

Testimony by Paul Lutz

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Paul Lutz

I'm going to taking a bit different tack on the issue today. The extraordinary financial cost associated with the successful prosecution of a capital case and that the death penalty does nothing to prevent murder have been conclusively proven both statistically and anecdotally and discussed exhaustively. Those on both sides of this issue have acknowledged a version of those facts. As I stated numerous time in the past, if only a portion of the money spent on the prosecution of a capital case was distributed proportionately to law enforcement, the effect on both the safety of the police as well as New Hampshire citizens would be much more effective and far-reaching.

With respect to the governor's promised veto, while not necessarily associated with law enforcement, I feel it's important to note the notion that this is not a partisan issue. I've heard the general opinion the abolition of the death penalty is a position primarily embraced by those in the social liberal camp. As lifelong Republican I can conclusively say that is untrue. No position exists within the Republican Party that is inconsistent with advocating for the abolition of the death penalty. If anything, those Republicans who endorse right to life should be squarely on board with this position.

With respect to those who favour the retention of the death penalty out of their concern for the safety of police I say this: It makes more sense to address the matters that have proven to effect police much more frequently. While the murder of a police officer is tragic so are other factors that affect police both frequently and universally. Instead of focusing on the death penalty the passage of enhanced penalties for unprovoked assaults on police would be a much more effective provision with which to begin in showing support for officers. Instead of spending millions of dollars fighting the numerous appeals of a capital case, acknowledge and finance programs which treat the issues that universally plague police; the issues of suicide, divorce, PTSD and other stress-related problems. The psychological threats to the lives of those engaged in this field are far greater than that which is posed by an armed criminal. Instead of spending enormous sums of money after the fact spend it to preserve lives.

Finally, the argument that capital punishment will give the families of murdered officer some type of closure presupposes the positive outcome of matters which have far too many variables. That a family would gain any type of closure

assumes the successful prosecution, sentencing and execution of the killer of an officer. You've heard how New Hampshire's version of the death penalty is very narrowly defined so as to minimize the pitfalls experienced by other states which have a version of capital punishment. At nearly the same time the state was prosecuting the killer of Officer Briggs it was also prosecuting another capital case of murder for hire under the same "narrowly defined" statute. This was the case of a despicable killer who orchestrated what could be termed a textbook case which met all of the elements necessary for the imposition of the death penalty. A more perfect and illustrative case couldn't have been created. For whatever reason after a lengthy trial, the jury refused to return a sentence of death. This vividly shows the unpredictability and disparity within our "narrowly defined" law.

With that in mind, now we need to ask ourselves a very real question. If two capital cases are brought before the court for the murder of two law enforcement officers and one is found guilty, sentenced and executed and for unexplainable reasons the other is not, does that result in so-called closure or does it create even yet another tragedy for the families and loved ones? The answer should be obvious.

The death penalty is bad for the citizens of New Hampshire as well as its law enforcement and corrections community. Let's turn our efforts towards protecting officers from the incidents and persons which actually harm them every day. If those in favour of the death penalty are genuinely concerned about the lives of officers and their families then offer real solutions and programs that are effective in ensuring their health and safety as well as preserving the quality of the relationships within those families. The death penalty succeeds in none of that.

Paul Lutz is a retired 30 year veteran of New Hampshire law enforcement having retired as a lieutenant from the Derry Police Department. After retirement he was a middle school educator for 17 years and currently serves as member of the Derry Cooperative District School Board. He did his undergraduate studies in chemistry at the University of New Hampshire and has advanced degrees in education from Cambridge College as well as theology from Andover Newton Theological Seminary. He is a native of Salem NH and

lives in Derry. He has one child, a son, who currently serves as a full-time police officer in New Hampshire.