

Colorado General Assembly  
200 E Colfax Avenue  
Denver, CO 80203

January 27, 2020

A Letter from Corrections Professionals to the Members of the Colorado General Assembly,

We write to you as former corrections professionals; we have served as directors, wardens and other staff who have had direct involvement in executions. Like few others in this country, we understand exactly what is being asked of public employees whose jobs include carrying out the lawful orders of the judiciary. We also understand, from our own personal experiences, the potential awful and lifelong repercussions that come from participating in the execution of prisoners.

While most of the prisoners whose executions we participated in accepted responsibility for the crimes for which they were punished, some of us have also executed prisoners who maintained their innocence until the end. It is those cases that are most concerning to the aforementioned corrections personnel, and despite all efforts to prevent such, the risk of executing the innocent can only be avoided by not executing prisoners at all.

Living with the nightmares is something that some of us experience – particularly those of us with more hands-on, intimate experience with the process, and/or where an execution under our supervision did not go smoothly. No one has the right to ask a public servant to take on a lifelong sentence of nagging doubt, and for some of us, shame and guilt. Inflicting harm on public employees, families of murder victims, and families of the executed is not justice.

We fully understand the challenge of managing prisoners and maintaining public safety and the safety of those who work inside the prison. We respectfully submit that executions do no more to protect prison employees and other prisoners than do appropriate prison management procedures, including proper evaluation of prisoners, training of corrections employees, and properly resourcing the corrections department. In fact, there are documented instances where having the death penalty available has served as an invitation to prisoners, tired of life in prison, to threaten to kill a fellow prisoner or a prison employee as a way to achieve an early death and to avert the harsher sentence of life in prison until natural death.

We urge you to seize the opportunity to repeal the death penalty in Colorado. In doing so, you will be doing a great service for your corrections employees, victims' families, and the criminal justice system. If we may be of assistance to you moving forward, please do not hesitate to call upon any of us.

Respectfully,

**Allen Ault**

Dean, Eastern Kentucky University College of Justice and Safety (2003-2015); former Chief, National Institute of Corrections; former corrections commissioner in Colorado, Georgia, and Mississippi

**Calvin Lightfoot**

Warden, Certified Jail Manager (CJM), Allegheny County Pennsylvania Bureau of Corrections, 1996 – 2004; Federal Monitor for Fulton County Jail, US District Court of the Northern District of Northern Georgia, 2007 – 2015; Director, Montgomery County Department of Correction and Rehabilitation, Maryland, 1987 – 1992; Secretary, Department of Public Safety and Correctional Services, Maryland, 1986 – 1987, Deputy Secretary, 1983-1986; Executive Deputy Commissioner, Department of Correctional Services, New York, 1981 – 1983; Warden, Baltimore City Jail, 1978 – 1981

**Carroll Pickett**

Retired Chaplain, Texas Department of Corrections (1980-1995). During his time as the “death house” Chaplain at Walls Unit Prison in Huntsville, Texas, Pickett witnessed 95 execution during his career as the death house chaplain.

**Chase Riveland**

Secretary, Washington Department of Corrections (1986-1997); Executive Director, Colorado Department of Corrections (1983-1986)

**Cynthia Link**

Superintendent, Pennsylvania Department of Corrections (1987-2018)

**Dan Pacholke**

Secretary, Washington Department of Corrections (2015-2016); Various positions, Washington Department of Corrections (1995-2015)

**David Cook**

Sheriff, Benton County, OR (1989-1995); Director, Oregon Department of Corrections (1995-2002)

**David Rose**

New Jersey Department of Corrections, Program Development Specialist, Retired

**Doris Parlette**

Regional Manager, Indiana Department of Child Services (2007-2008); Superintendent, Indiana Department of Correction (1990-2007)

**Eldon Vail**

Secretary, Washington State Department of Corrections (2007-2011); Deputy Secretary, (1999-2006)

**Frank Thompson**

Superintendent, Oregon State Penitentiary (1994-1998), Warden of Prisons for the Arkansas Department of Corrections.

**Gayle Ray**

Former Commissioner, Tennessee Department of Correction (2010-2011)  
Jeanne Woodford, Undersecretary, California Department of Corrections and Rehabilitation (2005-2006); Director, California Department of Corrections (2004-2005); Warden, San Quentin State Prison (1999-2004)

**Jerry Givens**

Captain, Virginia Department of Corrections (1974-1999); Executioner (1982-1999)  
Jerry Welborn Chaplain, Riverbend Maximum Security Institution, TN. Dept. of Correction,  
(1989-2011)

**Patricia Caruso**

Director, Michigan Department of Corrections (2003-2011), Deputy Director (2002-2003),  
Regional Prison Administrator (2000-2002), Warden (1991-2000); various positions, Michigan  
Department of Corrections (1988-1991)

**Patrick Crain**

Arkansas Department of Corrections, 2003 to 2007, Head of the Varner Unit's Death Row

**Richard "Dick" Morgan,**

Director, Washington's Division of Prisons for nearly 35 years (Retired 2010); Participated in  
three of the five executions carried out since the death penalty was reinstated.

**Richard Seiter, PhD**

Executive Vice President and Chief Corrections Officer, Corrections Corporation of America  
(2005-2011); Various Positions, Federal Bureau of Prisons (1976-1999), including Assistant  
Director for Industries, Education and Training (1989-1993); Warden, FCI Greenville IL (1993-  
1999), Warden, Federal Prison Camp Allenwood, PA (1981-1982), and Chief, National Institute  
of Corrections National Academy of Corrections; Director, Ohio Department of Rehabilitation  
and Corrections (1983-1988)

**Ron McAndrew**

Prison and Jail Consultant-Expert Witness (2005 – present); Director, Orange County Jail  
(2001-2002); Warden, Florida State Prison (ascended the uniform ranks) (1978-2001)

**Stan Czerniack**

Inspector General, Oregon Dept. of Corrections; Assistant Secretary for Prison Operations,  
Florida Department of Corrections, 1995 – 2000

*Names listed alphabetically. Titles are for identification purposes only.*

Colorado General Assembly  
200 E Colfax Avenue  
Denver, CO 80203

January 27, 2020

Dear Colorado State Legislators:

We are current and former prosecutors and DOJ officials who currently work, live, or have worked in Colorado. We understand the issue of using the death penalty to obtain plea bargains has been raised in the past when considering legislation to repeal the death penalty. We feel compelled to share our experiences as well as notable research on the topic.

Some have said that without the death penalty, prosecutors will be disadvantaged in their ability to negotiate plea bargains, and that this will lead to additional expense. We find this notion to be deeply troubling. Whatever one may think about the merits of the death penalty, using this ultimate sanction as a threat to leverage pleas is both unethical and may increase the instances of unjust and unreliable convictions.

Recent reports have underscored that these concerns are more than theoretical. More than 25% of DNA exonerations are the result of a false confession or incriminating statements by innocent defendants. The recent exoneration of a group of defendants known as the "Beatrice 6" in Nebraska exemplifies how this happens in practice. In 1985, investigators threatened several suspects with the death penalty and obtained what turned out to be false confessions. Based on those confessions, these individuals spent a combined 75 years behind bars until DNA eventually exonerated them.

Sadly, this is not an isolated example. The non-partisan Death Penalty Information Center (DPIC) examined data from the National Registry for Exonerations on homicide exonerations in 2016 and found, for exonerations in just that one year, at least six wrongful homicide convictions had been the product of witnesses having falsely implicated innocent defendants after police had threatened the witness or a loved one with the death penalty and one innocent defendant had pled guilty to avoid the death penalty.

It should also be noted that states that have ended the death penalty have not seen rates of plea bargaining impacted. Prosecutors in New Jersey have said that abolition of the death penalty there in 2007 has made no difference in their ability to secure guilty pleas. In Alaska, where plea bargaining was abolished in 1975, a study by the National Institute of Justice found that since the end of plea bargaining, "guilty pleas continued to flow in at nearly undiminished rates. Most defendants pled guilty even when the state offered them nothing in exchange for their cooperation."

Furthermore, numerous studies have shown that using the death penalty to obtain pleas does not result in cost savings. While obtaining pleas can eliminate the costs associated with a trial, these savings pale in comparison with the costs of preparing for a death penalty prosecution, even if it never goes to trial. According to a 2009 report by DPIC:

"Some of the most thorough cost analyses conducted over the past 15 years specifically address plea bargaining as an area that could affect the costs of the death penalty, including those in North Carolina, Indiana, Kansas, and California, though some

considered it too speculative to measure. These studies nevertheless concluded that the death penalty added significantly to the costs of the criminal justice system. The dubiousness of any savings from this practice is underscored by a federal death penalty cost study.

The Judicial Conference of United States concluded that the average cost of representation in federal death penalty cases that resulted in plea bargains was \$192,333. The average cost of representation in cases that were eligible for the death penalty but in which the death penalty was not sought was only \$55,772. This indicates that seeking the death penalty raises costs, even when the case results in a plea bargain. It would be far cheaper to pursue murder cases if the death penalty were never on the table, even taking some non-capital cases to trial, than to threaten the use of the death penalty to induce a plea bargain because the legal costs of preparing for a death penalty case far exceed the costs of a non-death penalty trial.”

Subsequently, cost analyses in at least two states have confirmed that the costs of capital cases resolved by plea is greater than the cost of non-capital prosecutions that proceed to trial. A February 2014 report of the Kansas Judicial Council Death Penalty Advisory Committee found that the average cost of a death-penalty case that was resolved by plea was double that of a non-capital case that ended in a plea and more than 20% greater than the combined costs of trial and appeal of a non-capital murder case. Two fiscal reviews of proposed legislation by the Indiana Legislative Services Agency in 2015 found that a death penalty case resolved by guilty plea still cost more than 2.33 times as much as a life-without-parole case tried to a jury and that the average out-of-pocket expenditures by counties in capital cases that were resolved by plea were 4.43 times more than their average expenditures in life-without-parole case tried to a jury.

Our experience as prosecutors has shown us that whatever one thinks about the death penalty, it is simply wrong to use it as a tool or “threat” to coerce a plea. That is not justice and it is not what our system of laws should embrace.

Sincerely,

The Undersigned (Listed alphabetically)\*

**James J.L. Ahern**

Former Deputy District Attorney for the 4th Judicial District (El Paso County)

**Steve R. Barnes**

Former Deputy District Attorney for the 16th Judicial District (Bent, Crowley, and Otero Counties) and for the 17th Judicial District (Adams County)

**Tom Blumenthal**

Former Deputy District Attorney for the 16th Judicial District (Bent, Crowley, and Otero Counties)

**Tim Bussey**

Former Deputy District Attorney for the 4th Judicial District (El Paso and Teller Counties)

**Chris Carr**

Former Deputy District Attorney for the 17th Judicial District (Adams County)

**Daniel Carr**

Former Chief Deputy District Attorney for the 17th Judicial District (Adams County)

**Michael Dougherty**

Boulder District Attorney, 20th Judicial District, 2018 - Present

**Thomas Dunn**

Former Chief Deputy District Attorney for the 18th Judicial District (Arapahoe County)

**Eric Faddis**

Former Deputy District Attorney for the 18th Judicial District (Arapahoe County)

**Matthew Gold**

Former Deputy District Attorney for the 1st Judicial District (Jefferson and Gilpin Counties)

**Russell Hebets**

Former Deputy District Attorney for the 18th Judicial District (Arapahoe County)

**Alexis King**

Former Deputy District Attorney for the 1st Judicial District (Jefferson and Gilpin Counties)

**Al LaCabe**

Former Denver Chief Deputy DA, former Denver Manager of Safety, and former Assistant United States Attorney

**Steve Laiche**

Former Assistant Attorney General for the Louisiana Department of Justice;  
Former Assistant District Attorney in both the New Orleans District Attorney's Office and the Mesa County District Attorney's Office.  
Currently practices in Grand Junction, Colorado.

**Matthew A. Martin**

Former Deputy District Attorney for the 18th Judicial District (Arapahoe County)

**Colin McCallin**

Former Deputy District Attorney for the 18th Judicial District (Arapahoe County)

**Beth McCann**

Denver District Attorney, 2nd Judicial District, 2017 - Present

**Chip McCrory**

Former Deputy District Attorney for the 9th Judicial District (Garfield, Pitkin, and Rio Blanco Counties)

**Greg McMahon**

Former Deputy District Attorney for the 13th Judicial District, Former FBI Intelligence Analyst, FBI Headquarters

**Simone Montoya**

Former Deputy District Attorney for the 2nd Judicial District (Denver)

**Amy Okubo**

Former Chief Deputy District Attorney for the 20th Judicial District (Boulder)

**Greg Robinson**

Former Deputy District Attorney for the 9th Judicial District (Garfield, Pitkin, and Rio Blanco Counties)

**Jason Schall**

Former Prosecutor for the United States Attorney's Office for the Northern District of Texas, United States Attorney's Office for the Western District of Texas.  
Currently practices in Greenwood Village, Colorado.

**Laurie Schmidt**

Former Deputy District Attorney for the County of Riverside in California.  
Currently practices in the Denver metro area.

**Malcolm Seawell**

Former Deputy District Attorney for the 18th Judicial District (Arapahoe County)

**H. Michael Steinberg**

Former Senior Trial Deputy District Attorney for the 18th Judicial District (Arapahoe County)

**Jay Tiftickjian**

Former Deputy District Attorney for the 17th Judicial District (Adams and Broomfield Counties)

*\*Affiliations are for identification purposes only.*

January 27, 2020

**To the Members of the Colorado Legislature:**

Each of us has had a loved one taken from us by senseless violence. At a moment none of us could have predicted or prepared for, tragedy robbed from us children, parents, spouses, siblings, and other family members. Our direct experiences with the criminal justice system and our struggles with grief have led us all to the same conclusion: Colorado's death penalty fails victims' families.

We never asked to be in this position and would do anything to change it. Nothing can erase the pain that a senseless act of violence brought into our lives, but we can honor the memory of our loved ones, and other families who may face tragedy, by working for effective responses to violence.

The reality of the death penalty is that it drags on for decades. In Colorado, only one person has been executed in more than fifty years. Victims' families in capital cases go back to court for years on end where the press replays the details of the crime again and again. The result is that the defendant is turned into a celebrity while the victim's family waits for justice that never comes. This system burdens the justice system, taking resources from both programs that are proven to improve public safety and also from solving the over 1,300 homicide cold cases in Colorado.

The death penalty is said to be reserved for "particularly heinous murders." We have difficulty understanding this position. The implication is that other murders are "ordinary." From experience, we can tell you that every murder is heinous to the family of the victim. As Colorado holds on to its broken death penalty system – cherry-picking cases to receive the disproportionate attention and resources of a capital trial – it wastes millions of dollars that could be spent on policies that benefit all victims.

As you consider whether to keep or end Colorado's death penalty, we urge you to make the choice that best serves the interests of victims' families. We hope you will conclude what we have: that the death penalty fails victims' families. **We urge you to repeal Colorado's death penalty.**

Respectfully,

Ezra Aldern of Denver  
Son of Wendy Mae Aldern, murdered in Aurora

Bob Autobee of Pueblo  
Father of Eric Jason Autobee, murdered in the Limon Correctional Facility

Victoria Baker-Willford  
Daughter of Carolyn Jansen, murdered in Aurora

Dale Beck of Estes Park  
Brother-in-law of Christine Ann Clark, murdered in Wisconsin



Margaret Beck of Estes Park  
Sister of Christine Ann Clark, murdered in Wisconsin

Katie Benson Smith of Cotopaxi  
Daughter of Sergeant Mary K. Ricard, murdered in the Arkansas Valley Correctional Facility in Crowley

Rachel Beutel-Hadley of Aurora  
Daughter of Tammy Augustine, murdered in Iowa

Linda Burks-Brown of Denver  
Sister of Willie Frazier, murdered in Denver

Brenda Carrasco of Denver  
Cousin of a victim, murdered in Denver

Pastor Mike Pennington Devine of Denver  
Father of Devon T Sutton, murdered in Florida

Barbara Scout Dunn of Fort Collins  
Sister of John Kent Breckenridge, murdered in The Caribbean

Judith Elane  
Sister of Ronald Eugene Schlatter, murdered in Denver

Frank C Evans of Denver  
Uncle of Casson Xavier Evans, murdered in Denver

Mable Inez Evans of Aurora  
Grandmother of Casson Xavier Evans, murdered in Denver

Sharletta Evans of Aurora  
Mother of Casson Xavier Evans, murdered in Denver

Tilisha Evans of Denver  
Cousin of Casson Xavier Evans, murdered in Denver

Robert M May of Denver  
Brother-in-law of a victim, murdered in Oregon

William H Mayes Evans of Aurora  
Uncle of Casson Xavier Evans, murdered in Denver

Rachel Jean Gaines of Aurora  
Sister of Frederick Leon Martin, murdered in Missouri

Jean Gregory of Denver  
Mother of Steven Gregory, murdered in Aurora

Sean Gruno of Westminster  
Nephew of Polly Elizabeth Sullivan, murdered in Denver

Senator Lucia Guzman of Denver  
Daughter of Tom Guzman, murdered in Texas

Lieutenant Hollis of Denver  
Uncle of Faye Johnson, murdered in Denver

Calvin Hurd of Aurora  
Brother of Casson Xavier Evans, murdered in Denver

Lori Janssen of Bolder  
Daughter of Helen and Richard Pelham, murdered in Golden

Arlis Keller of Greeley  
Sister of Dwight Tobyne, murdered in Arizona

Brian Keller of Greeley  
Brother-in-law of Dwight Tobyne, murdered in Arizona

Sherri Landrum of Denver  
Mother of Kurt Lydell Levias Jr, murdered in Denver

Francey Kuizenga Liefert of Loveland  
Daughter of Rev. Dr. Henry Kuizenga, murdered in California

Angela Lee of Denver  
Mother of Gailen J Armstrong, murdered in Denver

Frank D Lytle of Colorado Springs  
Son-in-law of Johnnie Banks Sr, murdered in Indiana

Rosemary Harris Lytle of Colorado Springs  
Daughter of Johnnie Banks Sr, murdered in Indiana

Cathleen Maestas of Denver  
Mother of Geranimo 'Mo' Maestas, murdered in Denver

Antoinette Martinez of Denver  
Mother of David Martinez, murdered in Denver

Tom Mauser of Littleton  
Father of Daniel Mauser, murdered at Columbine High School in Littleton

Bernard Mayes of Aurora  
Nephew of Casson Xavier Evans, murdered in Denver

Michalla Mayes-Milliner of Aurora  
Cousin of Casson Xavier Evans, murdered in Denver

Elvira Maxwell  
Mother of Darron Dwayne Sneed and Charles Sneed Jr., murdered in Denver

Dr. Mary McNeil-Jones, PhD of Denver  
Wife of Wayne McNeil, murdered in Kansas

Rebecca L Oakes of Denver  
Daughter of Marge Kohnberg, murdered at Chuck-E-Cheese in Aurora

Sara Perez of Denver  
Aunt of Deont'a McDonald, murdered in Denver

Angell Pérez of Denver  
Cousin of Anthony Montoya Jr, murdered in Thornton

Michael Pinelli of Englewood  
Brother of Anthony Martinez, murdered in Illinois

Amy Plapp of Colorado Springs  
Sister of Steven F. Plapp, murdered in Texas

Lynn Porter of Aurora  
Aunt of Casson Xavier Evans, murdered in Denver

Susanne D Price of Denver  
Mother of André Price, murdered in Denver

Alice Randolph of Lakewood  
Mother of Loren Anthony Collins, murdered in Aurora

Kristopher Randolf of Thornton  
Brother of Lorent Anthony Collins, murdered in Auorora

Tim Ricard of Crowley  
Husband of Sergeant Mary K. Ricard, murdered at the Arkansas Valley Correctional Facility in Crowley

Gail VanderJagt Rice  
Sister of Denver police officer Bruce VanderJagt, murdered in Denver

Dr. Robert Rice  
Brother-in-law of Denver police officer Bruce VanderJagt, murdered in Denver

Gail Rogers of Aurora  
Cousin of Casson Xavier Evans, murdered in Denver

Priss Sanders of Denver  
Daughter-in-law of Stacey Coad, murdered in Denver

Marilyn Shelton of Denver  
Mother of Tyrone Ivan Adair Jr, "BossMan Goodie" murdered in Denver

Christine Sykes of Denver  
Aunt of Casson Xavier Evans, murdered in Denver

Carissa Tomlin of Aurora  
Niece of Fredrick Leon Martin, murdered in Missouri

Barbara Otte Voss of Grand Junction  
Sister of Thomas E. Otte, murdered in Connecticut

Charles Derrick Waits of Denver  
Father of Dawan Derrick Childress, murdered in Denver

Monica Lynette Waits of Denver  
Stepmother of Dawan Derrick Childress, murdered in Denver

Isaiah Ward of Denver  
Cousin of Kerrick Summers, murdered in Denver

Thomas G Ward Jr of Colorado Springs  
Brother-in-law of Steven F. Plapp, murdered in Texas

Dominae Ware of Aurora  
Niece of Fredrick Leon Martin, murdered in Missouri

Roy Wayne Watley of Aurora  
Cousin of Casson Xavier Evans, murdered in Denver

David Works of Denver  
Father of Stephanie & Rachel Works, murdered at the New Life Church in Colorado Springs

Marie Works of Denver  
Mother of Stephanie & Rachel Works, murdered at the New Life Church in Colorado Springs

Davida Young of Denver  
Family member of a murder victim

**TESTIMONY IN OPPOSITION TO SB 20-100**

I urge a No vote on SB 100. Although thoughtful, SB 100 is ultimately misguided and it must be voted down. I am married and the father of an 11-year-old daughter and worked as an assistant public defender and drug court attorney in two states. Originally, I was going to support this bill; however, my thinking has evolved and after much thought, consideration and soul searching, I must oppose this bill.

I know that it costs Colorado taxpayers around \$3.5 million dollars to try a death penalty case versus around \$175,000.00 to try a life imprisonment case. I know that the death penalty disproportionately falls upon people of color and the poor. I know that in the last few years that over 150 people have been taken off of death row because they were innocent. I also know that almost all defendants cannot afford their own attorneys and that court appointed attorneys are often inexperienced, overworked and underpaid. However, all of the above referenced deficiencies can be remedied through increased funding, legal and legislative reforms.

Currently, there are three individuals awaiting execution and two of them murdered Senator Field's son. We reserve the death penalty for the worst of the worst. The death penalty is not unconstitutional because it does not violate the Fifth Amendment or the Eight Amendment. The Fifth Amendment provides that no person shall be held to answer for a capital crime unless on presentment or indictment of a Grand Jury and no person shall be deprived of life without due process of law. In capital crime cases there is the guilt-innocence phase, sentencing phase and direct appeal phase. Historically, the Eight Amendment was understood to bar only those punishments that added terror, pain or disgrace to an otherwise permissible capital sentence.

Proponents of this bill state that the death penalty is unfair and racially biased. However, the facts state otherwise. Since 1976, the race of defendants executed in the U.S. is 56% white, 35% black; 7% Hispanic and 2% other. Unless we get rid of guns in Colorado then we cannot get rid of the death penalty.

In some cases, the punishment must fit the crime. Some crimes are so heinous and inherently wrong that they demand strict penalties including the death penalty. Oil and gas employee Chris Watts who murdered his pregnant wife and two children and stuffed their bodies down a fracking well in Firestone clearly deserves the death penalty. In that case, the existence of the death penalty as a possible sentence lead to a guilty plea that saved Coloradoans millions of dollars and limited appeals.

In fact, the death penalty is based upon retribution not revenge. The death penalty is retributive in nature because it is limited, proportional and appropriately directed. Capital punishment seeks justice and holds the individual responsible. Most Coloradoans recognize this principle a just.

Whatever your feelings are about the death penalty, one thing that most of us will never know is the pain experienced when a family member is brutally murdered. So, as the father of an 11-year-old daughter, I cannot and will not presume to tell Senator Fields, whose life has been forever altered by the brutal murder of her son, that life imprisonment is punishment enough. It is not. Based upon the foregoing, I urge a No vote on SB 100.

Andrew J. O'Connor  
Lafayette, CO  
Candidate for SD 17

A Statement on Capital Punishment  
from William R. Durland, J.D., Ph.D.  
to Senator Pete Lee, Chair Senate Judiciary Committee  
January 17, 2020  
in remembrance of Martin Luther King, Jr.

Dear Senator Lee,

We have known each other for over 15 years in Colorado Springs where Genie and I lived between 1980-1984 and 2003-2017. I was a member of the El Paso County Democratic Party and served as Precinct Chair from 2004 to 2012 and was at various times on the State Executive Committee. In January 2017 we moved to Littleton, Colorado to "retire." Instead I was a Precinct Chair 2018-19.

More importantly, now at the age of 88 having been an advocate and activist to abolish the death penalty since 1960 and as once again the opportunity to abolish the death penalty in Colorado comes before us, your committee and the State Legislature, I wish to share my thoughts on all of this with you and your committee.

I was only 8 years old when my relatives took me to a movie "Angels With Dirty Faces" in 1939. James Cagney played the part of a gangster who walks to his death in the electric chair accompanied by Pat O'Brien playing the part of the good priest urging Cagney to face his death "like a man." After seeing that movie I firmly resolved as a young boy to be against the death penalty. But I didn't have an opportunity to be an active advocate for abolition until 1958 in Arlington Virginia joining the Democratic Party there.

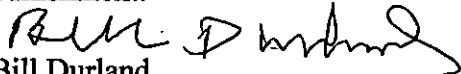
At age 33 I announced my candidacy for the Virginia House of Delegates and after my election in 1965, I introduced the first bill to abolish the death penalty in Virginia in memory. At that time one could receive the death penalty for 7 different crimes. Hearings were held but the votes of House conservatives defeated the measure in that still ex-slave but segregated state. However, those actions paved the way for the reduction of the death penalty today to be only for pre-meditated malicious homicide or a death caused in the process of a serious felony - the murder-felony rule. There have been few executions in Virginia since the time my bill received so much support and publicity among northern Virginia citizens.

Since that time I have been active in five states against the death penalty - Virginia, Indiana, Pennsylvania, Wisconsin and now Colorado. I was elected to the Cokedale town council as Vice-Mayor and later the Trinidad city council and upon retirement as a city judge during the period from 1990 to 2002. In 1998 I ran for the Colorado House of Representatives in District 47 and lost by a few hundred votes. I have been on radio and television on the subject and written numerous articles. I assure the committee that there are countless people like me who are social activists for social justice and the rule of law and who have worked for years for the abolition of this inhumane practice.

I urge this committee to consider these words from a person who has been active in opposing capital punishment for so many years, an institution that does not deter one from murdering another human being; just the opposite occurs. With the certainty that one's life will be taken away anyway, murders are enhanced. Revenge, retaliation and retribution are less likely to create justice and a safe community than rehabilitation and reconciliation are. Consider such famous cases as the Leopold and Loeb murders where Clarence Darrow saved those two young men from the electric chair even through they were malicious murderers. That made it possible that Leopold would eventually be released and devote the remaining days of his life to helping others as a medical assistant. Remember another famous case representative of innocent people receiving the death penalty. Sacco and Vanzetti were accused of murder basically on evidence that they were anarchists and socialists. They were executed for crimes they most likely did not commit. There are many other reasons and supporting cases why the death penalty should be abolished well-known to this committee that I will not repeat here.

Genie and I have had a friend who is serving life in a Texas prion for a crime he did not commit. The evidence against him in the murder of a little boy was that he was a friend of the child who was killed in a park that our friend visited. A witness testified that a white pick-up was parked at the park at the time and our friend had a white pick-up. That's all it took in Texas. He has been an extremely cooperative inmate and is a truly religious and spiritual person. Originally he was sentenced to death but at the urging of anti-death penalty activists, including myself who visited me on death row, he received a new trial and his sentence was commuted to life.

Years ago I was a member of the national board of the Fellowship of Reconciliation. We wore a button then that said "Why do we kill people who kill people to show that killing people is wrong." Let the killing stop, do the right thing, and put an end to this cruel and unusual punishment.

  
Bill Durland  
5250 S. Huron Way, 8-103  
Littleton, CO 80120  
(719) 201-8597



## Testimony on SB20-100

Thank you Chairman Lee and Vice Chairwoman Gonzales, as well as all the esteemed members of the Judiciary Committee. Thank you Senators Gonzalez and Tate, as well as Representatives Arndt and Benavidez, for bringing this brave bill before us. My name is Michael Neil and I rise to strongly support SB 20-100 on behalf of <sup>Cross Disability Coalition</sup> CCDC and myself. I rise as an active citizen, person of conscience, and member of the Mountain View Friends Meeting's Peace and Justice subcommittee. There are many reasons to support this bill, from moral and equity grounds to fiscal concerns, as well as disability ones. Not only do many hold that allowing the State to kill is a moral abomination that lowers the State to the level of the individual being executed, but the death penalty is grossly misapplied, being heavily weighted towards people of color, those in poverty, and those with disabilities. I know not whether any members of the Senate belong to the Society of Friends or other historic peace churches, along with religious movements that have preached a repeal of the death penalty for decades (from Unitarian Universalists to Episcopalians to many Catholics to Jews), but I imagine so. I can understand that, for those who have experienced loss due to murder, this is not an easy idea. However, I would posit that for every victim that would want revenge, there is another who would seek reconciliation. I know that for virtually all of my friends from college and graduate school, I would fear their spirit haunting me for not supporting this bill more than the reverse.

Beyond moral concerns, we know that an excess of people on death row nationwide people of color, those in poverty, and those with disabilities, especially cognitive and disability ones. According to CCDC, the death penalty falls heavily on the disability community writ large. As of June 2014, approximately 32 of the last 100 people subject to capital punishment in the United States demonstrated an intellectual disability. During that same period, approximately 53 of the last 100 people subjected to the death penalty demonstrated symptoms of mental

illness. Expanding the pool to include individuals who have diminished capacity..., the list grows to 87 of the last 100.” Further, due to appeals, the death penalty is far more expensive than life-imprisonment.

. In this time of uncertainty of standards, hyper-prevalence of people with disabilities on death row across the nation, and despite being in a state that uses the death penalty rarely, I argue that Colorado’s own standard on determining intellectual impairment is so high, that an indigent person with a disability and an overworked public defender is too likely to fall through the cracks for this issue to be ignored. A ban would ensure that no person with a disability would be put to death.

Please feel free to pass on to Senators Gonzalez and Tate my view (informed by my nearly 10 years as District Attorney of Colorado's 20th Judicial District, membership on the Board of Directors of the National DA's Association and presidency of Colorado District Attorney's Council) that I continue to strongly support repeal of the death penalty for many reasons I have previously stated publicly.

In addition, the argument that the Death Penalty is needed to obtain guilty pleas on serious homicides is flawed for two reasons:

1. It is morally repugnant, and I believe a violation of prosecution ethics, to threaten, overtly, or implicitly, a defendant with death in the hopes of obtaining a guilty plea.

2. The cases for which the Death Penalty is "eligible" are such strong cases from an evidentiary perspective that defendants who are considering pleading guilty may do so regardless of the risk of an uncertain Death penalty that may, or may not, actually be imposed in a couple of decades. Moreover, trial of such cases can be accomplished promptly and efficiently if the pre trial motions practice of a death penalty case is eliminated. During my tenure as DA, we tried several First degree murder cases to Guilty As Charged verdicts within one year of charging, which provides justice and closure for the victim's family and community.

I am currently traveling in Colombia, but will return this week. Let me know what more I can do to further this important effort.

Best regards,

Stanley L. Garnett

Senator Julie Gonzales

Senator Jack Tate

Colorado State Capitol

200 E. Colfax

Denver, CO 80203

January 26, 2020

My name is Kelli Parsons. I was an employee of CDOC for thirteen years. I began in 1987 as a Senior Secretary and left the Department in 2001 as an Administrative Program Specialist. The program I worked on was Accreditation. As an accreditation manager I brought my assigned facility up for accreditation and audited the other facilities in the state to determine their compliance with ACA Standards. ACA standards are certain standards a facility must meet or exceed to become accredited. They cover every facet of facilities such as nutrition, staff training, counts, religious programs, temperature of showers, decibels of and sound, facility security, etc.

In the early 90s I was promoted to Centennial Correctional Facility. At the time CCF was the only max/ad seg facility and it housed death row. Colorado State Penitentiary was in the process of being built. As an auditor I inspected the entire facility, CCF, on a regular basis. That included going to A Unit which housed death row. At that time, Gary Lee Davis, Frank Rodriguez and Ron White were the only inmates on Death Row.

Any time a death date came down, the facility began preparations. We would have meetings and review an envelope that held the highly confidential details of how the death penalty would be carried out. We all knew that the likelihood of an actual execution would not be any time soon due to the appeals process.

In 1993 CSP was finished and Death Row was transferred. A few years thereafter a solid death date came down for Mr. Davis. I was contacted by Central Office and assigned to be part of the execution team. I was assigned to be in the command center which was staged at the Warehouse in the East Canon Complex. I would be in the command center with the Executive Director as well as other high ranking officials.

We started having meetings to get our assignments. We did a walk-through of the death chamber. I remember how crowded it seemed to be in there with the entire team. Then we went to the Warehouse to further prepare. A retired Warden walked in and started laughing and high fiving people. He wanted to be part of the process. It was at that time that it occurred to me that this was so much more than something on paper. We were about to kill a man and it

was turning into a circus. People were losing sight of the mission. After much soul searching I contacted Central Office and asked to be removed from the team. I was offered 2 other possible positions but both involved contact with the media and it occurred to me that my kids might see me on TV and asked why I helped kill a man. I declined any participation whatsoever in the execution.

The night of the execution I did everything I could to distract myself. I took my daughter for a caramel apple and drove around. Later, I finally went home and turned on the news. I watched as the hearse left DOC property carrying the body of Mr. Davis. And I wept. I heard that the coroner, Dorothy Twellman, wept when she called time of death.

The next day I was back at work. I walked in to a mess in the conference room; the execution had been catered. Food was delivered to the press in the visiting trailer and to each facility's administration, as each facility had to have its administrative staff in house. In our conference room there were deli trays laying about, left there for the inmate porters to clean up. I thought it kind of vulgar they had to clean up after we'd killed one of their friends. I remember that day was very quiet and somber. My office overlooked the mall where the inmates walked to cellhouses, programs, recreation, etc. As I looked out my window I saw inmate and staff, all very quiet and they appeared to be withdrawn. Nobody was celebrating.

I talked to a Captain who was visibly struggling. He had worked in A Unit and had talked to Mr. Davis almost daily about football, religion, the weather, whatever. The Captain and I talked and cried. On the night of the execution, at midnight, all the inmate in all the facilities rattled their cell doors in solidarity with Mr. Davis.

When I was hired by the DOC, execution wasn't even a consideration. We hadn't had one in years. When I hired I had no idea that some day I might be called upon to participate in one. And when that day did come, I could not do it. I tried to do the job I was assigned but was unable to. And that's when I realized I was no longer apathetic about a potential execution. I was now firmly against the Death Penalty. I saw how the execution affected seasoned staff and inmates. I wouldn't wish that pain on anyone.

Sincerely,

Kelli L. Parsons

# SAM CARY **BAR ASSOCIATION**

January 10, 2020

David Sabados  
Executive Director  
Coloradans for Alternatives to the Death Penalty

Dear Mr. Sabados,

The Sam Cary Bar Association ("SCBA") understands a bill will be introduced in this legislative session to repeal Colorado's death penalty.

The SCBA Executive Committee met and voted to support death penalty repeal. We are in favor of repealing the death penalty because a disproportionate number of people of color, especially African Americans, receive the death penalty in America. Although African Americans make up 13 percent of the population, they make up 42 percent of death row and 35 percent of those executed.

There have been several studies across our nation that indicate that defendants are much more likely to be sentenced to death if there is a white victim. As of 2002, 178 black defendants were executed for murders with white victims, compared to 12 white defendants executed for murders with black victim. There have been 509 African Americans executed in the United States since 1976.

A statistical analysis of more than 500 Colorado prosecutions from 1999 to 2010 revealed that nonwhite defendants are five times more likely to face the death penalty than their white counterparts. Of the 22 capital cases tried in those years, only two were against white defendants. There are currently three people on death row in Colorado, all three of which are African Americans. A repeal of the death penalty would end the prejudice and systemic racial bias in the application of the death penalty within our state.

Please let us know when the bill is introduced and whether any legislative hearings are scheduled.

Sincerely,



Joyce Akshikanda, Treasurer  
Sam Cary Bar Association

# Statement of Bob Autobee

My name is Robert Autobee, I've been involved with the DP about 18yrs, when my son was killed by an inmate while working at the Limon Cor. Fac. At that time I was in favor of the DP. I thought our judicial system was capable of providing justice. Until you've witnessed how dysfunctional and incompetent our judicial system is, will you realize just how the DP promotes hate, racism and apathy. After 10 yrs. we were going to start the trial over. It was at that point where my family had enough. We could not longer rely on the system. My wife and son forgave. I could not. Finally I seen that the DP was wrong. I told the new DA we could not support the DP any longer. I began my fight against the DP. I believe the dignity of life is worth fighting for.

I've been from coast to coast fighting the DP and have seen the epidemic of hate racism and apathy that is taking over our nation

I believe we are failing our children by allowing our elected officials to influence our children by promoting hate, racism and apathy. It is our duty to stand up against injustice if we Don't they will not and their children will not. Hate, racism and apathy our not the values we should be promoting.

It takes a better person to not kill than it does to kill. Which one are you? Thank you.



Stan Gelb 303-485-9427

## TESTIMONY: SB 20 - 100

Chairman Lee and distinguished members of the Committee: my name is Stan Gelb, I'm from Longmont, Colorado, and I am a concerned citizen who is testifying in support of SB 20-100, a bill to abolish the death penalty in Colorado.

There are three (3) main reasons that I urge you to pass this bill. For starters, capital punishment is a barbaric relic from the past, like slavery, dueling, and torture, all of which are now prohibited by every developed nation. The USA is all alone among developed nations in still having executions. Under existing law Colorado is aligned with Saudi Arabia and other hideous governments in allowing executions. I urge this committee to instead choose to align with the European Union, Canada, Japan and the other enlightened nations in abolishing the death penalty.

Secondly, all honest and knowledgeable observers know that executions have little or nothing to do with justice. Instead, executions are really another form of class war and race war. If you are a white person with money, there's almost zero chance of your being sentenced to death. But if you're a person of color with little money, you are very much at risk.

We've heard from people who are advocating that Colorado continue to allow executions. I'm pretty sure that most of these advocates are good people. They are good people who have made just one very bad choice: they've chosen to be allies of those who want class war and race

war. I hope that these otherwise good people will soon realize what a bad choice that is.

Last, but not least, the entire justice system is run by human beings. And everyone knows that all humans make mistakes. If any person is sentenced to life in prison and later it's realized that mistakes were made and that person is actually innocent, that person can be exonerated and released. Some justice, even if delayed, can still be achieved. But if that innocent person has been executed, then justice is forever denied. Forever!

Let me repeat: All humans make mistakes. I had a personal encounter with this some years ago in my teacher certification program. Our class was shown a basketball video, and we were assigned to count the number of passes the players completed. So I and my classmates attentively watched and counted. At the end of the video, our instructor asked how many of us noticed that someone in a gorilla suit had leisurely walked across that basketball court in the middle of the passing basketballs. The instructor then replayed the video. I was shocked that I and most of my classmates had not seen the gorilla-suited person in that well-lit gym; we were too busy counting passes.

So knowing that mistakes will sometimes be made, we must structure our justice system so that some form of correction can be undertaken when mistakes are identified. I therefore urge this committee to abolish the death penalty, which means voting yes on SB 20-100. Thank you.

Testimony of William R. Durland in Favor of passage of Senate Bill 20-100 to Repeal the Death Penalty Submitted to the Senate Judiciary Committee, January 27, 2020

At the age of 8, I decided I was against capital punishment. At the age of 88 I have been an advocate and activist to abolish the death penalty since 1960 and as once again the opportunity to abolish the death penalty in Colorado comes before us, your committee and the State Legislature, I wish to share my thoughts on all of this with you and your committee.

I was only 8 years old when my relatives took me to a movie "Angels With Dirty Faces" in 1939. James Cagney played the part of a gangster who walks to his death in the electric chair, accompanied by Pat O'Brien playing the part of the good priest urging Cagney to face his death "like a man." After seeing that movie I firmly resolved as a young boy to be against the death penalty. But I didn't have an opportunity to be an active advocate for abolition until 1958 in Arlington Virginia.

At age 33 I announced my candidacy for the Virginia House of Delegates and after my election in 1965, I introduced the first bill to abolish the death penalty in Virginia in memory. At that time one could receive the death penalty for 7 different crimes. Hearings were held but the votes of House conservatives defeated the measure in that still ex-slave but segregated state. However, those actions paved the way for the reduction of the death penalty today to be only for pre-meditated malicious homicide or a death caused in the process of a serious felony - the murder-felony rule. There have been few executions in Virginia since the time my bill received so much support and publicity among northern Virginia citizens. Today 21 states do not have a death penalty. Colorado should finally join them after so many years trying.

I have been active in five states against the death penalty - Virginia, Indiana, Pennsylvania, Wisconsin and now Colorado. I have served as an elected legislative representative in Colorado and as a city judge. I have formed citizens' committees, and been arrested in a nonviolent vigil against the death penalty at the U.S. Supreme Court. I have taught courses on the subject at Purdue, Notre Dame, Villanova and at Trinidad State Jr. College, Pikes Peak Community College and Colorado College. I have been on radio and television in debates on the subject and written numerous articles, books and plays treating it. I assure the committee that there are countless people like me who are social activists for the pursuit of justice and the rule of law and who have worked for years for the abolition of this inhumane practice. We joined some of them as we vigiled together at the last execution in 1997 at the State Penitentiary in Canon City.

Capital punishment does not deter a person from murdering another human being; just the opposite occurs. With the certainty that one's life will be taken away anyway, murders are enhanced. Innocent people are executed. Revenge, retaliation and retribution are less likely to create justice and a safe community than rehabilitation and reconciliation are. Consider such famous cases as the Leopold and Loeb murders where Clarence Darrow saved those two young

Irish Catholic Mafia – my aunt, my Nana, Georgette, Edward, my mother and me. (Edward would become a look-alike and talk-alike of J.F.K.)

We got to Manasquan and Staten Island by car. We had a Plymouth in 1938, replacing our previous model; a Nash that we had in West Orange, New Jersey where we also had Black servants. Our next-door neighbors, the Phillips, moved in with an old maroon Ford and switched to a Buick – stylish by the 40s.

Church going was important then. I remember one of my first visits to church sitting on my mother's lap until she went to communion (in the early 30s), and then was switched to my aunt's. What's going on? They were eating God, they said. Can I have some, I said? No way, not until your first communion, they said. And you know that story.

I must have been improving my image by second grade. (Mrs. Montgomery was my kindergarten teacher and Mrs. Peek first and second grades). I usually got the starring role in our historical plays in later years. I was George Washington. In the fall I would be elected class president but by spring no one could stand me. I turned everyone in. I was very law and orderly. My parents now had high hopes for me to go to Choate and then Yale. I even had a Choate sweater to prove it, and my own puppy, Billy, who was secretly given away by my parents.

My Irish relatives loved the movies – a Saturday afternoon regular event. So did my mother who wanted to be a movie star. One of my first movies was "It Happened one Night", 1938 with Clark Gable and Claudette Colbert. A scene I could not fathom involved Gable and Colbert having to share a hotel room. Gable strung up a blanket between their beds. They were not married. I knew nothing of sex in those days, except the 6<sup>th</sup> Commandment. When Paulie Phillips was accused of looking up the mothers' dresses from his perch on the floor, I only knew I must not do the same. I didn't have the inclinations to begin with. Marjorie Phillips, Lou Novotny and Mrs. Herbert and some others were the mothers. But I did get in trouble when I was accused of looking into the girls' restroom. My elementary school principal, however, would not believe it of me - not Billy.

1939 brought the war and third grade with Mrs. Huey. We learned about the caveman and Audubon Society. My Uncle Noomie died of a stroke that year. I remember him stretched out on the green couch at his home. In the summer of 1940, we vacationed in Maine. I remember two of my parents' early fights – one at home with my mother crying, claiming she had T.B., holding on to my father's leg in the bedroom and he pushing her off. The next was in Sabbath Day Lake,

men from the electric chair even through they were malicious murderers. That made it possible that Leopold would eventually be released and devote the remaining days of his life to helping others as a medical assistant. Sacco and Vanzetti were accused of murder basically on evidence that they were anarchists and socialists. They were executed for crimes they most likely did not commit. There are many other reasons and supporting cases why the death penalty should be abolished well-known to this committee that I will not repeat here.

My wife and I have a friend who is serving life in a Texas prison for a crime he did not commit. The evidence against him in the murder of a little boy was that he was a friend of the child who was killed in a park that our friend visited. A witness testified that a white pick-up was parked at the park at the time and our friend had a white pick-up. That's all it took in Texas. Originally he was sentenced to death but at the urging of anti-death penalty activists, including myself who visited him on death row, he received a new trial and his sentence was commuted to life. He teaches nonviolence in his ward and his presence there results in quiet and civility. He is in charge of music in the Catholic chapel and serves as a cantor there.

Years ago I was a member of the national board of the Fellowship of Reconciliation. We wore a button that said "Why do we kill people who kill people to show that killing people is wrong." Let the killing stop, do the right thing, and put an end to this cruel and unusual punishment.

William R. Durland, J.D. Ph.D.

Civil Rights Attorney and Professor of Philosophy, History and Government Emeritus

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Littleton, CO 80120

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COALITION**

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## CCDC POSITION ON SB 20-100

After a great deal of deliberation, cautious debate, legal advice, research, and consultation, CCDC has decided to actively support SB20-100, which would repeal Colorado's death penalty. We deliberated carefully and at length as to whether or not the bill raised an issue crucial to disability rights and, if so if there was a legitimate reason to urge repeal while maintaining our ongoing opinion that people with disabilities should take full and equal responsibility. With the help of our legal team, we decided that the answer was firmly "YES" to both questions.

I wish now to focus on some salient issues brought forth from our discussions and analysis.

- 1) The death penalty falls heavily on the disability community writ large. "As of June 2014, approximately 32 of the last 100 people subject to capital punishment in the United States demonstrated evidence of an intellectual disability. During that same period, approximately 53 of the last 100 people sentenced to the death penalty demonstrated symptoms or diagnoses of mental illness. Expanding the pool to include individuals who have demonstrated diminished capacity (such as youthful offenders individuals with traumatic brain injuries, who are not included in either of these categories despite still-developing brains and brain injuries having similar effects on the defendant's culpability, and, therefore, suitability for the death penalty, the list grows to 87 of the last 100."
- 2) Further, although there have been legal advancements that might alter these statistics in the future, the lack of a standard has left state governments floundering in the search for solutions and drawn in the Supreme Court, which has issued a long and winding path of decisions. Beginning with *Atkins v. Virginia*, the Court has held that it was a violation of the Eighth Amendment's prohibition on "cruel and unusual punishments" to execute a person with an intellectual impairment. However, the Court has also left it up to state authority to determine how to determine if a person indeed has such an impairment. Subsequent cases show that this has left states unequal in the application of the death penalty and left adrift. Clear but inflexible rules, such as those that rely solely on IQ scores, have been struck down.
- 3) The Texas Court of Appeals, which applied a test it had developed in a case called *Ex Parte Briseño* that was based on a mixture of medical standards from 1992 and the Texas court's conclusions as to "wh[en] a consensus of Texas citizens would agree that a person should be exempt from the death penalty[.]" was struck down as reliant upon outdated standards that amounted to a mixture of lay misperceptions and stereotypes. In this time of uncertainty of standards, hyper-

·NOTHING ABOUT us, WITHOUT us...EVER!

prevalence of people with disabilities on death row across the nation, and despite being in a state that uses the death penalty as rarely as Colorado (once since 1967), we argue that Colorado's own standard on determining intellectual impairment is so high, that an indigent person with a disability and an overworked public defender is too likely to fall through the cracks (and on to death row) for this issue to be ignored. A ban would ensure that no person with a disability, regardless of whether the individual could meet the "clear and convincing evidence" standard under Colorado law, would be put to death.

- 4) Support of a ban would show that CCDC stands in solidarity with groups against whom the death penalty has been historically weaponized.

## Written Testimony

Written testimony is a public record under the Colorado Open Records Act (CORA) and is provided to individuals upon request. Individuals submitting written testimony must use this sheet, but do not need to complete the optional portions. Attachments to this sheet are permitted. Please see a staff person for any questions regarding written testimony.

Bill: SB 20-100

Date: 1/27/2020

My name is Victoria  
Reynolds, State  
Chairman of the  
Libertarian Party of  
Colorado.

Name	Victoria Reynolds	
Address <small>(optional)</small>		
City <small>(optional)</small>		Zip <small>(optional)</small>
Telephone: <small>(optional)</small>	720 933 6900	
Email: <small>(optional)</small>	statechair@libcolorado.org	
Representing		
Position on Bill	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
	Neutral <input type="checkbox"/>	

From the Libertarian Party Platform  
1.8. "We oppose the administration of  
the Death Penalty by the State".

I am opposed to the administration of  
the death penalty by the state or anyone  
to a person who does not represent  
an immediate threat. Once  
incarcerated the criminal is no  
longer a threat. Also there's a  
conflict of interest when the  
accuser, the judge, the  
executioner and quite often the  
defense are paid by the same  
entity and represent only themselves.  
Even the "jury of peers" does not ever  
represent the accused peers - AS the



Definition of peer is = "a person of the same age, status ..., etc."

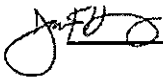
# Written Testimony

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Bill: SB 20-100

Date: January 27, 2020

Representing: self as private citizen  
Position on bill: FOR



Name Jane Hansberry		
Address 1933 East 23 <sup>rd</sup> Avenue <i>optional</i>		
City Denver <i>optional</i>	Zip 80205 <i>optional</i>	
Telephone: <i>optional</i> 303 521 3571		
Email: <i>optional</i>		
Representing		
<i>Position on Bill</i>	For	Against
	Neutral	

I am writing to advocate for passage of SB 20-100, Repeal of the Death Penalty. My position is informed by research that has shown:

1. **the death penalty is expensive** - Colorado taxpayers pay \$3.5 million for a death penalty trial, about 23 times more than for a non-capital crime; these are public resources that could be better allocated to crime prevention, victim assistance, and mental health care
  
2. **the death penalty is not a deterrent** - In one survey, 88% of the country's top criminologists agreed that the death penalty is not a deterrent, while police chiefs rank the death penalty last among effective deterrents to violent crime.
  
3. **the death penalty is unfairly applied** - in Colorado, people of color are 5x more likely to face the death penalty people in Arapahoe, Douglas or Lincoln counties are 4x more likely to face the death penalty, people of color in those counties are 14x more likely to face the death penalty and between 1999-2010, people of color faced 91% of death prosecutions.
  
4. **innocent people face execution** - At least 166 people have been exonerated from death rows across the country. That's approximately one person exonerated for every ten who've been executed since 1976. Colorado has already executed an innocent person. Despite our best efforts, mistakes can and will happen. As long as we have the death penalty, the risk of executing an innocent person will always exist.
  
5. **the death penalty is cruel and unusual** -corrections staff frequently suffer from PTSD and other mental health issues as a result of their involvement in executions. Every major medical association in the U.S. considers participation in executions to be a breach of ethics for medical professionals. Reliance on untrained staff to carry out executions can lead to horribly botched executions and even more trauma for the public servants involved.