

# NEWS RELEASE

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## Office of Performance Evaluations (OPE) Idaho Legislature

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### Financial Costs of the Death Penalty

The full report is available on the OPE website

<http://www.legislature.idaho.gov/ope/publications/reports/r1402.html>

(BOISE) Today, the Legislature's independent, nonpartisan Office of Performance Evaluations released a report that analyzed the availability of Idaho costs of the death penalty.

**Evaluators concluded that Idaho's financial costs of the death penalty are largely unavailable**, and that collecting comprehensive data would require a considerable amount of effort and resources for stakeholders. This effort would not likely result in information different than what we already know from national and other states research. In his formal response to the evaluation, Governor Butch Otter said that "while meaningful cost information and other data can be difficult to attain with such diversity in standards, practices and available resources between jurisdictions, it also is clear that our State agencies have been diligent in both accounting for and containing their associated costs."

Evaluators found that criminal justice stakeholders varied in their ability to provide cost data largely because most staff do not track how they spend their time. The Department of Correction and the State Appellate Public Defender's Office were able to provide more financial data than other state and county agencies. The Idaho Supreme Court, the Office of the Attorney General, and local law enforcement, prosecutors, public defenders, and courts may need more time to develop processes for financial data collection.

Although comprehensive financial cost data is not available, evaluators outline other findings that indicate capital cases are more time consuming than noncapital cases; these findings are similar to those of national and other states studies.

### **Capital cases take longer to complete than noncapital cases.**

Evaluators found that parts of the guilt and penalty phase and parts of the appeal and post-conviction phase take longer to complete for death penalty cases. For first-degree murder defendants who had a trial, the process of reaching a judgment of guilty or not guilty took 7 months longer for capital cases

than for noncapital cases. The difference between capital and noncapital cases was also greater for the direct appeal and post-conviction appeal: capital cases took 1.2 years longer to complete the direct appeal and 1.4 years longer to complete the post-conviction appeal.

**In Idaho, 40 defendants have been sentenced to death since 1977 and 3 have been executed.**

Evaluators found that few defendants are sentenced to death and even fewer remain sentenced to death and ultimately executed. Of the 40 defendants sentenced to death since Idaho's death penalty laws became compliant with the US Constitution in 1977, 21 (53 percent) have had their sentence changed to life with or without parole.

From 1998 to 2013, 251 defendants have been charged with first-degree murder. Of those, 42 defendants were prosecuted with the potential of a death penalty and 7 received a death sentence.

*The Joint Legislative Oversight Committee approved a study request in March 2013 for evaluators to study the costs associated with the death penalty in Idaho. The study was requested by Senator Cliff Bayer (R) and Senator Elliot Werk (D), both of whom are former cochairs of the Oversight Committee.*