February 3, 2020

To the Virginia General Assembly,

We are current and former Attorneys General, Commonwealth's Attorneys, and Deputy and Assistant Commonwealth's Attorneys in Virginia. All of us have prosecuted serious criminal cases in this Commonwealth, and we write now to urge you to abolish the death penalty in Virginia by supporting H.B. 85 and S.B. 449. As prosecutors with different beliefs and backgrounds, we do not all agree on the morality of capital punishment. However, all of us do agree on the public policy goal of death penalty repeal.

The death penalty is a failed government program. When the modern death penalty era began in 1976, lawmakers and prosecutors envisioned a severe and consistent punishment that would keep the public safe. That has not happened. Instead, we believe that there are numerous concerns that justify the repeal of Virginia's death penalty:

- *The death penalty is costly and inefficient*. Prosecutor's offices must expend incredible resources to pursue death sentences. Those resources could be better directed toward assuring life imprisonment for convicted murderers, better forensic testing in criminal cases, additional support for law enforcement, and further resources for crime victims around the Commonwealth;

- *The death penalty is unevenly applied*. Prosecutors around the Commonwealth exercise their discretion in many different ways when considering whether to charge capital murder, pursue a death sentence, and plea bargain. Nearly two-thirds of Virginia jurisdictions have not pursued a death sentence in over 50 years. Virginia juries have not imposed a death sentence in over eight years. Additionally, numerous studies in Virginia and nationwide have shown that the death penalty most often falls on poor and minority defendants. We are thus concerned about the potential arbitrariness of any new death sentences in the Commonwealth;

- *The death penalty is neither swift nor certain*. There is a potential multi-decade wait between a death sentence and execution, which only adds to the pain of victim families. There are increasing problems with implementing a constitutional method of execution. Moreover, we are concerned about the finality of a death sentence as compared to life imprisonment. Since 1989, there have been 18 people in Virginia exonerated after being wrongfully convicted of murder;

- ❖ *The death penalty does not deter crime*. There is no reliable evidence, either in Virginia or nationwide, that the death penalty has reduced crime of any kind. We thus cannot say that the death penalty has made the Commonwealth safer.

Whether the death penalty is "right" or "wrong," we all conclude that there is a more cost-effective, constitutional way to respond to the most heinous crimes: a sentence of life in prison without the possibility of parole. Life without parole sentences help preserve our limited resources, give more finality to victim families, and leave the opportunity to free the wrongfully convicted. Most importantly, a life without parole sentence ensures that the most dangerous criminals can never threaten the public again, and that they will die in prison without any fanfare or publicity.

We do not need the death penalty to harshly punish murderers. We do not need the death penalty to honor victims and their families. Our universal desire to eradicate crime and keep everyone safe does not depend on the existence of one kind of punishment. Our Commonwealth can move beyond this failed government program and still be stronger than ever before.

Therefore, as current and former prosecutors in this Commonwealth, we ask you and your colleagues to support H.B. 85 and S.B. 449. Thank you for your consideration of this letter, and thank you for your service to this Commonwealth.

Sincerely,

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