

TO: House Finance Committee

FROM: Sean McCann, Policy Strategist, ACLU of Ohio

DATE: October 11, 2023

RE: HB 259 Written Proponent Testimony

Chair Edwards, Vice Chair LaRe, Ranking Member Sweeney, and members of the House Finance Committee, thank you for the opportunity to provide written proponent testimony on House Bill (HB) 259, which would abolish Ohio's death penalty. My name is Sean McCann, and I serve as a Policy Strategist for the American Civil Liberties Union (ACLU) of Ohio.

By now, you all are quite familiar with arguments for and against the death penalty. You have heard that death row mirrors our criminal legal system in its stark racial, geographic, and income-based disparities; 11 individuals have been exonerated from death row; Ohio has had five botched executions from 2006-2017; and more recently, about the state's inability to procure lethal injection drugs.

Capital punishment proponents often argue the death penalty serves as a strong deterrent to violent crime, but this claim does not hold water. In fact, the opposite appears to be true: states that have the death penalty show consistently higher murder rates, [per data from the FBI's Uniform Crime Reports](#), covering the period from 1990-2019.

Moreover, most of Ohio's 88 counties are not represented on death row currently. Are we to imagine that those counties are somehow more violent than counties that are represented on death row? Available data do not indicate that, whatsoever.

In his [2022 Capital Crimes Annual Report](#), Attorney General Yost, an ardent supporter of the death penalty, called it "a broken system [that] is also enormously expensive," to the tune of \$1 million to \$3 million per case per Legislative Service Commission (LSC) estimates. LSC estimates that the system as a whole costs taxpayers between \$182 and \$314 million. He goes on to recommend that this body either "overhaul the capital punishment system to make it effective, or end it."

Death penalty defenders will also contend that the death penalty is necessary to deliver justice to the families of murder victims, also known as co-victims. Many co-victims will tell you the exact opposite, though—that the drawn-out capital case process causes loved ones to be re-traumatized instead of healed.

The co-victim community is not a monolith by any means, in terms of how they view the death penalty. Regardless of how they feel about it, the fact remains that financial resources for co-victims and all victims of crime remain incredibly scarce, all while the state wastes an exorbitant amount of money on this broken system meant to provide justice.

Given this litany of issues (which other proponents will describe in greater detail), it is impossible to see how such an irreparably flawed policy can be made "effective." The only remaining answer is Attorney General Yost's second suggestion: to end this unjust, racist, inhumane practice entirely.



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Since the reinstatement of Ohio's capital punishment statute in 1974, the ACLU of Ohio has vigorously supported ending the death penalty once and for all. Today, we are joined by a broad coalition of partners across the ideological and political spectrum, co-victims, faith leaders, former corrections officials, and so many others. We hope you will join them by supporting HB 259 and finally abolishing Ohio's death penalty.

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