

The Facts:

The Cost of the Death Penalty

Since the death penalty was reinstated in Washington in 1981, 31 men have been sentenced to death. Of the 31, one inmate committed suicide and one man was exonerated. 15 had their sentences overturned – 11 of those 15 were sentenced to life without the possibility of parole (LWOP). We have executed 4 men, but only one of them actually fought the system and pursued his appeals. There are currently 10 prisoners on death row with appeals pending.

- **Capital cases cost at least \$2.16 million per execution**, compared to what taxpayers would have spent if defendants were tried without the death penalty and sentenced to life in prison. In a study done at Duke University in 1993, authors Philip Cook and Donna Slawson spent two years comparing the costs of adjudicating capital and non-capital cases in North Carolinaⁱ. The Duke study is the only comprehensive cost analysis done in the country to date. \$388,680 was the average trial cost in Washington for each of 8 death penalty trials in 1997, 1998, and 1999. For the same time frame, the average cost of a case where death was not sought was \$131,705ⁱⁱ.
- **In Washington State, defense fees have reached over \$172,000 in three recent state appellate cases.** Defense attorneys, who traditionally keep time records for billing purposes, reported 1,167 hours for the Lord personal restraint petition and over 3,000 hours for both the Gentry and Brett personal restraint petitions – or over 75 weeks of attorney timeⁱⁱⁱ. Since every defendant filing these petitions is indigent, the taxpayer picks up the cost for this work as well as for the state's response to each petition.
- **In 2000, Thurston County spent \$1.1 million as it attempted to put double-killer Mitchell Rupe back on death row 19 years after his original conviction.** Rupe was twice sentenced to death – but both times, the sentences were overturned on appeal^{iv}. On March 10, 2000, Rupe was sentenced to life without the possibility of parole. Today, thousands of people who should be serving time in Thurston County aren't, because there's no room in the jail^v.
- **On May 20, 2002, Kwan Fai "Willie" Mak was re-sentenced to life without the possibility of parole.** In the 19 years since his conviction, Mak and lawyers fought execution. A federal judge overturned his death sentence after Mak spent eight years on death row. He has waited out the years since then in prison, watching the case move through state and federal courts^{vi}. It should be noted that every appeal was at the expense of the taxpayer.
- **Because of anticipated death penalty trial costs, Okanogan County Commissioners in Washington delayed pay raises for the county's 350 employees**, then approved a 2% increase; the smallest in years. They also decided not to replace 2 of 4 public health nurses, ordered a halt on non-emergency travel and put a hold on updating computers and county vehicles.^{vii}
- **To assist counties with the high cost of seeking the death penalty**, the Washington State Legislature established the Extraordinary Criminal Justice Assistance Account in 1999. In the first year of the program, counties asked for nearly \$4.5 million dollars. For 2001 \$5.5 million was requested^{viii}. King County alone has requested \$7.2 million for 2002^{ix}.

In today's economic environment where the state is facing a \$2.4 billion shortfall, should we not hold the death penalty to the same cost-benefit analysis that other state programs are held to? The millions of dollars that Washington taxpayers have paid to seek the death penalty could have been spent on increasing the number of police on the streets or resolving our over-populated prison problem. It's time to evaluate whether or not this is a program that helps or hurts our state.

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- ⁱ P.Cook and D. Slawson. *The Costs of Processing Murder Cases in North Carolina* (May, 1993).
- ⁱⁱ *Status Report on the Death Penalty in Washington State*. Chief Justice Richard P. Guy. (March 2000).
- ⁱⁱⁱ Ibid.
- ^{iv} Seattle Post-Intelligencer. August 8, 2001.
- ^v KOMO TV, website, February 18, 2003.
- ^{vi} Seattle Post-Intelligencer, May 21, 2002.
- ^{vii} Associated Press. April 22, 1999.
- ^{viii} Office of Public Defense. *Extraordinary Criminal Justice Costs Prioritized Lists and Petitions*.
- ^{ix} Seattle Post-Intelligencer, December 12, 2002.