

Financial Facts About the Death Penalty California

Report of the California Commission on the Fair Administration of Justice

"The additional cost of confining an inmate to death row, as compared to the maximum security prisons where those sentenced to life without possibility of parole ordinarily serve their sentences, is \$90,000 per year per inmate. With California's current death row population of 670, that accounts for \$63.3 million annually."

- Using conservative rough projections, the Commission estimates the annual costs of the present (death penalty) system to be \$137 million per year.
- The cost of the present system with reforms recommended by the Commission to ensure a fair process would be \$232.7 million per year.
- The cost of a system in which the number of death-eligible crimes was significantly narrowed would be \$130 million per year.
- The cost of a system which imposes a maximum penalty of lifetime incarceration instead of the death penalty would be \$11.5 million per year.

[\(Commission on the Fair Administration of Justice, June 30, 2008\)](#).

Maryland

New Study Reveals Maryland Pays \$37 Million for One Execution

A new study released by the Urban Institute on March 6, 2008 forecasted that the lifetime expenses of capital-prosecuted cases since 1978 will cost Maryland taxpayers \$186 million. That translates into at least \$37.2 million for each of the state's five executions since the state reenacted the death penalty. The study estimates that the average cost to Maryland taxpayers for reaching a single death sentence is \$3 million - \$1.9 million more than the cost of a non-death penalty case. (This includes investigation, trial, appeals, and incarceration costs.) The study examined 162 capital cases that were prosecuted between 1978 and 1999 and found that those cases will cost \$186 million more than what those cases would have cost had the death penalty not existed as a punishment. At every phase of a case, according to the study, capital murder cases cost more than non-capital murder cases.

Of the 162 capital cases, there were 106 cases in which a death sentence was sought but not handed down in Maryland. Those cases cost the state an additional \$71 million compared to the cost non-death penalty cases. Those costs were incurred simply to seek the death penalty where the ultimate outcome was a life or long-term prison sentence.

("Death penalty costs Md. more than life term," by Jennifer McMenamin, The Baltimore Sun, March 6, 2008). Read the [entire study here](#).

Federal Costs

The average cost of defending a trial in a federal death case is \$620,932, about 8 times that of a federal murder case in which the death penalty is not sought. A study found that those defendants whose representation was the least expensive, and thus who received the least amount of attorney and expert time, had an increased probability of receiving a death sentence. Defendants with less than \$320,000 in terms of representation costs (the bottom 1/3 of federal capital trials) had a 44% chance of receiving a death sentence at trial. On the other hand, those defendants whose representation costs were higher than \$320,000 (the remaining 2/3 of federal capital trials) had only a 19% chance of being sentenced to death. Thus, the study concluded that defendants with low representation costs were more than twice as likely to receive a death sentence. The complete report can be found [here](#).

(Office of Defender Services of the Administrative Office of the U.S. Courts, "[Update on Cost, Quality, and Availability of Defense Representation in Federal Death Penalty Cases](#)," June 2008; prepared by Jon Gould and Lisa Greenman).

Further update at J. Gould and L. Greenman, "[Report to the Committee on Defender Services-Judicial Conference of the United States](#)," September 2010.

Washington

Report to Washington State Bar Association regarding cost

At the trial level, death penalty cases are estimated to generate roughly \$470,000 in additional costs to the prosecution and defense over the cost of trying the same case as an aggravated murder without the death penalty and costs of \$47,000 to \$70,000 for court personnel. On direct appeal, the cost of appellate defense averages \$100,000 more in death penalty cases, than in non-death penalty murder cases. Personal restraint petitions filed in death penalty cases on average cost an additional \$137,000 in public defense costs.

[\(FINAL REPORT OF THE DEATH PENALTY SUBCOMMITTEE](#) OF THE COMMITTEE ON PUBLIC DEFENSE, Washington State Bar Association, December 2006).

New Jersey

Death Penalty has Cost New Jersey Taxpayers \$253 Million

A New Jersey Policy Perspectives report concluded that the state's death penalty has cost taxpayers \$253 million since 1983, a figure that is over and above the costs that would have been incurred had the state utilized a sentence of life without parole instead of death. The study examined the costs of death penalty cases to prosecutor offices, public defender offices, courts, and correctional facilities. The report's authors said that the cost estimate is "very conservative" because other significant costs uniquely associated with the death penalty were not available. "From a strictly financial perspective, it is hard to reach a conclusion other than this: New Jersey taxpayers over the last 23 years have paid more than a quarter billion dollars on a capital punishment system that has executed no one," the report concluded. Since

1982, there have been 197 capital trials in New Jersey and 60 death sentences, of which 50 were reversed. There have been no executions, and 10 men are housed on the state's death row. Michael Murphy, former Morris County prosecutor, remarked: "If you were to ask me how \$11 million a year could best protect the people of New Jersey, I would tell you by giving the law enforcement community more resources. I'm not interested in hypotheticals or abstractions, I want the tools for law enforcement to do their job, and \$11 million can buy a lot of tools." (See Newsday, Nov. 21, 2005; also Press Release, New Jerseyans for Alternatives to the Death Penalty, Nov. 21, 2005).

Read [the Executive Summary](#). Read the [full report](#). Read the [NJADP Press Release](#).

Tennessee

Study Finds Death penalty Costly, Ineffective

A new report released by the Tennessee Comptroller of the Treasury recommended changes to the state's costly death penalty and called into question its effectiveness in preventing crime. The Office of Research noted that it lacked sufficient data to accurately account for the total cost of capital trials, stating that because cost and time records were not maintained, the Office of Research was unable to determine the total, comprehensive cost of the death penalty in Tennessee." Although noting that, "no reliable data exists concerning the cost of prosecution or defense of first-degree murder cases in Tennessee," the report concluded that capital murder trials are longer and more expensive at every step compared to other murder trials. In fact, the available data indicated that in capital trials, taxpayers pay half again as much as murder cases in which prosecutors seek prison terms rather than the death penalty. Findings in the report include the following:

- Death penalty trials cost an average of 48% more than the average cost of trials in which prosecutors seek life imprisonment.
- Tennessee District Attorneys General are not consistent in their pursuit of the death penalty.
- Surveys and interviews of district attorneys indicate that some prosecutors "use the death penalty as a 'bargaining chip' to secure plea bargains for lesser sentences."
- Previous research provides no clear indication whether the death penalty acts as a method of crime prevention.
- The Tennessee Court of Criminal Appeals reversed 29 percent of capital cases on direct appeal.
- Although any traumatic trial may cause stress and pain for jurors, the victims' family, and the defendant's family, the pressure may be at its peak during death penalty trials. (July 2004)

[Read the Tennessee Comptroller of the Treasury Office of Research's Report, "Tennessee's Death Penalty: Costs and Consequences."](#)

Kansas

Study Concludes Death Penalty is Costly Policy

In its review of death penalty expenses, the State of Kansas concluded that capital cases are 70% more expensive than comparable non-death penalty cases. The study counted death penalty case costs through to execution and found that the median death penalty case costs \$1.26 million. Non-death penalty cases were counted through to the end of incarceration and were found to have a median cost of \$740,000. For death penalty cases, the pre-trial and trial level expenses were the most expensive part, 49% of the total cost. The costs of appeals were 29% of the total expense, and the incarceration and execution costs accounted for the remaining 22%. In comparison to non-death penalty cases, the following findings were revealed:

- The investigation costs for death-sentence cases were about 3 times greater than for non-death cases.
- The trial costs for death cases were about 16 times greater than for non-death cases (\$508,000 for death case; \$32,000 for non-death case).
- The appeal costs for death cases were 21 times greater.
- The costs of carrying out (i.e. incarceration and/or execution) a death sentence were about half the costs of carrying out a non-death sentence in a comparable case.
- Trials involving a death sentence averaged 34 days, including jury selection; non-death trials averaged about 9 days.

(Performance Audit Report: Costs Incurred for Death Penalty Cases: A K-GOAL Audit of the Department of Corrections, Dec. 2003) [Read DPIC's Summary of the Kansas Cost Report](#).

USA

Death Penalty Trials Very Costly Relative to County Budgets

Capital cases burden county budgets with large unexpected costs, according to a report released by the National Bureau of Economic Research, "The Budgetary Repercussions of Capital Convictions," by Katherine Baicker. Counties manage these high costs by decreasing funding for highways and police and by increasing taxes. The report estimates that between 1982-1997 the extra cost of capital trials was \$1.6 billion. (NBER Working Paper No. w8382, Issued in July 2001) [Read the abstract](#).

Indiana

A recent state analysis of the costs of the death penalty in Indiana found the average cost to a county for a trial and direct appeal in a capital case was over ten times more than a life-without-parole case. The average capital case resulting in a death sentence cost \$449,887, while the average cost of case in which a life-without-parole sentence was sought and achieved was only \$42,658. The study was prepared by the Legislative Services Agency for the General Assembly, Jan. 2010, as a cost assessment for a bill that would make more cases eligible for the death penalty. [Read the assessment](#).

Total cost of Indiana's death penalty is 38% greater than the total cost of life without parole sentences

A study by Indiana's Criminal Law Study Commission found this to be true, assuming that 20% of death sentences are overturned and resentenced to life. (Indiana Criminal Law Study Commission, "[Commission Report on Capital Sentencing](#)," January 10, 2002)

North Carolina

Death Penalty Costs North Carolina Nearly \$11 Million a Year

A recent study published by a Duke University economist revealed North Carolina could save \$11 million annually if it dropped the death penalty. Philip J. Cook, a professor at Duke University's Sanford School of Public Policy, calculated the extra state costs of the death penalty during fiscal years 2005 and 2006. He calculated over \$21 million worth of expenses that would have been saved if the death penalty had been repealed. The total included extra defense costs for capital cases in the trial phase, extra payments to jurors, post-conviction costs, resentencing hearings, and the extra costs to the prison system. This conservative estimate did not include resources that would have been freed up in the Office of the Appellate Defender and the North Carolina Supreme Court, the extra time spent by prosecutors in capital cases, and the costs to taxpayers for federal appeals.

The two-year costs were summed up as follows:

Extra defense costs for capital cases in trial phase \$13,180,385

Extra payments to jurors \$224,640

Capital post-conviction costs \$7,473,556

Resentencing hearings \$594,216

Prison system \$169,617

Total \$21,642,414

(P. Cook, "[Potential Savings from Abolition of the Death Penalty in North Carolina](#)," American Law and Economics Review, advance access, December 11, 2009)

North Carolina Spends More per Execution than on a Non-death Penalty Murder Case

The most comprehensive death penalty study in the country found that the death penalty costs North Carolina \$2.16 million more per execution than the a non-death penalty murder case with a sentence of life imprisonment (. On a national basis, these figures translate to an extra cost of over \$1 billion spent since 1976 on the death penalty. ("[The Costs of Processing Murder Cases in North Carolina](#)" Duke University, May 1993)

Florida

Florida Spends Millions Extra per Year on Death Penalty

Florida would save \$51 million each year by punishing all first-degree murderers with life in prison without parole, according to estimates by the Palm Beach Post. Based on the 44 executions Florida has carried out since 1976, that amounts to an approximate cost of \$24 million for each execution. This finding takes into account the relatively few inmates who are actually executed, as well as the time and effort expended on capital defendants who are tried but convicted of a lesser murder charge, and those whose death sentences are overturned on appeal. ("[The High Price of Killing Killers](#)," Palm Beach Post, January 4, 2000)

Florida Spent Average of \$3.2 Million per Execution from 1973 to 1988

During that time period, Florida spent an estimated \$57 million on the death penalty to achieve 18 executions. ("Bottom Line: Life in Prison One-Sixth as Expensive," Miami Herald, July 10, 1988)

California

California Spends Millions More on Capital Cases

California spends \$90 Million dollars annually above and beyond the ordinary costs of the justice system on capital cases. \$78 million of that total is incurred at the trial level (Sacramento Bee, March 18, 1988). In January 2003, despite a budget deficit, California Governor Gray Davis proposed building a new \$220 million state of the art death row. ("[San Quentin Debate: Death Row vs. Bay Views](#)," New York Times, December 18, 2004).

The California Death Penalty System Costs Taxpayers More than \$114 Million a Year

According to state and federal records obtained by The Los Angeles Times, maintaining the California death penalty system costs taxpayers more than \$114 million a year beyond the cost of simply keeping the convicts locked up for life. This figure does not count the millions more spent on court costs to prosecute capital cases. The Times concluded that Californians and federal taxpayers have paid more than a quarter of a billion dollars for each of the state's 11 executions, and that it costs \$90,000 more a year to house one inmate on death row, where each person has a private cell and extra guards, than in general prison population. This additional cost per prisoner adds up to \$57.5 million in annual spending. ("[Death Row Often Means a Long Life](#)," Los Angeles Times, March 6, 2005).

1988 Cost Study by the Sacramento Bee

A study done by the Sacramento Bee (March 28, 1988) suggests that California would save \$90 million per year if it were to abolish the death penalty. \$78 million of these expenses are occurred at the trial level and would not be reduced by shortening appeals. ("CLOSING DEATH ROW WOULD SAVE STATE \$90 MILLION A YEAR," Sacramento Bee, March 28, 1988).

Texas

Texas death penalty cases cost more than non-capital cases

Each death penalty case in Texas costs taxpayers about \$2.3 million. That is about three times the cost of imprisoning someone in a single cell at the highest security level for 40 years. ("Executions Cost Texas Millions," Dallas Morning News, March 8, 1992).