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Budget Crisis: Potential Savings within The Criminal Justice System



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PART 3- END THE DEATH PENALTY

These are hard times. Our government is in financial distress. As a society, we need to scrutinize our current spending and look for creative ways to cut costs and maximize the resources we have. In Part One of this series, I discussed reform of some mandatory sentencing practices and expanding the use of alternative courts and alternative sentencing options. In Part Two, I discussed the high costs of the “war on drugs” and suggested reforming our government’s drug policies. In Part Three, I discuss the death penalty.

END THE DEATH PENALTY

I oppose the death penalty for many reasons. In my humble opinion, it doesn't work. However, for purposes of this article, the focus is on the financial costs to us as taxpayers because a common *misperception* is that the death penalty costs less than a life sentence. In Washington, and across the country, death penalties eventually get reversed in over 75% of the cases. These cases are scrutinized by experienced judges and rightly so. They are not reversed for frivolous reasons as people are sometimes led to believe. Hundreds of thousands, even millions, are spent to achieve these death verdicts and to have them reviewed during the appeal process, yet relatively few are affirmed on appeal.

Some are quick to say we should limit the length of the appeal process. At what cost to us as a society? Without these appeals, we know innocent people would have been executed. Is it not still a fundamental belief that it is better for a guilty person to go free than for an innocent person to be convicted, much less executed, for something they didn't do? Because of advances in forensic DNA, we know that, since 1989, **238** people have been exonerated and released from prison after serving an average of **12 years** for crimes of rape and murder they **DID NOT COMMIT**. That includes **17 released from Death Row**. Thankfully, there was a lengthy appeal process. What happened before 1989 and these advances in forensic DNA?

Given such a low “success” rate, the death penalty has no benefit, including no deterrent effect. Study after study in state after state has clearly proven that a death penalty case costs significantly more than a life sentence case. But, it has no clearly observable impact on deterring murder. Much of the research has shown the opposite effect, that is generally higher murder rates in states with an active death penalty (the so-called “brutalization effect”). The few studies suggesting a deterrent effect have been widely criticized as unscientific or badly skewed and biased. Strictly from the cost/benefit analysis, the death penalty has little bang for its huge buck.

We're all going to have to tighten our belts while the economy gets itself righted. The courts and criminal justice system is no exception. The necessity is there and the time is right to explore reforms in sentencing practices, our drug policies, and the death penalty that will save taxpayer resources and make our society better and stronger in the decades ahead.