

The Closure Myth

How the death penalty fails victims' families

To be meaningful, justice should be swift and sure. The death penalty is neither. It prolongs pain for victims' families, dragging them through an agonizing and lengthy process that promises an execution at the beginning but often results in a different sentence in the end. Meanwhile, it dedicates scarce resources to a small handful of cases while the real needs of the vast majority of victims' families are ignored.

Justice Neither Swift Nor Sure

“ A serial killer ripped Deirdre away from us in 1982. My family had no idea, then, that our ordeal was just beginning. All we knew was that the worst of the worst had happened, and the person who did it should pay the ultimate price – the death penalty. From 1982 until 1990 I lived day to day, appeal to appeal, decision to decision. We woke up every day wondering what might happen that day. Will there be another appeal? Another motion? What new decision might come down? The toll it took on me and my family was horrendous...I learned the hard way that the death penalty is an albatross over the heads of victims' families.”

– *Jim O'Brien, whose daughter, Deirdre, was murdered*

- ♦ A study examining the experiences of families of murder victims found that those navigating the legal process in a state without the death penalty exhibited better psychological and physical health as well as a higher overall satisfaction with the criminal justice system than those facing the same challenges in a state with the death penalty.
- ♦ In a letter to lawmakers, 179 Connecticut murder victims' families called for the death penalty's repeal because it “is a false promise that goes unfulfilled, leaving victims' families frustrated and angry after years of fighting the legal system.”

The death penalty fails to meet the real needs of surviving families

- ♦ The death penalty's complex process diverts millions of dollars and attention from the critical services that victims' families need to help them heal, including specialized grief counseling, financial assistance, and ongoing support. In most states, these services are sorely lacking.
- ♦ The few services that are available are often provided through the prosecutor's office, so when the criminal case is over the services for the victim's family end along with it.

“[The death penalty means victims' families are] putting their lives on hold for years, sometimes decades, as they attend new hearings and appeals and relive the murder.”

– *Gail Rice, whose brother Bruce VanderJagt, a Denver policeman, was murdered in 1997*

“The money that we spend on the death penalty would be much better spent funding support groups, providing ongoing counseling to survivors, ensuring that every person who is murdered is able to be buried with dignity, and doing everything we can to prevent the tragedy of murder from ever taking place.”

– *Henrietta Beckman, whose son, Randy, was murdered in 2003*

- ♦ For families in unsolved murders, there is the added pain of never learning what happened to their loved ones. The people responsible remain undetected while countless law enforcement hours are spent chasing a handful of executions instead of solving more cases.

CASE IN POINT

Gail LaSuer's daughter, Monique, was murdered in Colorado in 2000. The killer was never found. There are 1,200 unsolved murder cases in Colorado alone, and families like Gail's launched a campaign to end the death penalty and use the savings to fund a cold case unit to find the people who killed their loved ones. Gail said, "I would rather have a larger number of people caught than have a few executed."

The death penalty divides families when they need each other most

- ♦ The death penalty has split families apart, forcing relatives with different views on the issue to engage in a polarizing debate at the time when they need each other most.
- ♦ It's supposed to be reserved for the "most heinous" murders, but that implies that most murders are ordinary. There is no such thing as an "ordinary" murder for the grieving family left behind. Many families feel these kinds of distinctions are a slap in the face.
- ♦ When the defendant and victim are related, families are even further torn apart. In a number of cases, for example, children must first cope with the murder of one parent and then suffer a new layer of trauma and grief when the other parent is executed for the crime.

CASE IN POINT

Felicia Floyd was 11 when her father murdered her mother in a drunken rage. Felicia's father was on death row in Georgia for 21 years, during which time the family was able to find some reconciliation. Felicia and her brother pleaded with the state not to execute their father, but were ignored. The execution left them orphans.

Can we make the system faster?

- ♦ The death penalty is irreversible. The process is longer because a life is on the line. Many of the extra procedures are legally required to reduce the risk of mistakes. Even these safeguards are not enough – at least 160 people have been exonerated from death row after waiting years *or decades* for the truth to come out. Streamlining the process would only heighten the already real risk of executing an innocent person.
- ♦ Even states with the fewest protections and a faster process take years or decades to carry out an execution. In Texas, for example, 20% of the people on death row who have been there for over twenty years.

We have learned a lot about the death penalty in the last 40 years – and those lessons have meant pain and suffering for the families whose loved ones have been murdered. What was supposed to provide comfort to victims has become a colossal failure that has prolonged their pain. Isn't it time to say enough is enough?

Sources available at ejusa.org

A Failure for Victims' Families

In their own words: Stories of a broken system

“ When my brother was murdered I thought I was supposed to support the death penalty... Little did me and my family know then that when Michael Ryan was sentenced to death, we were sentenced too. Our sentence has been going on for 20 years and there has been no execution. For 20 years it has been all about Michael Ryan. He is all my family and I ever hear about. Jim is never mentioned... Having seen what the death penalty has done to my family, I have since changed my mind and now think it should be abolished.”

– *Miriam Thimm Kelle, whose brother, Jim, was tortured to death*

“ Nearly eight years since the jury delivered the verdict of death, I am still forced to focus on my mother’s killer. If the killer were given life without parole, and I mean a true life sentence, I would not be here. I would not be forced to discuss the killer and the verdict and the ways in which my life has been affected. Each court date, each appeal, each write-up in the newspaper, revisiting and revisiting the pain, each event keeping me that much further from the curative process I and my family so greatly deserve.”

– *Sandra Place, whose mother, Mildred, was murdered in 1999*

“ In my 15 years as a victims rights lawyer, I have represented many murder victim families in death penalty cases, and the additional anguish caused by the justice process is overwhelming. When I first see a client, I silently pray the prosecutor will decide against pursuing the death penalty, but not because I am against that form of punishment. My prayers are for the victims and the hope they will be spared the pain, isolation and despair the death penalty process will inevitably bring.”

– *Richard Pompelio, New Jersey Crime Victims’ Law Center, whose son, Tony, was murdered*

“ Capital appeals go on for decades after the initial trial. Most cases are reversed at some point, placing victims’ families in limbo. With each court decision, the murderer’s name is splashed across the headlines while the family waits helplessly for the next ruling, wondering when the sentence will finally be carried out... The pain of this emotional roller coaster can be astonishing in its magnitude. Where are the victims in this process? How are they served?”

– *Vicki Schieber, whose daughter, Shannon, was murdered*

“ If we are serious about helping surviving victims — all of us — we need to see the bigger picture. The bigger picture is that the death penalty is given in fewer than 1 percent of cases, yet it sucks up millions and millions of dollars that could be put toward crime prevention or victims’ services. What I wouldn’t give for a tiny slice of those millions to give my grieving daughters some professional help to process the death of their brother.”

– *Victoria Coward, whose son, Tyler, was murdered in 2007*

Sources available upon request