



The Commonwealth of Massachusetts
Committee for Public Counsel Services

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CHIEF DEFENDER DENOUNCES
DEATH BILL AS COSTLY MISTAKE

William J. Leahy, Chief Counsel of the Committee for Public Counsel Services, today issued the following statement opposing the Governor's death penalty bill:

There are only three certainties about the proposed reestablishment of the death penalty in Massachusetts:

- (1) it will be enormously expensive;
- (2) it will subject innocent people to the threat of execution and will likely, one day, actually cause the execution of an innocent person;
- (3) there is simply no credible evidence that it will deter murder in Massachusetts, which already has the lowest homicide rate of any major industrial state.

It is appalling that this administration, so avowedly committed to "fiscal responsibility," has failed to conduct any meaningful examination of the fiscal impact of a Massachusetts death penalty. As the agency which is responsible for the indigent defense

aspect of those costs, we have examined the experience of other states. For example, a 1987 Kansas legislative study predicted that implementation of a death penalty would cost over 11 million dollars annually: in New York, a 1982 study estimated a cost of \$1.8 million for each capital prosecution. To date, neither state has implemented the death penalty.

Throwing millions of scarce tax dollars toward establishment of a death penalty will do nothing to enhance the legitimate goal of public safety. Indeed, by diverting resources from such areas as education and police protection, it will undermine public safety.

Our agency is currently studying the potential cost of compliance with the American Bar Association minimum standards for death penalty representation. Our preliminary analysis--for this agency alone--runs into several million dollars annually. We have not attempted to assess the fiscal impact upon police, prosecutors, the judicial system or the corrections department.

We call upon the Legislature to conduct the fiscal impact analysis which the Administration has ignored; and we ask every citizen to consider whether this money would not be better spent directly for restitution to the families of murder victims, or for cost-effective crime prevention programs which do have a public safety benefit.
