



# CITY OF SEATTLE

January 23, 2017

Dear Members of the Seattle Delegation:

We write to reiterate our support for pursuing the abolition of the death penalty. We do so for the reasons stated in our previous letter dated January 26, 2015, attached for your reference with accompanying research. As supported by overwhelming evidence, the death penalty is an ineffective deterrent that diverts public safety resources, delays justice for victims' families, and confounds efforts to achieve racial and social equity.

Since our last letter, the Delaware Supreme Court struck down that state's death penalty statute. Now nineteen states and the District of Columbia have either abolished the death penalty or had it judicially invalidated. Additionally, governors of four states, our own, Colorado, Oregon, and Pennsylvania, have imposed moratoria on use of the death penalty.

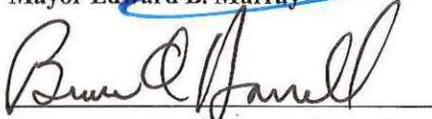
We urge your support for Washington Senate Bill 5354 and the as-yet un-introduced House Bill. The legislation was proposed by Attorney General Ferguson and is sponsored in the Senate by Senator Miloscia and in the House by Representative Orwall.

In 2015 the *Seattle Times* urged repeal and continues to do so today<sup>1</sup>. The time is right for ending this costly and immoral form of retributive justice.



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Mayor Edward B. Murray



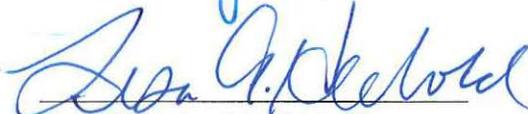
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Council President Bruce A. Harrell



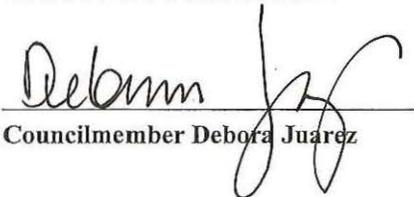
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Councilmember Tim Burgess



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Councilmember Lisa Herbold



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Councilmember Debra Juarez



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City Attorney Pete Holmes



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Councilmember Sally Bagshaw



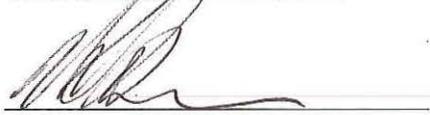
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Councilmember M. Lorena González



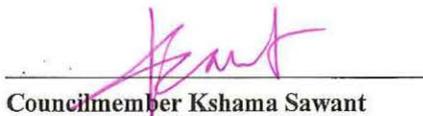
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Councilmember Rob Johnson



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Councilmember Mike O'Brien



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Councilmember Kshama Sawant

<sup>1</sup> "It's time for the Legislature to vote to repeal the death penalty." Editorial. *Seattle Times*. 18 Jan. 2017. Retrieved from <http://www.seattletimes.com/opinion/editorials/its-time-for-the-legislature-to-vote-to-repeal-the-death-penalty/>.



## City of Seattle

Edward B. Murray  
Mayor

Peter S. Holmes  
City Attorney

Tim Burgess, President  
Seattle City Council

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January 26, 2015

Dear Members of the Seattle Delegation:

We write to request your support in Olympia for pursuing safe and just alternatives to the death penalty. There is no credible evidence showing that the death penalty deters homicide or makes our communities safer. Instead, pursuing capital punishment diverts precious resources from critical public safety programs, delays final resolution for victims' families and has serious implications for racial and social equity.

For these reasons, eighteen states have abolished the death penalty -- from Michigan in 1846 to New York, New Jersey, New Mexico, Illinois, Connecticut, and Maryland in just the last eight years. Governor Inslee's moratorium last year was an appropriate first step for Washington State. Now it is time for the Legislature to take up this conversation.

Washington's death penalty policy has a significant impact on Seattle and King County. As the cost to taxpayers for three current capital cases in King County rises above \$15 million, we see an urgent need to reform this costly and ineffective practice of our criminal justice system.

Capital punishment diverts critical resources from other needed public safety programs. Death penalty cases cost, on average, about 1.5 times more than other aggravated first-degree murder cases, including post-conviction incarceration costs. An analysis of Washington State cases released earlier this month estimated that this translates to more than \$1 million in additional costs per case. Local governments and communities would benefit from using this money for victim support programs, stronger investigative units and violence prevention.

Imposition of the death penalty delays final resolution for victims' families and communities. Of the 9 current offenders on Washington's death row, an average of 17 years has passed since the year of their crime. Historically, the majority of individuals sentenced to death in this state have had their death sentences *reversed* and, often after years of litigation, end up receiving sentences of life without the possibility of parole. Spending millions and subjecting victims' families to years or decades of uncertainty only to end up in the same place (a reduced sentence of life without parole) is not a worthwhile exercise.

We must further acknowledge that our criminal justice system is not perfect. Maintaining the death penalty risks the execution of an innocent person, a mistake that can never be corrected. One hundred fifty individuals and counting have been exonerated from death rows across the country and, as scientific investigative techniques improve, this number grows.

As representatives of a City government committed to racial equity and social justice, we are also concerned by recent research suggesting that the death penalty is applied disproportionately. While a close look at the data *does not* correlate prosecutors' decisions to seek the death penalty with the race of the victim or the accused, juries were 4.5 times more likely to impose a death sentence on a black defendant than on similarly situated white defendants. The specifics of each case -- which are presumed to be the primary drivers of such decisions in capital cases -- account statistically for only a small portion of the variation.

Finally, we should confront the reality that the death penalty exacts cruel and unusual punishment on individuals troubled by mental illness, intellectual impairments, and the effects of childhood trauma. A 2014 review of the one hundred most recently executed offenders' social histories from across the country found that as many as 87 "suffered from intellectual impairments, were barely into adulthood, wrestled with severe mental illness, or endured profound childhood trauma." Many cases fell into two or three of these categories. The U.S. Supreme Court has determined there are mitigating factors in an offender's life that should exclude consideration of the death penalty, but the criminal justice system does not always adequately capture and apply these factors.

We recognize that positions on the death penalty can defy traditional partisan lines. We do not view this as a Democratic or Republican issue and we have great hope that a bipartisan consensus supporting safe and just alternatives will emerge in the State Legislature. That said, we do not presume that all of you support such a position at this time. If you do, we thank you and encourage you to make this effort a priority in Olympia. If not, we invite you to share your concerns with us and allow us to continue the conversation.

You will find a summary of the available research on the death penalty attached to our letter, along with the editorial published last Thursday in *The Seattle Times* encouraging the legislature to abolish the death penalty.

Thank you for your hard work to make our community safer.

Sincerely,



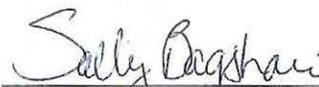
Edward B. Murray  
Mayor



Pete Holmes  
City Attorney



Tim Burgess, President  
Seattle City Councilmember



Sally Bagshaw  
Seattle City Councilmember



Sally J. Clark  
Seattle City Councilmember



Jean Godden  
Seattle City Councilmember



Bruce A. Harrell  
Seattle City Councilmember



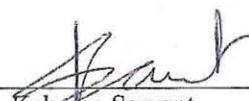
Nick Licata  
Seattle City Councilmember



Mike O'Brien  
Seattle City Councilmember



Tom Rasmussen  
Seattle City Councilmember



Kshama Sawant  
Seattle City Councilmember

# WRONG BY ANY MEASURE

## 6 Reasons to End the Death Penalty in Washington

1

### The death penalty is not an effective deterrent to homicide.

A 2012 National Research Council report concluded that no scientific evidence exists to show that the death penalty is an effective deterrent to homicide.<sup>1</sup>

The murder rate is in fact lower on average in states without the death penalty than in states with the death penalty.<sup>2</sup>

The murder rate is **28% lower** in states without the death penalty.



Death Penalty States    Non-Death Penalty States

Average # of Murders Per 100K Population  
1991 - 2011

2

### The death penalty delays final resolution for victims' families and communities.

Of the 9 current offenders on Washington's death row, an average of 17 years has passed since the year of their crime.<sup>3</sup>

The majority of individuals sentenced to death in Washington have had their death sentences reversed and have received a sentence of life without the possibility of parole.<sup>4</sup>

**78%** of death sentences overturned in Washington since 1981.

3

### The death penalty diverts critical resources from other needed public safety programs.

A newly-released analysis of costs to the criminal justice system in Washington State shows that **death penalty cases cost on average about 1.5 times more** than other aggravated first-degree murder cases, including post-conviction incarceration costs. This increase in costs equals on average \$1,152,808 per case that could have been invested in effective public safety services like victim support programs, "cold case" investigative units, and violence prevention.<sup>5</sup>

**King County alone has spent more than \$15 million** in pursuing the death penalty for just three current capital-case defendants.<sup>6</sup>

## Maintaining the death penalty risks the execution of an innocent person.

One hundred fifty individuals and counting have been exonerated from death rows across the country.<sup>7</sup>

**150**  
Exonerations  
across the country

## The death penalty is applied disproportionately across Washington.

A recent analysis of 297 aggravated murder cases in Washington State between December 1981 and May 2014 by a University of Washington professor concluded:

1. There is **large variation about decisions to seek the death penalty** among Washington counties.
2. The specifics of each case - which are presumed to be primary drivers of the decisions in capital cases - account statistically for a small portion of the variation.
3. Factors outside of the legal system do impact decision-making:
  - a. Prosecutorial decisions to seek the death penalty were significantly impacted by the amount of publicity about the case.
  - b. **Juries were 4.5 times more likely to impose a death sentence on a black defendant** than on similarly situated white defendants.<sup>8</sup>

## The death penalty exacts cruel and unusual punishment on individuals troubled by mental illness, intellectual impairments, and the effects of childhood trauma.

A 2014 review of the one hundred most recently executed offenders' social histories found that as many as 87 "suffered from intellectual impairments, were barely into adulthood, wrestled with severe mental illness, or endured profound childhood trauma," and many fell into two or three of these categories.<sup>9</sup>

**87%** of the recently executed were **mentally ill, impaired or traumatized**

<sup>1</sup> Nagin, Daniel S. and John V. Pepper, editors; Committee on Deterrence and the Death Penalty, Committee on Law and Justice: Division on Behavioral and Social Sciences and Education; National Research Council. "Deterrence and the Death Penalty." 2012. Available at <http://www.nap.edu/catalog/13363/deterrence-and-the-death-penalty>

<sup>2</sup> <http://www.deathpenaltyinfo.org/deterrence-states-without-death-penalty-have-had-consistently-lower-murder-rates>

<sup>3</sup> <http://www.doc.wa.gov/offenderinfo/capitalpunishment/sentencedlist.asp>

<sup>4</sup> Washington State Bar Association. "Final Report of the Death Penalty Subcommittee of the Committee on Public Defense." December 2006. Available at <http://www.wsba.org/~media/Files/WSBA-wide%20Documents/wsba%20death%20penalty%20report.ashx>

<sup>5</sup> Collins, Peter A., Robert C. Boruchowitz, Matthew J. Hickman, and Mark A. Larrañaga. "An Analysis of the Economic Costs of Seeking the Death Penalty in Washington State." January 1, 2015. [http://www.law.seattleu.edu/Documents/korematsu/deathpenalty/The\\_Economic\\_Costs\\_of\\_Seeking\\_the\\_Death\\_Penalty\\_in\\_WA\\_FINAL.pdf](http://www.law.seattleu.edu/Documents/korematsu/deathpenalty/The_Economic_Costs_of_Seeking_the_Death_Penalty_in_WA_FINAL.pdf)

<sup>6</sup> Sullivan, Jennifer. "Seeking death penalty adds \$1M to prosecution cost, study says." The Seattle Times, January 7, 2015. [http://seattletimes.com/html/localnews/2025397747\\_deathpenaltystudy.xml.html](http://seattletimes.com/html/localnews/2025397747_deathpenaltystudy.xml.html)

<sup>7</sup> Names and stories of exonerated individuals are available at <http://www.deathpenaltyinfo.org/innocence-list-those-freed-death-row> and <http://conservativesconcerned.org/why-were-concerned/innocence/>

<sup>8</sup> Beckett, Katherine and Heather Evans. "The Role of Race in Washington State Capital Sentencing, 1981-2014." [https://sj.washington.edu/sites/sj/files/research/capital\\_punishment\\_beckettevans\\_10-1.6.14.pdf](https://sj.washington.edu/sites/sj/files/research/capital_punishment_beckettevans_10-1.6.14.pdf)

<sup>9</sup> Smith, Robert J., Sophie Cull and Zoe Robinson. "The Failure of Mitigation?" Hastings Law Journal 65 (2014): 1221-1256. Available at <http://www.hastingslawjournal.org/wp-content/uploads/Smith-65.5.pdf>

Explore these websites for more information:

<http://ejusa.org> <http://www.deathpenaltyinfo.org> <http://conservativesconcerned.org> <http://www.ncadp.org> <https://www.aclu.org/capital-punishment>

# The Seattle Times

WINNER OF NINE PULITZER PRIZES

Originally published January 21, 2015 at 4:57 PM

## Editorial: There is no reasonable argument for keeping the death penalty

Two simultaneous death penalty cases in King County won't make the public any safer, but they will be ruinously expensive. End the death penalty.

THE specter of two death-penalty cases happening simultaneously at the King County Courthouse is unprecedented. Yet, a third is soon on the way.

None of those cases will make the public safer. They are ruinously expensive — and will continue to be for years to come. They keep alive a penalty that is inconsistently applied from county to county and sustain the possibility, however small, that a civil society will make the ultimate mistake.

King County Prosecutor Dan Satterberg defends these relatively rare attempts to seek the death penalty because the pending cases — involving the assassination of a Seattle police officer and the mass killing of a Carnation family, including two young children — are so egregious. They are truly heinous crimes.

But the fact is, the effort to impose the death penalty is most likely symbolic. Since Washington reinstated capital punishment in 1981, three-quarters of the death sentences have been overturned in the pepper mill of the appeals process. Out of 33 cases, five inmates have been executed.

There is no convincing evidence those executions will deter future murders. In a comprehensive analysis published last year, the prestigious National Research Council of the National Academies found that studies claiming that capital punishment lowered homicide rates were too flawed to be taken seriously.

And, intuitively, the deterrence argument also fails. Consider Christopher Monfort, the alleged assassin of Seattle police officer Timothy Brenton in 2009. He portrays himself as an ideological revolutionary, and he appears to have targeted police in warped retaliation for police misconduct. That irrational act knows no deterrent.

But the death penalty does come at an enormous cost. Adding this penalty to an aggravated murder case in Washington boosts police and legal costs by at least \$1 million, according to a conservative estimate by Seattle University researchers. That figure includes the cost of incarceration.

In fact, the real costs of the death penalty are likely higher. Monfort's defense alone has spent about \$4 million. Taxpayer costs for the Carnation cases — the one against Joseph McEnroe that started this week, and another pending capital case against his ex-girlfriend, Michele Anderson — are nearly \$10 million.

The clearest argument in defense of the death penalty is simply vengeance. But a civil society instead owes victims and their families swift and certain justice. The death penalty provides neither. It adds years to the length of cases, prolonging uncertainty for victims' families, and it is often overturned or reversed.

Gov. Jay Inslee effectively ended the death penalty, at least while he is in office, by refusing to sign any death warrants. He and the Legislature should go further and end capital punishment altogether, hopefully before King County jurors add more to death row.

*Editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Ryan Blethen, Mark Higgins, Jonathan Martin, Thanh Tan, Blanca Torres, William K. Blethen (emeritus) and Robert C. Blethen (emeritus).*

