

deathpenalty gov The death penalty is dying nationwide -- too expensive

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http://hosted.ap.org/dynamic/stories/E/EXPENSIVE_TO_EXECUTE?SITE=SCCH... After decades of moral arguments reaching biblical proportions, after long, twisted journeys to the nation's highest court and back, the death penalty may be abandoned by several states for a reason having nothing to do with right or wrong: Money. Turns out, it is cheaper to imprison killers for life than to execute them, according to a series of recent surveys. Tens of millions of dollars cheaper, politicians are learning, during a tumbling recession when nearly every state faces job cuts and massive deficits. So an increasing number of them are considering abolishing capital punishment in favor of life imprisonment, not on principle but out of financial necessity. It's 10 times more expensive to kill them than to keep them alive, though most Americans believe the opposite, said Donald McCartin, a former California jurist known as The Hanging Judge of Orange County for sending nine men to death row. Deep into retirement, he lost his faith in an eye for an eye and now speaks against it. What changed a mind so set on the ultimate punishment? California's legendarily slow appeals system, which produces an average wait of nearly 20 years from conviction to fatal injection - the longest in the nation. Of the nine convicted killers McCartin sent to death row, only one has died. Not by execution, but from a heart attack in custody. Every one of my cases is bogged up in the appellate system, said McCartin, who retired in 1993 after 15 years on the bench. It's a waste of time and money, said the 82-year-old, self-described right-wing Republican whose sonorous voice still commands attention. The only thing it does is prolong the agony of the victims' families. In 2007, time and money were the reasons New Jersey became the first state to ban executions since the U.S. Supreme Court reinstated the death penalty in 1976. Democratic Gov. Jon Corzine commuted the executions of 10 men to life imprisonment without parole. Legal costs were too great and produced no result, lawmakers said. After spending an estimated \$4.2 million for each death sentence, the state had executed no one since 1963. Also, eliminating capital punishment eliminated the risk of executing an innocent person. Out of 36 remaining states with the death penalty, at least eight have considered legislation this year to end it - Maryland, Nebraska, Colorado, New Mexico, Montana, New Hampshire, Washington and Kansas - an uncommon marriage between eastern liberals and western conservatives, built on economic hardship. This is the first time in which cost has been the prevalent issue in discussing the death penalty, said Richard Dieter, director of the Death Penalty Information Center, a data clearinghouse that favors abolition of capital punishment. The most recent arguments against it centered on the ever-increasing number of convicts cleared by DNA evidence. Some of the worst cases occurred in Illinois. In 2000, then-Gov. George H. Ryan placed a moratorium on executions after 13 people had been exonerated from death row for reasons including genetic testing and recanted testimony. Ryan declared the system so fraught with error that it has come close to the ultimate nightmare, the state's taking of innocent life. He commuted the sentences of all 167 death row convicts, most to life imprisonment without parole. His moratorium is still in effect. Across the country, the number of prisoners exonerated and released from death row is more than 130, with thousands of appeals clogging the courts.

Death penalty trials are more expensive for several reasons: They often require extra lawyers; there are strict experience requirements for attorneys, leading to lengthy appellate waits while capable counsel is sought for the accused; security costs are higher, as well as costs for processing evidence - DNA testing, for example, is far more expensive than simple blood analyses. After sentencing, prices continue to rise. It costs more to house death row inmates, who are held in segregated sections, in individual cells, with guards delivering everything from daily meals to toilet paper. In California, home to the nation's biggest death row population at 667, it costs an extra \$90,000 per inmate to imprison someone sentenced to death - an additional expense that totals more than \$60 million annually, according to a 2008 study by the state's Commission on the Fair Administration of Justice. The panel, which agreed with California Chief Justice Ronald M. George that the state's death penalty system was dysfunctional, blamed exorbitant costs on delays in finding qualified public defenders, a severe backlog in appellate reviews, and a high rate of cases being overturned on constitutional grounds. Failures in the administration of California's death penalty law create cynicism and disrespect for the rule of law, concluded the 117-page report. Some prominent Californians have asked Gov. Arnold Schwarzenegger to get rid of executions. Especially now, as service cuts and tax increases are pegged to fill a \$42 billion budget hole. But it appears that the Republican governor will not abandon capital punishment anytime soon. Meanwhile, the nationwide number of death sentences handed down has declined over the past decade, from 284 in 1999 to 111 in 2008. Reasons differ significantly, depending on who's providing them: Pro-death penalty activists say it's because crime rates have declined and execution is a strong deterrent; abolitionists say it's because jurors and judges are reluctant to risk taking a life when future scientific tests could prove the accused not guilty. Executions, too, are dropping. There were 98 in 1999; 37 in 2008. Still, the costs of capital punishment weigh heavily on legislators facing Solomon-like choices in these dismal economic times. In Kansas, Republican state Sen. Caroline McGinn is pushing a bill that would repeal the death penalty effective July 1. Kansas, which voted to suspend tax refunds, faces a budget deficit of nearly \$200 million. McGinn urged fellow legislators to think outside the box for ways to save money. According to a state survey, capital cases were 70 percent more expensive than comparable non-death penalty cases. In New Mexico, Gov. Bill Richardson recently said his longtime support of capital punishment was wavering - and belt-tightening was one the reasons. As the state tries to plug a \$450 million budget shortfall with cuts to schools and environmental agencies, a bill to end executions has already passed the House as a cost-saving measure. The state supreme court has ruled that more money must be given for public defenders in death penalty cases, but legislators have yet to act. In Maryland, a 2008 Urban Institute study said taxpayers forked out at least \$37.2 million for each of five executions since the death penalty was re-enacted in 1978. The survey, which examined 162 capital cases, found that simply seeking the death penalty added \$186 million to prosecution costs. Gov. Martin O'Malley, who disdains the death penalty on moral and financial grounds, is pushing a bill to repeal it. There are

many, of course, who refuse to change their minds, believing execution is the ultimate wage of the ultimate sin. They also say that death penalty cases don't have to be so expensive. Kent Scheidegger, legal director of the Criminal Justice Legal Foundation, a pro-capital-punishment group, said, Having an effective appeals process might very well cost less. States calculate the cost as if these people are going to spend their whole lives on death row. We should be revamping the appeals process so that these cases move more quickly, Scheidegger said. But court systems and their costs vary greatly among states, as does the time it takes to exhaust appeals. It's doubtful that change could come quickly enough to generate savings during this roiling recession. It's all about money, said McCartin, the former California judge. The reasons I changed my mind were between that and how the victims' families just get raped during appeals. But if convicted killers get life imprisonment instead of death, is that letting them off easy? Not a chance, says 52-year-old Gordon Randy Steidl. He lived on death row and then in the general prison population, after his sentence was commuted to life. He preferred his former accommodations. Steidl was released in 2004 after being exonerated of the 1986 stabbing deaths of a newlywed couple in Paris, Ill. He had an alibi for the night of the murders, corroborated by others. But he was convicted on eyewitness testimony provided by the town drunk and the town drug addict. Both later recanted. The state of Illinois spent \$3.5 million trying to execute him, only to end up giving me a life sentence, Steidl said. And then 5 1/2 years after that, I was exonerated. He spent 12 years in a tiny cell on death row. Then he was thrown into gen pop, with its snarling mass of an open cellblock, where the prospect of being stabbed, raped or worse loomed constantly, alongside deafening noise and psychotic cell mates. If you really want to kill someone, give them life without parole, Steidl said in an even voice. He speaks of his troubled past as if it was trapped under glass or locked behind bars - visible but no longer able to torture him. It's worse than dying.

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