

The Cost of Seeking the Death Penalty in Indiana

Costs of 92 Murder Cases Between 2000 and 2007 Where a Person Was Sentenced to DOC by type of Punishment*						
Request	Trial or Plea	Outcome	Number of Cases	Costs of Attorneys, Expert Witnesses, Other Costs and Appeals	Discounted Cost of Incarceration	Combined Cost
Death	Trial	Death Sentence	6	\$449,887	\$55,886	\$505,773
Death	Trial	Life w/o Parole	1	\$518,002	\$110,445	\$628,447
Death	Plea	Life w/o Parole	19	\$122,441	\$109,072	\$231,513
Life w/o Parole	Trial	Life w/o Parole	7	\$42,658	\$108,889	\$151,547
Life w/o Parole	Plea	Life w/o Parole	7	\$21,985	\$108,721	\$130,706
Life w/o Parole	Trial	Term of Years	3	\$51,146	\$107,439	\$158,585
Life w/o Parole	Plea	Term of Years	2	\$37,382	\$111,416	\$148,798
Term of Years	Trial	Term of Years	36	\$23,837	\$110,087	\$133,924
Term of Years	Plea	Term of Years	11	\$3,986	\$108,720	\$112,706

*Note: Does not include added costs incurred by the offices of the Prosecuting Attorney or the Sheriff during the course of the trial.

*Table 2 from Fiscal Impact Statement prepared by
Legislative Services Agency for SB 43, 2010 Indiana General Assembly*

LSA looked at the costs for 92 murder cases in Indiana between 2000 and 2007. Costs incurred by prosecutors or sheriffs were not available, but defense, jury, and DOC costs were. The average costs to the county for trial and direct appeal in six capital cases that resulted in death sentences were \$449,887, compared to seven Life Without Parole (LWOP) trials that resulted in LWOP sentences and averaged \$42,658. One death penalty trial which the prosecution “lost,” with the jury sentencing the defendant to LWOP instead of death, cost even more -- \$518,002.

Prosecutors often suggest that they need to have the death penalty available to file in order to “leverage” plea agreements to LWOP and save the cost of going to trial. That is a very expensive piece of “leverage,” however -- one that costs considerably more than requesting LWOP and taking the case to a full trial. Death penalty cases that resulted in LWOP plea agreements averaged \$122,441, according to LSA, while LWOP cases that went to a full trial and resulted in LWOP sentences averaged only \$42,658.

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 with no possibility of parole. However, LSA looked at the discounted cost of incarceration in each type of case, which ranged from \$ 55,000 for an inmate sentenced to death and incarcerated until execution, to an average of \$110,000 for lifetime incarceration. Adding these costs to the cost of trial and appeal, death penalty cases are still more expensive than life without parole cases, no matter whether they are taken to trial and result in a death sentence or are resolved by agreement to a life without parole sentence.