor Frank Baumgartner

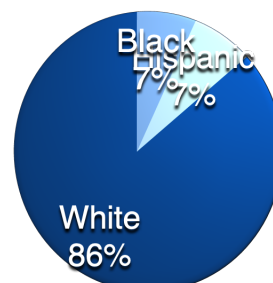
Kansas' Death Penalty: The Influence of Race

- In 2024, Kansas homicide victims were 44% White, 39% Black, 15% Hispanic, and 2% Unknown. (KBI data)
- In the 15 cases that have resulted in a death sentence in Kansas 1994-2026, 86% of the victims have been White. (SBIDS data)

*Race of Victim in 2024
Kansas Homicides*



*Race of Victim Kansas
Death Sentenced
Cases*



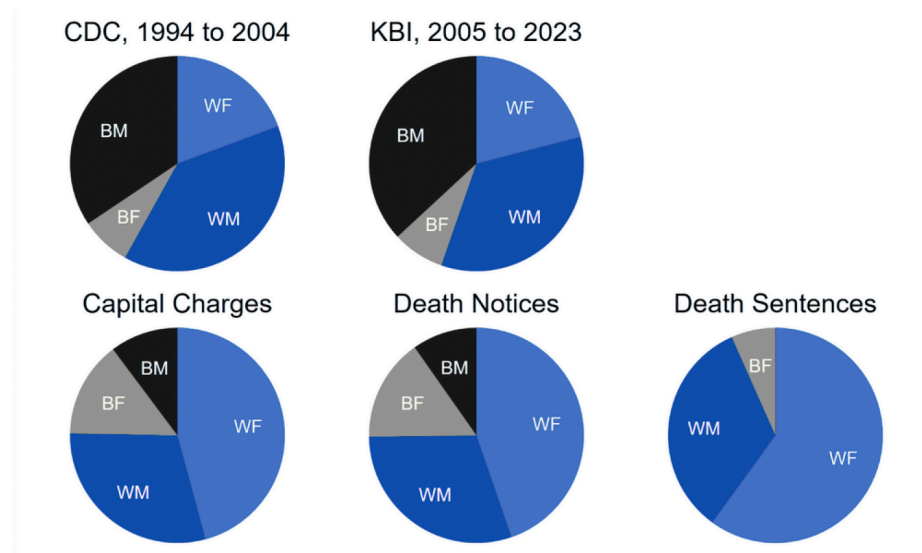
Kansas' Death Penalty: Disparity and Capital Legal Process Decision-Making

Why do Kansas death penalty cases fail to have consistent, evenhanded outcomes? Professor Baumgartner looked at this question in his study to determine when the disparities arise.

He noted "...the disparities identified there are already present in the earlier stages: capital charges and death notices are fully under the control of the district attorney and do not involve decisions by juries...These decisions are preceded by charging and plea-bargaining decisions solely under the control of the district attorney."

Kansas Homicides and Capital Cases: Gender and Race for Blacks and Whites

In his study, Professor Frank Baumgartner explored many dimensions of capital punishment in the Sunflower State. One was how the death penalty intersected with race and gender of the Black and White victims. The CDC and KBI graphs reflect Kansas homicide victim data, while the others are the race and gender of the victim in Kansas capital cases.



Kansas' Death Penalty: The Influence of Gender and Race

In a comparison of rates of homicide in general, and death penalty charging, death noticed, and death sentences for various races and genders in Kansas from 1994 to 2023, Professor Baumgartner found

- White male victims—death sentence share basically equal to homicides in general
- Black female victims—death sentence share basically equal to homicides in general
- Black male victims—second largest group of homicide victims, but no death sentences
- White female victims—**"crimes with white female victims were by far the most likely to lead to a death sentence, though this group represents only about 20 percent of all homicide victims."**