



## Talking Points for #NoDeathPenaltyOH

*Talking points by issue area...*

- **The moment for repeal is now.**
  - As of today, 23 states plus Washington D.C. have cut ties with the death penalty; Ohio can and should be the next.
    - Earlier this year, Virginia became the first Southern state to abolish the death penalty.
  - Public opinion in favor of repeal has never been higher. Repealing the death penalty is supported by a significant majority of Ohioans. A statewide public opinion poll 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% of Democrats and 53% of Republicans in support of repeal.
  - The momentum for death penalty repeal in Ohio has been growing. Ohio's last execution took place in July 2018. With terribly botched executions and an inability to obtain lethal injection drugs, all scheduled executions since have been on hold.
  - House Bill 136 – which exempts individuals with serious mental illness from receiving a death sentence – was signed into law by Governor DeWine in January 2021. This important piece of legislation ignited conversations about Ohio's criminal legal system and the need for equitable, effective reform.
  
- **The death penalty puts innocent lives at risk.**
  - Since 1973, at least 186 death row inmates nationwide have been exonerated of all charges and released.
  - Ohio is home to 11 death row exonerees who collectively spent 216 years incarcerated for crimes they did not commit.
  - Cuyahoga County is tied for second in the country as the county with the most wrongful death sentences.
  - In Ohio, for every five executions since the reinstatement of the death penalty, one person has been found innocent.
    - Nationally, that number is one in eight.



- Access to DNA does not guarantee much of anything. DNA evidence is only available in less than 10% of cases, and misapplication of forensic science has been involved in 45% of wrongful convictions.
  - Labs have also been compensated on conviction rates.
  - Prosecutors and cops have qualified immunity.
- **The death penalty is horribly expensive.**
  - Nationally, studies consistently find that the death penalty is more expensive than other sentencing options.
    - In some states, capital cases exceed the cost of life imprisonment cases in the range of up to between \$1 million and \$3 million per case.
    - The total amount expended in a capital case is between two and a half and five times as much as a non-capital case.
  - In Ohio, the death penalty could cost up to *ten times* as much as a non-death penalty case.
    - In 2017, Summit County did a cost analysis comparing the additional cost of a capital case vs. a non-capital case and found that the county spent ten times as much on capital cases.
  - Pike County has an annual total operating budget of \$10 million. The death penalty trial alone of the high profile Rhoden murders is expected to cost \$4 million.
  - It is estimated that death penalty trials cost Ohio taxpayers as much as \$16 million dollars per case.
- **The death penalty is arbitrarily applied based on race.**
  - Racial bias infects every stage of the capital process - from prosecution to sentencing to execution.
  - As of Fall 2020, more than half of Ohio's death row are people of color, even though they make up a very small fraction of Ohio's population.
    - While people of color make up less than 15% of Ohio's population, they make up 56% of Ohio's death row, 33% of those executed, and 72% of those exonerated. However, when Ohio executions have taken place, 75% of the time it has involved a white victim, indicating which lives Ohio has deemed worthy of the ultimate punishment.



- **The death penalty is ineffective and wasteful.**
  - There is no reliable evidence that the system delivers on anything that it intends to. The death penalty does not enhance public safety, nor does it help victims and their family members heal.
  
- **The death penalty fails victims' families.**
  - Capital punishment prolongs pain for victims' families, dragging them through an agonizing and lengthy process that holds out the false promise of healing through an execution - often resulting in a different sentence in the end.
  - The death penalty's cumbersome and expensive process diverts millions of dollars and attention from the critical services that victims' family members need to help them heal, including specialized grief counseling, financial assistance, and ongoing support. The few services that are available are often provided through the prosecutor's office, and when the criminal case is over, the services for the victim's family end, too.
  
- **The death penalty provides no deterrent to violent crime.**
  - The murder rate in non-death penalty states has remained consistently lower than the rate in states with the death penalty.
  - Severity of the crime does not determine who gets a death sentence. Access to adequate defense counsel, the county where the crime was committed, and the county prosecutor's personal views and approach to the death penalty are the biggest factors in determining whether or not someone receives a death sentence. Just five counties in Ohio – Cuyahoga, Franklin, Hamilton, Lucas, and Summit are responsible for 68% of Ohio death cases.
  
- **The death penalty is a concern for those committed to upholding the sanctity of human life.**
  - All life is sacred. Human dignity applies equally to every human being, to victims as well as those who have committed crimes against life. Our laws are inconsistent in this regard. Restorative justice offers hope and healing while working to address root causes of crime and incarceration.
  - The death penalty contradicts our values about protecting life and targets the most vulnerable among us.



- The United States is the only country in the Western world that still uses the death penalty. This means we're carrying out a system that China, Iran, the Taliban, etc. also uses.
- **The death penalty is increasingly viewed as out of alignment with many core conservative principles such as limited government, being smart on crime, fiscal responsibility, and protecting innocent life.**
  - A limited government and the death penalty don't go together, especially when comparing the high costs of capital punishment to life without possibility of release.
  - The death penalty is not just expensive, it's an opportunity cost. That's money we're not spending on programs that actually could work to deter crime. It's also money we aren't spending on solving more crime – which we do very little of. On average, only 51% of homicides are cleared across the nation each year. In Ohio, there are over 2,000 unsolved homicides.
  - Regions of the country that have the death penalty and/or use it the most see much higher rates of violent crime than those that do not.
  - The death penalty is a failed big government program, marked by all the errors and ineffectiveness of so many other government programs. We already know that many innocent people have been sentenced to death, and for others it may already be too late.
  - The death penalty contradicts values about protecting life and targets the most vulnerable among us.



### *How to respond to tough questions...*

**Argument:** We need to keep the death penalty for the “worst of the worst.” The death penalty is the only appropriate punishment for the very worst killers. Can’t we just keep the death penalty for the very worst--just those people who harm children/police officers/etc.? Even though there are some problems with the death penalty, it doesn't make sense to get rid of it. Can’t we just save it for the most heinous killers that we know are truly guilty or the rare occasions when we really need it?

- **Possible responses:**

- Even prosecutors involved in death penalty cases recognize the process is very hard on family members of victims. They know it will bring decades of court dates. We cannot undo the horror those families have suffered, but we can offer them legal finality, which will come by replacing the death penalty with life without parole.
- With life without parole, these cases will be over in a few years, unlike the decades it takes for a death penalty case to go through the legal process.
- 186 people have been wrongfully convicted and sentenced to death in this country, only to be released after evidence of their innocence finally emerged. In those cases, the juries, judges, and the prosecutors all thought that they were truly guilty until new evidence emerged, but the truth is that we are human and make mistakes.
- While DNA testing and other forensic tools have helped to avoid some grave mistakes, this kind of evidence is found in less than 15% of all murders cases. As long as we have the death penalty, we will never be able to completely avoid the possibility of executing an innocent person.

**Argument:** Won’t it be harder for prosecutors to plea down cases without the death penalty as an option?

- **Possible responses:**

- States that have abolished have seen absolutely no trouble obtaining convictions post-repeal. [New Jersey](#) is a great example of this.
- Using death as a bargaining chip is simply unethical and can lead to coercion, false confessions, and wrongful convictions.



**Argument:** Why do people like Ted Bundy, Brian Golsby, or someone like them, deserve mercy?

- **Possible responses:**

- I agree that people who commit terrible crimes should be held accountable. I believe we can more effectively do that through appropriate prison sentences that address the harm a person has caused and also keep our communities safe.
- Nobody will be released from prison as a result of death penalty repeal.
- Our current death penalty system is not working for anyone. The governor and other lawmakers have recognized that the death penalty has some serious issues, specifically the lack of access to drugs, wrongful convictions, and the cost.
- Family members of victims are not monolithic in their views on the death penalty, some will support this decision and some will oppose it, but we need to look at ways we can better serve victims that go beyond what happens to the offender, and that go beyond the justice system even, because there is so much more we could be doing to address trauma and safety for victims and our communities.

**Argument:** Don't we need the death penalty to keep our law enforcement officers safe? How can we protect prison guards without the death penalty? Shouldn't we keep the death penalty just for those people who murder cops/law enforcement officers who dedicate their lives to protecting us?

- **Possible responses:**

- Study after study shows that police and prison guards are no more likely to be harmed in states without the death penalty, than those with it. In fact, one study found that between 1984 and 1989, 88% -- or 15 out of 17-- of prison guards who were murdered on the job worked in death penalty jurisdictions.
- By replacing the death penalty with life without parole, the millions of dollars that we are currently spending on the death penalty could be redirected to other priority public safety needs, such as providing law enforcement with better safety gear, modernizing our prisons so they don't have any blind spots and they have access to improved safety measures, improving our crime labs, and investing more resources into solving homicides--all of which will do far to improve public and officer safety than the death penalty
- Further, this concern is more about security than it is sentencing.



**Argument:** How do we know that killers will not get back out on the streets and hurt us and our children? It's happened before. Does life without parole (LWOP) really mean that they will stay in prison? I've always heard stories about people who get out after 10 years or something like that.

- **Possible responses:**

- As Ohio residents, we can agree that all want to keep our children/ families/ communities safe. We can do that with a sentence of life in prison with no possibility of parole.
- This bill ensures that every person sentenced to serve life in prison will be kept in prison and will die in prison. We have 34 years of experience that shows life in prison with absolutely no chance of parole works, and our broken death penalty does not. We need to use our resources more wisely. That's justice that works for everyone.

**Argument:** If repeal happens, where do death row inmates go? Are they going to be eligible for parole?

- **Possible responses:**

- No. Repeal legislation will not be retroactive, so when death sentences are commuted either by the Governor or through the courts, there will be a mandatory life without any possibility of parole sentence.

**Argument:** Will the state agencies that defend people on death row continue to be funded?

- **Possible responses:**

- As of today, 133 people remain sentenced to death in Ohio and they are entitled to counsel. When we end the death penalty, we will save significant money in part by eliminating the resources that we spend on the appeals process. But for now, this does not change.