

June 10, 2015

The Honorable Ron Marsico  
Chair, House Judiciary Committee  
315J Main Capitol Building  
PO Box 202105  
Harrisburg, PA 17120-2105

The Honorable Joseph R. Petrarca  
Democratic Chair, House Judiciary Committee  
220 Irvis Office Building  
PO Box 202055  
Harrisburg, PA 17120-2055

Dear Members of the Pennsylvania House Judiciary Committee,

There is nothing more heartbreaking than losing a friend or loved one to homicide, and when that friend is a fellow police officer, the loss is even more pronounced, and it has a ripple effect across the community.

While working for the Maryland State Police, my close friend and fellow officer Corporal Ed Toatley, was killed in Washington, D.C. while making a drug deal as an undercover agent. His assassination both stunned me and filled me with rage, grief, and a yearning for justice.

When I first heard the news, I wanted the perpetrator caught and tried as quickly as possible. I wanted him to pay for his crimes--for taking the life of a fellow officer and for leaving behind a grieving family who would never be the same.

It would have been easy to demand a death sentence for Ed's killer, but deep in my heart I knew that an execution wouldn't bring Ed back, and it would only drag out the legal progress for his family--reopening wounds at every turn. With a death sentence, his family would spend decades waiting for an execution that might never come.

Ultimately, Ed's killer was sentenced to life in prison without the possibility of parole, which means he will die in prison and Ed's family won't have to endure years of legal wrangling or be subjected to endless media headlines that describe the brutal crime. Ed's widow accepted the verdict, and said that "life in prison was a greater punishment than death."

In addition to the trauma that the death penalty can inflict on victims' families, capital punishment consumes a tremendous amount of public safety dollars, even though research shows that the death penalty is no more of a deterrent to violent crime than other harsh penalties, such as life in prison without parole.

In fact, states that have the death penalty have substantially higher murder rates than those without it, and studies have shown that on-duty police officers do not suffer a higher rate of criminal assault and homicide in states without the death penalty than in places that have it.

The same is true for correctional officers. In fact, one study found that between 1984 and 1989, 88% -- or 15 out of 17-- of prison guards who were murdered on the job worked in death penalty jurisdictions.

If the state of Pennsylvania redirected the financial and human resources that it currently spends seeking executions to efforts that will actually make communities safer, such as improving the state's crime labs, solving more unsolved rapes and murders, increasing access to mental health, drug, and alcohol treatment, making better safety equipment available to police officers, and expanding programs that have been shown to effectively address the root causes of crime, taxpayers would surely benefit. Any of these investments are more like to improve community safety than the death penalty--both for the public at large and for our law enforcement officers.

Isn't this a better use of taxpayer money than trying to execute handful of perpetrators who are already safely behind bars?

I know there are some people who will say we should just make the death penalty process cheaper and faster, but that's just not realistic. The death penalty is more expensive because of the Constitutionally-mandated appeals, dual-trial process, and added incarceration costs that are necessary for housing death row prisoners. Trying to shortcut this process probably won't pass legal muster, and it could result in a higher rate of wrongful conviction.

As a 34-year law enforcement veteran of the Maryland State Police and Baltimore Police Department and as a national board member of Murder Victims' Families for Reconciliation, which is comprised of people from across the country, including Pennsylvania, who have lost loved ones to violence, more wrongful convictions are not something I'm willing to live with.

Not to mention that proponents of the death penalty have been trying to speed up the process and make it cheaper for more than three decades and have failed miserably.

Governor Wolf has wisely paused executions in this state while a bipartisan commission takes a closer look at this issue and makes recommendations. I can only hope that the commission will come to the same conclusion that I reached not that long ago: the death penalty doesn't make us safer and it's a waste of valuable public safety resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Neill Franklin". The signature is fluid and cursive, with a large initial "N" and "F".

Major Neill Franklin (Ret)