



Inslee's death penalty suspension: Will it stick?

Gov. Jay Inslee will block any executions while he's in office. But is the Legislature willing to look at a bigger decision?

By John Stang

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Gov. Jay Inslee ordered a moratorium on state executions Tuesday. Now the question is whether that moratorium will end when Inslee leaves office or whether it will nudge the Legislature to repeal the death penalty?

Right now, there are no answers.

Inslee and his staff have been studying this matter for months — talking with family members of murder victims, Washington Attorney General Bob Ferguson, law officers, prosecutors and former directors of the Washington Department of Corrections. The family members of the murder victims include some, but not all of the victims of the nine convicts currently on Washington's Death Row. Inslee declined to identify which families he talked to, but said they included people for and against a moratorium. "What I found in talking to the families, there is a wide divergence in what the families feel about this," he said.

"Equal justice under the law is the state's primary responsibility. And in death penalty cases, I'm not convinced equal justice is served. The use of the death penalty in this state is unequally applied, sometimes dependent on the budget of the county where the crime occurred," Inslee said. Also, doubts have been raised about the death penalty's deterrent value, he added.

Inslee stressed that the cases of the current nine men on Death Row did not enter into his decision. "I don't question their guilt or the gravity of their crimes. They get no mercy from me. This action today does not commute their sentences or issue any pardons to any offenders," he said.

Inslee said 32 people have been sentenced to death in Washington since 1981. One has been freed and 18 have had their sentences converted to life in prison. "When the majority of death penalty sentences lead to reversal, the entire system itself must be called into question," he said.

Costs were another factor his decision. National "studies have shown that a death penalty case from start to finish is more expensive than keeping someone in prison for the rest of their lives," he said. Inslee's staff did not have a Washington-specific comparison of those figures. However, housing one person on Death Row at Walla Walla costs \$115 a day in this state.

Inslee said his decision was a gradual one made over several months. "When you delve into the bowels of the system, it's not really consistent with what we expect in this state. We have a human system and a human system is fallible," Inslee said. He said he wanted

to limit his use of his executive powers by declaring the moratorium, but keeping the death penalty on the books in order for the Legislature to deal with that issue.

The Washington Constitution gives Inslee that authority, Ferguson said. "The governor has the authority to hit the 'pause' button for executions in Washington," Ferguson said.

Rep. Reuven Carlyle, D-Seattle, has introduced a death-penalty-repeal bill almost annually. His latest was introduced in 2013, held over to this year, and just died because it did not leave the committee stage by Tuesday's deadline. He expects to introduce the same bill in 2015. "I think this is a profound shift in that he has shifted the conversation (on the death penalty). ... We'll ask the public and the Legislature to join us in this conversation," Carlyle said.

Sen. Mike Padden, R-Spokane Valley and a former judge who chairs the Senate's Law & Justice Committee, contended that the death penalty is a good deterrent, especially when making deals and pleas bargains with defendants facing that punishment. "To the victims, (the moratorium) is the wrong message. For the governor to take that away is wrong," Padden said.

He said prosecutors attack many crimes differently in different counties, and death penalty cases should not be the exception. "All these (death penalty) cases are reviewed and reviewed and reviewed," Padden said.

Until 2013, death penalty opponent Sen. Adam Kline, D-Seattle, headed the Law & Justice Committee. That committee heard testimony on a half dozen death-penalty-repeal bills over the years, but none never made it out of the committee because the votes were not there to do so, Kline said. That's in part because some Democrats support the death penalty. "This (moratorium issue) should not be left to individual governors [after Inslee]. It was politically gutsy for him to do it in his first term," Kline said.

Rep. Jay Rodne, R-Snohomish and ranking Republican on the House Judiciary Committee, was sharply critical, saying, "The governor's decision is a distraction from the issues that people care about the most. It also seems very political — at the expense of victims of violent crimes and their families. This must be a difficult day for these families as they are confronted with the reality that the governor cares more about a few convicted killers than justice for their loved ones."

Both Padden and Kline said the November elections — with the balance of power in the Senate at stake — will determine the chances of repealing the death penalty in 2015.

David Chapman, interim Public Defender for King County said in a written statement: "The Innocence Project, meanwhile, has proven that our system of justice is fallible. And once a person is executed, exoneration is meaningless. Gov. Inslee has given us the time-out we need to begin this conversation and address these critical issues."

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John Stang is a longtime Inland Northwest newspaper reporter who recently earned a Masters of Communications in Digital Media degree at the University of Washington. He can be reached by writing editor@crosscut.com.

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