

July 1, 1994

**Testimony of Geraldine S. Hines, Chair of the Committee for
Public Counsel Services, Before the Joint Committee on Criminal
Justice, Opposing the Governor's Death Penalty Proposal**

The Committee for Public Counsel Services is responsible for appointing counsel to the indigent in all cases of murder. The Committee's responsibility offers special insight into the limits on protection that defense counsel can provide an innocent defendant and detailed knowledge of the number of counsel appointments that the proposed legislation will require.

Contrary to the Governor's claim that his bill is narrowly drawn to encompass only the most abhorrent killers, empirical studies of our past caseload demonstrate that it would apply to a majority of persons charged with murder in the Commonwealth --thus dramatically increasing its costs and its certain risk of executing the innocent. Bill Leahy, our chief counsel, will describe to you some of the specific impacts upon this agency of enacting this proposal.

One fact is certain. The cost to CPCS of training, certifying and promptly compensating two lawyers for every capital case will be enormous. Dramatic cost increases are inevitable as well for the trial courts, the prosecutors, the appellate courts, and the prison system. It is both ironic and indefensible that an Administration which prides itself on fiscal responsibility has failed completely to assess the impact of enacting this proposal. We urge the Legislature to conduct a comprehensive fiscal impact estimate, so that lawmakers may know the true fiscal cost before they cast their votes on this terribly misleading and wasteful proposal.

This simplistic, vengeful response to crime is worse than ineffective--it promotes an illusion of increased safety which guarantees future frustration. Let us be clear: reinstating the death penalty does nothing to prevent violent crime. And by robbing scarce resources from local police, education, mental health and family support budgets, it plants the seeds of increased future violence. If the Governor is serious about preventing crime, he should direct his attention and funding to law enforcement initiatives already in place with proven track records.