

**Testimony before the  
Maryland Commission on Capital Punishment  
September 22, 2008**

**Submitted by: James Abbott, Police Chief, West Orange, NJ**

My name is James Abbott and I am the Chief of Police of West Orange, New Jersey.

As a career law enforcement officer, I have dedicated my life to making people safer. I get up every day knowing that my primary goal is to protect the public and take dangerous people off the streets so they can't do more harm.

As law enforcement officers, we put our lives on the line every time we go to work. I believed in the death penalty all my life and thought it was needed not only to protect the public but especially cops and corrections officers alike.

Then, two years ago, I served on the New Jersey Death Penalty Study Commission, which completed its work early last year. Our study opened my eyes to the reality of the death penalty, and I've come to Maryland to share what I learned, because I think many of the things our commission found are as applicable to Maryland as they were to New Jersey.

It turned out that what sounded good in theory was actually a complete failure in practice. And I am convinced that there is

simply no way to fix it and make it right.

As a police chief and proud Republican, you should have no doubts that I support tough on crime policies and harsh punishment. Make no mistake – life without parole is just that.

I have no sympathy for killers. Absolutely none. My sympathy, like all of you I'm sure, is with the families of murder victims. It was those very families, including some whose loved ones were police officers killed in the line of duty, that changed my mind about the death penalty.

I had no idea how much families suffer facing years of death penalty appeals and reversals. For every person that's been sentenced to death, there's a family waiting for the promised punishment to be delivered. They go to court year after year, only to find in the end that the person will never be executed. The reality is that there is no closure in capital cases, just more attention to the murderer and less to the victim. Unfortunately, it's easier for most of us to name notorious killers than it is their victims.

As I sat on the commission, I heard from these families, one after another. Their cries of pain were devastating. Many of them supported capital punishment when their loved one was killed, and it was only the direct experience of suffering through

the process that prompted them to change their minds. The death penalty was supposed to help families like these. And virtually everything I heard told me that it was tearing them apart.

At first I thought this problem was unique to New Jersey. But in the year and a half since the study commission made its recommendations, I've taken the time to learn more about the death penalty in other states. It doesn't seem to work any better anywhere else. Even in Texas, which is the death penalty capital of the United States, it still takes years for an execution to be carried out. Here in Maryland, I'm told that you have people on your death row who have been there for two decades. And like New Jersey, most of your death sentences have been reversed at some point. It doesn't seem like any state has found a way to carry out the death penalty quickly, cheaply and accurately.

After the commission released our report, I began giving media interviews and talks about my experience. One thing I have been asked a lot is whether, as a police chief, I would still support the death penalty for the killing of a police officer. My answer is unequivocally no. After much deliberation I came to understand that if I were ever killed in the line of duty, I would never, *ever* want my wife or children to have to suffer the way the families who testified before me have suffered. Even if my family thought they wanted the death penalty, it is only because they

couldn't begin to imagine the pain that was in store for them if my killer got it. I know that it's easy to have a knee jerk response to this question. If a person kills a police officer, should they pay the ultimate price? But how, in good conscience, could I possibly be so selfish as to support a policy that would be ultimately so harmful to my family - or to the families of the other officers I work with every day?

Instead, I would want to know that the person who did it was behind bars for life, and that my family had the services they needed to heal and the financial support they needed to live without further sacrifice. Our Commission learned that those kinds of services are sorely lacking - and that just a tiny amount of money saved from ending the death penalty could make a huge difference.

At the same time, the death penalty doesn't really protect police from violence. Our commission found no evidence that the death penalty deters murder, even in the case of the killing of a police officer. The south, which executes the most perpetrators of murder, also regularly leads the nation in the number of police officers killed in the line of duty. Logically, that makes sense to me. Anyone who is already at the point of shooting a police officer is clearly not thinking rationally about the consequences.

As I said, I learned a lot about the death penalty in the last

year. If I could leave you with the one most important lesson for you to think about as you deliberate on this issue, it is this:

I learned that you can continue to support the death penalty and also to support getting rid of it. That is the position I have now come to. Philosophically, I still favor the death penalty. I believe that it is an appropriate means of retribution and a just punishment for some crimes. But I also know that in practice it does more harm than good. So while I maintain my theoretical views, as I'm sure some of you also will, I also stand before you to say that just as New Jersey is better off without capital punishment so too will Maryland be.