Testimony in Support of HB 6425 and SB 1035

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My name is Terrence Dwyer. I am an Assistant Professor of Legal Studies at Western Connecticut State University. I am also an attorney admitted in New York, Connecticut and the federal courts and a retired Investigator from the New York State Police Violent Crimes Investigative Team. I am here to address the issue of deterrence and the death penalty from a law enforcement perspective.

First I would like to point out that a recent study of chiefs of police across the U.S. revealed overwhelmingly their assessment of the death penalty was that it was a low priority for them. Even those who theoretically supported the death penalty placed it at the bottom of their concerns for an effective criminal justice process. If there is anything that my 24 years of law enforcement experience has taught me it is that there is no analysis, contemplation or rationalization when it comes to offenders and violent crime. Crimes such as intentional murder occur under such varying circumstances that it is too simple a solution to claim there is a deterrent effect with the death penalty.

I have investigated numerous homicides and violent crimes in my career and interviewed countless of those defendants. In retrospect there is no doubt in my mind, now or then, that the threat of any punishment, let alone the ultimate sanction of death, has a deterrent effect. Similarly I believe the presence of the death penalty as a punishment for certain murders is, aside from not being a deterrent, impractical from an enforcement point of view. I rely on the New York State experience as an example of this last statement. In 1995 New York's then-Governor George Pataki reinstated the death penalty to much political fanfare and press coverage. Ten years later with the *Lavalle* decision the New York Court of Appeals ruled a part of the statute unconstitutional. Rather than rush to legislative session to repair the statute the New York State Assembly deliberated over the effect of the death penalty over the prior decade and held public hearings on the matter. In sum New York abandoned its more recent experiment with the death penalty.

Yet, the aftermath was a cost to New York State in excess of $170 million for 58 potential capital cases of which only 19 were tried as capital cases and 7 resulted in actual death sentences. And of the 7 death sentences 5 were eventually reduced to life without possibility of parole. During the 10 year period wherein New York had capital punishment it was an expensive fiction.

Here in Connecticut that fiction is also present. As a police officer I worked in New York prior to the death penalty being re-enacted, during the death penalty years and post-*Lavalle* when there was no death penalty. If you are truly interested in effective criminal justice and truly interested in protecting law enforcement you will take the resources which are now being wasted on the death penalty in Connecticut and divert them to officer training and resources. Additionally, the same resources can be used for murder victim family services.