



# The Cost of the Death Penalty

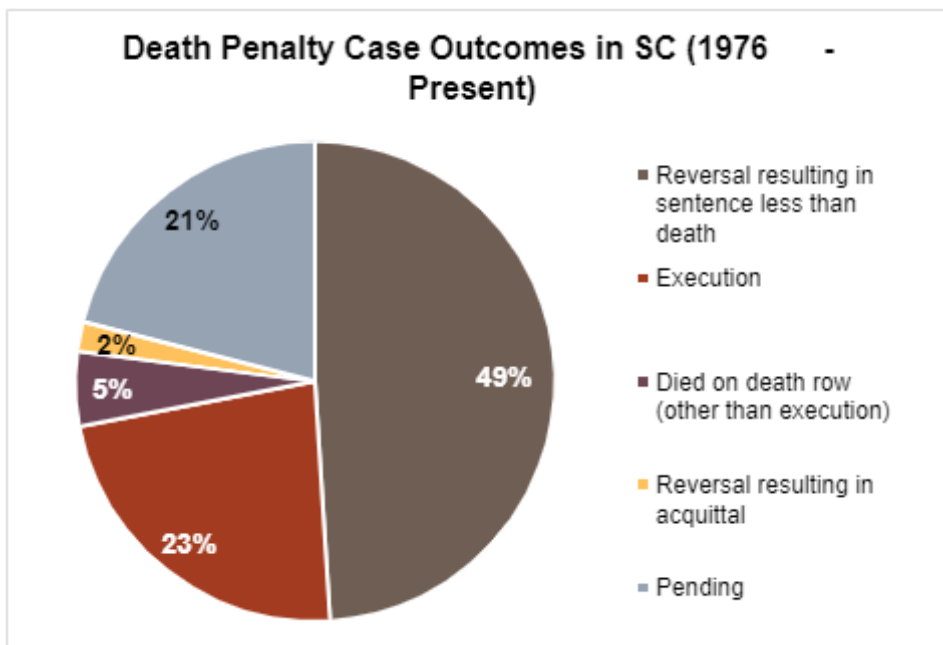
## A Tax Burden for All South Carolinians

*There has never been a complete cost/benefit analysis of the death penalty in South Carolina (which is strange, because the state consistently elects leaders who claim to care about balancing the budget).*

- What we know from other states is the death penalty diverts resources from genuine crime control measures. Spending money on the death penalty system means:
- Taking it away from existing components of the criminal justice system, such as prosecutions of drug crimes, domestic violence, and child abuse.
- Reducing the resources available to states for crime prevention, education and rehabilitation, law enforcement, drug treatment programs, care and follow-up of people who have been released into the community, and victims' compensation funds.

### Capital Punishment is a far more expensive system than one whose maximum penalty is life without the possibility of parole.

One estimate by [SCNow.com](http://SCNow.com) in 2015 suggests that the death penalty could be costing South Carolina as much as as \$1.1 million more than a life-without-parole homicide case. The same data suggests that a single death penalty trial costs South Carolinians around \$415,000 more than a noncapital murder trial. Taxpayers (especially those in small counties) bear an extraordinary fiscal burden for a handful of individuals, 60% of which become exonerated because of flawed court proceedings.



#### **Common Reasons for Sentence Reversal**

- Instructional Error (45 cases in SC)
- Prosecutorial Misconduct (29 cases in SC)
- Evidentiary Error (42 cases in SC)
- Ineffective Assistance of Council (26 cases in SC)
- Newly Discovered Evidence
- Mental Incompetency

# The True Costs of Death Penalty Trials

- The greatest costs of the death penalty are incurred prior to and at trial, not in post-conviction proceedings.
- Under a death penalty system, trials have two separate phases (conviction and sentencing). Special motions and extra jury selection questioning typically precede these trials.
- More investigative costs are generally incurred in capital cases, particularly by the prosecution.
- When death penalty trials result in a verdict less than death or are reversed, the taxpayer incurs all the extra costs of capital pretrial and trial proceeding and must then also pay either for the cost of incarcerating the prisoner for life or the costs of a retrial (which often leads to a life sentence).

## Death Penalty Cost Analysis in Different States

According to a **New Jersey** study conducted by New Jersey Policy Perspectives, between 1983 and 2005, N.J. taxpayers paid \$253 million more for their death penalty system than they would have for a system that seeks life without parole as its maximum punishment. They abolished the death penalty in 2007.

The most comprehensive study in the country found that the death penalty costs **North Carolina** \$2.16 million per execution over the costs of sentencing murderers to life imprisonment. The majority of those costs occur at the trial level. (Duke University, 1993).

In **Kansas**, the costs of capital cases are 70% more expensive than comparable non-capital cases, including the costs of incarceration. (Kansas Performance Audit Report, December 2003).

Enforcing the death penalty costs **Florida** \$51 million a year above what it would cost to punish all first-degree murderers with life in prison without parole. Based on the 44 executions Florida had carried out since 1976, that amounts to a cost of \$24 million for each execution. (Palm Beach Post, January 2000).

In **Maryland**, an average death penalty case resulting in a death sentence costs approximately \$3 million. The eventual costs to Maryland taxpayers for cases pursued from 1978-1999 will be \$186 million. Five executions have resulted. (Urban Institute 2008).