



Maryland's Death Penalty

Wasteful and Expensive

The complexity, length, and finality of death penalty trials drive their costs through the roof — drawing critical and scarce human and fiscal resources away from law enforcement and victims' services and driving up local taxes.

The death penalty costs more than life without parole.

- The cost of adjudicating a capital murder case is far more complex than what the naked eye can see. In more than 15 different studies in just as many states, researchers have found that maintaining capital punishment has proven more expensive than a system of life without parole as the maximum sentence for murder.
- The majority of the death penalty's high costs never appear as line items in any budget. They are buried in a thicket of legal proceedings and hours of time of judges, clerks, prosecutors, and other law enforcement agencies — time that is not spent prosecuting and sentencing scores of other non-capital cases.
- When crimes go unsolved or prosecutors' offices are too overburdened to prosecute them, those responsible are free to commit more and increasingly serious crimes.
- Death penalty cases are more expensive at every stage of the judicial process — racking up exorbitant costs even before a single appeal is filed. Compared to non-death cases, death penalty cases involve:
 - More pre-trial preparations
 - More pre-trials motions filed and answered
 - More experts hired by both the prosecution and the defense
 - Two defense lawyers are required instead of one
 - A much longer and more complicated jury selection process
 - Two initial jury trials instead of one — one to determine innocence/guilt and a second one for sentencing
 - Additional experts, investigation, and evidence for the sentencing phase
 - Multiple appeals that can last years or decades
 - More expensive housing on death row compared to maximum security

“If I were a member of the legislative branch of government, I would probably vote to abolish the death penalty... it is clear to me that because of the way the death penalty system works, it is simply not worth the aggravation it costs throughout the body politic.”

— JUDGE DALE. R. CATHELL
MARYLAND COURT OF APPEALS

(over)

State studies consistently demonstrate the high cost of capital punishment

- The most comprehensive death penalty cost study in the country — conducted by Duke University — found that the death penalty costs **NORTH CAROLINA** \$2.16 million more per execution than a non-death penalty murder case with a life sentence.¹
- For the ten years that **NEW YORK** had a functioning death penalty, it is estimated that the state spent \$200 million on its death penalty.²
- Additional studies in **INDIANA, FLORIDA, CALIFORNIA, KANSAS, TENNESSEE, NEW JERSEY, TEXAS,** and elsewhere have all reached similar conclusions.
- A study at Dartmouth College found that the costs of the death penalty are borne primarily by increasing taxes and decreasing expenditures such as police and highway spending, with county budgets bearing the brunt of the burden.³
- Between 1982-1997, the extra cost of capital trials was \$1.6 billion nationally.⁴

Death penalty costs in Maryland

- **MARYLAND** has never conducted a comprehensive study of what the death penalty in totality has cost our state over the last 28 years. Such a study is needed to determine the true price tag — and resulting tradeoffs — of our state's capital punishment system.
- What we do know is that court reversals only drive up the cost of the death penalty. **MARYLAND's** reversal rate is virtually 100%, according to a 2002 Columbia University Study. This means that almost every person sentenced to death in the state of Maryland has had his sentence or conviction overturned.
- In most cases where the death penalty is sought, it is never imposed. And when it is imposed, it is rarely carried out. And when it is carried out, 10 or even 20 years have already passed. Over 80% of **MARYLAND's** death sentences have ended with a life sentence in the end. **And a death penalty that is so rarely used is simply another name for life without parole, at an exponentially greater cost.**
- Since the 1978 reinstatement of capital punishment in **MARYLAND**:
 - 63 individuals has received death sentences
 - 5 people have been executed
 - Only 6 people are currently on death row
 - The vast majority of people sentenced to death in Maryland have ultimately received a lesser sentence, despite taxpayers having already paid for much more expensive death penalty proceedings.
 - The section of the public defender's office that deals with capital cases has cost Marylanders over 37 million dollars; that figure doesn't include any prosecution costs, which typically are significantly higher than defense costs.
- **MARYLAND** faces steep budget deficits. Can we really afford such a wasteful system?

¹ Cook, Slawson, Gries, *The Costs of Prosecuting Murder Cases in North Carolina*, May 1993.

² Testimony of Schenectady District Attorney Robert Carney before the NYS Assembly, January 8, 2005.

³ Katherine Baicker, *The Budgetary Repercussions of Capital Convictions*, Dartmouth College and the National Bureau of Economic Research, (NBER Working Paper No. w8382, Issued in July 2001).

⁴ Ibid.