

The Death Penalty Is Expensive!

This information comes from our nation's most comprehensive source of information about the death penalty, the Death Penalty Information Center, www.deathpenaltyinfo.org

Washington State:

In December 2006 the Washington State Bar Association's Committee on Public Defense produced a final report to the WSBA, which included the cost information summarized here:

At the trial level, death penalty cases are estimated to generate roughly \$470,000 in additional costs to the prosecution and defense over the cost of trying the same case as an aggravated murder without the death penalty and costs of \$47,000 to \$70,000 for court personnel. On direct appeal, the cost of appellate defense averages \$100,000 more in death penalty cases, than in non-death penalty murder cases. Personal restraint petitions filed in death penalty cases on average cost an additional \$137,000 in public defense costs.

Nationwide throughout the United States:

In July 2001 the National Bureau of Economic Research (NBER) released a report by Katherine Baicker, which reported that death penalty trials are very expensive relative to county budgets. Death penalty trials impose huge unexpected costs, and counties pay for those by cutting funds for highways and police, and also by raising taxes. The report ("The Budgetary Repercussions of Capital Convictions") estimated that from 1982 to 1997 the extra cost of death penalty trials was \$1.6 billion. (NBER Working Paper No. w8382, Issued in July 2001) Read the abstract and the report at www.nber.org/papers/w8382

Oregon:

"[T]he average cost of defending a death penalty case at the trial level over the last ten years was \$438,651, while the average cost of defending a non-death aggravated murder case at the trial level was \$216,693, less than half." A. Kaplan, "Oregon's Death Penalty: The Practical Reality," 17 *Lewis & Clark Law Review* 1, 36 (2013). (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2141502)

According to an estimate by Dr. Bill Long, "Costs of the Oregon Death Penalty I," (www.drbillong.com/LegalEssaysII/Costs.html), prepared for testimony at a capital trial, the cost of putting a person to death in Oregon is at least 50% more, and may be up to five times as much as the cost of a life without parole sentence. (See *Kaplan*, above at 36).

Texas:

Each death penalty case in Texas costs taxpayers about \$2.3 million. That is about three times the cost of imprisoning someone in a single cell at the highest security level for 40 years. ("Executions Cost Texas Millions," *Dallas Morning News*, March 8, 1992).

California:

Judge Arthur Alarcon and Professor Paula Mitchell researched the cost of the death penalty in California. They concluded (2011, updated 2012) that California's death penalty cost has totaled over \$4 billion since 1978:

- \$1.94 billion--Pre-Trial and Trial Costs
- \$925 million--Automatic Appeals and State Habeas Corpus Petitions

- \$775 million--Federal Habeas Corpus Appeals
- \$1 billion--Costs of Incarceration

The authors calculated that, if the Governor commuted the sentences of those remaining on death row to life without parole, it would result in an immediate savings of \$170 million per year, with a savings of \$5 billion over the next 20 years. The Death Penalty Information Center (www.deathpenaltyinfo.org) summarized the study at this link: www.deathpenaltyinfo.org/california-cost-study-2011

New Jersey:

From 1983 to 2007, New Jersey's taxpayers spent \$253 million on the death penalty but executed nobody.

A New Jersey Policy Perspectives report concluded that the state's death penalty has cost taxpayers \$253 million since 1983, a figure that is over and above the costs that would have been incurred had the state utilized a sentence of life without parole instead of death. The study examined the costs of death penalty cases to prosecutor offices, public defender offices, courts, and correctional facilities. The report's authors said that the cost estimate is "very conservative" because other significant costs uniquely associated with the death penalty were not available.

"From a strictly financial perspective, it is hard to reach a conclusion other than this: New Jersey taxpayers over the last 23 years have paid more than a quarter billion dollars on a capital punishment system that has executed no one," the report concluded. Since 1982, there have been 197 capital trials in New Jersey and 60 death sentences, of which 50 were reversed. There have been no executions, and 10 men are housed on the state's death row. Michael Murphy, former Morris County prosecutor, remarked: "If you were to ask me how \$11 million a year could best protect the people of New Jersey, I would tell you by giving the law enforcement community more resources. I'm not interested in hypotheticals or abstractions. I want the tools for law enforcement to do their job, and \$11 million can buy a lot of tools." (See *Newsday*, Nov. 21, 2005; also Press Release, New Jerseyans for Alternatives to the Death Penalty (NJADP), Nov. 21, 2005).

The Executive Summary is at this link: www.njadp.org/forms/cost/Final%20Exec%20summary.html

The full report is at this link: www.njadp.org/forms/cost/MoneyforNothingNovember18.html

The NJADP press release is at this link: www.njadp.org/forms/cost/cost%20study%20release.html

Federal Costs:

The average cost of defending a trial in a federal death case is \$620,932, about 8 times that of a federal murder case in which the death penalty is not sought. A study found that those defendants whose representation was the least expensive, and thus who received the least amount of attorney and expert time, had an increased probability of receiving a death sentence. Defendants with less than \$320,000 in terms of representation costs (the bottom 1/3 of federal capital trials) had a 44% chance of receiving a death sentence at trial. On the other hand, those defendants whose representation costs were higher than \$320,000 (the remaining 2/3 of federal capital trials) had only a 19% chance of being sentenced to death. Thus, the study concluded that defendants with low representation costs were more than twice as likely to receive a death sentence.

The complete report from 2008 can be found at this link: <http://www.uscourts.gov/FederalCourts/AppointmentOfCounsel/Publications/UpdateFederalDeathPenaltyCases.aspx>

A September 2008 update by J. Gould and L. Greenman ("Report to the Committee on Defender Services-Judicial Conference of the United States") is at this link: www.deathpenaltyinfo.org/documents/FederalDPCost2010.pdf

Kansas

The State of Kansas conducted a statewide study in 2003 and concluded that the death penalty cases are 70% more expensive than comparable non-death penalty cases. The study counted death penalty case costs through to execution and found that the median death penalty case costs \$1.26 million. Non-death penalty cases were counted through to the end of incarceration and were found to have a median cost of \$740,000. For death penalty cases, the pre-trial and trial level expenses were the most expensive part, 49% of the total cost. The costs of appeals were 29% of the total expense, and the incarceration and execution costs accounted for the remaining 22%. In comparison to non-death penalty cases, the following findings were revealed:

- The investigation costs for death-sentence cases were about 3 times greater than for non-death cases.
- The trial costs for death cases were about 16 times greater than for non-death cases (\$508,000 for death case; \$32,000 for non-death case).
- The appeal costs for death cases were 21 times greater.
- The costs of carrying out (*i.e.*, incarceration and/or execution) a death sentence were about half the costs of carrying out a non-death sentence in a comparable case.
- Trials involving a death sentence averaged 34 days, including jury selection; non-death trials averaged about 9 days.

Read DPIC's summary of the Kansas Cost Report ("Performance Audit Report: Costs Incurred for Death Penalty Cases: A K-GOAL Audit of the Department of Corrections, Dec. 2003") at this link: www.deathpenaltyinfo.org/node/1080

The Death Penalty Information Center (www.deathpenaltyinfo.org) has much more information about the death penalty's costs and many other aspects of the death penalty.

See a great variety of information about the death penalty at the Olympia Fellowship of Reconciliation's website, www.olympiafor.org/death_penalty.htm