

NEWS & FEATURES

2008

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2007

Death Penalty Costs N.C. Taxpayers \$11 million a Year

2006

The need for "super" due process during the trial phase and multiple rounds of appeals make pursuing the death penalty an expensive proposition. A new study by Philip Cook, a professor at Duke University's Sanford School of Public Policy, estimates the financial cost at nearly \$11 million per year for the state of North Carolina.

"The death penalty remains a burden on the North Carolina taxpayer, despite the fact that the number of capital trials and sentences has declined sharply in recent years, and we have not executed anyone since 2007," Cook said.

To arrive at the \$10.8 million figure, Cook analyzed data from fiscal years 2005 and 2006 to compare the actual costs of pursuing a capital trial to the likely costs of trying the same cases if the death penalty were not an option. The total does not take into account the resources that would freed up for other uses if courts and district attorneys offices no longer sought executions.

Of the 1,034 people charged with murder whose cases were disposed of in 2005 and 2006, district attorneys had announced intentions to pursue the death penalty in 274, or 27 percent, of the cases. However, only 29 were tried as capital cases and 11 people were convicted and sentenced to death.

When a district attorney pursues the death penalty, defendants are legally due additional protections, such as being represented by two attorneys. The state frequently bears the costs for both attorneys, financed by the Office of Indigent Defense Services (IDS.) These extra costs are incurred for every case that is prosecuted capitally, not just the handful of cases that result in a death sentence. Further, preparing for and trying a case capitally places considerable demands on the prosecutor's office and the courts.

While cost should not be a major factor in the debate over whether to abolish the death penalty, Cook said, it was a consideration for New Jersey and New Mexico when they ended the practice. In 2008, the Maryland Commission on Capital Punishments included costs in its recommendation for abolishment of the option.

Cook also took into consideration the deterrent factor of the death penalty. Of the more than 1,000 murder charges during the period analyzed, only one or two people may actually be executed. Such a small percentage is unlikely to have a substantial deterrent effect, he concluded. Furthermore, resources devoted to capital cases are not available for prosecuting and trying other violent crimes, and the net effect may be the opposite of deterrence, he said.

"There is a widespread notion that capital punishment saves the state money. That notion is false. There may be other valid reasons for supporting the death penalty, but financial considerations, if anything, go the other way," Cook said.

Cook's research report, "Potential Savings from Abolition of the Death Penalty in North Carolina," was published in the December 2009 issue of *American Law and Economics Review*.



Philip J. Cook