

END ILLINOIS' BROKEN DEATH PENALTY

SB 3539 (Rep. Yarbrough) repeals the death penalty prospectively and directs funds remaining in the Capital Litigation Trust Fund to murder victims' families and law enforcement.

THE SYSTEM IS BROKEN BEYOND REPAIR

Two years after the moratorium was issued in 2000, the Ryan Commission issued 85 recommendations to improve our death penalty system. Eight years later, there are still gaping issues that make fixing the broken system impossible – less than half of the recommendations have been implemented; there is not enough money to implement recommendations; and numerous local and national organizations, including the Chicago Council of Lawyers and 4000 judges, lawyers and law professors of the American Law Institute (ALI), believe that the system is irrevocably broken. That the ALI walked away from any further efforts to reform the death penalty because of the belief that the system is irretrievably broken and all reform efforts are futile is noteworthy since they drafted the Model Penal Code on capital punishment and assisted states that reinstated the death penalty after 1976.



THE BROKEN SYSTEM IS TOO COSTLY

Even during a moratorium on executions, the death penalty is an expensive and ineffective use of scarce resources. From 2003 to 2010 more than \$100 million was appropriated to pay just for the prosecution and defense costs alone.

The \$12-\$15 million annual cost to prosecute and defend death penalty cases despite a moratorium prompted voters to support life without parole by a 2 to 1 margin (64% -30%) in a recent Illinois poll.

“Despite 30 years of empirical research in the area, there remains no reliable statistical evidence that capital punishment in fact deters potential offenders.” - Supreme Court Justice Stevens

THE BROKEN SYSTEM DOES NOT MAKE SOCIETY SAFER

The death penalty is not an essential part of a functioning criminal justice system. We do not need the death penalty to protect society — Illinois judges *already* have the authority to sentence capital defendants to natural life without parole. Moreover, the death penalty does not deter crime. Since the moratorium on executions, the murder rate has decreased¹. States with the death penalty have a consistently higher murder rate than states without it².

A 2008 survey showed that 88% of the country's top criminologists do not believe the death penalty acts as a deterrent to homicide and 87% believe abolition of the death penalty would have no significant effect on murder rates.

More than 60% of Illinois voters prefer permanent imprisonment and restitution for victims' families over the death penalty.

PERMANENT IMPRISONMENT IS A REAL AND BETTER ALTERNATIVE TO THE BROKEN SYSTEM

Terrible crimes must be punished and dangerous people must be taken off the streets. The alternative of permanent imprisonment in a maximum security institution without the possibility of parole would sufficiently address legitimate social and penological interests, including the interests of the families of murder victims and concerns related to prison safety.

THE RISK OF SENTENCING INNOCENT PEOPLE TO DEATH REMAINS

From 1977 to 2000, Illinois executed 12 inmates, but freed 13 from Death Row. The 13 freed had their convictions overturned. Some of those were completely exonerated. In the 10 years since the Moratorium, 7 more inmates have been released from Death Row – only Florida has released more exonerated defendants. The irrevocability of the death penalty counsels against accepting a system with a demonstrably significant rate of error. We cannot guarantee that our death penalty system will not make a fatal mistake and take an innocent life.

ILLINOIS' DEATH PENALTY HARMS VICTIMS' FAMILY MEMBERS

The death penalty can cause more harm than good. The longer trial process, and lengthy wait between sentencing and executions subjects murder victims' families to a long and tortuous legal process. If we speed this up, we exacerbate the risk of executing an innocent person. The time, energy and resources spent on the death penalty would be better invested in programs and services that help victims families.

DEATH SENTENCE IS ARBITRARY

According to the Chicago Tribune, “Who gets a sentence of life and who gets a sentence of death is often a matter of random luck, of politics, of geography, even a matter of racism.” Since individual juries determine the sentence, imposition of the death penalty is a legal gamble, arbitrarily meted out; thus in Illinois, Brian Dugan got the death penalty; the Brown's Chicken defendants did not.

¹ FBI Uniform Crime Reports, available at <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/> ² Id.



Anthony Porter came within 48 hours of being executed for a crime he did not commit.

