

Does Capital Punishment Deter Crime: A Deep Analyzation

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Abstract: *Citizens of United States always want their country to be much safer than ever before. In order to achieve these authorities takes strict decisions against criminals. Capital punishment may sound the most effective and best way to punish a criminal but this is extremely misleading. Citizens need to understand that capital punishment doesn't deter crime instead it is hurting America. According to 83.6% of famous criminologists, capital punishment does not deter crime. There are several instances where poor African Americans are sentenced to death penalty just because of the color. Whereas, California government can save up to \$5 billion by simply avoiding capital punishment. We need to realize that the person who committed the crime is also a human. Capital punishment should be abolished except in case of extreme barbarism or terrorism culprits. Being a Citizen of a developed and educated country we need to analyze why capital punishment is worthless and is uncalled for, rather we should invest in correction facility and try to change mindset of the inmate through a series of rigorous counseling.*

Keywords: Capital Punishment, Criminals, Life Imprisonment without Parole, Racism

1. Introduction

Capital punishment has been a very prominent issue in United States of America from past few years. Some people believe that it is correct to kill a criminal for his/her crime, but life is a basic human right for everyone after all. As far as history goes, death penalty has rooted in our society since 8th Century B.C. Capital punishment is very ancient and does not suits our high-tech 21st century society. Most of the countries in the world have now eliminated the death penalty in law, yet in America, thirty-eight states and the federal government approve capital punishment-despite numerous studies that have shown the death penalty to be unfair in its application. Death penalty is nothing less than a murder done in brutal and an intended way by the government. There are no moral grounds in punishing a person to death; capital punishment is not the only way to punish the criminals. Life imprisonment is a much better punishment for a criminal than a death penalty. Capital punishment should strictly be abolished because it does not deter crime, it is very expensive compared to life without parole and hurts the taxpayers, and capital punishment is racially biased.

2. Facts and Figures From Major Authorities

Many Americans believe that capital punishment deters crime, but in reality this is fallacious. American Civil Liberty Union is firmly against capital punishment and states that death penalty is an unbearable renunciation of civil liberties and is erratic with the fundamental values of our democratic system and government (ACLU, 2008). An experienced retired judge, H. Lee Sarokin, strongly believes that "deterrence plays no part whatsoever". He explained persons planning murder do not just sit around the kitchen table and think I won't commit this murder if I face the death penalty. Later he said I do not believe persons planning to commit murder think about getting caught or weight for the later consequences. Terror of the death penalty may cause a few to vacillate, but certainly not enough to keep it in force

(Sarokin, 2011). Michael Radelet and Ronald Akers surveyed sixty-seven leading American criminologists in 1996 about their opinion regarding whether capital punishment deters crime or not. Apparently the majority of the experts, 83.6% completely agreed that the death penalty never has been, is not, and never could deter crime. In 2008, same group surveyed about 3500 top ranking criminologists, this time the percentage that supported death penalty does not deter crime raised to 88.2%. Surprisingly 91% criminologists believed that politicians only support capital punishment in order to appear "tough on crime" (Lacock, 2009). Since 2006, capital punishment has been on hold in California and the results are intriguing. Homicide rates have declined by 23% since execution has been deferred. This is a vital sign that portrays the death penalty restricts crime and lowers murder rates (safecalifornia.org, 2009). On October 29, 2011 FBI released its Uniform Crime Report for 2011 that indicated a drop of 1.5% in national murder. This decline happened at a time when there was a decline in capital punishment too. Northeast America which uses capital punishment the least, experienced 6.4% further decrease in murder rate (FBI). Peter D. Hart Research Associates surveyed thousands of police officers from different parts of the country. The main question asked was: "Does capital punishment deters crime?" and the result was fascinating. Most of them said "No", they said that criminals who are given capital punishment commit very serious crime and in every case the criminals do not care about the consequences. "They do what they want to", said one police officer from Minnesota. Police officer deals with the criminals every day and their job is to lower the crime rate, so only they know how to achieve this very goal. Officers suggested that giving the criminals life imprisonment can actually deter crime. Majority of the police officers believed that giving death penalty to these offenders was just an "easy way out". One police officer added "prison is like a hell". Murder rate in death penalty states are consistently higher than to non-death penalty states since 1990 (deathpenaltyinfo.org, 1991). Life imprisonment is a very harsh punishment; suffering in a jail for years makes the

criminal to realize their mistake. Capital punishment is just not a cruel way of killing, but it also hurts the local people.

3. Cost Issues

As everyone knows, America is suffering from an economic recession. Federal government and state government are looking for ways to cut expense while still meeting their responsibilities. The unemployment rate is continuously increasing and more Americans are losing their jobs. Government is trying several ways to improve economy, but they are losing one important lead; abolishing capital punishment. Many institutions and agencies from different states have released many reports and articles that prove that capital punishment is more expensive if compared to life imprisonment. An article released by Judge Arthur Alarcon explains that California has spent more than \$4 billion on capital punishment. Whereas, \$1.94 billion was spent in pre-trial and trial and more than \$1 billion was just the cost of incarceration. The authors estimated that, if the Governor changed the sentences of those remaining on death row to life imprisonment, it would result in an instant savings of \$170 million per year, with a savings of over \$5 billion over the next 20 years. The death penalty in Los Angeles County costs over \$638,991 more per defendant than life imprisonment due to constitutionally-mandated safeguards (Alarcon, 2012). On the Eastern coast of America, capital punishment is still expensive. In Maryland an average capital-eligible case resulting in a death penalty cost approximately around \$3 million, about \$1.9 million more than a case where the death penalty was not required (Roman, 2007). One of the reason capital punishment is very expensive is because it is very time consuming. A new study in Colorado revealed that the process in which an offender is convicted with death penalty takes 6 times more days than life imprisonment. Surprisingly life imprisonment cases takes only 24.5 days of the court time while capital punishment cases take 147.6 days. Astonishingly it takes 26 days to select a jury for capital punishment cases while only 1.5 in non-capital punishment cases. Calculating the days from charging a defendant to final sentencing it takes about 526 days to complete, on the other hand it takes about 4 more years about 1,902 days in the capital punishment case (Marceau, 2013). This is sheer waste of time and money. As sad it is, death penalty is just not expensive but is certainly racially biased.

4. Leads to RACISM

Looking back into the history, racism has been the worst enemy of the United States. Heroes like Martin Luther King Jr. and many others have died in order to make America an equal country for everyone. Today, racism is very minor in United States except on one topic and that is capital punishment. After years of researches and analyzing thousands of data, researchers believe that capital punishment is absolutely racially biased. A report released by United States General Accounting Office explains that capital punishment is totally racially biased. Their study shows a clear pattern of evidence representing racial disparity in charging and imposition of death penalty after Furman vs. Georgia case. Sadly in 82% of the research, race of victim was found to affect the likelihood of being charged

with death penalty that is those who murdered whites were found to be more likely to be sentenced to death than those who murdered blacks. This finding was consistent across data sets, data collection methods, and analytic systems (gao.gov, 1990). The Pennsylvania Supreme Court's Committee on Racial and Gender Bias founded that there are "strong indications" that Pennsylvania's capital punishment system does not work in an equal manner. Specifically, the Committee found that even though Pennsylvania's minority population is 11%, two-thirds (68 percent) of the prisoners on death row are minorities. As a matter of fact Pennsylvania is 2nd to Louisiana in the percentage of Afro Americans on death row. The Pennsylvania Supreme Court's Committee also noted that African American offenders in Philadelphia were sentenced at a higher rate than non-African American offenders. In fact, the Committee concluded that one third of the Afro American death-row convicts in Philadelphia would have received life imprisonment if they had not been Afro American for the same crime (American Bar Association, 2007). Study of capital punishment in Connecticut conducted by Yale University School of Law in 2007 revealed that African-American offenders received the death penalty at 3 times the rate of white offenders in cases where the victims are white. From initial charging decisions to appeal to jury sentencing, Afro-Americans are treated more severely when they are offenders, and their lives are rendered less value when they are victims (Donohue). Hence capital punishment leads to a racial disparity.

5. Road to a Better Solution

There is an alternate to death penalty which as life imprisonment without parole (LWOP). After the convict is killed, his/her family does not simply differ from the victim's family. Death penalty does not kill the criminal but also his/her family too. Keeping the offender alive makes their life harsher and easier at the same time. At last criminals are also human and they can keep in touch with their family. Capital punishment does not deter crime, it is very expensive and hurts our economy and also it is racially biased. 8th Amendment states that "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted", but isn't capital punishment "unusual"? African American offenders are given death penalty for the crime which white offenders will get sentenced to jail, this is unusual. This proves that capital punishment is against our Constitution. Spending whole life in prison is no less than spending life in hell. Keeping criminals in jail for life time will actually punish them for their crimes. It is a very calm and effective way of punishing convicts. It does not violate basic human rights. Life in prison without the possibility of parole is simple and convinced punishment. The reality is that criminals sentenced to LWOP have been fated to die in prison and that's what happens, they die in jail of natural causes, just like the majority of people who are not in jail. The differences are that sentencing offenders to death by execution is 2 times more expensive than sentencing them to die in prison. And if the mistake is made by condemning an irreproachable person to death, it can't be fixed. Because death is irreversible and mistakes cannot be corrected, a death sentence results in years of compulsory appeals that

often result in reversal. In a sample of 350 capital punishment cases, 118, or nearly one-third, were overturned in part or entirely. Additionally, nearly 60 percent of the cases in this model were still in several stages of appeals as of 2002. More than 200 criminals have been freed from California's prison after it was discovered that they were wrongly imprisoned; 3 of them were sentenced to death for crimes they did not ever committed. In California, more than 25 years had been spent in appeals before the executions finally happened. The current average for appeals is about 17 years and it is getting longer. Unlike capital punishment cases, LWOP sentences receive no special consideration on appeal, which limits the likelihood that they will be abridged or reversed. A criminal sentenced to die in jail receives only one automatic appeal, not numerous, and is not provided any court-appointed lawyers after this appeal is complete. The country that has the largest death row in the States is California, with more than 660 inmates. But more than 4 times as many prisoners have died of other causes while waiting for execution than have actually been executed. In contrast, when prisoners are sentenced to jail under LWOP, they begin serving their sentence immediately. LWOP allows criminal to move on, rather than keeping them stuck in decades of court hearings and waiting for an execution to occur. That is why victim's family often feels that the death penalty system only increase their pain and does not provide the resolution they need, while the conclusiveness of LWOP sentences allows them to move on, knowing justice is being served.

6. Conclusions

Spending even a short amount of time in congested, unsafe prisons like of California is not pleasing. Spending about thirty years there, growing sick, and dying there, is a horrifying experience. Prisoners sentenced to die in prison are not given any special conduct and, in fact, have less access to programs compared to other prisoners. They are contained under high security facilities with few freedoms, and in crowded group cells (ACLU California, 2008). A true pattern of racism has been observed in capital punishment. Moreover the cost measures for death penalty are way too high to afford for this country. This makes capital punishment worse way to punish the criminals while life imprisonment with parole the best.

References

- [1] Alarcon, Arthur L. (2012) "Costs of Capital Punishment in California:." Hcrc.ca.gov. Loyola Law School, 10 Sept. 2012. Web. 19 Mar. 2014. <<http://www.hcrc.ca.gov/>>.
- [2] "Death Penalty Sentencing. (2014)" United States General Accounting Office. United States General Accounting Office, Feb. 1990. Web. 15 Mar. 2014. <<http://www.gao.gov/assets/220/212180.pdf>>.
- [3] Donohue, John J. (2014) "Estimating the Impact of the Death Penalty on Murder." Yale Law. Yale, Sept. 2007. Web. 15 Mar. 2014. <http://www.law.yale.edu/documents/pdf/Faculty/Donahue_Estimating_the_Impact_of_the_Death_Penalty_on_Murder.pdf>.
- [4] "Evaluating Fairness and Accuracy in State Death Penalty Systems." American Bar Association. American Bar Association, Oct. 2007. Web. 15 Mar. 2014. <<http://www.americanbar.org/content/dam/aba/migrated/moratorium/assessmentproject/penssylvania/finalreport.authcheckdam.pdf>>.
- [5] "Facts About Deterrence and the Death Penalty." Death Penalty Info. N.p., 1991. Web. 15 Mar. 2014. <<http://www.deathpenaltyinfo.org/front-line-law-enforcement-views-death-penalty>>.
- [6] Marceau, Justin F., and Hollis A. Whitson. (2014) "The cost of Colorado's death penalty." Law.du.edu. University of Denver, 2013 Web. 19 Mar. 2014. <<http://www.law.du.edu/documents/criminal-law-review/issues/v03-1/Cost-of-Death-Penalty.pdf>>.
- [7] Radelet Michael L and Traci L Lacock. (2014) Recent developments: Do Executions lower homicide rates? JSTOR. Northwestern University, 2009. Web. 15 Mar. 2014. <<http://www.jstor.org/stable/20685045>>.
- [8] Roman, John. (2014) "The Cost of the Death Penalty in Maryland." Urban.org. Abell Foundation, 2007. Web. 19 Mar. 2014. <http://www.urban.org/UploadedPDF/411625_md_death_penalty.pdf>.
- [9] Sarokin, Judge H. Lee. (2014) "Is It Time to Execute the Death Penalty?" The Huffington Post. TheHuffingtonPost.com, 15 Jan. 2011. Web. 15 Mar. 2014. <http://www.huffingtonpost.com/judge-h-lee-sarokin/is-it-time-to-execute-the_b_809553.html>.
- [10] "The Death penalty and deterrence (2014) " Why executions don't lower crime rates. Safe California. N.p., 2009. Web. 15 Mar. 2014. <http://www.safecalifornia.org/downloads/2.6.B_deterrence.pdf>.
- [11] "The Truth About Life Without Parole: Condemned to Die in Prison." *ACLU of Northern California*. ACLU, 9 Jan. 2008. Web. 10 Apr. 2014. <<https://www.aclunc.org/article/truth-about-life-without-parole-condemned-die-prison>>.
- [12] "2011 Crime Report." FBI. FBI, 14 May 2012. Web. 20 Mar. 2014. <<http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011>>.