

Nebraska's Death Penalty: A Broken System

In 2015, the Nebraska Legislature replaced the death penalty with life in prison without the possibility of parole, because of the problems listed below. On November 8 2016, Nebraskans will vote whether to retain this action, or bring back Nebraska's broken death penalty.

Risk of Executing an Innocent Person

- ◆ Since 1973, more than 155 individuals in the US have been wrongfully sentenced to death and later exonerated. More than 300 others, including six in Nebraska, have been exonerated from long prison sentences as a result of dramatic advances in DNA testing.
- ◆ DNA has irrefutably shown that we make mistakes, but it's no silver bullet. DNA evidence is available in only 5-10% of criminal cases. Even when it is available, in some cases investigators have falsified evidence. A human system can never be 100% accurate.
- ◆ Some claim we need the death penalty as a "tool" for plea bargains or to secure convictions. This is patently false: states without the death penalty have some of the highest rates of prisoners serving life without parole in the country – proving that you don't need the death penalty to secure a life without parole sentence. It's also incredibly dangerous; the threat of the death penalty has caused numerous wrongful confessions in Nebraska. The "Beatrice Six" confessed after being threatened with death and were later exonerated with DNA. Nebraskan Matthew Livers was interrogated for 11 hours, and threatened with the electric chair before he confessed to the murder of his Aunt and Uncle. However, he didn't do it. The real murderers are now serving life sentences for that crime.

Costly and Ineffective Government Program

- ◆ The death penalty is consistently more expensive than life in prison without parole because of the additional preparation in capital cases, the separate sentencing phase, post-conviction appeals, and the added costs of death row.
- ◆ Between 1973 and 2007, Nebraska taxpayers paid for 103 cases in which the prosecution sought the death penalty, only 31 of which resulted in a death sentence. More than half of those death sentences were reversed, and only three have resulted in an execution. The cost per execution in Nebraska is estimated to be \$15 million dollars.
- ◆ Richardson County nearly went bankrupt and had to borrow money against its ambulances in order to pay for two capital cases.

A Failed Policy for Murder Victims' Families

- ◆ Capital cases prolong the legal process, keeping the victims' families in legal limbo for years. All the while, the offender is kept in the limelight and victims' families may be without critical resources. A single capital case costs millions, which can divert resources away from counseling and support services addressing the many needs faced by all victims' families. In 2012, Nebraska was ranked last in the nation for funding victims' services.

Arbitrarily Applied

- ◆ An empirical analysis of 30 years of murder cases in Nebraska concluded: Who gets life and who gets death in Nebraska in death penalty cases depends more on geography, class, race, and the discretion of prosecutors than on the heinousness of the crime.