

House Judiciary Committee on the Death penalty.

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I intend to confine my evidence to some of the broader issues although I have statistical and research information with me to support the other relevant issues.

The United States belongs to a select club. Not a majority club or what we can describe as a civilized club. We are a leading member of the death penalty club. Our other members include Saudi Arabia, Iraq, Iran, Pakistan, Yemen, Afghanistan, China, Syria and others.

Our political and military allies belong to the non-death penalty club.

Only 36 countries (18%) in the world retain the death penalty;

50 countries (26%) have not used it for 10+ years or are under a moratorium;

6 countries (3%) retain it for treason type offences;

103 countries (56%) have abolished it for all crimes.

Only Belarus in the whole of the European countries has retained the death penalty.

I suggest we do not want to be a member of that minority club. It damages our standing on the world.

There is a practical problem. A murderer who succeeds in fleeing to almost anywhere in the world will not be extradited to the United States if the death penalty is on the table. To get them back we take death off the table. So, no death penalties for those murderers who take a short airplane ride.

Why do we have the death penalty?

- 1) Revenge or vengeance. Prosecutors tend to say that families want it. Do they always ask the families? Do we support the idea that revenge is a good reason in law for the death penalty?
- 2) Deterrence. Frequently offered as a reason. The statistics do not support that argument. The murder rate per 100,000 people has been higher in every death penalty state every year since 1991 without a single exception. The percentage difference varied from a low of 7% difference to a high of 46%. The average difference since 1991 between the murder rate in non and death penalty states is 32%;
- 3) Some people deserve to die because of the heinous nature of the crime. If that is so we should perhaps consider public executions using heinous methods like burning at the stake or impalement to satisfy that criteria.

Reasons for not having a death penalty

- 1) Our courts convict innocent people far too often. Between 1973 to date, 153 people have been released from death row after being conclusively proven to be innocent of the crime. A

tragedy for those innocent people and their families but also a tragedy for the victims and their families because the murderer was free, unpunished, and able to kill again.

- 2) The cost of the death penalty is staggering and many times the cost of imprisoning someone for life. Pennsylvania alone has spent upwards of \$350 million dollars on a death penalty system that has produced just three executions since 1999. All three of those executions involved men who voluntarily gave up their appeals. In a time of fiscal responsibility we should not be supporting that system.
- 3) The death penalty is used disproportionately against black people as opposed to white or Hispanic people.
- 4) It does not deter murderers.
- 5) Where alternatives to the death penalty are available the majority of Americans would support the alternative.

I end with a very few thoughts. DNA has been touted as solving the certainty of guilt question. Biological evidence is only found in 5 -10% of cases so DNA analysis is only possible in a minority of cases. Research shows that in 23% of homicide exonerations false or misleading forensic evidence was a factor.

Secondly, we would like to trust that our prosecutors get it right and are fair and dispassionate. Unfortunately official misconduct was a leading factor in 60% of homicide exonerations demonstrating that there are major issues to overcome before we can be sure that our legal system works to our satisfaction.

Finally, I have more of a question. A three drug protocol has been the norm in US executions until drug companies objected to supplying drugs for the purpose of execution. Those three drugs were an anesthetic, a paralytic and a drug to stop the heart. If the anesthetic is used to render the victim unconscious, why use a paralytic before stopping the heart?

I suspect it is to prevent the witnesses to the execution seeing the gasping and seizures that precede death to maintain the impression that it is humane and painless.