

## **The Detriment of the Death Penalty**

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The death penalty dates as far back as ancient Egypt, and has been a part of history in a majority of countries (“History of the...”). This practice is brimming with history from all over the world, from ancient China and Egypt to modern day United States. The United States specifically has a substantial history of the death penalty, with incidents such as the Salem Witch Trials. Present day, the death penalty is still available in many states, though it is not often used. Despite its longstanding existence as an acceptable punishment, many people are opposing the death penalty today. The modern-day court system is leading society to see the negative effects. The death penalty is an ineffective method of deterring crime, displayed by the exorbitant cost, lack of statistical crime reduction, and inability to rehabilitate.

The exorbitant cost of the death penalty exhibits one way that this mode of punishment is inefficient. States that support and enforce capital punishment spend a large portion of their corrections budget on this policy. Though a majority of individuals believe that execution must be more cost effective than a lengthy prison sentence, on average “the death penalty costs more than a life sentence” (Sween 2014). Many law enforcement experts believe the death penalty to be an “ineffective program when so many other areas of need are being short changed” (Dieter 2009). Maintaining a system with 3,300 inmates on death row, many of whom may never actually be executed, is “becoming increasingly expensive and harder to justify” (Dieter 2009). There are other, more effective programs that could use the budget that is currently allocated for the death penalty. A substantial reason why capital punishment has become so costly is because the trial process is extensive. Legal costs create an issue in capital punishment, especially in states where the death penalty is

sentenced but executions never actually occur (“Costs” 2014). Pretrial costs include pretrial detention and security, forensic evidence, and mental health tests on the defendant (“Costs” 2014). Selecting a jury for a death penalty case is significantly more time consuming and extensive because the individuals chosen need to be as unbiased as possible. After trial, incarceration and appeals account for many expenditures. Incarceration of an inmate on death row typically is solitary confinement in a high security area (“Costs” 2014). Appeals are the final component of a death penalty case, and can be filed all the way up until the moment of execution. Many more appeals occur on these kinds of cases than others, and are paid at taxpayers’ expense (“Costs” 2014). As a specific example of the cost inefficiency of capital punishment, California still has the death penalty legally in effect. In fact, Los Angeles County in 2009 sentenced the “same number of people to death as Texas” but has carried out only 3% of those executions (Dieter 2009). Due to keeping inmates on death row without executions, California has spent a ludicrous amount on incarceration. Capital punishment does not make financial sense, whether or not a state chooses to carry out executions or just use the sentence.

Another issue with the death penalty is that there is not a proven decrease in crime rates with the use of this policy. A number of areas that consistently use the death penalty tend to have more violent crimes than areas without it. Keeping that in mind, “Estimating the Impact of the Death Penalty on Murder” explains that many studies on the correlation between the death penalty and its deterrence of crime have a bias. In some of these studies, justified shootings by police officers are often considered “immediate executions,” thus exaggerating the deterrent effect of the death penalty on crime (Donohue 2009, p. 287). There are other faults in these studies that overstate or understate the deterrence of crime after executions. A community with high-abortion rates may

display a decrease in crime, falsely attributed to the death penalty, when the true cause is a decreasing population. Conversely, a low-abortion community may exhibit an increase in crime due to increasing population, but instead can appear that death penalty is not effective. When properly adjusted to acknowledge these factors, most studies display a “small and statistically insignificant” deterrence in violent crime (Donohue 2009, p. 288). The argument of deterrence is not so much about preventing the person on death row from murdering another person, but preventing others from committing similar murders. One flaw in using capital punishment to deter violent crime is that many violent crimes are “not planned and, therefore, not deterred by the threat of harsh penalties” (Steele & Wilcox 2003, p. 305). The criminal justice system could use “other punishments such as life without parole” to provide deterrence without the cost and risk of executing an innocent person (“Deterrence” 2019). Fluctuations in crime rates can be attributed to many different factors, and no noteworthy decreases have been found from capital punishment.

Most importantly, the death penalty robs inmates of the chance to be rehabilitated. If the death penalty is enforced, it presents multiple moral issues. Not only do executions create the possibility of ending an innocent person’s life by mistake of legal process, but it negates any chance of rehabilitation of that death row inmate. With the concept of rehabilitation of inmates in mind, “executions may be viewed as destroying the potential for such human transformations” (Steele 2003, p. 290). In executing an inmate, society loses the potential that could have come from that person. Rehabilitation in the criminal justice system is intended “to return the offender as a productive member of society, not to permanently remove them” (Shanhe 2007, p. 85). This does not mean that the death row inmate should be released from incarceration someday. Being a productive member of society can include

in prison programs, like speaking to groups of troubled juveniles about the dangers of their lifestyle. While this may seem small, it does allow the inmate to serve others. The death penalty also creates too much room for error in executing an innocent individual. For example, 21-year-old Troy Farris was involved in a drug deal that occurred just outside of Fort Worth, Texas, and was convicted of the murder of deputy sheriff, Clark Rosenbalm, Jr. (Bonner 2000). The investigation of this crime was incredibly suspect; the scene was trampled by investigators and on-lookers, an investigator flushed marijuana that could have been evidence, 63 photographs of the sheriff's patrol car disappeared, and "plaster casts taken of tire tracks" also disappeared (Bonner 2000). Clearly, the investigation was unreliable, and Farris was likely wrongly executed on January 13, 1999 (Bonner 2000). This situation is just one of many that shows the danger and finality of executing an individual who could be innocent. Death penalty supporters claim that executions are a means of justice for the most heinous crimes. George Brauchler, Esq. claimed that "for the worst of the worst murderers — sometimes, justice is death" (Brauchler 2019). However, this view more closely resembles vengeance than justice. Not only does it resemble vengeance, but there is a finality in the death penalty that supporters cannot deny. Though they may claim it provides justice for victims, there is always a chance that a wrongly convicted individual can be executed. The criminal justice system is intended to do justice, and capital punishment takes away any chance to correct mistakes of the legal system.

The death penalty is a flawed policy for the modern-day United States. It is problematic because of the exorbitant cost, displayed through the legal costs of trial as well as the expenses of holding an inmate in solitary. Another issue is the tendency for statistics to show no deterrence of crime. Finally, capital punishment takes away the ability for

rehabilitation. Society loses the potential that an individual has when he or she is executed, even if it just has potential benefits within the prison system. Courts cannot sentence offenders to death without acknowledging the moral ambiguity of it. While the offender committed a heinous crime, there is doubt among many that the death penalty is a proper punishment for it. The death penalty more closely resembles vengeance than punishment, and a policy as morally questionable as this cannot be a rule of law.

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