

6 QUESTIONS ABOUT THE DEATH PENALTY

1 DOES THE DEATH PENALTY DETER CRIME? NO EVIDENCE.

Of the more than 100 studies conducted over the past 50 years on the deterrent effect of the death penalty, none have reported with any credibility that it deters violent crime.

In a study of Kansas homicide rates since 1994, Professor Jeffery Fagan found “there is no credible evidence that the death penalty has a deterrent effect on homicide rates in Kansas.”

MURDER RATES ARE 25% LOWER IN NON-DEATH PENALTY STATES



FBI data from the past decade show that states without the death penalty have lower overall murder rates than those with it. As of 2019, the gap was 25%.

—Death Penalty Information Center

2 DOES THE DEATH PENALTY SAVE MONEY? NO, IT COSTS MORE.

Death penalty cases have higher trial costs, higher appeals costs and potential for retrial costs.

4X THE COST

Average BIDS defense costs for trial cases filed FY2004-11



—2014 Death Penalty Advisory Committee Report to the Kansas Judicial Council

3 DOES OUR CRIMINAL JUSTICE SYSTEM CONVICT INNOCENT PEOPLE? YES. MISTAKES HAPPEN.

On average, it takes more than 10 years for evidence proving innocence to emerge. DNA has contributed to hundreds of exonerations of wrongfully convicted people. Mistakes were due to:

63% EYE WITNESS MISIDENTIFICATION

29% FALSE CONFESSIONS

52% UNVALIDATED/IMPROPER FORENSICS

19% INFORMANTS/“SNITCHES”

—Data from *The Innocence Project*. Total is more than 100% because wrongful convictions may have more than one contributing factor.

201 EXONERATED:

Since 1973, 201 death sentenced people have been released due to evidence of wrongful convictions.

—Death Penalty Information Center



CSI DISORDER: A DNA DEFICIT

DNA is available in only a fraction of criminal cases.

—Midwest Innocence Project

4 IS THE DEATH PENALTY SYSTEM FAIR? NO, IT'S ARBITRARY.

Similar crimes are prosecuted very differently due to arbitrary factors:

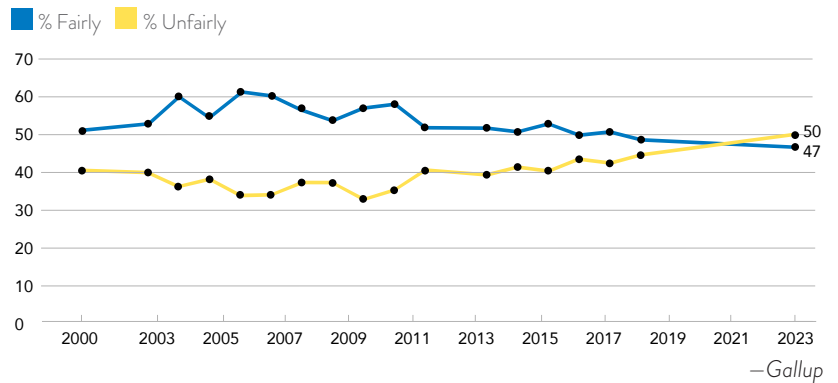
- geography; similar crimes are prosecuted differently depending upon the people, resources and political climate of the district
- economic factors; whether defendants can afford their own attorneys
- experience level of defense counsel
- race of victim

This arbitrariness has been documented in Kansas.

- The Kansas Judicial Council Death Penalty Advisory Committee in 2004 reported that geographic disparity influences whether a case goes to trial.
- In his study of homicides and death sentences in Kansas between 1994 and 2023, Professor Frank Baumgartner found “crimes with white female victims were by far the most likely to lead to a death sentence, though this group represents only about 20 percent of all homicide victims.”

U.S. VIEWS ON WHETHER THE DEATH PENALTY IS APPLIED FAIRLY

Generally speaking, do you believe the death penalty is applied fairly or unfairly in this country today?



5 DOES THE DEATH PENALTY PROVIDE CLOSURE TO VICTIMS' FAMILIES? LISTEN TO THE FAMILIES.

“In 1986 my mother was raped and murdered in her rural home [...] you can never have closure because that person will never come back to you. [...] The death penalty holds out a false promise to people of a release from their pain and suffering that only time and grieving can bring.”

—Celeste Dixon, Larned, KS

“What I’ve discovered is a legal process that no murder victim’s family should have to endure.”

—Neely Goen, daughter of Kansas State Trooper Conroy O’Brien killed in 1978

Read more from family members of murder victims by searching for “victims voices” at www.ksabolition.org.

6 IS THE DEATH PENALTY HUMANE? NO.

Despite efforts to medicalize the death penalty with lethal injection, botched executions continue. Inmates have been witnessed gasping, choking and struggling before succumbing, long after the lethal dose was intended to take full effect. The secrecy of drug combinations and their sources and the ability for prison staff to competently administer the lethal dose are all fraught with doubt and difficulty.

“Arizona inmate takes nearly two hours to die in botched execution”
“Botched execution renews death penalty debate”
“Executions should not be run by trial and error”