

## **Death Penalty Repeal - Fundamental Talking Points**

*The death penalty is horribly expensive, costing \$16 million dollars per prosecution.* Resources should be spent elsewhere, preventing crime and providing services to victims of crime. As of November 2020, there are 139 people on Ohio's death row. Ohioans are acutely aware - especially during the COVID-19 pandemic - that there are many urgent issues requiring state funding, executing hundreds of people at an astronomical moral and financial cost is not one of them.

*The death penalty harms POC and the economically disadvantaged disproportionately.* Black and brown people total less than 15% of Ohio's population, yet they make up over half of Ohio's death row, 33% of those executed and 66% of those exonerated. When Ohio executions have taken place, 75% of the time the crime committed has involved a white victim.

Almost none of the individuals on Ohio's death row could afford their own representation. Prosecutors are afforded millions of dollars to try capital cases and defense attorneys can't compete with those resources. In 2007, the American Bar Association found that Ohio did not have the proper safeguards in place to ensure competent representation in capital cases. Furthermore, the ABA urged Ohio legislators to provide more funds to defense attorneys to level the playing field and ensure the standard for "equal justice under law".

*The death penalty provides no deterrent to violent crime.* Recent studies have actually shown that on an international scale, countries that abolished the death penalty have lower murder rates than countries who have kept the death penalty.

*The death penalty is cruel and unusual and therefore unconstitutional.* Ohio committed five botched executions--meaning the condemned suffered--from 2006 to 2017. In 2009, the state attempted to kill Romell Broom for two hours but failed, despite Broom's cooperation. Because of these and other issues, the state has revised its execution protocol again and again. After a federal magistrate ruled in 2017 that the three-drug mixture used by Ohio likely violated the U.S. Constitution's Eighth Amendment guarantee against "cruel and unusual punishment," Gov. DeWine ordered state officials to seek an alternative combination of drugs. However, a growing number of drug makers, distributors and pharmacies aren't selling, making this impossible.

*The death penalty puts innocent lives at risk.* Nationally, according to the DPIC, since 1973, for every eight people executed, at least one person has been wrongfully convicted or exonerated. In Ohio, for every six people the state has executed, one person has been found innocent. This kind of mistake is far too frequent when human lives are at stake.

*The death penalty is arbitrarily applied based on where you live in the state.* Ohio's death penalty system is continually used in just ten of the 88 counties. The ten frequent-use counties account for 79% of those cases, while the vast majority of Ohio counties (78) account for just 21% of death cases. More glaring, the top five frequent-use counties (Cuyahoga, Franklin,

Hamilton, Lucas and Summit) are responsible for 68% of all Ohio death cases. This phenomenon—a small number of counties disproportionately using the death penalty system—is not isolated to Ohio. In fact when looking across all counties in the United States in 2014, new death sentences occurred in only 2% of U.S. counties. This geographic disparity is largely due to the available financial resources of the county and personal views of the prosecuting attorney.

### **The Numbers Speak for Themselves:**

*Repealing the death penalty is supported by a significant majority of Ohioans and Americans.*

- A recent poll in Ohio by The Tarrance Group found that 59% of those surveyed support replacing the death penalty with life without the possibility of parole.
  - Death penalty repeal is a bipartisan issue, with 69% Democrat and 53% Republican support over the course of the survey.
  - Furthermore, 59% of households with a member employed in criminal justice are supportive of death penalty repeal.
- Gallop found the majority of Americans now support life in prison (60%) over the death penalty (36%).