

The Closure Myth

How the death penalty fails victims' families

To be meaningful, justice should be swift and sure. The death penalty is neither. It prolongs pain for victims' families, dragging them through an agonizing and lengthy process that promises an execution at the beginning but often results in a different sentence in the end. The death penalty showers resources and attention on a few cherry-picked cases, telling families that some lives are more important than others.

Justice neither swift nor sure

“When my brother was murdered I thought I was supposed to support the death penalty... Little did me and my family know then that when Michael Ryan was sentenced to death, we were sentenced too. Our sentence has been going on for 20 years and there has been no execution. For 20 years it has been all about Michael Ryan. He is all my family and I ever hear about. Jim is never mentioned... Having seen what the death penalty has done to my family, I have since changed my mind and now think it should be abolished.”

– *Miriam Thimm Kelle, whose brother, Jim, was tortured to death*

“A serial killer ripped Deirdre away from us in 1982. My family had no idea, then, that our ordeal was just beginning... From 1982 until 1990 I lived day to day, appeal to appeal, decision to decision. We woke up every day wondering what might happen that day. Will there be another appeal?... I learned the hard way that the death penalty is an albatross over the heads of victims' families”.

– *Jim O'Brien, whose daughter, Deirdre, was murdered*

“In my 15 years as a victims rights lawyer, I have represented many murder victim families in death penalty cases, and the additional anguish caused by the justice process is overwhelming. When I first see a client, I silently pray the prosecutor will decide against pursuing the death penalty, but not because I am against that form of punishment. My prayers are for the victims and the hope they will be spared the pain, isolation and despair the death penalty process will inevitably bring.”

– *Richard Pompelio, whose son, Tony, was murdered and who became the founder of the New Jersey Victims Law Center*

“I'm here to tell you, as the mother of a homicide victim, that the death penalty brings as much pain as it does relief, that it creates an entirely new layer of pain...”

– *Janice Greishaber, whose daughter, Jenna, was murdered*

“[The death penalty means victims' families are] putting their lives on hold for years, sometimes decades, as they attend new hearings and appeals and relive the murder.”

– *Gail Rice, whose brother, Bruce, was murdered*

Can we make the system faster?

- ♦ The death penalty is irreversible. The process is longer because a life is on the line. Many of the extra procedures are legally required to reduce the risk of mistakes. And even these are not enough – at least 160 people have been exonerated from death row after waiting years or decades 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 take years or decades to carry out an execution. In Texas, for example, there are people on death row who have been there for over two decades.

“The death penalty is not given out equally. It’s about saying certain cases are more important than others, certain crimes are more heinous than others...and for families it’s a real slap in our face.”

*– Khalilah Brown-Dean,
whose cousin was
murdered*

The death penalty divides surviving families

- ♦ The death penalty is supposed to be reserved for the “most heinous” murders, but that implies that most murders are ordinary. There is no such thing as an “ordinary” murder for the grieving family left behind. Many families feel these kinds of distinctions are a slap in the face.
- ♦ The death penalty has split families apart, forcing relatives with different views on the issue to engage in a polarizing debate at the time when they need each other most.
- ♦ When the defendant and victim are related, families are even further torn apart. In a number of cases, for example, children must first cope with the murder of one parent and then suffer a new layer of trauma and grief when the other parent is executed for the crime.

CASE IN POINT

Felicia Floyd was 11 when her father murdered her mother in a drunken rage. Felicia’s father was on death row in Georgia for 21 years, during which time the family was able to find some reconciliation. Felicia and her brother pleaded with the state not to execute their father, but were ignored. The execution left them orphans.

We have learned a lot about the death penalty in the last 40 years – and those lessons have meant pain and suffering for the families whose loved ones have been murdered. What was supposed to provide comfort to victims has become a colossal failure that has prolonged their pain. Isn’t it time to say enough is enough?

A failure for victims' families

In their own words: Stories of a broken system

“ Nearly eight years since the jury delivered the verdict of death, I am still forced to focus on my mother’s killer. If the killer were given life without parole, and I mean a true life sentence, I would not be here. I would not be forced to discuss the killer and the verdict and the ways in which my life has been affected. Each court date, each appeal, each write-up in the newspaper, revisiting and revisiting the pain, each event keeping me that much further from the curative process I and my family so greatly deserve.”

– *Sandra Place, whose mother, Mildred, was murdered*

“ Capital appeals go on for decades after the initial trial. Most cases are reversed at some point, placing victims’ families in limbo. With each court decision, the murderer’s name is splashed across the headlines while the family waits helplessly for the next ruling, wondering when the sentence will finally be carried out... The pain of this emotional roller coaster can be astonishing in its magnitude. Where are the victims in this process? How are they served?”

– *Vicki Schieber, whose daughter, Shannon, was murdered*

“ The sad reality is that the death penalty handcuffs the surviving families of homicide victims to decades of legal procedures. In the end, the vast majority are re-sentenced to life without parole, which could have been sought at trial.”

– *Vivian Penda, whose son, Dennis, was murdered*

“ The criminal justice system is hard enough on survivors. When the death penalty is added to the process, the survivor’s connection to the system becomes a long-term and often multi-decade nightmare that almost never ends in the promised result. I have watched too many families go through this over the years to believe that there is any way to make the system work better.”

– *Kathy Garcia, trauma expert, victims’ advocate, and aunt of a murder victim*

“ If we are serious about helping surviving victims — all of us — we need to see the bigger picture. The bigger picture is that the death penalty is given in fewer than 1 percent of cases, yet it sucks up millions and millions of dollars that could be put toward crime prevention or victims’ services. What I wouldn’t give for a tiny slice of those millions to give my grieving daughters some professional help to process the death of their brother.”

– *Victoria Coward, whose son, Tyler, was murdered in 2007*