

4th WORLD CONGRESS AGAINST THE DEATH PENALTY

Presentation James Abbott

Round table Law Enforcement views on the death penalty (Death Penalty focus (DPF) and ECPM)

Thursday 25 Feb 10.45am-12.15am

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My name is James Abbott and I am the Chief of Police of West Orange, New Jersey. I was Governor Richard Codey's Republican appointee to the New Jersey Death Penalty Study Commission, and I am here to share my experience about the work of our commission and my own evolving position on the death penalty.

As a law enforcement officer, I have dedicated my life to making the people of New Jersey safer. I get up every day knowing that my primary goal is to protect the public. It is up to me to make sure that people who commit crimes are caught and taken off the streets so they can't do more harm.

I am also aware that as a law enforcement officer, we put our lives on the line every time we go to work. Police officers face the dangerous reality that someone may try to kill us simply because of who we are and what we stand for. People who support the death penalty often say it's needed to protect people like me.

That seems like a logical argument, and I must admit it made sense to me too, before I joined the study commission. I supported the death penalty at the time of my appointment and did not think I would ultimately vote to end it in favor of life without parole.

But what I learned throughout our six months of study opened my eyes to the reality of the death penalty. It turned out that what sounded good in theory was actually a complete failure in practice. Most importantly, what I learned about the death penalty convinced me that there was simply no way to fix it and make it right.

As a police chief, you should have no doubts that I support tough on crime policies and harsh punishment. I have no sympathy for killers, absolutely none. My sympathy, like all of you I'm sure, is with the families of murder victims. It was those very families, including some whose loved ones were police officers killed in the line of duty, which changed my mind about the death penalty.

I had no idea how much families suffer facing years of death penalty appeals and reversals. We had capital punishment in New Jersey for 24 years and we hadn't executed anyone. For every person that had been sentenced to death, there was a family waiting for the promised punishment to be delivered. They went to court year after year, only to find in the end that the person would never be executed. The reality is that there is no closure in capital cases, just more attention to

the murderer and less to the victim. Unfortunately, it's easier for most of U.S. citizens to name notorious killers than it is their victims.

As I sat on the commission, I heard from these families, one after another. Their cries of pain were devastating. Many of them supported capital punishment when their loved one was killed, and it was only the direct experience of suffering through the process that prompted them to change their minds and beg us to recommend replacing it with life without parole. I heard from mothers, fathers, daughters, and sons who spoke of families being divided, lives lived in limbo, and childhoods abruptly ended by a never-ending court process. The death penalty was supposed to help families like these. And virtually everything I heard told me that it was tearing them apart.

At first I thought this problem was unique to New Jersey. But in the time since the study commission made its recommendations which became law, I've taken the time to learn more about the death penalty in other states. It doesn't seem to work any better anywhere else. Even in Texas, which is the death penalty capital of the United States, it still takes years and millions more dollars for an execution to be carried out. It doesn't seem like any state has found a way to carry out the death penalty quickly and cheaply and also accurately.

After the commission released our report, I began giving media interviews and talks about my experience. One thing I have been asked a lot is whether, as a police chief, I would still support the death penalty for the killing of a police officer. My answer is no. If I were ever killed in the line of duty, I would never, *ever* want my wife or children to have to suffer the way the families who testified before me have suffered.

Instead, I would want to know that the person who did it was behind bars for life, so they could never kill again, and that my family had the services they needed to heal and the financial support they needed to live without further sacrifice. Our Commission learned that those kinds of services were sorely lacking – and that they could be improved with the financial savings from ending the death penalty. Although we were unable to measure the costs of Life without Parole versus Capital Punishment with great precision primarily because some departments do not keep the data and because some of the extra cost takes the form of resource strain it was clear that the cost of Capital Punishment exceeded that of Life without Parole. Give a law enforcement professional like me those extra dollars and I'll show you how to reduce crime. The death penalty isn't anywhere on my list.

I should also note that our commission found no evidence that the death penalty serves a legitimate penological intent by deterring murder, even in the case of the killing of a police officer. The south, which executes the most perpetrators of murder, also regularly leads the nation in the number of police officers killed in the line of duty. That makes sense to me. Anyone who is already at the point of shooting a police officer is clearly not thinking logically about the consequences.

Finally, I want to speak briefly to the make up of the Commission and the integrity of our process. I already told you that I didn't go into my work on the Commission thinking I would vote to end the death penalty. In fact the man who appointed me, Governor Richard Codey, was

one of the original sponsors of the death penalty law in New Jersey. The same was true for many of my fellow commission members.

Sitting around me were two sitting county prosecutors, the Attorney General, distinguished religious leaders, a retired Supreme Court justice who had upheld death sentences, and several family members of murder victims, including a man who lost his daughter to murder and a woman who became a victims' advocate after the loss of her nephew to murder.

This was nothing if not a fair and balanced group of individuals.

Our analysis was also transparent, credible and comprehensive. We held five public hearings at which anyone could testify. The hearings were public and well advertised. People on all sides of the issue were able to testify. The only witnesses who were allowed to testify more than once were pro-death penalty witnesses. The breadth of knowledge and the passion of all the witnesses who testified were inspiring and informative.

As I said, I learned a lot about the death penalty in the last four years. If I could leave you with the one most important lesson for you to think about it is this:

I learned that you can continue to support the death penalty and also support its end. That is the position I have now come to. Philosophically, I still favor the death penalty. Despite the fact that our Commission found the Death Penalty to be inconsistent with evolving standards of decency, I continue to believe that it is an appropriate means of retribution and a just punishment for some crimes. But I also know that in practice it does more harm than good. So while I hang on to my theoretical views, as I'm sure others will, I also stand before you to say that society is better off without capital punishment. My pro-death penalty law enforcement colleagues have come to respect my position as I have been clear and taken the time to explain how and why I came to vote to abolish the death penalty and I take great pride in my work on the Commission as I know I played a role in helping the state to repeal a policy that was ineffective and harmful to victims' families.

Life in prison without parole in a maximum security detention facility is a better alternative. It is harsh, it ensures public safety, addresses other legitimate social and penological interests, such as; disparate sentencing based upon race, ethnicity or socio-economic status of the offender and/or victim, as well as eliminates the risk of an irreversible mistake. But most importantly it puts victims' families first.