

Wasteful and Inefficient

The alarming cost of the death penalty

Many people believe that the death penalty is more cost-effective than housing and feeding someone in prison for life. In reality, the death penalty's complexity, length, and finality drive costs through the roof, making it much more expensive. Capital punishment is an inefficient, bloated program that has bogged down law enforcement, delayed justice for victims' families, and devoured millions of crime-fighting resources that could save lives and protect the public.

What does the death penalty cost?

- ♦ The truth is that vast majority of the death penalty's costs never appear as line items in any budget. Instead they are buried in a thicket of legal proceedings and hours spent by judges, clerks, prosecutors, and other law enforcement agencies. In the time it takes to pursue one capital case, law enforcement could investigate, prosecute, solve, and prevent scores of other crimes.
- ♦ A New Hampshire study found that one death penalty case took 17 days for jury selection and 36 days for the trial, compared to just 3.5 days for jury selection and less than a week for the trial in an average non-death penalty first degree murder case. The judge in the death penalty case spent 53 days working on it. He could have completed five comparable non-death penalty cases in the same time period.
- ♦ More than a dozen states have tried to capture the cost of death penalty cases and found evidence that they are up to 10 times more expensive than other comparable cases. In California, a 2011 study showed death penalty cases are 20 times more expensive. That state has spent over \$4 billion on the death penalty since 1978.

"I think I could prove to you that I could put someone in the Waldorf Hotel for 60 to 70 years and feed them three meals a day cheaper than we can litigate a single death penalty case."

*– Sterling Goodspeed,
former District Attorney,
Warren County, NY*

Why does it cost so much?

- ♦ The death penalty process is more complicated because a life is on the line. Capital cases involve more lawyers, more witnesses, more experts, a longer jury selection process, more pre-trial motions, an entirely separate trial for sentencing, and countless other expenses – racking up exorbitant costs before a single appeal is even filed.

- ♦ Most death penalty trials are found to be significantly flawed and must be re-done, sometimes more than once, adding to the high cost.
- ♦ In most cases where the death penalty is sought, it is never imposed. And even when it is imposed, it is rarely carried out. Yet taxpayers are saddled with the death penalty's extra costs *even in cases where the defendant is not sentenced to death or executed.*

Who pays for the death penalty?

- ♦ One key study found that the costs of the death penalty are borne primarily by increasing taxes and cutting services like police and highway funding, with county budgets bearing the brunt of the burden.
- ♦ The burden is even higher on smaller counties. Jasper County, Texas, raised property taxes by nearly 7% just to pay for a single death penalty case. Two capital cases forced Jefferson County, Florida, to freeze employee raises and slash the library budget.
- ♦ The death penalty diverts resources that could be used to help homicide survivors heal – including grief and trauma counseling, scholarships for orphaned children, professional leave to attend court proceedings, and financial support.
- ♦ Police chiefs nationwide rate the death penalty as one of the most inefficient uses of taxpayer dollars. Surveys show that law enforcement would prefer adding police or reducing drug abuse.

Can we make the system cheaper?

- ♦ Many of the extra costs are legally mandated to reduce the risk of executing an innocent person. And even these safeguards are not enough. At least 160 people have been exonerated from death row after waiting years for the truth to come out. Streamlining the process would virtually guarantee the execution of an innocent person.
- ♦ Even states with the fewest protections and a faster process face exorbitant death penalty costs. In Texas, for example, the death penalty still costs an average of three times more than 40 years in prison at maximum security.

We've learned a lot about the death penalty in the last 40 years. It is a bloated and expensive system that has bogged down law enforcement, delayed justice for victims' families, and squandered millions of crime-fighting dollars. Can we afford the price?

"As a police chief, I find this use of state resources offensive... Give a law enforcement professional like me that \$250 million, and I'll show you how to reduce crime. The death penalty isn't anywhere on my list."

– Chief James Abbott,
Police Chief and former
death penalty supporter,
West Orange, NJ