

# The Death Penalty in Kentucky:

## CHANGING ATTITUDES

Three people have been executed in Kentucky since the 1976 reinstatement of capital punishment, all of them for aggravated murder. Two of them involved inmates who dropped their appeals and agreed to be executed. The last execution occurred in November 2008.

Since that time, questions related to Kentucky's lethal injection protocol and other matters have prompted state courts to put executions on hold while the legal issues are addressed. Kentuckians have also learned more about the serious flaws

in the state's capital punishment system, prompting growing support for an official suspension of executions.

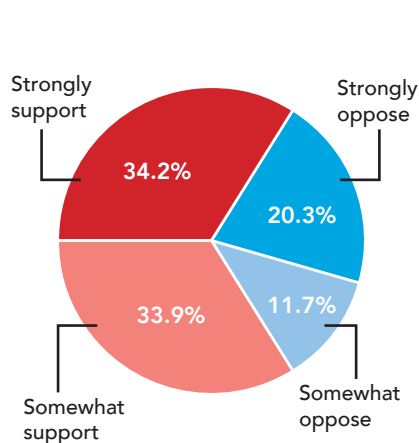
In 2011, following an exhaustive two-year review, a report released by the American Bar Association's Kentucky Assessment Team revealed serious problems related to fairness and accuracy in the use of the death penalty in Kentucky. A poll taken that year found that 62 percent of Kentuckians supported a temporary halt to executions.

Support for a moratorium continues to grow. A poll conducted earlier this year by the University of Kentucky Survey Research Center found that 72.4 percent would support a decision by the governor to halt all executions until problems with the state's system can be addressed.

Issues related to cost, fairness and the impact on victims' families also found Kentuckians favoring punishments other than the death penalty.

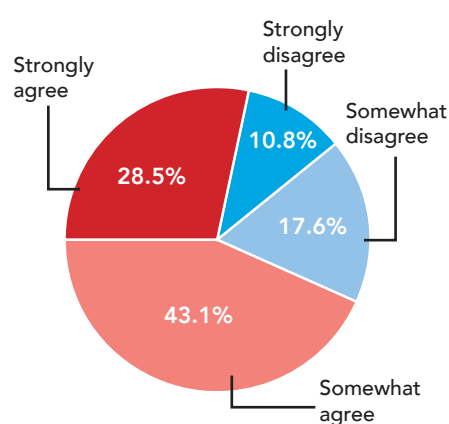
### Recent Poll Results

If it were shown that because of the constitutionally mandated appeals and additional trials and housing costs associated with the death penalty that the death penalty costs taxpayers substantially more than sentencing prisoners to life with no possibility of parole would you support or oppose replacing the death penalty with a sentence of life in prison without the possibility of parole?



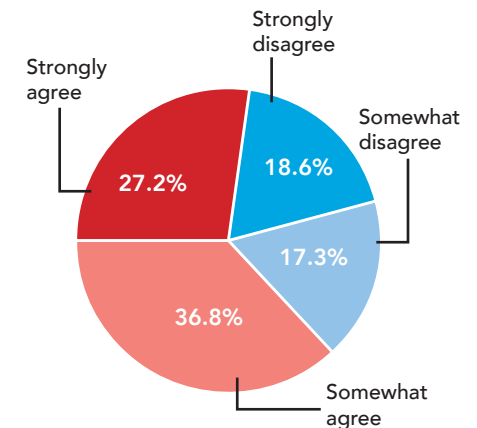
**When told of its high cost, 68% of Kentuckians support replacing the death penalty with life without parole**

In the U. S. at least 155 people have been wrongfully convicted and sentenced to die for crimes they did not commit. Some innocent people have even been executed. The death penalty carries too much risk of executing an innocent person.



**71.6% of Kentuckians agree that the capital punishment system risks executing the innocent**

Death penalty cases can drag on for more than a decade, forcing victims' families to endure years of uncertainty and waiting. In contrast, a sentence of life in prison without parole could offer swift and certain justice that allows victims to move on with the healing process as soon as the trial is over. Murderers need to be severely punished, but Kentucky's death penalty system isn't working and should be replaced with life in prison without the possibility of parole.



**64% of Kentuckians support replacing the death penalty with a sentence of life without parole**

Source: The University of Kentucky Survey Research Center conducted interviews between March 4 and April 30, 2016, with 684 Kentuckians over the age of 18. The poll had a margin of error of + or - 3.8%.

## American Bar Association Review

The findings of a two-year review by a team of Kentucky attorneys, former Kentucky Supreme Court justices and law school professors included:

- An error rate of more than 60 percent on death penalty cases – meaning most death sentences have been overturned on appeal by Kentucky or federal courts.
- The lack of a requirement that evidence in criminal cases be retained as long as a defendant remains incarcerated.
- The absence of uniform standards on eyewitness identifications and interrogations.
- Public defender caseloads far in excess of national averages and salaries that are far below those of attorneys with similar experience in surrounding states.
- No statewide standards governing the qualifications and training of attorneys appointed to handle capital cases.

## Other Voices

“The ABA review suggests that the death penalty is broken beyond repair in Kentucky. Replacing it with life without parole is the best approach for our state – removing the possibility that an innocent person will be executed, saving limited tax dollars, protecting public safety and providing certainty and justice to the families of victims.”

*Former Assistant Commonwealth's Attorney Joseph P. Gutmann  
Retired Circuit Judge Stephen Ryan  
Former Commonwealth's Attorney J. Stewart Schneider*

“I oppose the death penalty ... because I believe it is illogical for the state to teach citizens not to kill by killing. ... Corrections officials are expected to commit the most premeditated murder imaginable.”

*Allan Ault, former Director of Corrections for five governors in three states*

“The long decades of waiting for the justice system to work through all the appeals only rekindles our horror to be relived. Many of us become weary of that anger and wish for some resolution so we might escape living in the past and get back into life.”

*Ben Griffith, whose brother was murdered in 1986*

“It's counterintuitive, but taxpayers spend far more on our system of capital punishment than we would if the death penalty were not an option. Every study undertaken in the U.S. concludes that our death penalty system is far more costly than a criminal justice system in which the maximum sentence is life without the possibility of parole.”

*State Representative David Floyd, R-Bardstown*

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