



## WYOMING LEGISLATIVE SERVICE OFFICE

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### *Research Memo*

19 RM 001

**Date:** January 7, 2019

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**Re:** Death Penalty Costs

#### QUESTION

1. What is the annual cost to house a death row inmate in Wyoming?
2. What is the cost to the Office of the State Public Defender for death penalty appeals?
3. What is the cost for other states to house death row inmates?

#### ANSWER

1. **The Wyoming Department of Corrections (DOC) does not have an itemized listing of the potential annual costs of housing death row inmates. However, the average per day costs for an inmate at the Wyoming State Penitentiary in FY 2018 were \$128.63 and \$109.21 at the Wyoming Women's Center.**

The DOC notes that an inmate received with a death sentence is placed into restrictive housing for an extended period due to safety and securing concerns. This housing requires enhanced security and staffing which results in approximately 30% higher per day costs than that of the general population. Based on FY 2018 costs, that would result in an approximate cost of \$167.22 per day at the Wyoming State Penitentiary or \$61,035 annually. The approximate cost for the Wyoming Women's Center would be approximately \$141.97 per day or \$51,819 annually.

It should be noted that based on an inmate's institutional behavior, it is possible that they could be moved into less restrictive housing which would reduce the housing cost to reflect the average cost per day for the facility.

2. **The most recent death penalty appeal handled by the Office of the State Public Defender was the Dale Eaton case in 2006. That appeal cost the office \$71,433.50 which reflects the cost of experts, travel and lodging. That cost does not reflect the number of hours that three in-house attorneys worked on the appeal. According to the Public Defender's Office, it should be noted that a death penalty appeal will rarely cost more than salaries and normal administrative costs associated with a typical criminal case. However, to have experts brought in for an appeal has much higher costs which was the case in the Dale Eaton appeal.**
3. **The National Conference of State Legislatures provided the estimated costs associated with confining death row inmates for California, Connecticut, Kansas, New Hampshire, Nevada and**

**New Jersey. The cost estimates for each state are listed below:**

- **California**- estimated for confinement of death row is \$90,000 versus a noncapital cost of \$34,150 annually.
- **Connecticut**- estimated cost for confinement on death row is \$46, 942 versus a noncapital cost between \$25,000-\$29,000.
- **Kansas**- estimated cost for confinement on death row is \$49,380 annually versus \$24,690 annually for a general population inmate.
- **New Hampshire**- estimated cost for confinement on death row concludes that costs associated with housing inmates in the secured housing unit would be higher than the average of \$33,100 per year for an inmate not sentenced to death.
- **Nevada**- estimated cost for detention of a death row inmate, from arrest through the end of incarceration is \$157,299 for an average stay of 1,245 days, which breaks down to \$126.34 per day. Non-death penalty prisoners cost is an average of \$76,793 for an average stay of 618 days, which breaks down to \$124.26 per day.
- **New Jersey**- estimated cost for confinement on death row is \$72,602 versus the \$40,121 it costs to house an inmate in the general population.

If you need anything further, please contact LSO Research at 777-7881.