

# Idaho squanders its money on an injustice

**Marty Trillhaase/Lewiston Tribune**

Idaho spends more money condemning convicted killers to death than it would by simply locking those people up until they expire of natural causes.

No surprise there.

Anyone who has ever examined capital punishment in the 32 states where it still occurs has come to the same conclusion the Idaho Office of Performance Evaluations reached: Death penalty cases involve longer, more complicated trials. Appeals are more extensive. Maintaining death row and conducting executions is expensive.

We'll never know how much time publicly paid cops, prosecutors, deputies working for the attorney general and the courts have spent on these cases.

But OPE auditors did learn:

- The state Appellate Public Defender's office allocated an average 7,918 hours per death penalty case - 44 times more than it devoted to the average defendant with a life sentence.
- Capital punishment trials take 52 percent longer and appeals run a third longer than non-capital punishment cases.
- Since 1998, a county pool allocated more than \$4.1 million to help 11 counties pay the extra costs associated with defending people facing the death penalty. One case in Latah County cost \$441,167. Another in Benewah County required \$42,914.

What is all this buying?

A huge funnel.

At the top are all the people charged with first-degree murder and thus eligible for execution. Near the bottom drips out the handful of people who actually draw the sentence.

Legislative auditors combed through 251 people who were charged with first-degree murder between 1998 and 2013. Of those, 42 were charged with the death penalty. At the end, only seven - 2.7 percent - were sentenced to death.

Then come the appeals. Of the 40 people who received the death penalty since 1977, 21 had their death sentences overturned. Two were released on new evidence. Four died in prison.

Only three executions occurred - Keith Eugene Welles, who waived his appeals and went to his death voluntarily in 1994, Paul Ezra Rhoades, who was put to death in 2011, and Richard Leavitt, who was executed in 2012.

That's far from unusual. According to the Death Penalty Information Center, roughly 700 people are sitting on California's death row; 13 have been executed in the last 30 years. In Pennsylvania, about 200 people are under sentence of death. Only three have been executed and all of them, like Welles, waived their appeals.

Nor can you assume that funnel sifts out the less deserving and yields the worst of the worst. The system is a roll of the dice.

A mob boss or a serial killer may have information to trade in exchange for a life sentence. A woman convicted of conspiracy who can offer cops and prosecutors no incentive for leniency may be executed.

And the rules have changed. Someone convicted of murder in Idaho between 1977 and 1998 was five times as likely to draw the death penalty as someone who came along after the U.S. Supreme Court required juries, not judges to issue the ultimate penalty.

The randomness, the expense and the propensity for human error was too much for Oregon Gov. John Kitzhaber and Washington Gov. Jay Inslee. They imposed moratoriums on executions that will remain in effect as long as they are in office.

Gov. C.L. (Butch) Otter, however, does not share their discomfort. After reading the Idaho report, he wrote: "While your report raises and then leaves open the policy question of whether tax dollars are wisely spent on death penalty cases, let me leave no doubt about my own continuing support for our existing laws and

procedures." - M.T.