SU Study Assesses Costs of Seeking Death Penalty

By Robert C. Boruchowitz

It costs more than an additional $1 million to pursue the death penalty than not to seek it in an aggravated murder case in Washington, according to a new study by four professors at Seattle University.

The report, “An Analysis of the Economic Costs of Seeking the Death Penalty in Washington State,” found that the estimated average difference in total costs when the death penalty is sought is $1,058,885. It also found that costs of recent cases have increased significantly, with costs exceeding $4 million before trial.

Two death penalty trials began in King County shortly after the report was released. The Seattle Times wrote an editorial citing the SU report and called on the Legislature to end capital punishment. Four days after the Times editorial, Seattle Mayor Ed Murray, City Attorney Pete Holmes and the Seattle City Council sent a letter to the Seattle Times discussing the report and calling for “safe and just alternatives to the death penalty.” They also referred to the findings of the SU report.

The total average cost for cases covered by the study in which the death penalty was sought was $3.07 million, versus $2.01 million for cases in which it was not sought, a difference of $1.06 million (in 2014 dollars). Adjusted to 2014 dollars, the difference is $1.15 million. Average non-death penalty appeal costs exceeded $4 million.

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The report includes an analysis of the complexity of death penalty cases and discusses the court rule requirement that defense counsel need to be specially trained and certified to be “learned in the law of capital punishment.” It outlines in detail the obligations of defense counsel in capital cases.

The report was the result of seven months of research by SU Criminal Justice Department professors Peter Collins and Matthew Hickman and Law School professors Robert C. Boruchowitz and Mark Larranaga. As far as is known, it is the first such study by a team of social scientists and lawyers who have capital defense experience.

The study was funded by a grant awarded by the American Civil Liberties Union of Washington Foundation. The ACLU-WF had no role in conducting the research and did not influence the analysis and formulation of conclusions.


Robert C. Boruchowitz is professor from practice and director of The Defender Initiative at Seattle University School of Law. He is one of the authors of the report discussed in this article.

1 “No Reasonable Argument for Keeping Death Penalty,” January 22, 2015.