

Introduction

- People depend on their criminal justice system to provide services for society, such as maintaining order in communities, enforcing existing laws, and ensuring justice by preventing crime and catching and punishing those who have committed criminal behavior.
- Things like harsh sentences, racial disparities, mass incarceration, and disciplinary policies have shaped the criminal justice system in a way that many do not support (Adelman, 2015).
- The criminal justice system is meant to identify existing policies that are unnecessary or may not be working for their intended purpose and reform or drop them so the government funds spent on them can then be repurposed for new policies (Mears, 2010).
- The criminal justice system has recently started creating and reforming accountable and evidence-based policies (Mears, 2010).
- These reform methods are good as they build criminal justice policies on a cost-effective foundation, increase justice, help reintroduce offenders back into their communities, and help victims of crime and their communities and families, all while simultaneously reducing crime (Mears, 2010).
- There can be political resistance, institutional biases, or even stubborn institutions that do not wish to change (Adleman, 2015).
- Not doing this can cause deportation, loss of housing, electoral disenfranchisement, disqualification from occupations, adverse economics for offenders, and medical, psychological, and social consequences that affect everyone (Adleman, 2015).
- People may lose faith and trust in their criminal justice system if they cannot complete the necessary tasks.

Literature Review

- Capital punishment has had a constant up-and-down trend in use since the early 1950's due to Supreme Court rulings and inconsistencies in ruling (Vogel, 2004; Luna, 2017; Adleman 2015; Bienen, 1999, Brunello, 2016; Mears, 2010).
- There are three punishment theories that capital punishment is supposed to achieve; retribution, deterrence, and incapacitation. Whether it does this is up for debate (Luna, 2017; Dezhbakhsh & Shepherd, 2006).
- Things like ethics, political ideology, religious beliefs, perception of social treats, cultural beliefs, race and innate human desires influences support for capital punishment (Brunello, 2016; Bienen, 1999; Lerner, 2024; Luna 2017; Unnever & Cullen, 2007; Jacobs & Carmichael, 2004).
- Some people question capital punishment's ability to deter crime while relying on data and the presence of biases to prove this. Others say there is evidence that it does deter crime relying on data and moral philosophy (Brunello, 2016; Adleman, 2015; Steiker, 2005; Dezhbakhsh & Shepherd, 2006; Sunstein & Vermeule, 2005; Jacobs & Carmichael, 2004; Cheatwood 2002).

Statement of the Problem

- There is controversy over whether Capital Punishment is effective in deterrence and retribution (Luna, 2017).
- Multiple attempts at reformation like Furman V. Georgia in 1972 and Gregg V. Georgia in 1976, but nothing permanent happened.
- Issues causing the halts are racial disparity, wrongful convictions, and the effectiveness of capital punishment (Steiker & Steiker, 2010).
- Supreme Court continuously reinstates capital punishment due to political and cultural resistance, causing a lack of progression for capital punishment, which is referred to as stagnant capital punishment (Steiker & Steiker, 2010).
- Capital punishment can be a complex topic for some to discuss as it delves into political ideology and moral reasoning (Brunello, 2016).
- The main concerns of Capital Punishment are its ability to uphold fairness, accuracy, and effectiveness (Luna, 2017).
- What is considered a death-eligible crime is seen as too broad, making capital punishment unfair, not accurate, and ineffective (Luna, 2017).
- Racial Disparities also cause the same concerns in people (Brunello, 2016).
- The percentage of people who have been later proven innocent is 4%, which people feel is too high for capital punishment to be considered accurate (Luna, 2017).
- Partisan divides and political priorities concern people as well with capital punishment as it impacts how states use capital punishment (Brunello, 2016).
- Capital Punishment also begs the moral question of who is allowed to determine the value of a person's life (Levine, 2001).

Figure #1

Capital Punishment Record in the United States over Time – 1700-2014

| METHOD | TIME FRAME | RECORDED NUMBER | NOTE |
|-------------------|-------------|-----------------|--|
| Burning | 1700-1820 | 65 | Peak before 1750 |
| Firing Squad | 1700-2010 | 130 | More common before 1900; still available |
| Hanging | 1700-1996 | 9,183 | Peak between 1800-1950 |
| Gas | 1924-2015 | 593 | Last used in 1999—peak 1940-60 |
| Electrocution | 1890-2015 | 4,439 | Peak: 1890-1950; still available |
| Lethal Injection | 1977-2015 | 1,211 | Peak 2000-2015 |
| Other | Before 1800 | 102 | Drowning, suffocation, stoning, etc. |
| TOTAL EXECUTIONS: | | 15,723 | |

(Information source updated and revised from M. Watt Espy and John O. Smykla, DPIC, 2014)

Brunello, 2016

Vision

- The ideal envisioned use of capital punishment would include a form of capital punishment that sentences people's punishments in a just way that is habitual (Brunello, 2016).
- A set criterion would be used to sentence people to their proper punishment, preventing racial and other biases (Luna, 2017; and Unnever & Cullen, 2007).
- A checks-and-balances type system would be in place to ensure no biases are involved, the set criterion is being followed, and that cases with mixed feelings concerning prosecution would be thoroughly investigated before sentencing (Adleman, 2015; and Luna, 2017).
- It would also include a way to protect those with severe mental illness from being unjustly sentenced (Luna, 2017).

Figure #2

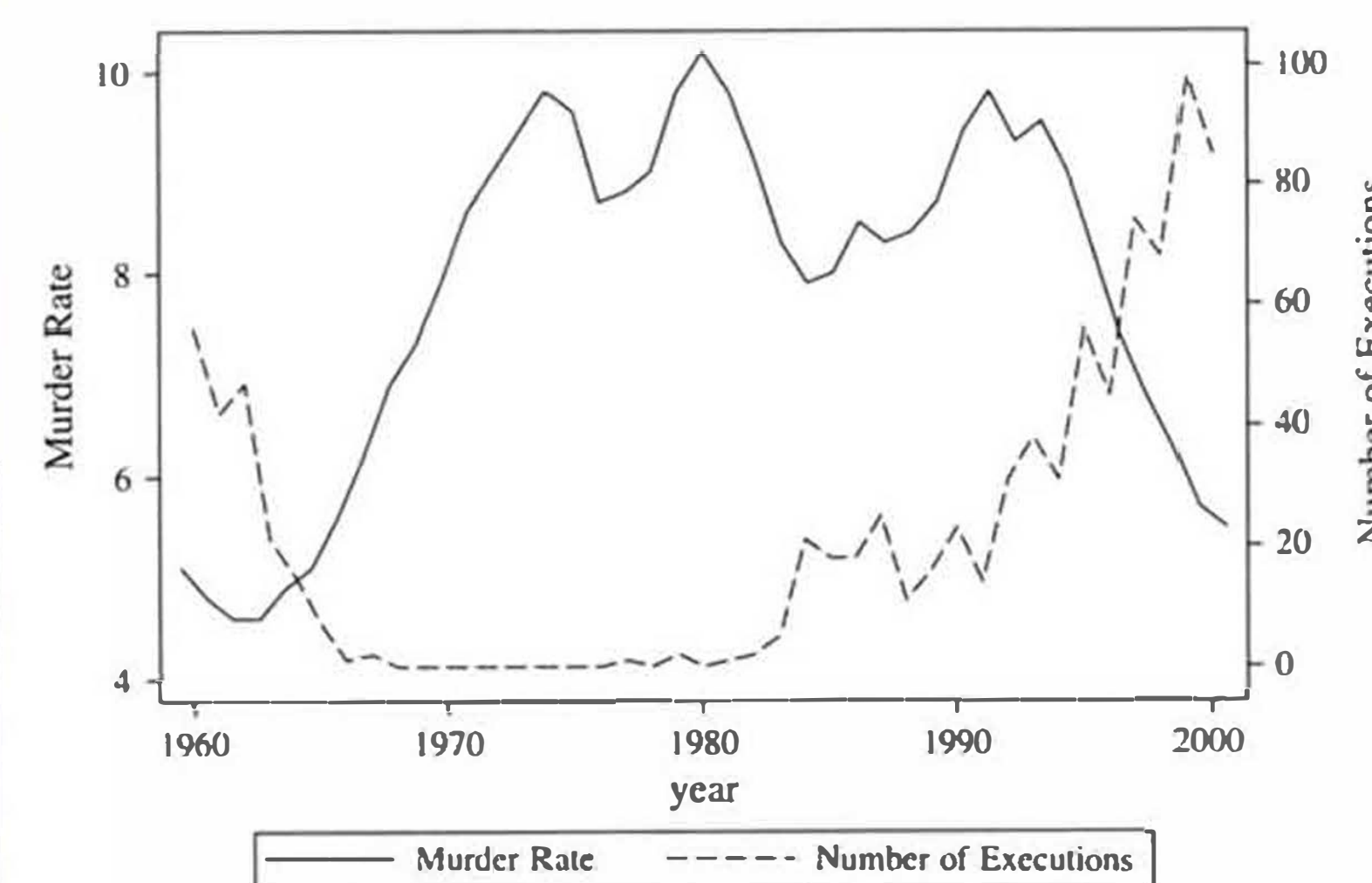
Figure 2: Race and Gender in Capital Punishment Seven Select states (over 100 death row inmates): Inmates by Racial Composition

| State | Total | Black | White | Hispanic | Percentage State Black Population |
|--------------|-------|-------|-------|----------|-----------------------------------|
| Alabama | 198 | 104 | 90 | 3 | 26.1% |
| Arizona | 123 | 16 | 76 | 26 | 3.8% |
| California | 745 | 269 | 257 | 181 | 5.8% |
| Florida | 404 | 153 | 217 | 31 | 15.2% |
| No. Carolina | 160 | 81 | 65 | 5 | 21.2% |
| Ohio | 144 | 77 | 62 | 3 | 12.0% |
| Texas | 276 | 115 | 76 | 80 | 11.5% |

Brunello, 2016

Figure #3

U.S. Murder Rate and Executions



Dezhbakhsh & Shepherd, 2006

Conclusions

- There is a divide among researchers between supporting and not supporting capital punishment.
- Both sides agree that a change is needed.
- Capital punishment has the potential to work, but some things need to be changed for this to happen.

Recommendations

- Creating a set criteria for what is admissible for capital punishment.
- Checks-and-balances system for the powers involved in capital punishment.
- Creating ways to protect those with severe mental illnesses.
- Changing the roles of the judiciary and policymakers.
- Creating capital defense offices on all levels possible.
- Following ABA guidelines more closely.
- Increasing training (including more training on topics like vulnerable populations, racial disparities, and mental health issues).
- A slow transition in phases going from the judiciary and policymakers to higher-ups in the capital defense offices to smaller groups of remaining employees.

Limitations

- There will always be outside influences that will make any reform challenging to complete.
- Some are fixable, and some are not.

Influences and Obstacles

- Funding is an issue as capital punishment already costs a lot, let alone hiring new people and revising things.
- Training enough people would also be difficult and take much time and effort.
- Changing the role of the judiciary and policymakers would also take a lot of time and consideration.
- Someone's religious, cultural, or political beliefs cannot always be changed, so their opinion on capital punishment cannot always be improved.
- The outcome of this reform is not guaranteed to make everyone happy. There will still be those who want capital punishment abolished.
- It would take much time to be able to see if this reform improves any of the problems that currently exist with capital punishment.
- This would be a very lengthy process to get to the point of seeing improvement.