



Public Safety Officials on the Death Penalty

By Gerald Galloway

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Twenty-five years ago, while I was chief of police in Southern Pines, North Carolina, one of my investigators, Ed Harris, was shot and killed in his home in retaliation for his investigation into drug crimes. Like many of my fellow police officers at the time, I wanted to see his killers executed for what they did to my friend and colleague. I had then, and still have, no sympathy for those who commit heinous crimes.

Ultimately, though, the jury did not return a death sentence for Ed's killers, but instead gave life plus 60 years. That was initially hard for me, and there are not many days that I do not think about Ed and the many other law enforcement officers who have been gunned down senselessly. I want to feel confident that justice will be served for all of them and all of our citizens.

Over these same years, I gradually recognized that I have a duty as a former public official who dedicated over 30 years of my life to keeping the public safe to speak out about seriously flawed policies that purport to safeguard our communities without delivering what they promise. The death penalty is one such false promise.

To fulfill this duty, in 2016 I joined with over 70 colleagues—current and former law enforcement officials, prosecutors, and corrections officials—to form Public Safety Officials on the Death Penalty (PSODP). While many may be surprised to hear us question this punishment, we believe that our familiarity with crime, victims, and offenders enables us to have a rare and personal perspective on the death penalty's many shortcomings. We know

that it is a very costly process with only an infinitesimal chance that the offender will actually be executed and is sometimes meted out against those with diminished culpability or who are innocent.

Indeed, with 156 people exonerated from death row at the close of 2015, we know it is a system that can make irrevocable mistakes. Compounding the nearly incomprehensible injustice of executing an innocent person, public safety officials also worry that for every person wrongly sentenced to death, the real offender remains unpunished. In many tragic circumstances, those at-large perpetrators commit new crimes while the innocent remain on death row.

In addition, we observe that the death penalty is often trotted out as necessary retribution on behalf of victims' family members. While victims' families undoubtedly have varied beliefs about the appropriateness of a death sentence, it is nevertheless inevitable that these family members will be waiting a very long time at best for the execution of their loved one's killer, as the average time on death row had risen to 18 years by 2014. When a victim's family must wait almost 20 years to see the ultimate punishment inflicted, the retribution initially desired is hardly gained from this outcome. So why can't our system return to shorter wait times? Because to really speed up the process, we would have to circumvent constitutional safeguards imperative for any system in a civilized nation that seeks to take a life.

These safeguards include catching our mistakes: in more than half of all the death row exonerations, the evidence of innocence took more than a decade to

uncover. In 45 of the cases, it took over 15 years. Serving retribution while also ensuring a constitutional process creates an inescapable tension in our system of justice.

Furthermore, compelling evidence indicates that the death penalty is considerably more expensive than life without parole. For instance, in Washington, seeking the death penalty increases costs by 40–50 percent. A Florida analysis estimated that the death penalty cost the state \$51 million per year more than a system without capital punishment. A Nebraska county had to mortgage its ambulances to cover the costs of two death penalty cases it prosecuted. From a public safety perspective, is it rational to risk losing tools that help save people *every day* in order to pursue a punishment on a tiny fraction of offenders?

These are just a handful of the reasons many cops, prosecutors, and corrections officials are increasingly concerned about the death penalty. As a former chief, I've seen firsthand what resources law enforcement needs to protect the public and perform their jobs effectively and safely. We need to carry out thorough and fair investigations and adapt to new challenges as they emerge. We need the trust and support of the communities we protect. Few chiefs I know will say they need capital punishment—but an increasing number will agree we do need to confront its problems and begin exploring alternative ways to achieve a more just public safety system.

Gerald Galloway served as the chief of police in Southern Pines, North Carolina, from 1988–2005.