



# CAPITAL JURIES DON'T SERVE JUSTICE

## Did you know...

- If you are against the death penalty, you cannot serve on the jury in a death penalty case? You have to be “death eligible,” or willing to impose death, which means that an entire chunk of society is excluded from these juries.

Source: <http://legal-dictionary.thefreedictionary.com/Witherspoon+v.+Illinois>

- Death penalty juries have fewer women and people of color? These groups are more frequently opposed to the death penalty, so they are more frequently cut from these juries.

Source: <http://www.deathpenaltyinfo.org/death-penalty-black-and-white-who-lives-who-dies-who-decides#RacialBiasPermeatesTheSystem>

- Death penalty juries are more likely to be biased in favor of the prosecution, and they are more likely to impose death? The group that is left has been shown to be more likely to favor the argument of the prosecutor, whether it is right or wrong, which increases the risk of convicting and executing an innocent person.

Source: <http://www.capitalpunishmentincontext.org/resources/deathqualification>

**Death penalty juries do not represent society as a whole and are, therefore, UNFAIR.**



# What's Wrong with the Death Penalty? A lot...

The risk of executing an innocent person is real:

**Over 144 people have been exonerated from death rows around the country.**<sup>[i]</sup> Evidence we once thought reliable, like eyewitness identification, is not always accurate. DNA evidence has led to hundreds of exonerations, including several death row cases, but it's not available in most cases. Despite our best intentions, human beings simply can't be right 100% of the time. **When a life is on the line, one mistake is one too many.**

The implementation of the death penalty is arbitrary:

We expect justice to be blind—otherwise it is not justice at all. Geography and race often determine who lives and who dies. **Jurors in Washington state are three times more likely to recommend a death sentence for a black defendant than for a white defendant in a similar case.**<sup>[ii]</sup> After 35 years we haven't found a way to make the system less arbitrary. Efforts to fix the system in Washington have just made it more complex—not more fair.

The complicated process has drained our resources:

The death penalty is longer and more complicated because a life is on the line—shortcuts could mean an irreversible mistake. For this reason, the death penalty costs millions more dollars than a system of life without parole—before a single appeal is even filed. **Washington state would save between \$300,000 and \$400,000 per case for indigent defense appeals.**<sup>[iii]</sup> **Ending the death penalty would save counties \$2 million each year in prosecution, defense, and expert witness costs.**<sup>[iv]</sup> **Currently, King County has spent almost \$10 million on two death penalty cases, neither of which has gone to trial.**<sup>[v]</sup> The time spent pursuing one capital case in Washington could solve and prosecute scores of other non-capital cases, removing the threat of violent criminals from our streets.

[i] Innocence and the Death Penalty. (n.d.). Retrieved from <http://www.deathpenalty.org/article.php?id=49>

[ii] Beckett, Katherine. 2014. "The Role of Race in Washington State Capital Sentencing, 1981-2012"

[iii] Fiscal Note for HB 1504, Reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration (2013), Local Government Fiscal Note

[iv] Id., Office of Public Defense Individual State Agency Fiscal Note, Judicial Impact Fiscal Note

[v] Editorial: It's time for the state to end the death penalty. (2014, February 18). *Seattle Times*.