

The Cost of Seeking the Death Penalty in Indiana

Average State And County Out-of-Pocket Expenditures for 124 Offenders Committed to DOC for Murder by Original Request and Method of Disposition						
Original Request	Death		Life Without Parole		Term of Years	
Method of Disposition	Jury	Guilty Plea	Jury	Guilty Plea or Bench Trial	Jury	Guilty Plea
Number of Cases	8	28	15	16	44	13
State Expenditures	\$420,234	\$285,189	\$151,890	\$147,639	\$145,003	\$168,187
County Expenditures	<u>\$369,347</u>	<u>\$148,513</u>	<u>\$33,532</u>	<u>\$17,289</u>	<u>\$26,477</u>	<u>\$49,209</u>
Total Expenditure	<u>\$789,581</u>	<u>\$433,702</u>	<u>\$185,422</u>	<u>\$164,928</u>	<u>\$171,480</u>	<u>\$217,396</u>

Note: Expenditures are stated in 2013 dollars.

*Table 1, Fiscal Impact Statement prepared by Legislative Services Agency for
Senate Bill 8, 2015 Indiana General Assembly*

LSA looked at costs for 124 murder cases in Indiana between 1995 and 2013. Specifically, they looked at State expenditures, made up of the state’s portion of indigent defense expenditures and the cost of incarceration and execution, and County expenditures, made up of the County’s portion of indigent defense expenditures and the cost of jury trials.

The average total cost for eight death penalty cases that went to a jury trial was \$789,581, compared to an average total cost of \$185,422 for fifteen life without parole cases that went to a jury trial, or more than four times higher. This difference is due in large part to the Supreme Court rule governing death penalty cases, which requires two attorneys compensated at a specified hourly rate, as well as the cost of necessary investigators and experts in a case where the accused’s life is at stake.

Death penalty supporters often assume that the added costs of death penalty trials and appeals are balanced out by the cost of incarcerating a prisoner for life without possibility of parole. However, LSA included in its analysis the average cost of incarcerating those sentenced to life without parole until the age of 80, and the average cost of incarcerating those sentenced to death for eleven years before execution. These averages take into account the age of the individual offenders, and are expressed in 2013 dollars.

Prosecutors often suggest that they need to have the death penalty available in order to “leverage” plea agreements to life without parole and save the cost of going to trial. That is a very expensive piece of leverage, however – one that costs considerably more than simply requesting a sentence of life without parole and taking the case to a full jury trial. Death penalty cases that resulted in plea agreements to life without parole averaged \$433,702, according to LSA, while life without parole cases that went to a full trial and resulted in life without parole sentences averaged only \$185,422. The added costs for a death penalty case are triggered by rule even if the prosecutor has no intention of taking the case to trial. And these cases have both higher costs up front and higher costs for incarceration.