

Testimony in Support of Senate Bill 19-182

The death penalty is often characterized as the best means to provide closure and achieve justice for the co-victims of homicide – family and close friends. However, there is good evidence that it fails miserably in this regard. Furthermore, by permitting the state sanctioned killing of human beings, the death penalty undermines the state's greater goal to affirm the inherent dignity and inalienable right to life of every individual human, regardless of their age, sex, sexual orientation, race, ethnicity, cognitive/physical abilities, physical/mental illness, financial status or behavior. When the state promotes a philosophy that allows juries to decide who should live and who should die, it inevitably leads to a culture that devalues human life. It is exactly that kind of culture that leads to more interpersonal violence and homicide.

The notion that killing a perpetrator of homicide leads to "closure" for family and friends has been promoted by media and the criminal justice system. However, studies on those who are co-victims of homicide and homicide survivorship experts do not support the concept of closure for homicide survivors.¹⁻² Anxiety, depression, and PTSD are common among family co-victims and the grieving process can be prolonged by the length and intensity of a capital murder prosecution.³ Co-victims of homicide often have problems with family interactions, academic performance, socialization, and employment.³ Rather than provide closure, death penalty prosecutions may aggravate the grieving process and re-traumatize co-victims.⁴ The excessive money spent on capital cases could be better spent on victim advocate/assistance programs and counseling.

The idea that justice is consistently served by the death penalty has also been debunked by multiple studies. There have been 164 death penalty exonerations since 1973 in the US.⁵ This suggests that for every 10 completed executions, one person has been found innocent. There is extensive evidence that black defendants are treated more punitively in capital cases than white defendants.⁶ However, the best predictor of a death penalty is not the characteristics of the crime or population demographics, but rather, the number of prior death penalty convictions/executions in the county.⁷ People with mental illness⁸⁻¹⁰, intellectual disability¹¹, and without emotional involvement at trial,¹² all face disparate treatment in capital trials. These and numerous other studies in the past two decades have highlighted the flawed, prejudicial, and arbitrary imposition of the death penalty.

The death penalty does not provide "closure" or ensure justice is served. It doesn't even provide deterrence.¹³ If anything, it leads to disrespect for human life and undermines our goals of a non-violent society. Please vote yes on SB 19-182.

Thomas J. Perille MD FACP FHM
Democrats for Life of Colorado

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