

The Death Penalty's High Costs and Dubious Benefits

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Every few years, the issue of capital punishment rises to the forefront of America's consciousness. It's back again.

The notorious Timothy McVeigh, the convicted Oklahoma City bomber, recently became the first person since 1963 to be executed under federal death-penalty statutes. Then on Tuesday, the federal government executed its second prisoner in as many weeks, drug kingpin and convicted murderer Juan Raul Garza.

The death-penalty news hasn't been all about death. In the just-concluded sentencing phase of the trial of one of the men convicted of bombing the U.S. embassy in Kenya, jurors voted for life imprisonment instead of death. Their decision was based on a series of mitigating factors, such as their reluctance to make a martyr of the man.

Like everything involving the death penalty, these are emotionally charged cases, full of talk of morality and retribution. Supporters of the death penalty decry the immorality of letting convicted murderers live, while opponents decry the immorality of state-sanctioned killing and its unfairness to minority groups. Amid all the yelling, it's hard to weigh these competing moral arguments.

Is there another way to address this most difficult issue? How about an economic angle? All activities involve costs and benefits, even life-and-death issues like the death penalty. On one hand, we can outline the costs to society of enforcing and carrying it out. On the other hand, we can assess the ability of capital punishment to deter further capital crimes.

These considerations don't exhaust the possible costs and benefits of capital punishment, because they fail to take into account those thorny moral arguments. But they're a start.

Let's tackle the benefit side first. It is well-known that the severity and likelihood of criminal penalties deter crime in most cases. The question is whether this extends to capital crimes, many of which are crimes of passion. Unfortunately, there is a great deal of conflicting evidence that makes it difficult to know for sure.

Some of this evidence is often misinterpreted. For example, much has been made of the fact that states with the death penalty have higher murder rates on average than states without it. Some death-penalty opponents even argue that this proves that the death penalty *increases* murder rates. Such reasoning is dubious because it ignores the likelihood that a third factor is behind both a state's high murder rate and its preference for capital punishment.

Some statistical studies have found clear deterrence effects. One study estimated that each execution in the U.S. between 1933 and 1967 prevented an average of seven or eight murders. Another study looked at England and concluded that each execution there has

prevented an average of four murders. A number of economists, including UNCG's Steve Layson, have also found evidence that capital punishment deters.

Standing against the conclusions of these statisticians and economists is the consensus viewpoint of criminologists, over 80 percent of whom stated in a 1995 survey that current research in *their* field fails to indicate a deterrence effect.

Another 1995 survey, of U.S. police chiefs, found that two-thirds of those surveyed felt that the death penalty does not reduce murder rates. In fact, the police chiefs saw expanding the use of capital punishment as the *least* effective of seven potential methods of lowering the homicide rate, behind reducing drug abuse, improving the economy, and lengthening prison sentences.

Also arguing against the deterrence claim is the extremely small chance that a murderer will actually be sentenced to death. After all, punishment can deter only if there is a significant chance of getting punished.

In the mid-1990s, when there were about 20,000 murders each year in the U.S., only about 250-300 people were sentenced to death for those murders. That implies a probability of capital punishment of well under 2 percent. Even after being convicted of murder, the probability of getting a death sentence is only about 3 percent. (These probabilities are of course higher for some groups than for others.)

So I think it's fair to say that the jury is still out regarding this particular benefit of the death penalty. It may or may not deter capital crimes. Now let's look at the cost side of the equation.

Wouldn't you expect that it would be cheaper for society to put a convicted criminal to death than to support him or her in the prison system for another 30 or 40 years? But the reality is that prosecuting death-penalty cases is incredibly expensive.

In 1999, the state of New Mexico estimated it would save between \$1 million and \$2.5 million per year on public-defender costs alone if the death penalty were replaced with some sort of alternative sentence.

A 1993 California study concluded that each death penalty case costs at least \$1.25 million more than a regular murder case that includes a life sentence without possibility of parole. A 1988 Florida study estimated that each execution costs the state about six times the cost of life imprisonment.

Closer to home, a 1993 study by two Duke University researchers concluded that prosecuting a murder case from start to finish in North Carolina costs \$163,000 more than it would cost the state to keep the murderer in prison for 20 years. But that figure understates the true cost, which must include all trials and appeals, even for those cases that do not result in execution. The researchers conclude that the extra cost per death

penalty imposed is over a quarter of a million dollars, and over \$2 million per actual execution.

Ironically, if we as a society were *less* concerned about executing innocent people, our system of capital punishment wouldn't be so expensive. Fortunately, Americans hate the idea of executing the innocent, but that's a large part of what generates the extra costs.

Putting all this together, it appears that the American institution of capital punishment is one whose costs are huge and whose benefits are, at best, in doubt. Clearly, it's difficult to make a cost-benefit case in favor of the death penalty.

Of course one can still make a logical case in favor of capital punishment. The costs and benefits I've outlined here are only part of the picture. There's nothing illogical about one's moral outlook trumping the economic arguments I've made here.

However, at a price tag of over \$2 million per execution in North Carolina, one must place a value at least that high on one's moral outlook in order to justify a preference for capital punishment. Are you willing to pay that price?

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