

February 4, 2011

Re: SB 185 Abolish the Death Penalty

Dear Members of the Senate Judiciary Committee:

My name is Mary Fay, and I live in Helena, Montana. Due to being out of town, I am unable to bring personal testimony to your committee for this important hearing calling to abolish the death penalty in Montana.

For 28 years, I worked for the state of Montana in the Department of Corrections, for the Probation and Parole Bureau. I worked as an officer for twenty years and the Bureau Chief for almost 8 years. I was involved in a couple of death penalty cases due to my position as a Probation & Parole Officer. I also worked at the prison when an execution of Duncan McKenzie was carried out.

In my capacity as an officer, I researched the issue of the death penalty. It's important to use information from our best scientific studies while making the decision to abolish the death penalty. I think my background gives me a unique perspective on the death penalty and a wider view than most people.

First of all, there is no credible evidence that the death penalty deters crime. Most offenders who commit a capital crime do so without forethought and certainly do not think they will be caught and executed for their crime. States in the North East and those States, without the death penalty have lower murder rates. While those states in the South, that execute the most people, have the highest murder rate. Violence begets violence. 88% of the expert Criminologists, reject the notion that the death penalty acts as a deterrent. (Radelet & Lacock 2009)

Secondly, the death penalty is not used without bias. Race plays a role in who lives and dies. The death penalty is applied randomly depending on the race of the offender, the race of the victim, the prosecuting attorney and the competency of the defense attorney. Of 22,000 murders, 150 were sentenced to die in the US. Innocent people have been killed; in fact 4 men have been wrongly executed in the US. . 136 people on death row have been released. This is an irreversible mistake.

Third, executions are carried out at greater expense to the public than life in prison sentences. In fact maintaining people on death row has a greater expense than life in prison. Since the 1980's, the taxpayers in the state of New Jersey paid \$253 million for their capital punishment system and no one has been executed. \$11 million dollars a year would go a long way to keep those offenders in prison for the rest of their lives, plus provide money and resources to the victim's families while improving the correctional system to make it more effective. This is a no brainer if you are trying to save the taxpayers money.

Fourth, I witnessed firsthand the residual emotional and psychological problems caused to the state employees who had to prepare for and carry out this horrible deed of killing someone. Even for those who volunteered and were prepared it brought irreversible psychological damage. Legislators should not expect state employees to carry out this terrible act of violence.

Fifth, the death penalty does not give the victim closure or the relief from their grief and anger that they are seeking. Even those who want "justice" and/or revenge are disappointed after the execution.

And lastly, a 2006 Gallup Poll notes that 65% support the death penalty, down from 80% in 1994. And when given a choice of the Death Penalty or Life in Prison, 48% chose life in prison and 47% chose the death penalty.

139 civilized nations have abandoned Capital Punishment. The United States is in the company of Iran, Iraq and China, who all still have the death penalty. Does the United States really want to be in the company of countries that we think are "part of the evil empire"?

I submit that there is not one good reason to continue to use the death penalty. We are a civilized nation that values all human life. I urge you to support SB 185, and abolish the death penalty from the great state of Montana.

Sincerely,

Mary Fay, Retired, Probation and Parole Bureau Chief