

Indiana's Death Penalty **Worth the High Cost?**

The complexity, length, and finality of death penalty cases make them extremely expensive – diverting time and scarce resources away from law enforcement, the criminal justice system and victims' services, and straining county budgets.

The death penalty costs more than life without parole.

- In study after study over the past decade, the non-partisan Indiana Legislative Services Agency has found that the death penalty costs more than life without parole. In fact, their 2010 study found that an Indiana death penalty case costs 5 times as much as a case where the highest possible punishment is life without parole, *including the cost of housing and feeding an inmate for life!*

Why does it cost so much?

- The death penalty process is more complicated because a life is on the line.
 - Two defense lawyers required, compensated at a specified hourly rate.
 - Complicated legal issues mean more pre-trial motions and hearings.
 - If the defendant is convicted, there will be a second jury trial on whether he should be sentenced to death.
 - More investigation, experts, and evidence focused on sentencing phase.
 - Longer, more complicated jury selection process, in part to ensure that each juror can consider imposing a death sentence.
 - Lengthy appeals process, because there is no margin for error.

Fewer than one in five Indiana death penalty cases results in a death sentence, and even then it is rarely carried out. For every death row prisoner executed after exhausting their appeals, three more have had their death sentences reversed along the way.

Who pays for the death penalty?

- **Tax payers**
 - Parke County increased its county income tax rate by .25% to pay for the costs of one death penalty case – a case that ultimately resulted in a sentence of life without parole.
 - Grant County officials took \$500,000 from the county's road and street fund to pay for a death penalty trial. Shortly afterward, a plea agreement in the case resulted in a sentence of life without parole.

- The State of Indiana reimburses counties for 50% of their capital defense costs, which means that every Indiana taxpayer pays, even if your county never uses the death penalty.

Other Costs

- Much of the cost never shows up on a budget – the long hours spent by judges, clerks, prosecutors and other law enforcement agencies – time that could be spent investigating, prosecuting, and even preventing other crimes.
- Law enforcement officers recognize that the death penalty is a poor crime prevention tool. Surveys show they would prefer funds to be spent adding police, providing training, or treating mental illness and drug abuse.
- Death penalty cases divert resources that could be used to provide services to victims’ families, like grief counseling, scholarships for orphaned children, and other financial support. When our neighboring state of Illinois repealed its death penalty, the money in their capital litigation fund was diverted to law enforcement training and services for victims’ families.

“It’s time we in the criminal justice system have a candid conversation about the economic impact of capital punishment in Indiana.”

-- Greg Zoeller, Indiana’s Attorney General

Can we make the death penalty cheaper?

- Many of the extra costs are legally mandated to reduce the risk of executing an innocent person, and to help ensure that the death penalty is imposed in a fair and even-handed manner. Even so, 140 people nationwide have been exonerated from death row after waiting years for the truth to come out. Streamlining the process risks sending an innocent person to execution.
- Even states with the fewest protections and a faster process face exorbitant death penalty costs. In Texas, for example, the death penalty still costs an average of three times more than 40 years in prison at maximum security.

In these tough economic times we need to make every dollar count, especially when it comes to public safety. Can we really afford to keep the death penalty?



For more information, please go to our website at www.indianaabolition.org