



Krista Griffith
STATE REPRESENTATIVE
12th District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

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House Judiciary Committee Meeting Minutes

3.20.24

House Committee Recording

Chair Griffith called the meeting to order at 11:02 a.m.

Members present:

Rep. Griffith, Chair

Rep. Romer, Vice Chair

Rep. Cooke

Rep. Lynn

Rep. Phillips

Rep. Schwartzkopf

Rep. Dorsey Walker

Rep. Jones Giltner

Rep. Spiegelman

Chair Griffith introduced **HB 340, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FAMILY JUSTICE CENTERS.** *Time Stamp: 11:04*

Chair Griffith, the primary sponsor of the legislation, explained that the bill would create Family Justice Centers within Delaware to provide victims of crime with a single source to obtain resources and support services. These services would range from housing and employment opportunities to legal assistance and protection orders, all crucial for individuals seeking to leave abusive situations such as domestic violence, human trafficking, or child abuse. She asked expert witness Laura Graham, who serves as Vice Chair of Delaware's Domestic Violence Coordinating Council, to comment on the legislation.

Laura Graham explained that the council established a Family Justice Center steering committee in 2021, seeking guidance from the Family Justice Center Alliance and conducting site visits to similar centers across the country. She emphasized that Family Justice Centers streamline services into one location, offering collaborative, victim-centered, and family-friendly environments. She asked Denise Grybowski, representing the Women Empowered Against Violence in Every Relationship task force, to comment on the bill.

Denise Grybowski said that her advocacy for the establishment of a Family Justice Center in Delaware stems from her own experience with domestic violence. She emphasized the isolation and helplessness survivors often face and highlighted the critical need for a centralized resource like the Family Justice Center.

Chair Griffith thanked Laura Graham and Denise Grybowski for their testimony. She noted that the plan is Delaware-focused, with each county having its center tailored to its unique needs. Initial costs from the legislation will cover staffing and planning, with ongoing funding sourced from state, federal, and philanthropic channels. She emphasized the importance of a thoughtful process, acknowledging that building out the centers will take time and resources.

Rep. Jones Giltner asked whether the creation of a Family Justice Center would prevent state workers or supporting agencies from visiting victims in their current locations.

Chair Griffith replied that this bill would not impact state worker visits to victims in their current locations.

Rep. Phillips sought clarification regarding funding to ensure that supporting the Family Justice Centers wouldn't detract from current service providers.

Chair Griffith asked Laura Graham to respond. She added that she recognizes the importance of making sure funding arrangements do not compromise the ability of service providers to continue their essential work, including answering hotline calls and providing resources.

Laura Graham replied that the success of the Family Justice Centers relies on the collaborative effort of all stakeholders and service providers. She emphasized that the goal is not to compete for funding but to expand resources to better serve survivors. She assured Rep. Phillips that the work of existing service providers will not be replaced or supplanted by the centers but rather integrated into a unified effort. She highlighted the potential for Family Justice Centers to attract additional sources of funding, ultimately benefiting the entire community.

Rep. Phillips inquired about the measures in place to ensure that survivors visiting the centers retain control over their confidentiality and privacy.

Laura Graham emphasized that confidentiality and privacy are of utmost importance in the Family Justice Centers. She noted that survivors have full control over the services they choose to access, with no pressure to engage in any specific actions such as seeking protective orders or making police reports. Additionally, all agencies within the centers are committed to upholding confidentiality standards, which she pointed out have been extensively discussed and integrated into the bill and related discussions on victims' rights.

Rep. Phillips asked Laura Graham to confirm that survivors who visit the center do not have to engage with the criminal justice system.

Laura Graham confirmed that this would be the case.

Vice Chair Romer mentioned that she had witnessed firsthand the significance of nonprofit collaboration at a recent domestic violence conference and believes that Family Justice Centers could enhance these partnerships. She emphasized the efficiencies that a central hub can offer, allowing nonprofits to streamline their efforts amid the overwhelming demand for their services. Additionally, she expressed gratitude for the equitable approach of establishing centers in each county, addressing longstanding disparities between regions.

Chair Griffith noted that every center will also be on a bus line to increase access. She reiterated that the legislation is the result of two years of intense work, during which they took into account many factors.

Rep. Spiegelman asked whether the Family Justice Centers also serve as shelters, providing individuals and families with the option to stay overnight or for an extended period until they feel safe enough to leave.

Laura Graham explained that, during the planning process, the committee explored the possibility of having shelters on-site at the Family Justice Centers. However, after considering the existing robust domestic violence shelter providers in the state, such as Child, Inc. and People's Place, they reached a consensus not to have shelters on-site. Instead, they plan to coordinate with these existing shelters, establishing a connection between the Family Justice Center hub and the shelter hub.

Rep. Spiegelman raised a question regarding lines 99 and 100 of the bill, specifically concerning whether victims and survivors can be compelled to receive services at the Family Justice Center by law enforcement or the justice system. He asked for clarification on whether the provision means that individuals cannot be forced to go to the center for services or if it means that individuals at the center cannot be mandated to receive services while there.

Laura Graham explained that research from other Family Justice Centers indicates that when survivors feel safe and develop trust with the providers at the center, they may be more willing to engage with the criminal justice system or seek civil protective orders. However, she emphasized that this is not a requirement for survivors to access services at the center.

Rep. Spiegelman pointed out that if individuals are mandated by the criminal justice system or law enforcement to seek certain services as part of a plea bargain or other legal obligations, they will still be required to fulfill those obligations. While they may not necessarily have to fulfill them at the Family Justice Center, this means that the center is not a sanctuary from the criminal justice system, and individuals may still be required to engage with it as mandated by legal requirements.

Chair Griffith explained that individuals visiting the Family Justice Center will have the opportunity to access services related to the criminal justice system if they choose to, such as

making a report. However, accessing shelter services will not be contingent upon engaging with the criminal justice system, as is sometimes the case currently. Therefore, individuals in need of shelter will not be turned away or required to fulfill certain legal obligations before receiving assistance.

Rep. Schwartzkopf suggested that the two lines mentioned could be reworded for clarity. He noted that the current wording might give the impression that individuals are not required to take any action. By ensuring that the language is clearer and more concise, the provision regarding cooperation with the criminal justice system can be better understood.

Rep. Spiegelman emphasized that individuals, regardless of their status as victims or survivors, should continue to comply with court orders, even if they are unrelated to their experiences with domestic violence.

Chair Griffith confirmed that the legislation does not release an individual who seeks services from the Family Justice Center from any existing court orders.

Rep. Cooke inquired about benefits that would motivate existing services to coordinate with the new centers.

Laura Graham replied that sharing resources between services is more efficient and creates better outcomes for survivors.

Rep. Cooke expressed concern about the effectiveness of attracting individuals to seek services, citing experiences with his community. He emphasized the need for the Family Justice Center to prioritize inclusion and ensure that services are accessible to all communities, acknowledging the hesitancy of some individuals to seek help from unfamiliar places or people.

Chair Griffith said that she consulted with groups focused on equitable access while drafting the legislation.

Rep. Cooke inquired about the fiscal note for the bill.

Chair Griffith replied that the fiscal note is attached to the legislation and shared some cost estimates. She noted that some costs will change once the centers are fully operational.

Rep. Cooke asked if the state will be constructing new facilities to host these centers or if they intend to renovate existing buildings to fit their needs.

Chair Griffith responded that the plan is to obtain unused state facilities to be repurposed as Family Justice Centers, potentially alleviating some of the capital costs not included in the fiscal note. These centers will be managed through a collaboration involving both state employees and community service providers, ensuring comprehensive support for survivors of domestic violence.

Rep. Cooke asked whether the facilities will be operational by 2025.

Chair Griffith said that the process of establishing the three Family Justice Centers will occur gradually. In the first year, efforts will focus on hiring an executive director and a planner to assist in securing external and philanthropic resources. The centers will be developed incrementally, with a focus on acquiring and renovating suitable properties before fully staffing each center. She asked expert witness Jason Smith from the Office of the Controller General to comment on the legislation.

Jason Smith explained that the bill establishes the initial framework for the Family Justice Centers, including the hiring of an Executive Director and a planner to be housed within the Criminal Justice Council. However, there is still much work to be done, such as identifying suitable locations and working with state agencies to secure funding. A feasibility study funded in fiscal year 2023 will provide insight into potential locations and conceptual designs, but it has not yet been completed. Once the study's findings are available, a more accurate assessment of costs can be made. Smith acknowledged that the state will likely incur significant expenses over the next several years to fund the project.

Vice Chair Romer asked for confirmation that the Family Justice Centers would not replace home visits, school visits, or any other outreach services.

Laura Graham confirmed that the centers will not replace any existing services.

Chair Griffith emphasized the need for outreach to inform and educate communities about the centers' services and locations. She suggested collaborating with representatives and community ambassadors to reach various places like churches for effective outreach and education.

Rep. Cooke expressed his agreement with the importance of outreach efforts and acknowledged the need for better engagement with stakeholders, particularly in underserved areas. He added that he hopes the centers will facilitate better collaboration and outreach in communities that currently lack adequate resources.

Chair Griffith suggested to Rep. Cooke that they discuss his concerns after the committee adjourns.

Rep. Cooke emphasized the importance of ensuring that the Family Justice Centers effectively serve all communities and provide comprehensive support services. He underscored the need for better outreach efforts, particularly in underserved areas, and suggested that the centers should work closely with local organizations, including churches, to reach out to diverse communities. He shared his experience of cultural differences in accessing services and highlighted the importance of cultural sensitivity in addressing domestic violence. He expressed his support for the bill but emphasized the need for improvement to ensure that it benefits everyone, regardless of cultural background.

Laura Graham acknowledged the importance of reaching out to individuals who may not be accessing services for domestic violence. She agreed with Rep. Cooke's concern that certain populations may not be adequately served and noted that the mission of the Family Justice Centers is to address this issue. She expressed her desire to support those who suffer in silence and added that she aims to ensure that the centers effectively reach all individuals affected by domestic violence, including those who may not currently seek help.

Chair Griffith opened the floor for public comment.

Libby Neuner, Robert Overmiller, Angela Seguin, Kristi Iannelli, and Kathleen Seipel provided testimony in support of the bill.

No members of the public provided testimony in opposition of the bill.

A motion was made by Rep. Spiegelman and seconded by Rep. Schwartzkopf to release HB 264 from committee; motion carried. Yes = 11 (Spiegelman, Shupe, Schwartzkopf, Phillips, Lynn, Jones Giltner, Dukes, Cooke, Romer, Griffith); No = 0; Absent = 1 (Dorsey Walker). The bill was released from committee with a F=4, M=6, U=0 vote.

Chair Griffith introduced **HB 70, AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DEATH PENALTY.** *Time Stamp: 11:50*

Rep. Lynn, the primary sponsor of the legislation, introduced House Bill 70, which aims to amend Title 11 of the Delaware Code concerning the death penalty. He acknowledged the efforts of past legislators and activists, including Representative Darryl Scott and Senator Karen Peterson, in advancing this bill over the years. He provided a detailed historical overview of Delaware's death penalty laws since the 1970s, highlighting various flaws and constitutional challenges faced by previous statutes. He outlined the evolution of these laws, from mandatory death sentences to jury sentencing regimes, culminating in the current bill. The proposed legislation seeks to address constitutional concerns raised by the United States Supreme Court, particularly regarding the role of juries in sentencing capital defendants. He emphasized the importance of ensuring that Delaware's death penalty laws align with constitutional principles while acknowledging the complexities and challenges involved in the legislative process. He discussed racial disparities in sentencing, the risk of wrongful convictions, and the exorbitant costs associated with capital trials. He also challenged the belief in the death penalty's deterrent effect and its supposed benefits for law enforcement safety, citing evidence to the contrary. He emphasized shifting public attitudes against the death penalty and calls for its abolition as a crucial step toward rectifying systemic injustices in the criminal justice system.

Rep. Schwartzkopf said that he agrees with some of the legal reasoning behind court cases related to the death penalty but acknowledged that personal views on the matter are shaped by various factors such as background, experiences, education, and religion. He added that while he supports the death penalty in extreme cases, he is voting for the bill to advance it to the floor for further discussion and consideration.

Rep. Lynn thanked Rep. Schwartzkopf for his support.

Rep. Jones Giltner raised a question about the impact of the death penalty on families of victims, citing a specific case in the Georgetown community where a police officer was killed on duty, leaving his daughter to be raised by her grandmother. She asked whether Rep. Lynn had considered amending the Delaware Code to make the criteria for imposing the death penalty stricter.

Rep. Lynn acknowledged the tragic loss suffered by families of victims, particularly in cases involving law enforcement officers. However, he emphasized the constitutional limitations surrounding the death penalty. Despite the desire for justice in extreme cases, he argued that past legal challenges have demonstrated the difficulty of crafting a constitutionally sound framework for the death penalty. Reflecting on historical attempts, he highlighted the risk of executing individuals under laws later deemed unconstitutional. He expressed doubt about the feasibility of creating a statute that addresses only the most egregious crimes while complying with constitutional standards.

Rep. Jones Giltner suggested that extreme actions, such as shooting an officer, warrant extreme punishment, making the death penalty appropriate in such cases. She inquired about the number of criminals whose convictions were overturned in the past decade, potentially affecting their eligibility for the death penalty.

Rep. Lynn asked expert witness Kevin O'Connell, Chief Defender of the Delaware Office of Defense Services, to respond.

Kevin O'Connell said that he could not provide specific numbers but highlighted Delaware's history of enacting unconstitutional statutes and overturning cases. He mentioned a case in Dover where prosecutorial misconduct led to a reversal, emphasizing the state's past mistakes. He noted that prison is not a pleasant place, leading some individuals to choose execution over life in jail. He described the harsh conditions of prison, particularly for those in solitary confinement, to underscore the grim reality of incarceration.

Rep. Jones Giltner asked if the legislation prevent convicts from being able to request the death penalty.

Rep. Lynn replied that no one can currently request the death penalty due to the statute being deemed unconstitutional.

Kevin O'Connell noted that there are logistical challenges with Delaware's execution methods, as the required lethal injection drugs are currently unavailable.

Rep. Romer asked if there are any prisoners currently on death row.

Kevin O'Connell replied that there are no prisoners on death row as the current death penalty statute is unconstitutional.

Rep. Cooke said that he was skeptical of the idea that a prisoner would rather request the death penalty than spend life in prison, pointing out that the legislature has worked to provide incarcerated individuals with rehabilitation opportunities.

Kevin O'Connell responded by highlighting the perspective of Delaware Attorney General Jennings, who opposes the death penalty despite her prosecutorial background. He underscored that closure for victims and protection for law enforcement officers are not necessarily achieved through capital punishment.

Rep. Cooke said that his perspective on the death penalty has been shaped by 30 years of experience as a police officer.

Rep. Dorsey Walker shared a personal story from her childhood about the racially motivated murder of her cousin, which initially led her to support the death penalty. However, as she evolved spiritually and morally, she shifted her stance, drawing inspiration from scripture and the principles of justice, mercy, and humility. She recounted her advocacy efforts alongside Rep. Lynn, including her role as a spokeswoman for Delaware Repeal, an entity dedicated to abolishing the death penalty in the state. She emphasized the importance of evolving perspectives and urged her colleagues to vote in favor of abolishing the death penalty.

Rep. Schwartzkopf reflected on the complexity of legislative decision-making, acknowledging the challenge of balancing various perspectives and interests, including those of constituents, counties, and the state. He emphasized that disagreements on issues should not lead to personal animosity, recognizing the diversity of experiences and backgrounds that shape individual viewpoints.

Chair Griffith opened the floor for public comment.

Zoe Patchell, Jene Duffy, Joe Fitzgerald, Catholic Diocese of Wilmington, John Reynolds, American Civil Liberties Union Delaware, Mark Deshon, Derrick Hodge, People's Community Center, Melvin Mitchell, Blanche Creech, and Stewart Dotts provided testimony in support of the bill.

Robert Overmiller provided testimony in opposition of the bill.

A motion was made by Rep. Cooke and seconded by Rep. Dorsey Walker to release HB 70 from committee; motion carried. Yes = 7 (Schwartzkopf, Dorsey Walker, Lynn, Phillips, Cooke, Romer, Griffith); No = 2 (Jones Giltner, Spiegelman); Absent = 2 (Shupe, Dukes). The bill was released from committee with a F=3, M=3, U=0 vote.

Chair Griffith adjourned the meeting at 12:48 p.m.

Respectfully submitted by:

Wyatt Patterson

Attendance List

- Libby Neuner, Domestic Violence Coordinating Council
- Angela Seguin, Domestic Violence Coordinating Council
- Kristine Iannelli, Delaware Department of Justice
- Kathleen Seipel
- Robert Overmiller
- Zoe Patchell
- Jene Duffy
- Joe Fitzgerald, Catholic Diocese of Wilmington
- John Reynolds, American Civil Liberties Union Delaware
- Mark Deshon
- Derrick Hodge, People's Community Center
- Melvin Mitchell
- Blanche Creech
- Stewart Dotts
- Laura Graham, Domestic Violence Coordinating Council
- Denise Grybowski, Domestic Violence Coordinating Council
- Sara Paris, Domestic Violence Coordinating Council
- Kevin O'Connell, Delaware Office of Defense Services

Good Morning,

My name is Kathleen Seipel. I am a Spanish-speaking clinical social worker and one of the administrators of Amanecer Counseling & Resource Center, a community-based non-profit providing behavioral health services and advocacy to survivors of violence.

Our clients are among the most vulnerable survivors in the state. Many have limited English proficiency and immigration status that prevents them from qualifying for many forms of public assistance. We seek to provide a safe and welcoming space for survivors and their families to heal and rebuild their lives. However, we also witness how many barriers can get in the way of this healing. Survivors typically have to navigate a multitude of service providers in different locations for the legal, civil, and social protections that may help them. Many of our clients have limited access to transportation and the flexibility they need from employers in order to get to service providers. Even when they do manage to reach these supports, it is rare that they encounter Spanish-speaking staff who can help them navigate the complex processes required for them to get relief. Many survivors and families end up staying in dangerous situations because of the barriers they encounter.

Having a Family Justice Center in Delaware would be a phenomenal “game-changer” for the vulnerable Delawareans that we and others serve. To have one place instead of many to go to that would provide resources to survivors in a trauma-informed, culturally-sensitive, welcoming environment would empower survivors to take brave steps out of the shadows and into healing.

HB 70

Elaine Loughlin <elaineloughlin@gmail.com>

Wed 3/20/2024 8:53 AM

To:HouseCommitteeComment (Mailbox Resources) <HouseCommitteeComment@delaware.gov>

Dear House Judiciary Committee Members,

I am writing to urge your support for HB70, the bill that seeks to repeal the death penalty in Delaware. As a member of the House Judiciary Committee, your vote on this crucial issue carries significant weight, and I implore you to consider the following arguments in favor of abolishing the death penalty.

First and foremost, the irreversible nature of the death penalty is deeply troubling. Miscarriages of justice, wrongful convictions, and errors in the legal system cannot be rectified once a person has been executed. By abolishing the death penalty, we can avoid the tragic possibility of innocent individuals being put to death.

Furthermore, studies have consistently shown that race and socioeconomic status play significant roles in determining who receives the death penalty. The application of capital punishment is often biased against people of color and those from marginalized communities. Eliminating the death penalty would help address these systemic inequalities in our criminal justice system.

In addition to issues of fairness, the financial costs associated with the death penalty are substantial. Contrary to popular belief, capital punishment is far more expensive than life imprisonment. The lengthy appeals process, specialized legal representation, and other associated costs drain resources from our criminal justice system. By abolishing the death penalty, we can allocate these funds towards crime prevention, victim support services, and other more constructive purposes.

Moreover, there is no conclusive evidence to suggest that the death penalty serves as a deterrent to crime. States that have abolished capital punishment have not experienced increases in homicide rates. Instead, focusing on evidence-based crime prevention strategies and addressing root causes of criminal behavior can lead to more effective outcomes.

Finally, many individuals and organizations, including religious leaders, human rights advocates, and legal experts, have condemned the death penalty on moral and ethical grounds. Taking a human life, even in the name of justice, raises profound moral questions about the value of every individual's inherent dignity and the possibility of redemption.

By supporting HB70 and voting it out of committee, you have the opportunity to contribute to a more just and humane criminal justice system in Delaware. I urge you to consider the moral imperative, empirical evidence, and fiscal responsibility inherent in abolishing the death penalty.

Thank you for your attention to this important matter. I trust that you will give careful consideration to the arguments presented and make the decision that aligns with justice and compassion.

Sincerely,

Elaine Loughlin
308 Fredrick St
Delaware, 19968
Elaineloughlin@gmail.com

Elaine Loughlin, MSW
Licensed Clinical Social Worker

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Fwd: HB 70

Mozeik, Alanna (ODS) <Alanna.Mozeik@delaware.gov>

Wed 3/20/2024 3:10 PM

To:HouseCommitteeComment (Mailbox Resources) <HouseCommitteeComment@delaware.gov>

Please accept the email below as submission of written testimony for HB 70 on behalf of the Office of Defense Services.

Thank you!
Alanna

ALANNA MOZEIK

(she/her/hers)

Legislative Director

Office of Defense Services

(302) 577-8293

alanna.mozeik@delaware.gov

From: OConnell, Kevin J. (ODS) <Kevin.Oconnell@delaware.gov>

Sent: Wednesday, March 20, 2024 6:52:34 AM

To: Griffith, Krista (LegHall) <Krista.Griffith@delaware.gov>; Romer, Cyndie (LegHall) <cyndie.romer@delaware.gov>; Cooke, Franklin D (LegHall) <FranklinD.Cooke@delaware.gov>; Lynn, Sean M (LegHall) <Sean.Lynn@delaware.gov>; Phillips, Sophie (LegHall) <sophie.phillips@delaware.gov>; Schwartzkopf, Peter (LegHall) <Peter.Schwartzkopf@delaware.gov>; DorseyWalker, Sherry (LegHall) <Sherry.DorseyWalker@delaware.gov>; Dukes, Timothy (LegHall) <Timothy.Dukes@delaware.gov>; Jones Giltner, Valerie (LegHall) <valerie.jonesgiltner@delaware.gov>; Shupe, Bryan (LegHall) <Bryan.Shupe@delaware.gov>; Spiegelman, Jeff (LegHall) <Jeff.Spiegelman@delaware.gov>

Cc: Minutola, Lisa A. (ODS) <Lisa.Minutola@delaware.gov>; Mozeik, Alanna (ODS) <Alanna.Mozeik@delaware.gov>

Subject: HB 70

Chairwoman Griffith and members of the House Judiciary Committee,
I write in advance of today's committee hearing to express the Office of Defense Services' support for HB 70. It is imperative that Delaware join the growing number of states who have abolished the death penalty.

- **Delawareans overwhelmingly support abolition;** a 2015 poll indicates that **64% of Delawareans support life in prison**, compared to just 30% who believe the death penalty is the most appropriate punishment for murder. <https://why.org/articles/delaware-voters-support-death-penalty-repeal/>. National polls likewise show that support for the death penalty is currently near historic lows after peaking in 1994 and declining over the last 25 years.

- Recent studies have indicated that there is **“no evidence of a deterrent effect attributable to death penalty statutes.”** <https://onlinelibrary.wiley.com/doi/10.1111/1745-9133.12601>. Both homicide and violent crime rates in Delaware have declined since the Delaware Supreme Court declared our system for imposing the death penalty unconstitutional in 2016. <https://sac.delaware.gov/wp-content/uploads/sites/64/2024/02/Crime-in-Delaware-2018-2022.pdf>

- Seeking the death penalty is a **waste of our limited criminal justice resources**. All of the studies on the cost of capital punishment conclude that it is much more expensive than a system with life sentences as the maximum penalty. A national poll of Police Chiefs puts capital punishment at the bottom of law enforcement priorities, with most holding the view that politicians' support the death penalty is a symbolic way to show that they are tough on crime. <https://dpic-cdn.org/production/documents/pdf/CostsRptFinal.f1560295688.pdf?dm=1683576584>

- There is growing evidence that racial bias persists in our society, particularly within the criminal justice system. Nationally, when executions have been carried out exclusively for murder, 75% of the cases involve the murder of white victims, even though about half of all homicide victims in America are black. In Delaware, the numbers are even more dramatic. In a 2012 study of the death penalty in Delaware, of the 49 individuals sentenced to death between 1977 and 2012, **“black defendants who kill white victims are more than three times as likely to be sentenced to death as are white defendants who kill white victims.”** <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1904&context=facpub>

- Murder victims’ families hold a variety of views on the death penalty. Studies suggest the death penalty does not bring closure and interferes with their healing process. See, for instance, <https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=5144&context=mulr>

- **Delaware’s Attorney General, Kathleen Jennings – a prosecutor who has tried many capital murder cases over the course of her career – is in favor of repealing the death penalty in Delaware.** “There is no evidence that the death penalty is any more of a deterrent to murder, any more an enhancement of public safety, or any more a restoration of justice than a life sentence,” ... “But there is ample evidence nationally that there is bias in the use of capital punishment, that execution costs taxpayers more than life sentences, and that as long as the state sanctions execution there will always exist the possibility, however remote, that we might take an innocent life which we cannot give back.” <https://www.delawarepublic.org/politics-government/2020-02-06/positions-vary-on-latest-proposal-to-reinstate-death-penalty>

Having defended capital cases myself for more than 25 years, I can attest to the huge toll that these cases take, financially as well as emotionally, upon the offices, upon the lawyers, and upon the staff of both the prosecution and the defense. To place that burden upon our offices ever again would be bad for the criminal justice system as well as for the people of Delaware. The death penalty should be abolished, once and for all.

I will be available at today’s hearing to answer any questions that you may have. Thank you for your thoughtful consideration and support for this important legislation.

Respectfully,
Kevin O’Connell
Chief Defender, ODS

Support of Legislation to Abolish the Death Penalty in Delaware (HB 70 and HB301)

AOL MAIL <melvin.m.mitchell@verizon.net>

Tue 3/19/2024 6:56 PM

To:HouseCommitteeComment (Mailbox Resources) <HouseCommitteeComment@delaware.gov>

Cc:Melvin Mitchell <melvin.m.mitchell@verizon.net>

While the death penalty can cause severe physical pain, the time spent on death row can inflict psychological torment, as well. According to The Death Penalty Information Center, death-row prisoners in the United States typically spend over a decade waiting for their execution dates or for their death sentences to be overturned. During those agonizing years, prisoners are isolated, excluded from any employment or educational programs, and restricted from exercise or visitation. This can cause what some experts call “death row syndrome,” which makes prisoners suicidal and delusional. The prisoner is essentially tortured while on death row.

The death penalty is not applied equally based on the crimes people commit. Certain groups are much more likely than others to receive a sentence. According to The International Federation of Human Rights, 95% of prisoners on death row in the United States come from “underprivileged backgrounds.” This doesn’t mean people experiencing poverty have an inherent urge to commit crimes. The criminalization of poverty increases a person’s risk for arrest, while the high cost of education, mental health treatment, substance abuse treatment, and other assistance can push people into crime.

Once in the criminal justice system, those with money can pay for private lawyers, investigations, appeals, and other actions that help them avoid the death penalty. Those experiencing poverty have to rely on underfunded public defenders. Rather than punishing those who’ve committed the most severe crimes, the system punishes those with the fewest resources. If the death penalty disproportionately affects people experiencing poverty, it’s a deeply unfair and unjust system.

Melvin M Mitchell

Chair Southern Delaware Alliance for Racial Justice (SDARJ) Returning Citizens Support Committee

301-602-2291