

The Death Penalty in America: Problems and Policies

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April 24, 2018

The death penalty is one of the fiercest arguments in American politics. From its inception, the morality of this form of punishment has been at the center of the debate. However, there is an approach that requires a little more research. The death penalty is only given to those who commit the most heinous crimes, but it is also meant to act as a deterrent for anyone thinking about committing these heinous acts. Research has addressed the deterrent effect of the death penalty, and it's time to argue not over morality, but instead this question: *Is the death penalty actually deterring people from committing crimes?*

Before any thoughtful reasonings can be made about capital punishment, it is important to know the history of the death penalty in the United States. The death penalty has always been a part of the criminal justice system in the United States, dating all the way back to colonial America. It was an import from the United Kingdom, as the British had been using capital punishment for hundreds of years. When capital punishment was initially implemented in the United States, it was a method that was used for a wide variety of crimes, from killing chickens to espionage. The first real reform came in 1794, when Pennsylvania outlawed capital punishment for all cases except for first-degree murder. From there, however, capital punishment would wind down a complicated and polarizing road. Some states would ban the practice, while other states developed new ways to administer the death penalty. Public opinion of the death penalty also rose and fell over time. In 1966, only 42 percent of Americans supported the death penalty, but that number would soar following the Supreme Court decision in *Furman v. Georgia*. That decision said that in its current form, the death penalty was cruel and unusual punishment, but did not say that capital punishment was in and of itself illegal. This led to the reform of capital punishment laws across the country, and public opinion rose to over 70% following these reforms. Those numbers, however have fallen back to 55% in 2014, and capital

punishment is legal in 32 states. In modern times, most punishments are carried out via lethal injection, but other methods can be requested depending on state and conviction dates.

The history seemingly shows a public love-hate relationship with the death penalty, so why keep it around? This question has become central to the debate, and the answer from advocates is that it deters crime. However, the research on the topic doesn't seem to support that analysis.

A report published titled *The Impact of the Death Penalty on Murder*, written by John J. Donohue III, concludes that the death penalty does not deter crime. He brings up an example, using New York state. New York state has not had capital punishment as of 2004. He notes that in 2006, 921 murders were committed in the state of New York. He makes the argument that maybe 921 people would have been deterred from committing murder if New York still had the death penalty, but approximately 19,299,000 individuals wouldn't have been deterred by the death penalty. Donohue III says that they wouldn't have been deterred because of the fact that New York didn't have capital punishment, and yet these 19 million people still didn't commit murders that year. In this example, the author is making a case against the argument of the deterrent effect of the death penalty. In essence, he is making the argument that a punishment is not effective if in its absence, only .00477% of the population is committing the crime that the death penalty is meant to deter.

Another study concluded that not only does the death penalty not work, but the cost to carry out executions is also vastly more than keeping prisoners in prison for life. The study was conducted by the Death Penalty Information Center, and the results are not supportive of the death penalty. In California, for example, the per year cost to carry capital cases in the current system is \$137 million dollars. By contrast, the per year cost for a system where the maximum

sentence is life in prison, is only \$11.5 million dollars. That's a savings of over \$120 million per year. California isn't an outlier, either. In most states where capital punishment is used, it takes more time and money to resolve these cases than in cases where the maximum sentence is life in prison. These findings are consistent among multiple research essays and academic journals. A large majority of researchers have concluded that the death penalty does not deter people from committing crimes.

With all this data and research, it is easy to determine that the death penalty in its current form does not deter criminals from committing crimes, and additionally often costs more money to enforce than putting people in prison on life sentences. This leaves a pretty large hole in the criminal justice system, as there is no deterrent in the system to deter people from committing the most heinous acts.

With that in mind, it isn't time to kill the death penalty. While it is a generally ineffective method to deter crime, there may not be an alternative method to effectively deter people from committing the most heinous crimes. If someone has it in their head that they need to kill someone, no deterrent policy is going to change their thinking. Instead, we need to invest in several policy changes that will prevent these acts from happening before these acts can be committed. In cases such as these, it is time to be proactive, and not retroactive. Instead of figuring out what to do with people who commit these acts, let's instead intervene before these acts can be committed.

The first step in this process is to start funding mental healthcare again. According to Mental Health America, 1 in 5 adults in this country suffer from some mental health affliction, and the rate in which young people in America are being diagnosed is on a sharp rise. Coupled with that, 56% of Americans don't receive treatment for their condition because it is

inaccessible. Additionally, there is a shortage of mental health professionals across the country. All these problems lead to an issue where people who are mentally ill in this country are not receiving the treatment they need, and for those with the most extreme conditions, this can lead them to commit crimes. By funding mental healthcare, we are ensuring that people are receiving the care they need, and with that can be fully functioning members of society. With those improvements, they will be less likely to commit crimes, especially those where the death penalty may be applied.

Obviously, the cost of such measures would be large, and may grow over time. However, this step is very important for a number of reasons. First, it will help people to establish their lives, which will make them less likely to commit crimes. Additionally, establishing mental healthcare for those people who are in prison because they had a mental health event would help in their rehabilitation, and may slash recidivism in the criminal justice system.

The second suggestion to keep people from committing these capital crimes is to make it harder to use weapons in these crimes. Most death penalty cases are murder cases, and it would be easier to control these crimes if we control the means in which they were committed. This would mean implementing policy changes to the current weapons laws. By strengthening and expanding background checks, we can catch people before they have access to the means to commit crimes. This is a measure a majority of Americans support, too. It is well documented that expanded background checks on weapons purchases are well over 85% of Americans.

Again, the cost of implementing such a system would have a lot of initial costs but would have a slimmer operating cost than resorting mental health. After the initial setup of this database, it would simply take reporting from multiple agencies to keep the database current and relevant.

These policy options will have a lot of blowback, mainly from the gun lobby and more conservative Americans. They would see this implementation as an attack on their second amendment rights. However, these measures do not infringe on their right to bear arms, it merely keeps guns out of the hands of people who have already committed crimes or are more likely to. With the mental health reestablishment, it would be expected to see a lot of pushback from fiscal conservatives from both sides of the aisle. Restarting these programs would be very expensive, and there is no guarantee that costs would maintain or decrease over time.

With that, it is important to circle back to the main point: it is near impossible to prevent people from committing these heinous acts. If people are at the point where they feel they need to commit these capital offenses, there won't be any policy options that will stop them. Even the policy options contained in this report will stop all of the capital offenses in this country. These measures would simply narrow the field of people that may commit these crimes by preventing them from being in a situation in which they may commit a capital offense. The death penalty is the ultimate deterrent. If people are still willing to commit these acts when they face the chance of being sentenced to death, they certainly aren't going to listen to any deterrent.

A combination of the death penalty and the measures in this report may help stop problems before they start, but in no way will these measures, or any other measure, be 100% effective in the prevention and deterrence of capital offenses. The death penalty continues to be a point of contention for the partisans, and it will continue to be for the foreseeable future, especially after a few points that have been made in this report. The argument will always be "If it doesn't help, why keep it?" versus "If we get rid of it, there's nothing deterring people from committing these crimes." The death penalty is a complex topic, with seemingly no resolution being the best one or one that will satisfy everyone.

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