

TO: Senate Judiciary Committee

FROM: Sean McCann, Policy Strategist, ACLU of Ohio

DATE: November 15, 2023

RE: SB 101 Written Proponent Testimony

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for the opportunity to provide written proponent testimony on Senate Bill (SB) 101, 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.



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By now, you all are quite familiar with arguments for and against the death penalty. You have heard 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, available data would appear to indicate the opposite: 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 currently are not represented on death row. Are we to imagine that those counties are somehow more violent than the counties who have sentenced people to death in the last few decades?

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. 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. But co-victims like Jonathan Mann, vice chair of Ohioans to Stop Executions, will tell you the exact opposite—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, though, the fact remains that financial resources for co-victims remain incredibly scarce, all while the state wastes an exorbitant amount of money on its broken system meant to provide justice.

Given this lengthy 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.

Since the reinstatement of Ohio’s capital punishment statute in 1974, the ACLU of Ohio has advocated for its abolition. Today, we are joined by a broad coalition of partners across the ideological and political spectrum (including over one-third of this chamber), co-victims, faith leaders, former corrections officials, and so many others. We hope you will join them by supporting SB 101 and finally abolishing Ohio’s death penalty.

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