

**Hearing On HB 2167 To Repeal the Death Penalty**  
***House Corrections and Juvenile Justice Committee***

Feb. 13, 2017

**Testimony in Support of HB 2167 Submitted by Roger Werholtz**

Mr. Chairman and Members of the Committee:

My name is Roger Werholtz. I worked for the Kansas Department of Corrections for approximately 28 years and retired after serving as Secretary of Corrections for about eight and a half years. Subsequent to my retirement in Dec. 2010, I served as Interim Executive Director of the Colorado Department of Corrections after their Director, Tom Clements, was murdered by a parolee recently released from prison.

While I strongly agree with many of the arguments for abolition that are presented today, I wish to speak to you about the costs, both monetary and in lost opportunities, that accompany the application of the death penalty. My views are my own and should not be construed as representing the views of all correctional employees. I think you will find those views as diverse as the views of the general public.

While in Colorado, I had two experiences that impacted me quite strongly. In Colorado, the Department of Corrections serves as a passthrough for the costs of prosecution of crimes committed in correctional facilities. While there, I was presented with a billing for the costs of two inmate cases, one of which was a death penalty retrial for the inmate who killed a young corrections officer named Eric Autobee. The prosecutor's cost estimate was \$1,319,513.41. The estimate spanned three fiscal years. This did not take into account costs for legal defense, nor did it take into account costs for transporting the inmate to and from court proceedings. This represents only a portion of the actual costs. By comparison, prosecution costs for all other DOC related cases from that county were about \$15,000 per year. The cost differential, in my view, is staggering.

My second Colorado experience that I wish to share is my meetings with the families of the last two officers killed by inmates in the Colorado system. When I met with them, their message was very direct and clear. Neither family supported the death penalty. Neither family shared with me any political or religious motivation for their position. Their motivation was that they did not want any other family of a corrections employee to experience what they experienced. They wanted the money Colorado expends on death penalty prosecutions for prisoners to be redirected to make Colorado prisons safer, e.g fewer vacant positions, less mandatory overtime, better equipment and technology, better inmate programs.

In Kansas, I was lucky while I served as Secretary of Corrections. I never had to visit the family member of a corrections employee who had been killed during my tenure as Secretary. I don't know how they would have felt or what they would have told me. I do know that we had employees who were very nearly killed, and our major concerns throughout my time as Secretary of Corrections were strikingly parallel to those in Colorado: the inability to fully staff all posts within our facilities, employees having to work too much mandatory overtime, inability to retain employees, inability to obtain all the technological improvements we could have utilized,

loss of programs to keep offenders meaningfully occupied and to modify their anti-social behavior.

You are now struggling to manage a fiscal crisis in this state that is the worst in my memory, and I am a lifelong resident of Kansas. I would ask you to think about what Kansas has received to date as a return on its investment in the death penalty. When resources are so scarce, I would encourage you not to throw more away on such a wasteful policy.

Thank you for your consideration.

Roger Werholtz