The campaign for SAFE AND JUST ALTERNATIVES supports legislation that eliminates the death penalty in favor of life incarceration without the possibility of parole.

The death penalty does not make us safer.

Study after study has shown that the death penalty does not deter crime. States without the death penalty have far lower murder rates than those with the death penalty. The South accounts for 80% of U.S. executions and 50% of the U.S. death row population, yet it has the highest regional murder rate. Police chiefs across the nation don't think the death penalty deters crime, ranking capital punishment as the least effective way to reduce violent crime.

The death penalty’s cost to Washington taxpayers is staggering.

Capital cases are far more expensive than cases seeking life imprisonment without possibility of parole. In Washington state, taxpayers pay nearly $800,000 in additional costs for a capital case beyond what is spent on a non-death penalty trial. In a time of fiscal crisis, millions of dollars are diverted from other services to pay for the exorbitant price of the death penalty. These resources would be more effective if put toward assisting victims’ families and better equipping police departments and crime labs to solve cold cases.

The death penalty is unfair.

Application of the death penalty is arbitrary. Prosecutors in various counties differ widely on whether they will seek it, meaning where a crime is committed determines who gets the death penalty. And the death penalty is not reserved for the “worst of the worst”—some of the worst mass murderers in Washington’s history have received life sentences.

The risk of mistakes is too great.

The death penalty poses an unacceptable risk of executing innocent individuals. Since the reinstatement of the death penalty in 1976, 140 men and women have been released from death row nationally—some only minutes away from execution. It is likely that innocent individuals have been executed—and such mistakes are irreversible.

The death penalty fails the families of victims.

The death penalty requires extensive due process to reduce the chance of executing an innocent person. But that requires a lengthy process that prolongs the pain of victims’ families, who must relive their trauma and suffer uncertainty over years of court hearings. Life incarceration without the possibility of parole is a harsh punishment that would provide closure to families, rather than prolong their trauma, and the huge savings reaped from abolishing the death penalty could be used to support those families.

Life without parole is a sensible alternative to the death penalty.

A sentence of life without parole means exactly what it says: those convicted of crimes are locked away in prison until they die. Unlike the death penalty, life without parole allows mistakes to be corrected or new evidence to come to light, without the high cost. Other states are repealing the death penalty. Last year Illinois passed a bill to repeal the death penalty and became the 16th state, plus the District of Columbia and Puerto Rico, to cease executions.

Other states are taking steps to end the death penalty.

In April, Connecticut passed legislation to repeal the death penalty, becoming the 17th state – and the fifth state in the past five years – to cease executions. Other states are also taking steps to end the death penalty. Last fall, Oregon’s governor announced a moratorium on executions in his state, decrying the death penalty system as “compromised and inequitable. And this November, Californians will vote on a referendum on whether to end capital punishment. Washington should join this growing movement for change and replace its death penalty with a fairer, more sensible system.
Q & A: Costs

Why does the death penalty cost more than lifetime incarceration without parole?

The death penalty costs more than lifetime incarceration because courts have upheld the principle that “death is different,” saying the Constitution requires added due process protections when a life is on the line. Death penalty trials involve more lawyers, investigators, and expert witnesses and court personnel.

The costs of capital cases in our state are staggering. A report by the Washington State Bar Association (WSBA) estimated that death penalty trials cost nearly $800,000 more than non-death penalty trials for aggravated murder. Other states have found that their death penalty systems cost up to 10 times more than non-death penalty trials.

The WSBA report found that death penalty cases are estimated to involve roughly $470,000 in additional prosecution and defense costs and up to $70,000 more for court personnel for the initial trial. 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.

The most significant costs mostly at the trial level, before a single appeal is ever filed. These costs are borne by the prosecuting county, gravely burdening already stretched county budgets. Many counties deliberately avoid seeking the death penalty altogether because of the financial strain, thus creating a significant geographic disparity as to where the death penalty is sought. An analysis by the Seattle Times in 2011 found that King County alone had spent nearly $7.4 million on four ongoing death penalty cases.

When considering the costs of the death penalty, it is important to consider the expenses involved with carrying out an execution. Washington State Department of Corrections (DOC) revealed that the total cost to taxpayers of the 2010 execution of Cal Brown was $97,814. These expenses included overtime wages for DOC personnel, fees for “special incident consultation,” and travel costs.

Q&A: Innocence

Has Washington's death penalty system made mistakes?

Washington exonerated Benjamin Harris in 1997 after he had spent 12 years on death row. In addition, in 2010, three individuals in our state have been exonerated through DNA evidence for non-homicide cases after spending a combined 43 years in prison for crimes they didn’t commit. Although Washington's capital punishment system has not been marked by numerous cases of wrongful convictions as in several other states, it is important to note that no system is infallible. Replacing the death penalty with life in prison without parole leaves open the opportunity for a person to prove his or her innocence if new evidence becomes available.

Q&A: Victims

Does the death penalty provide justice for victims’ families?

To be meaningful, justice should be swift and sure. The death penalty is neither. The lengthy legal process required in capital cases, while necessary to prevent wrongful executions, prolongs the pain for the victims’ families. The trial and appeals process diverts attention from the victim while focusing media attention on the murderer.

With each death penalty execution, there is also a family who suffers the loss of a loved one. Families of death row inmates can suffer from stigmatization and social isolation and are not eligible for victims' services.

Prison and security officials can be severely traumatized from their part in carrying out executions, sometimes experiencing post-traumatic stress disorder and other long-term consequences. In fact, Washington's four-person execution team at the Washington State Penitentiary in Walla Walla resigned in 2009 out of fear that their...
identities would be revealed.12

Q&A: Deterrence

**Does the death penalty deter crime?**

Scientific studies have consistently failed to demonstrate that capital punishment deters people from committing crime more than long prison sentences.13 Moreover, states without the death penalty have far lower murder rates than those with the death penalty.14

Replacing the death penalty with life without parole will allow Washington to redirect resources to effective crime-reduction strategies and to make the criminal justice system more responsive to the needs of communities and crime victims.

Q&A: Fairness

**Does Washington reserve the death penalty for those convicted of the most egregious crimes?**

Application of the death penalty in Washington has been arbitrary. The death penalty is not reserved for the “worst of the worst”—some of the worst mass murderers in Washington’s history have received life sentences. Prosecutors in various counties differ widely on whether they will seek it, meaning where a crime is committed determines who gets the death penalty.

Racial disproportionality among death penalty cases has been well documented in many states and in the federal death penalty system.17 In Washington, recent data shows that people of color are over-represented in several stages of the state’s criminal justice system, including at arrest, charging, conviction, and imprisonment.18 The racial disproportionality among death penalty cases in Washington reflects the dynamic existing within the larger criminal justice system in which “facially neutral policies have racially disparate effects.”19

African Americans are disproportionally represented among death row defendants and cases in which the death penalty is imposed.20 An analysis of homicide cases in Washington also indicates that death sentences are sought and imposed less often when the victim is non-white.21

“[The cases of Ridgeway, Mak, Ng, Rice and Cross] exemplify the arbitrariness with which the penalty of death is exacted. They are symptoms of a system where statutory comparability defied rational explanation. The death penalty is like lightning, randomly striking some defendants and not others.”

—Justice Charles Johnson

*Dissent, State v. Cross*
SOURCES

1 See U.S. Supreme Court decision, Ford v. Wainright, 1986.


3 See Wasteful and Inefficient, the alarming cost of the death penalty, Equal Justice USA (visited Jan. 3, 2010) <http://ejusa.org/learn/cost>


6 Sullivan, Jennifer, "King County's Death Penalty Dilemma: Soaring Costs Worth It?" The Seattle Times, August 14, 2011

7 Washington State Department of Corrections, public records request, August 2011.

8 In 2010, Ted Bradford was exonerated after serving 9 years in prison for a wrongful conviction of burglary and rape. Alan Northrup and Larry Davis were exonerated after each serving 17 years for a rape they did not commit. See Innocence Project of the Northwest at University of Washington Law School, http://www.law.washington.edu/Clinics/IPNW/


12 See Green, Sara Jean, "State's execution team resigns, fearing identities would be revealed," The Seattle Times, April 2, 2009 http://seattletimes.nwsource.com/html/local-news/2008973472_webexecutioners02m.html


21 Ibid.

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