

Written testimony to the House Corrections and Juvenile Justice Committee

Re: In favor of House Bill 2167

February 13, 2017

In January of 1978, I first testified to the Kansas House Federal and State Committee stating my opposition to the resumption of capital punishment in Kansas. As I explained to that Committee, following my father's murder in 1972, I became aware that pursuing the death penalty would not provide closure or promote personal healing for me or my family. Despite all of the fallacies of capital punishment- implicit racism, lack of deterrence, high monetary cost, plausibility of executing innocent defendants- concern for other victim families has been my principal reason for opposing executions.

Since 1994, I have co-coordinated groups working with many murder victims' families, both who support and oppose the death penalty. I've also attended several murder trials in the role of murder victim support. Family members are typically traumatized and are often gripped with significant anxiety and depression. Despite popular belief, closure is not attainable through the legal process. Gradual healing comes only through the process of support found from family, friends, support groups, the community and professional therapeutic counselling.

In the course of my work with affected families, I've been told by capital punishment proponents, "I just wish I could be like you and be able to forgive- I'm afraid that I have lost that ability to do so". I then have to explain that I haven't totally forgiven my father's killer either- only that I have relinquished the anger so that I can get past the spiraling need for retribution and get on with a more productive way of living.

Today I ask that you, as Legislators, take the opportunity to carefully listen to victims' families providing testimony. I would urge that you consider if the death penalty, with its prolonged legal process and uncertain promise of an execution, actually helps victims' families in their quest for healing. In my experience, I have concluded that the death penalty keeps proponent families "stuck" in reliving their trauma.

Our current capital statute needlessly divides victim family members. The duty of the County or District Attorney in a capital case is to gain a conviction for the state. In seeking the death penalty, some prosecutors use the family's grief and suffering toward that end. When that happens, the family's grief is further exacerbated making healing that much more difficult.

From a different perspective, over the course of 12 years I also was employed by the state of Kansas as a psychologist to work with convicted murderers. Some of them are likely to never kill again; others appeared incorrigible and needed to be separated from society for a longer period of time, perhaps life. None were deterred by the legal consequences of their actions. In fact none that I worked with ever took those consequences into consideration prior to the murders they committed.

I strongly believe that society deserves to be protected from those that would commit such heinous crimes and I appreciate the efforts of our correctional workers that keep our state safe from them. But, I have seen no compelling evidence that capital punishment could provide any substantive assistance to those affected by murder or as a means of reducing future criminal behavior. As a murder victim family member, that lack of deterrence, along with the impact of the legal process on victims' families, is why I ask you to end Kansas' death penalty.

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