



# TENNESSEANS FOR ALTERNATIVES TO THE DEATH PENALTY

HONORING LIFE BY ABOLISHING THE DEATH PENALTY

## **BROKEN BEYOND REPAIR: THE REALITY OF TENNESSEE'S DEATH PENALTY**

**COST:** *A system that utilizes the death penalty is far more expensive than one which utilizes life without the possibility of parole as its maximum sentence:*

In the 2004 Tennessee Comptroller's Report on the cost of the death penalty, the Office of Research was unable to determine the total, comprehensive cost of the state's death penalty because the data are not centralized but still concluded that overall, first-degree murder cases in which a notice to seek the death penalty is filed cost more than life and life without the possibility of parole cases.

- According to the same report, by examining the available data, death penalty trials cost an average of 48% more than the average cost of trials in which life imprisonment is sought,
- According to a New Jersey study, between 1983 and 2005, New Jersey taxpayers paid \$253 million **MORE** for their death penalty system than for a system that only sought life without parole as its maximum punishment. New Jersey had a death row of 10 inmates and executed no one in that time period. Tennessee has a death row of nearly 80 inmates and has executed six since 1960, all of which occurred from 2000-2009.
- States like Maryland, Kansas, and North Carolina also found that the death penalty costs taxpayers millions more to maintain than life without parole.

**INNOCENCE:** *Since 1973, over 150 death row inmates nationwide have been exonerated and freed from death row when evidence of their innocence emerged, including three in Tennessee.*

- In 2007, Michael McCormick was found not guilty in a new trial after spending nearly 20 years fighting his conviction and death sentence.
- Paul House served on Tennessee's death row for nearly 23 years, though evidence, including DNA, indicated his innocence. All charges against him were dropped in 2009.
- With approximately 1,380 executions in the modern era of the death penalty, the exoneration statistics indicate that for roughly every ten executions, one person has been released. Only 20 of the 152 death row exoneration cases had DNA evidence (13%).

### **FAIRNESS:**

- Economic bias: Approximately 85% of inmates on Tennessee's death row could not afford their own defense at trial.
- A study conducted on capital sentencing in Tennessee from 1981-2000 found that, even when other aggravating factors were present (such as multiple victims or multiple felony convictions), defendants with white victims were **3.15 times more likely to receive the death penalty** than defendants with black victims (ABA's Tennessee Death Penalty Assessment Report, 2007).
- Geographic bias: Approximately 40% of Tennessee's death row comes from one county in Tennessee—Shelby. Half the counties in Tennessee never seek the death penalty.

- Mental Health America, a leading mental health group estimates that 5-10% of death row inmates suffer from serious mental illness.

#### **PUBLIC OPINION:**

- A 2010 poll by Lake Research Partners found that a clear majority of voters (61%) would choose a punishment other than the death penalty for murder.
- In 2007, the American Bar Association (ABA) issued a report outlining 93 guidelines for a fair and accurate death penalty system. Tennessee fully complied with only seven. In a poll conducted by the ABA that same year, 66% of Tennesseans supported a moratorium on the death penalty in order for the system's problems to be addressed.
- In October 2013, a Gallup poll showed national support for the death penalty was at its lowest level since November 1972.

#### **VICTIMS' FAMILIES:**

To be meaningful, justice should be swift and sure. The death penalty is neither. The current system can drag families through an agonizing and lengthy process (average of 22 years in Tennessee) that holds out the promise of an execution in the beginning, but often results in a different sentence. Sentences of life or life without parole begin as soon as victims' families leave the courtroom and are served anonymously, outside the spotlight of the news cameras.

#### **DETERRENCE:**

- Studies have repeatedly shown that the death penalty does not deter homicide any more than other punishments, such as life imprisonment. Eighty-eight percent of the country's top criminologists do not believe that the death penalty is a deterrent to homicide. (Radelet and Lacock, 2009).
- A 2008 poll by Death Penalty Information Center surveyed 500 U.S. police chiefs and found that when asked to name one area as "most important for reducing violent crime," greater use of the death penalty ranked **last** among police chiefs with only 1% listing it as the best way to reduce violence. Police chiefs also considered the death penalty the least efficient use of taxpayers' money. They ranked expanded training for police officers, community policing, programs to control drug and alcohol abuse, and neighborhood watch programs as more cost-effective ways to use taxpayers' money.

#### **PLEA BARGAINS:**

- Three of the top five life without parole states in the nation have no death penalty.
- Prosecutors in New Jersey say that abolition of the death penalty there in 2007 has made no difference in their ability to secure guilty pleas.

**THE SOLUTION:** *Repeal Tennessee's death penalty, utilizing the available alternatives of a life sentence or life without the possibility of parole.*