

## Ending the Death Penalty in Ohio—Rebecca Heimlich

### Ohio Senate Bill 103

- **Primary Sponsors:** Stephen Huffman (R) and Nickie Antonio (D)
- **Cosponsors:**--9 Co-Sponsors

As explained below, overall, Ohio's death penalty costs taxpayers an exorbitant amount but does not deter violent crime, is not needed for plea bargaining, encourages false confessions, and there is a real risk of putting an innocent person to death.

- **Death penalty costs to taxpayers are exponentially higher than non-capital cases.**
- Trial costs can be ten times higher for taxpayers: The Akron Beacon Journal examined and compared the costs of two aggravated murder trials—one with death specification (meaning one where the death penalty was sought) and one without death specifications. The trial of the death penalty case cost the county more than \$267,000 compared to less than \$20,000 for the non-death penalty case trial. In other words, the death penalty case cost taxpayers more than ten-times the price of a non-death penalty case. The cost data in this instance came directly from the Summit County Common Pleas Court. - *Warsmith, Stephanie. Akron Beacon Journal, "Death penalty needed for 'worst of worst' chief counsel for Summit County prosecutor says," February 19, 2017.* You can see the detail of the costs in this study in the "costs" document attached hereto.
- Overall, on average costs taxpayers \$1 million more – and one study shows up to \$2 million more – per case. Nationally, the death penalty costs taxpayers an average of \$1 million more than a life without parole sentence, making it the most expensive part of our criminal justice system on a per offender basis. For example, Seattle University conducted an in-depth seven-month study into the costs of the death penalty in Washington state and found a more than \$1 million price break in cases where capital punishment is not sought. <https://www.seattletimes.com/seattle-news/seeking-death-penalty-adds-1m-to-prosecution-cost-study-says/>. In Maryland death penalty cases cost 3 times more than non-death penalty cases, or \$3 million for a single capital case compared to \$1 million for a non-capital case (Urban Institute, The Cost of the Death Penalty in Maryland, March 2008).
- State asked to pick up bill when counties can't afford the taxpayer costs: Pike County, Ohio's total budget is \$10 million / year. The high profile Rhoden family capital murder trial is expected to surpass \$4 million, almost half of their county's budget. The county has been forced to seek aid from the state budget to help cover these outrageous costs solely for the trial. <https://news.wosu.org/news/2019-02-07/pike-county-needs-state-help-to-pay-for-rhoden-massacre-trials>; <https://www.cleveland.com/politics/2019/04/ohio-house-passes-bill-to-help-pike-county-pay-for-mass-murder-trial.html>
- **Death penalty does not deter murders.**
- Statistics consistently show that murder rates are lower in states that **do not** have the death penalty. Please see the attached chart, which can also be found at this

link...<https://deathpenaltyinfo.org/facts-and-research/murder-rates/murder-rate-of-death-penalty-states-compared-to-non-death-penalty-states>.

- **Real risk of putting innocent to death:** Since 1973, more than 185 death row inmates have been exonerated of all charges and released. 11 of those were in Ohio, which means for every five executions, one person has been exonerated in our state. Each of Ohio's 11 exonerees are discussed in the attached "one-pager" on innocence/wrongful conviction.
- **Concern that Prosecutors need the death penalty for plea bargaining is not supported by fact, and facts show the contrary:**
  - "In December 2007, New Jersey became the first state to legislatively abolish the death penalty in 40 years. In commenting on the absence of capital punishment for one year, a number of state prosecutors found no problems with the new system. 'We have not viewed it as an impediment in the disposition of murder cases, said Hudson County Prosecutor Edward DeFazio, who served on a state study commission that reviewed the death penalty. 'As a practical matter, we have really seen no difference in the way we conduct our business in prosecuting murder cases.'" <https://deathpenaltyinfo.org/news/new-voices-one-year-later-new-jersey-prosecutors-find-no-problem-with-abolition-of-death-penalty>. "Abolition has proven its worth, in that there has been no surge of murders, a significant decline of prosecution and appeal expenses, and the elimination of irremediable judicial mistakes. [Abolition] was and remains both the right thing and the sensible thing to have done." "On the Death Penalty, New Jersey Got it Right," Editorial Board of the *New Jersey Law Journal*, December 17, 2017.
  - Plea bargaining in death penalty cases encourages false confessions to avoid the death penalty. More than 25% of DNA exonerations are the result of a false confession or incriminating statements by an innocent defendant. "False Confessions or Admissions," The Innocence Project
  - For example, Chris Ochoa was sentenced to life for the 1988 rape and murder of Nancy DePriest in Austin, Texas. He was threatened with the death penalty. On the advice of his attorney, he pled guilty to the murder and implicated his friend, Richard Danziger, for the rape. In 2001, DNA testing revealed that both Ochoa and Danziger were innocent. They were exonerated and released from prison, but Danziger never really got his life back – he was severely beaten in prison and remains brain damaged to this day, in the care of his sister. "Christopher Ochoa," Innocence Project.