

NEW YORK
CITY BAR



AMERICAN BAR ASSOCIATION

Defending Liberty Pursuing Justice

Life After the Death Penalty:

What Happens in States that Abolish the Death Penalty?

New York City Bar Association

New York, NY August 14, 2017



Robert Brett Dunham, Executive Director

Death Penalty Information Center

The Death Penalty in the United States

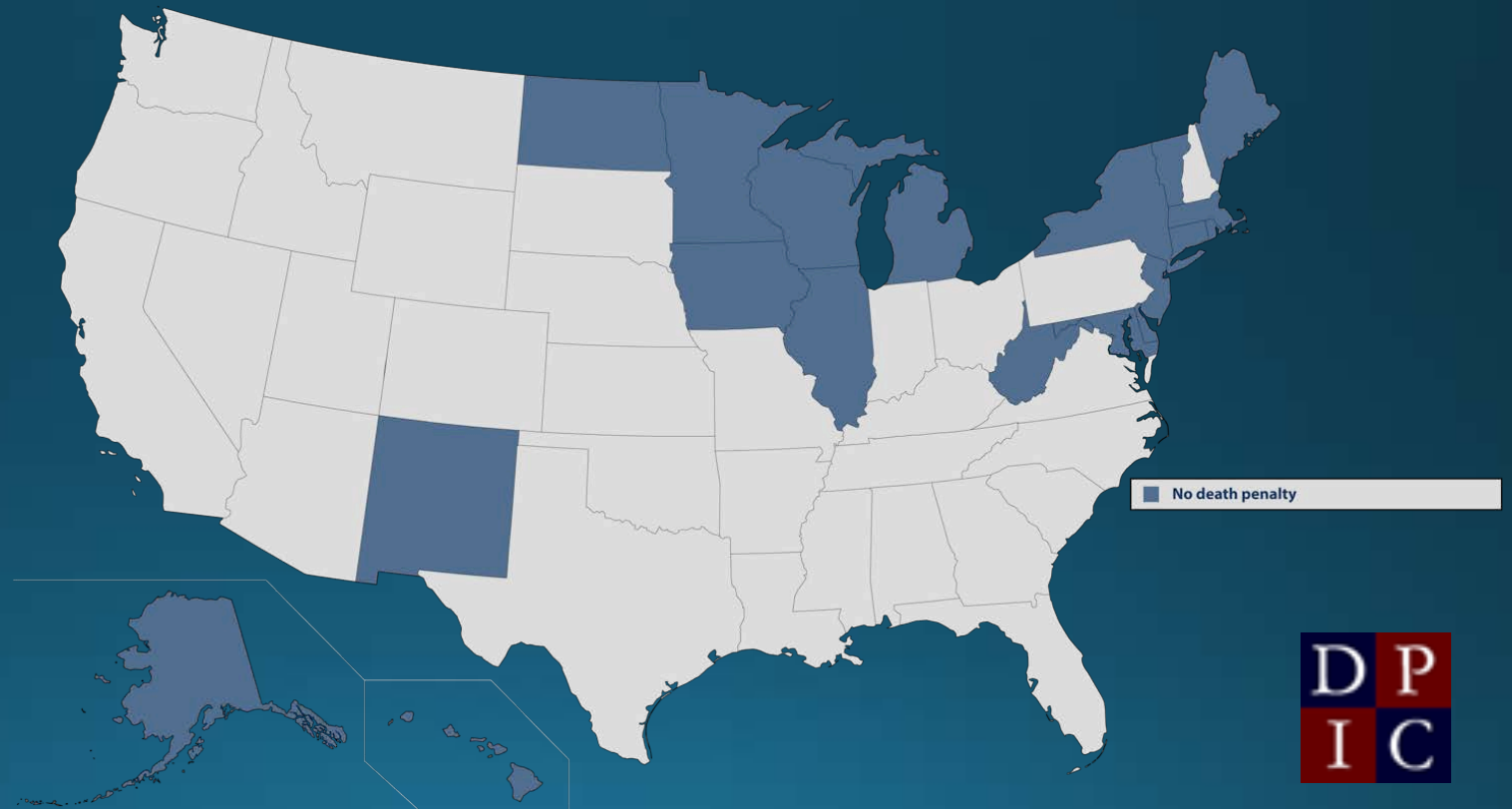
States with and without the death penalty

**States with the
death penalty**

31 states and the
federal government

**States without the
death penalty**

19 states and the
District of Columbia



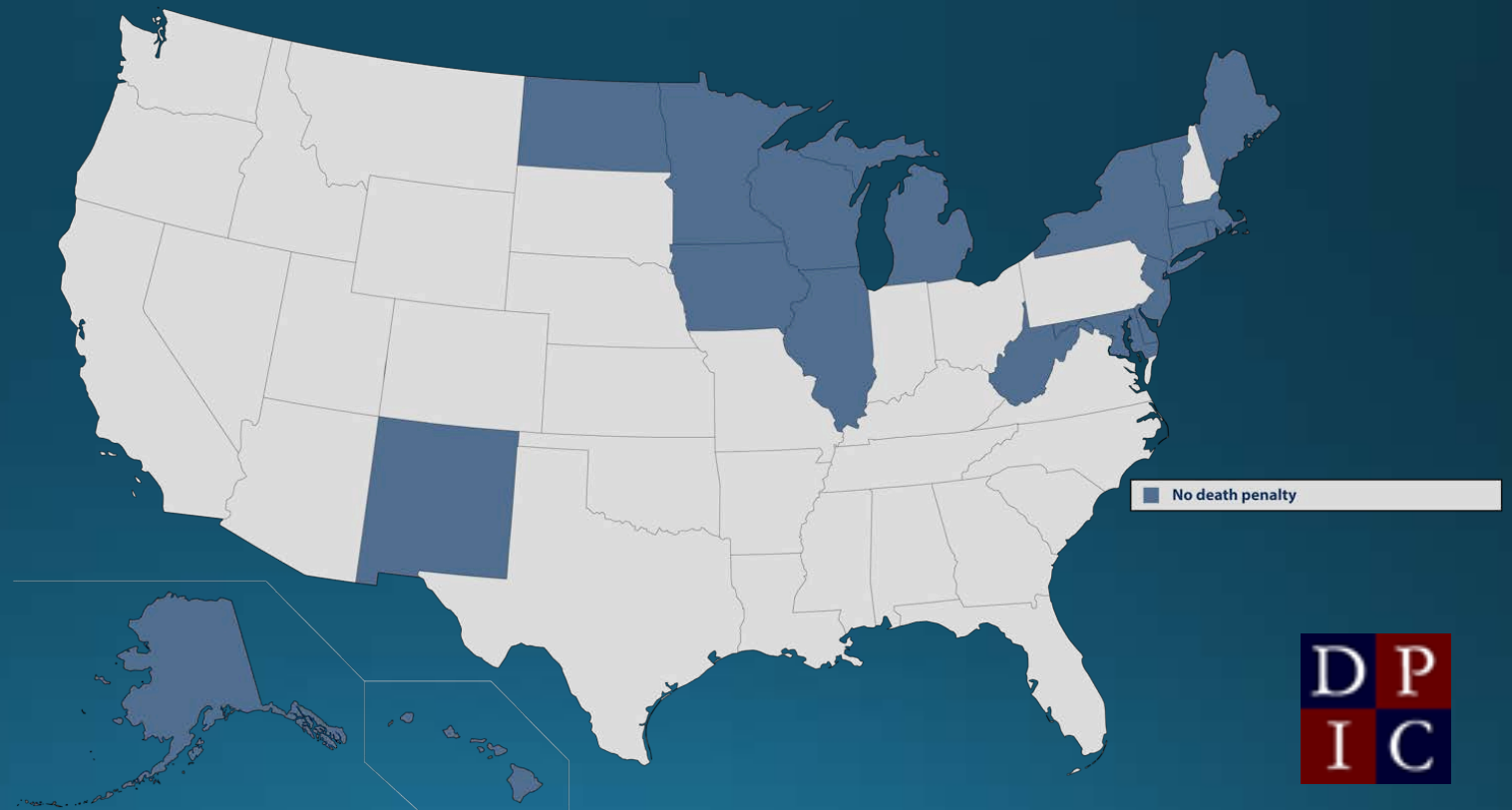
The Death Penalty in the United States

States with and without the death penalty

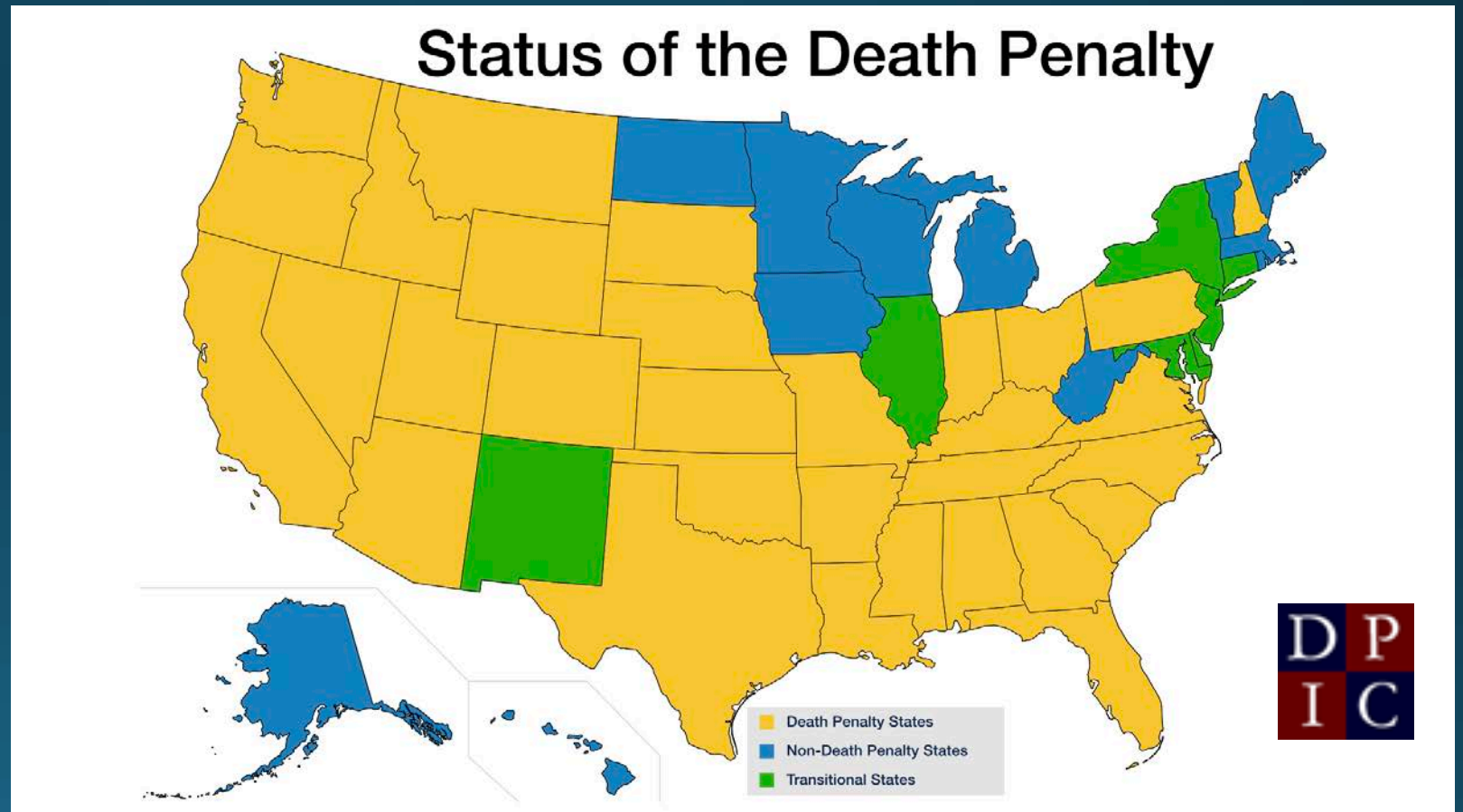
Direction of Change

Since 2007, seven states have repealed their state's death penalty or declared it unconstitutional.

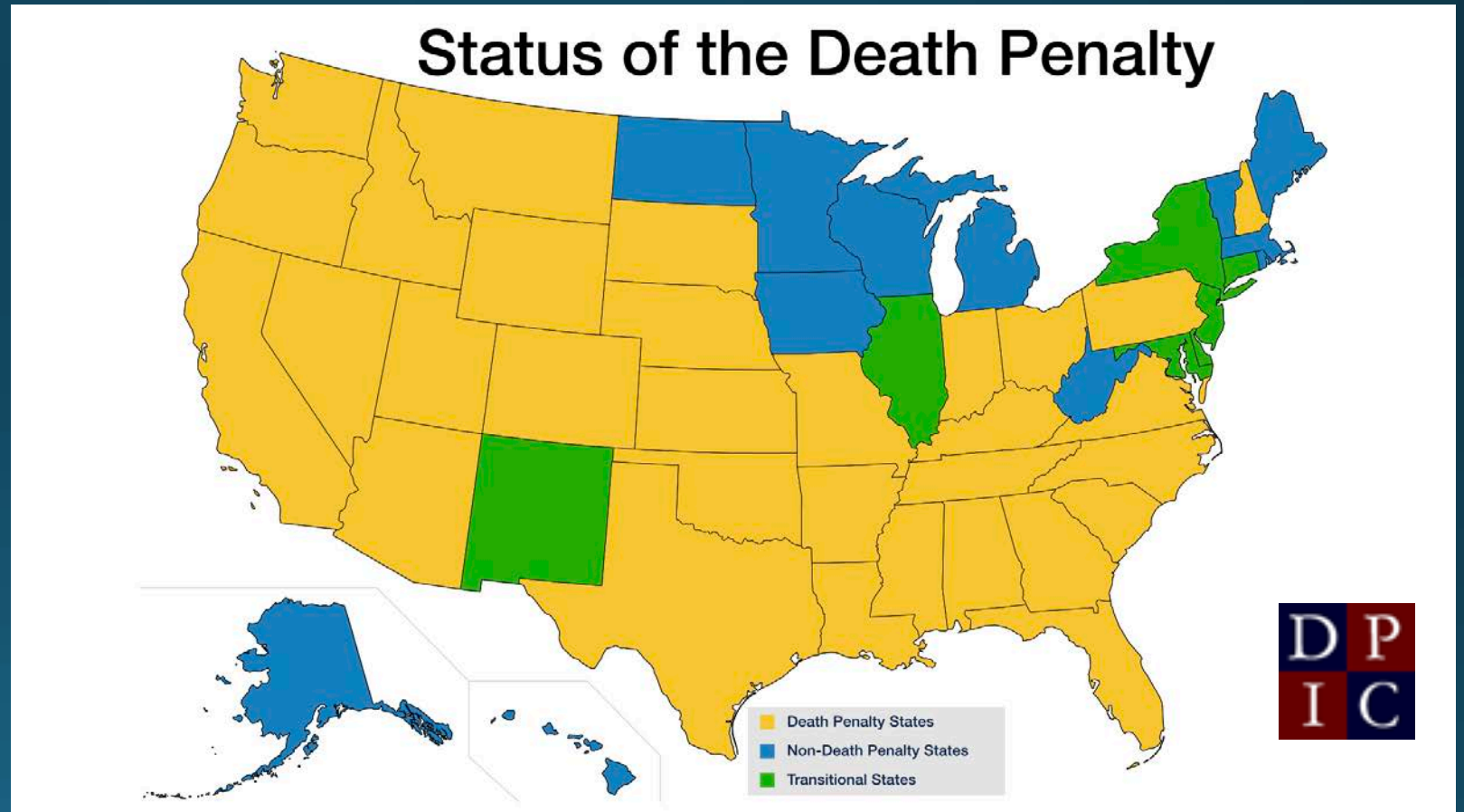
Nebraska's legislature repealed the death penalty in 2015. Voters restored the law in 2016.



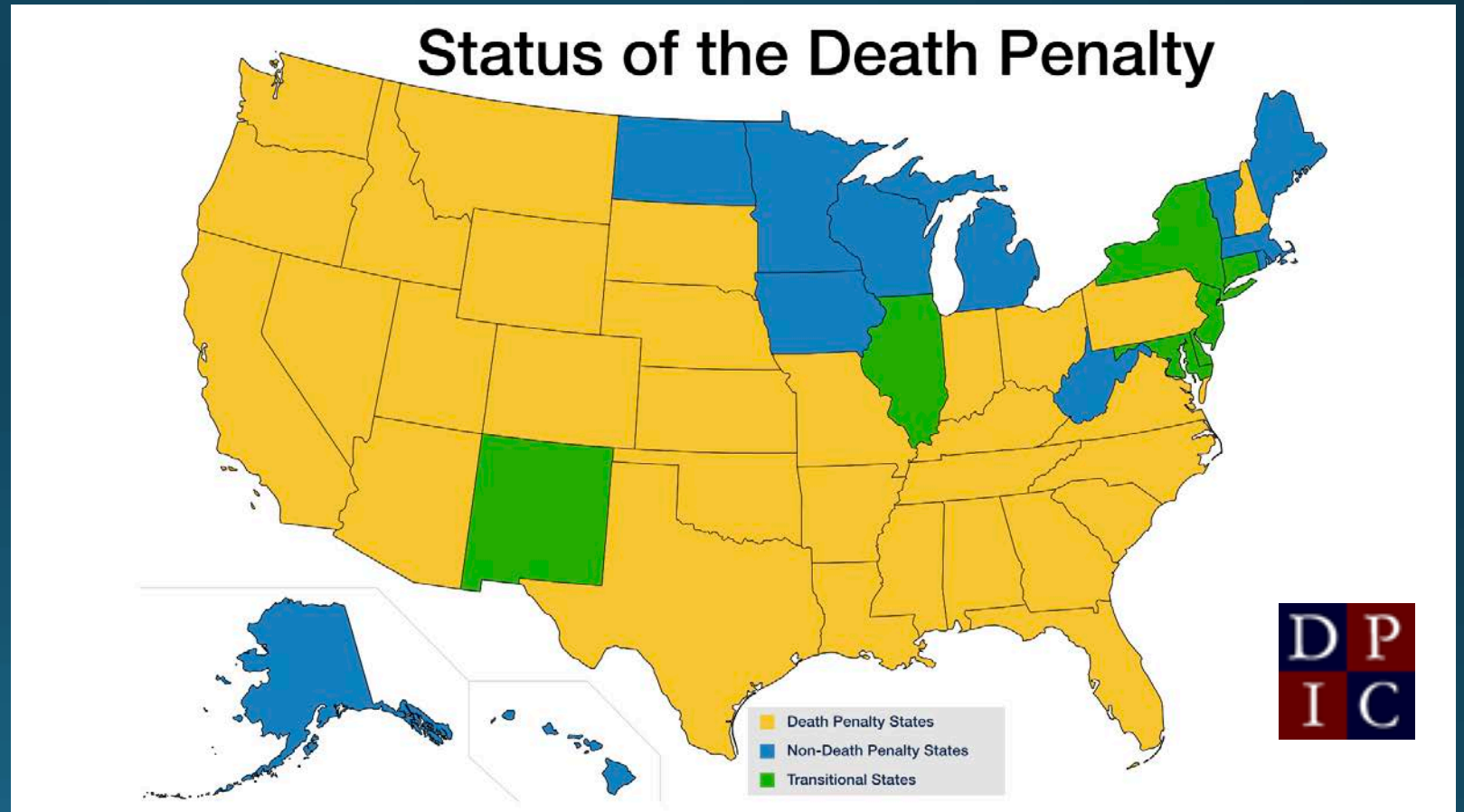
We broke the states down into three categories to see what happens to murders after a state abolishes the death penalty.



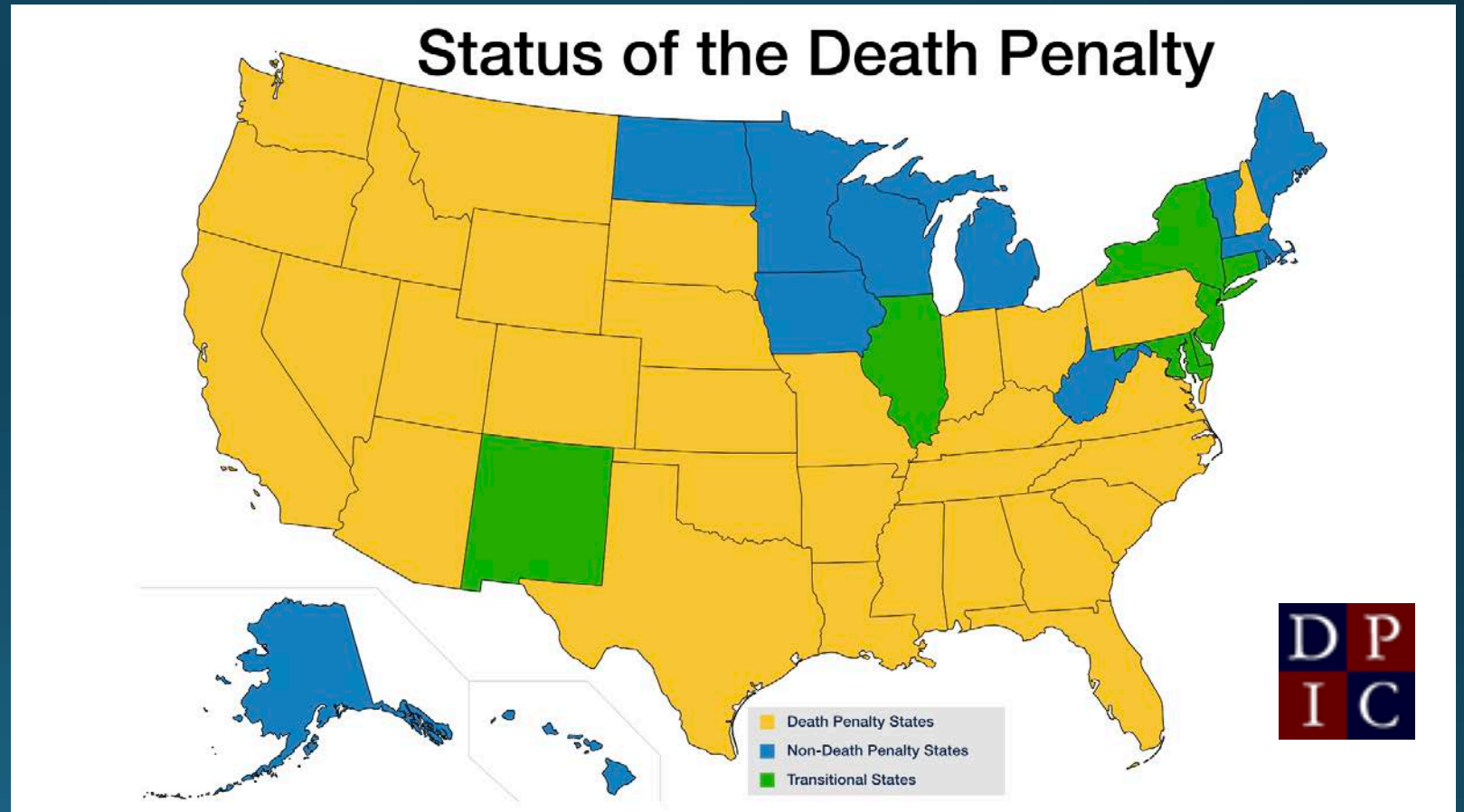
We wanted to find out, would there be a “parade of horrors”?



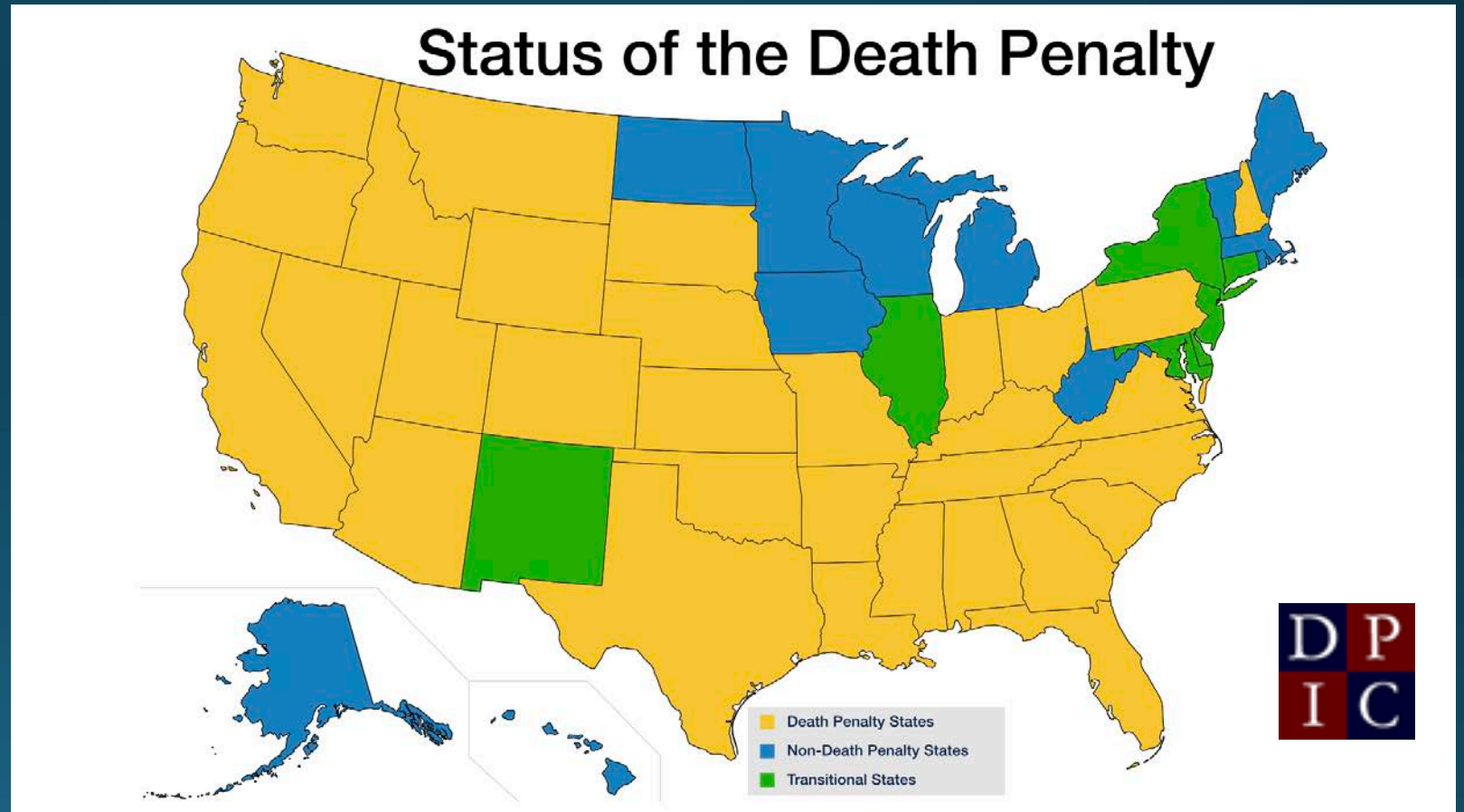
If the death penalty were a deterrent, murder rates would surely rise. Did they?



If the death penalty were necessary to protect law enforcement, there should be a noticeable change in the rates at which police were killed. Did killings of police go up?

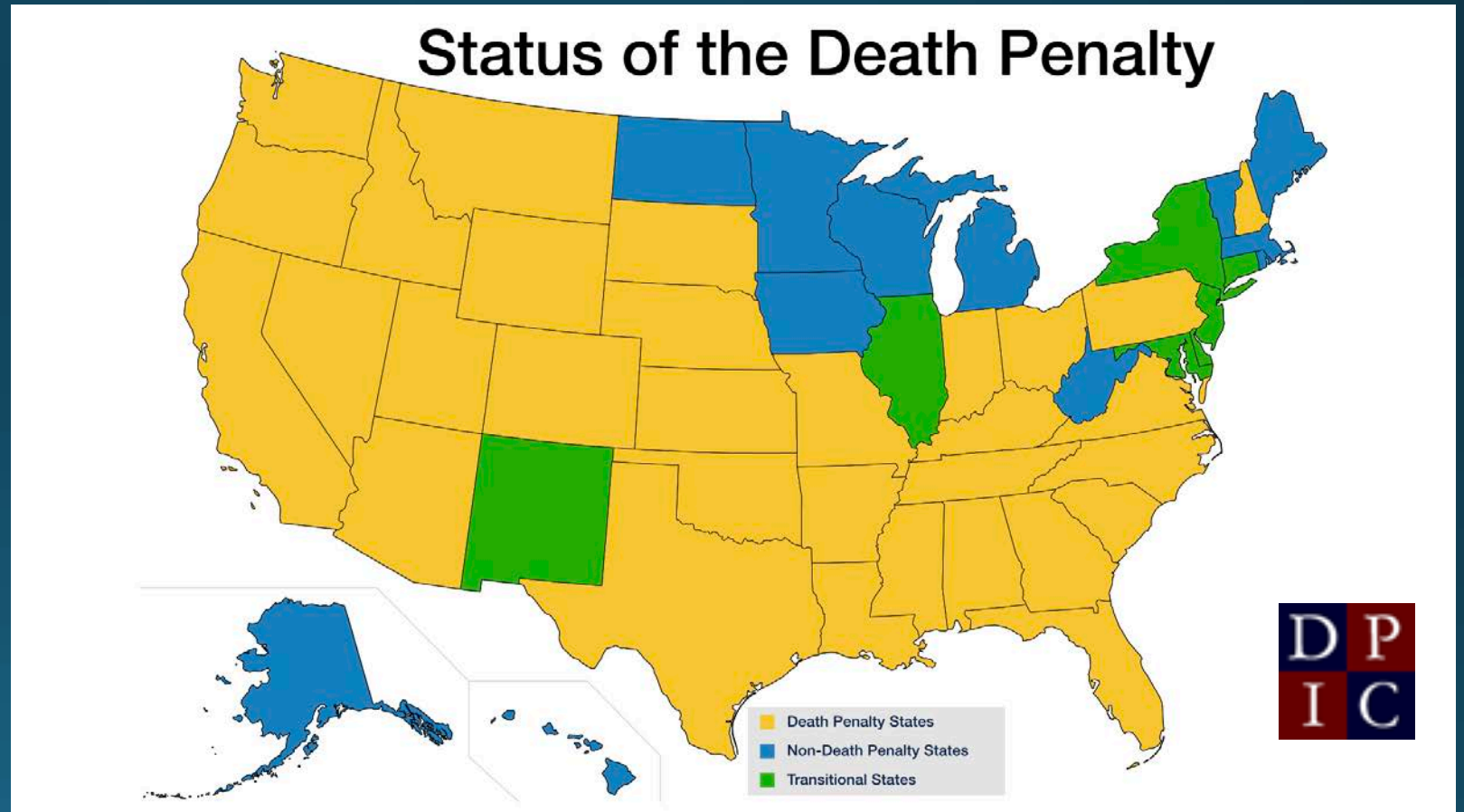


And if police were especially vulnerable without the death penalty, murders of officers should have risen as a percentage of all homicides. Did they?



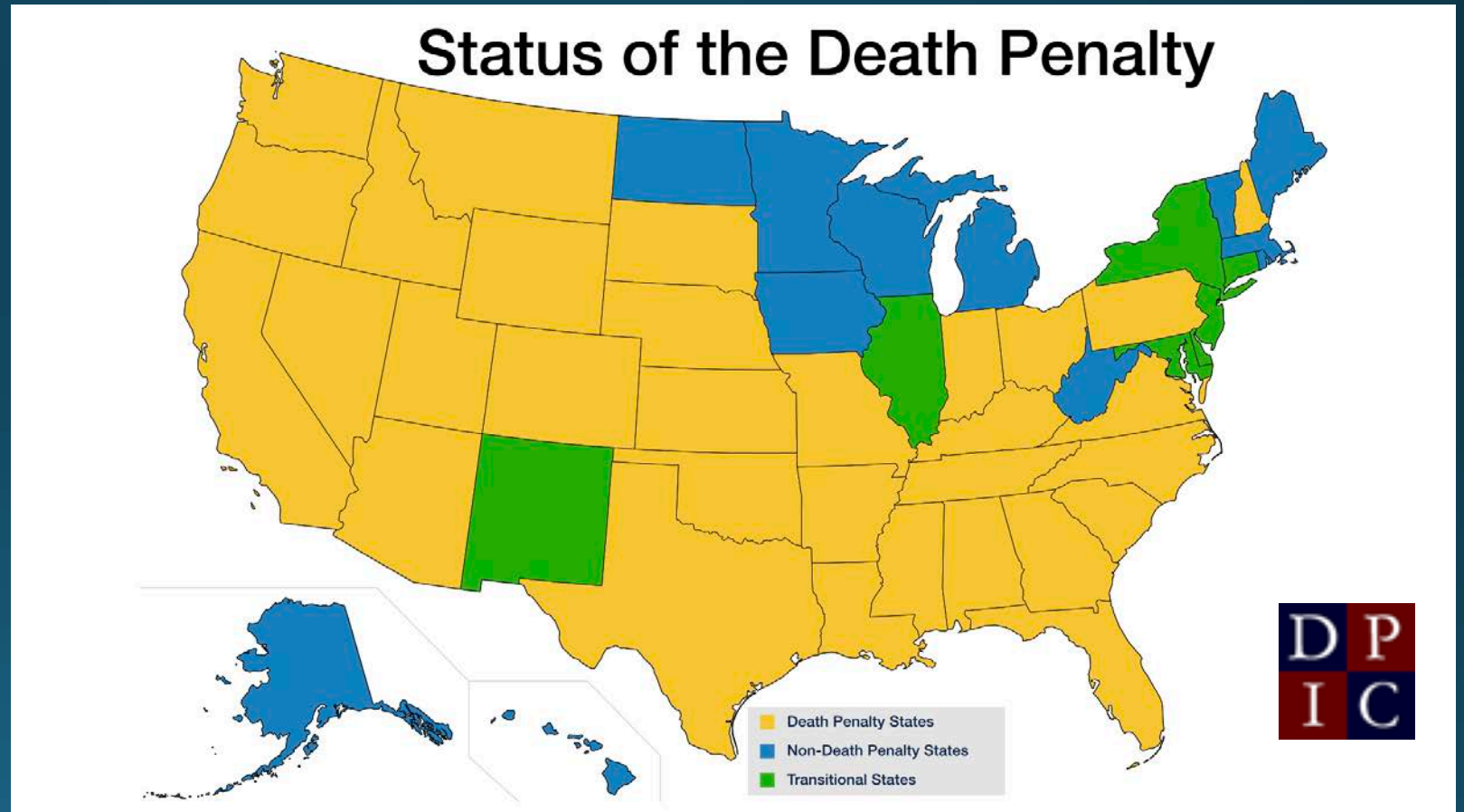
The short answer to these questions:

- Did murder rates rise?
- Did the rate of murders of law enforcement go up?
- Did killings of police increase as a %age of all murders?

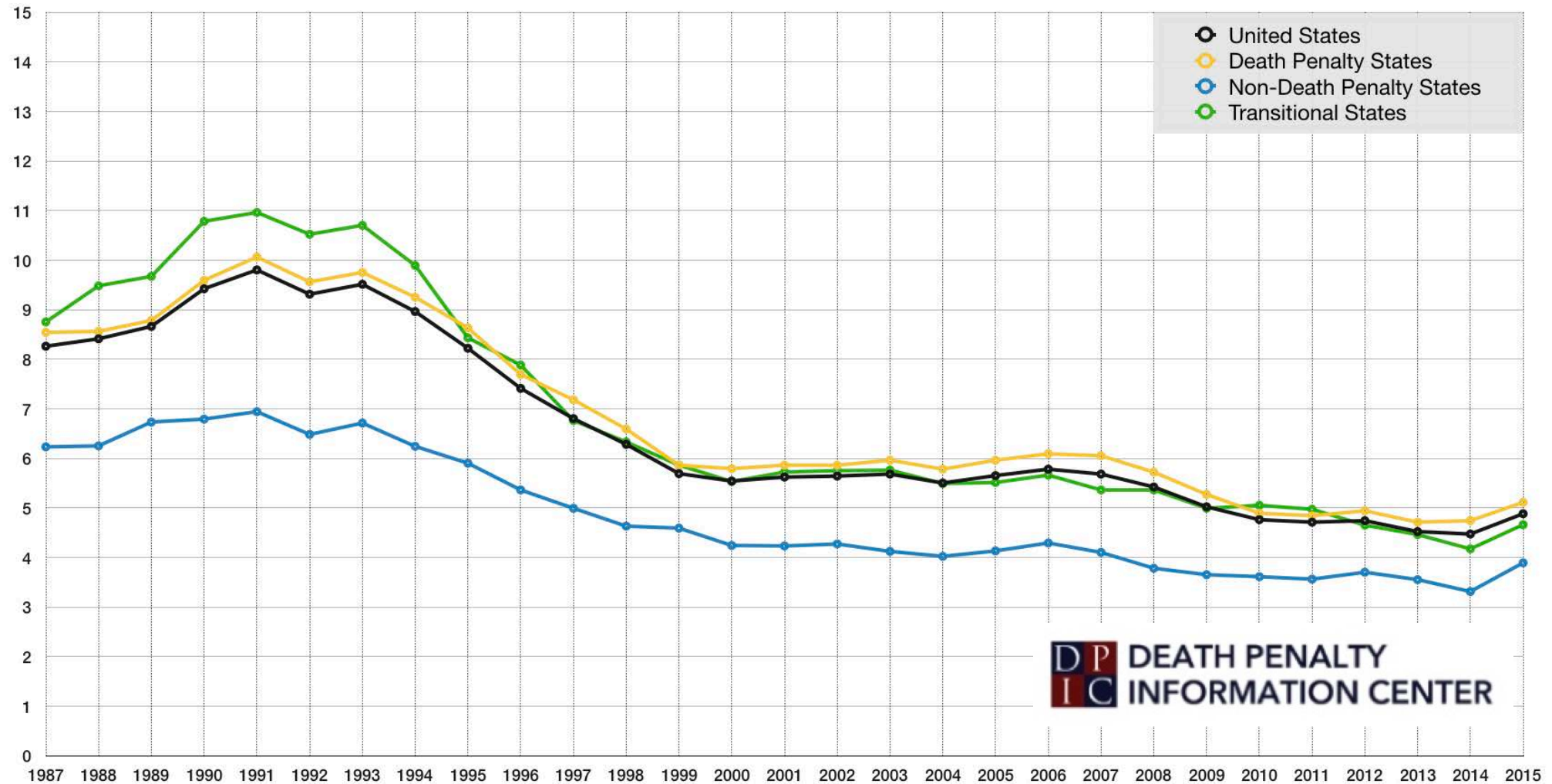


The short answer to these questions is “No.”

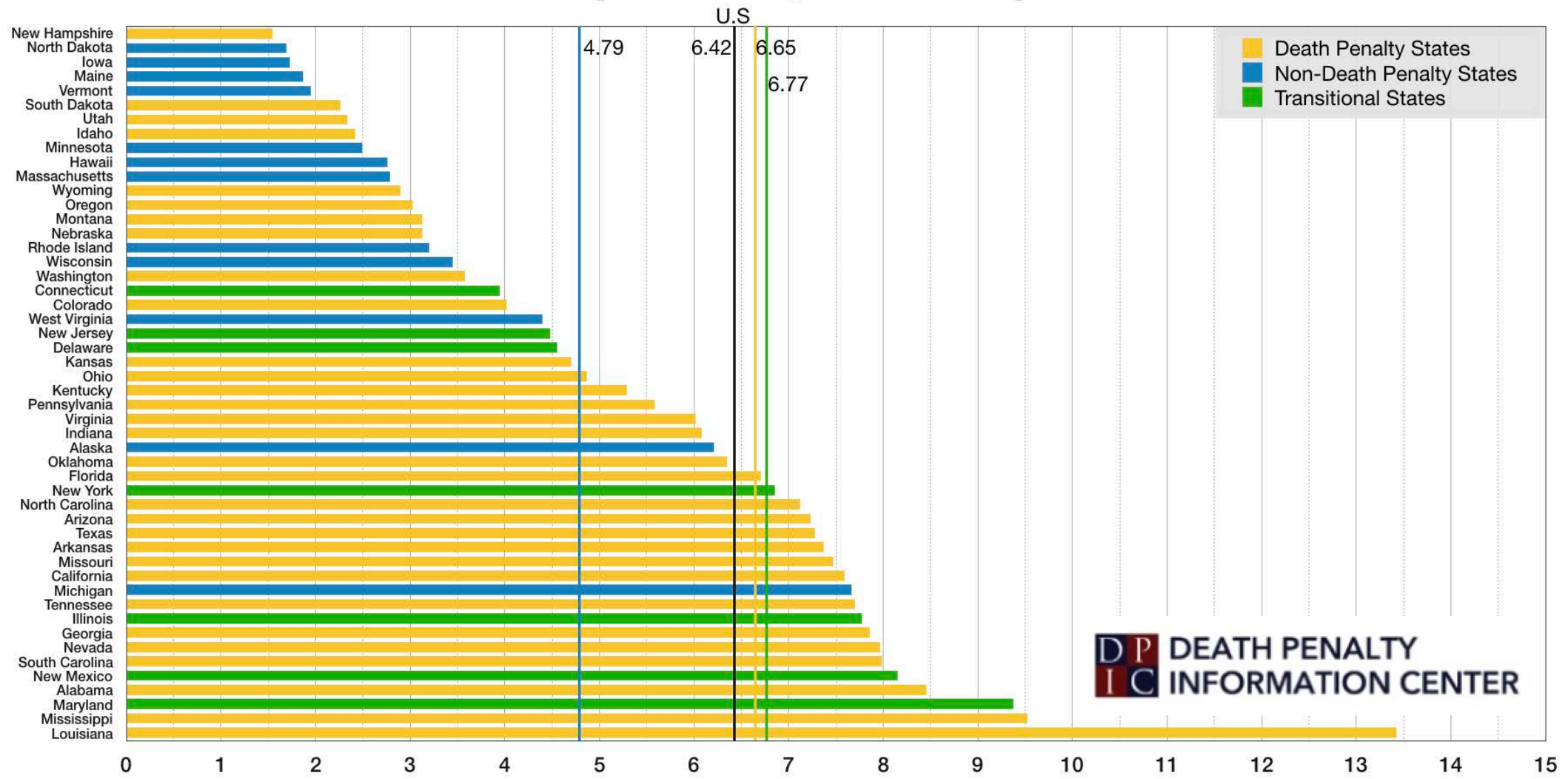
- Did murder rates rise? **No.**
- Did the rate of murders of law enforcement go up? **No.**
- Did killings of police increase as a %age of all murders? **No.**



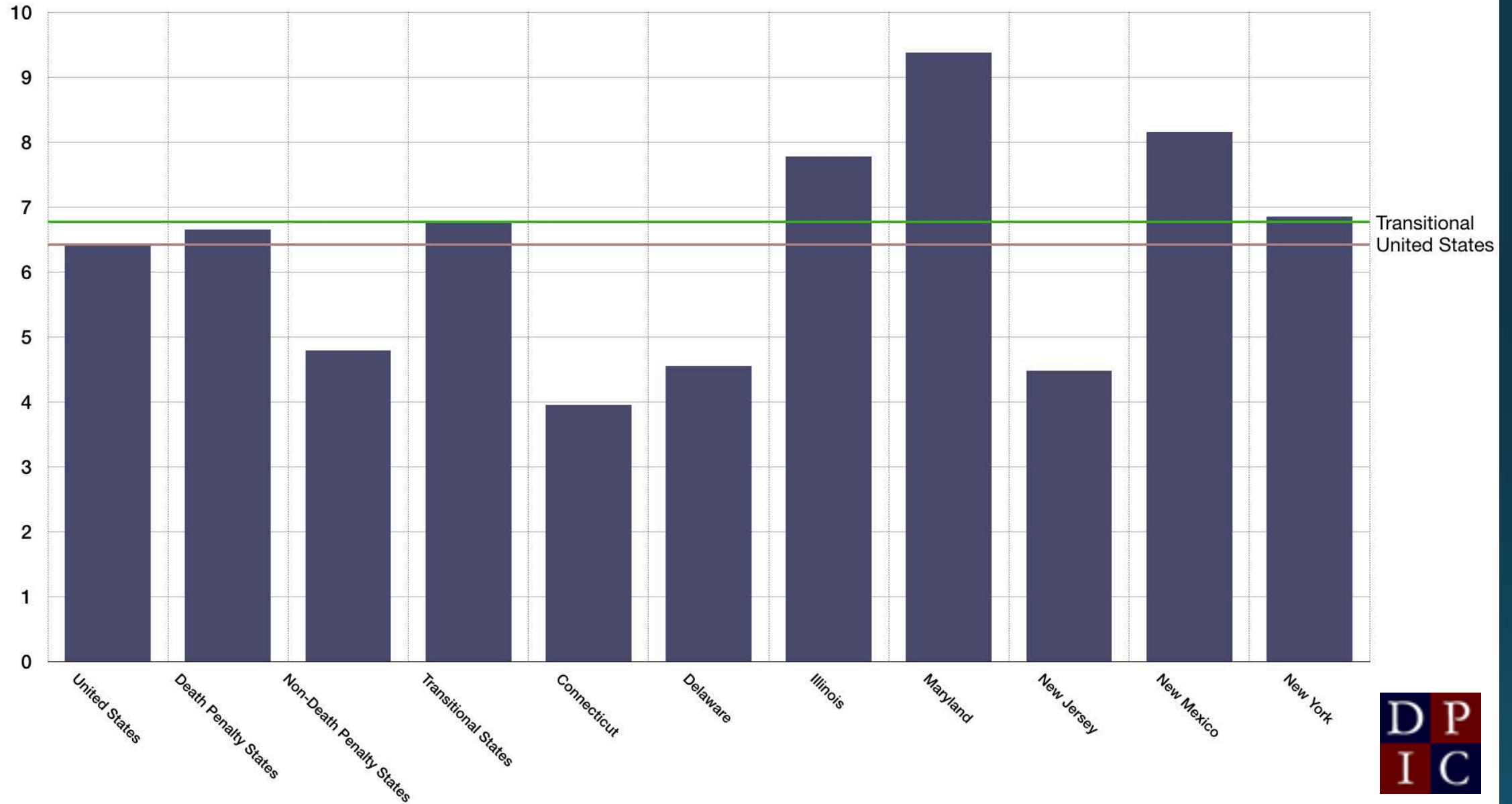
Murder Rate per 100,000 People



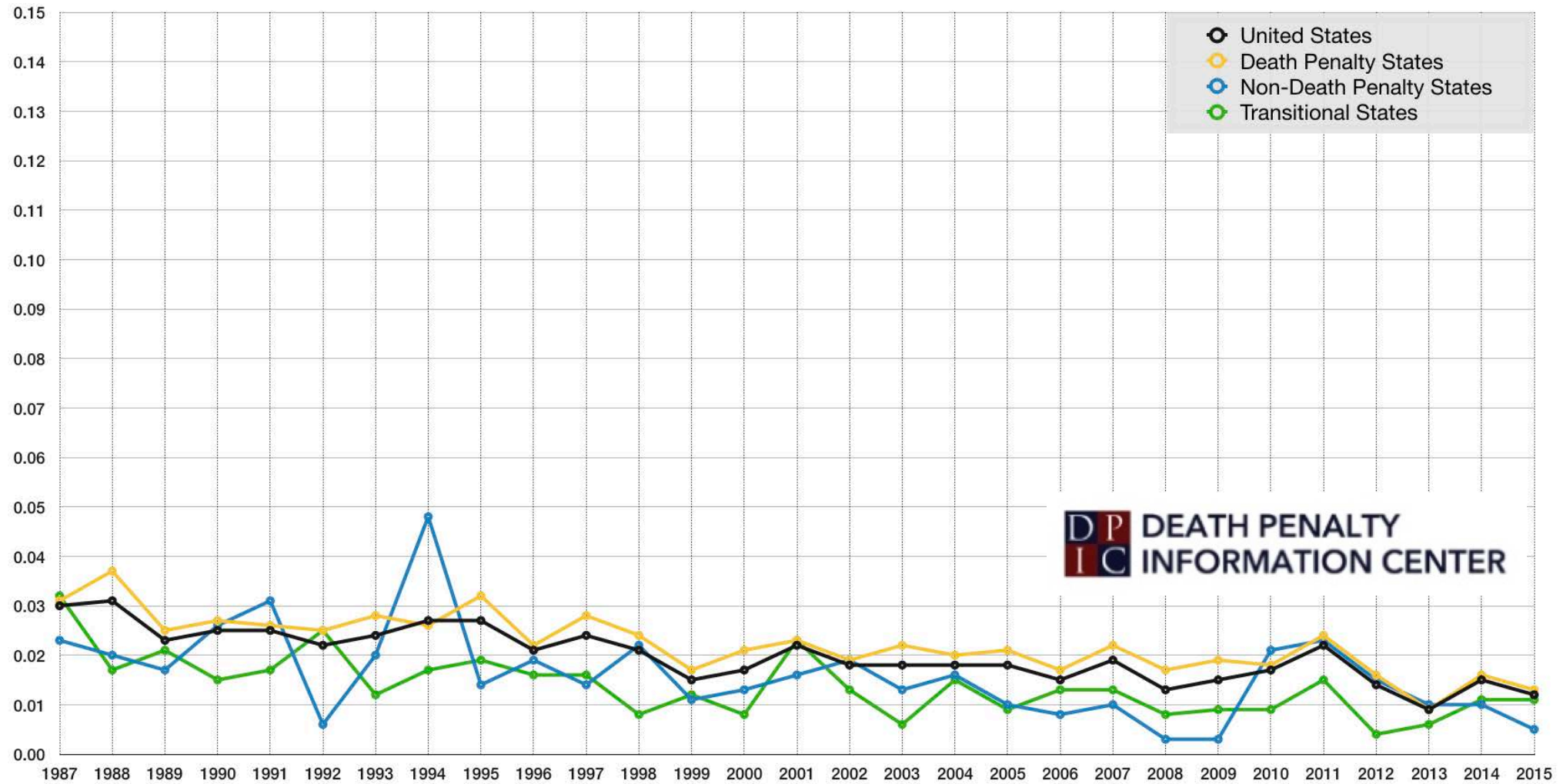
Murder Rate per 100,000 People 1987 – 2015



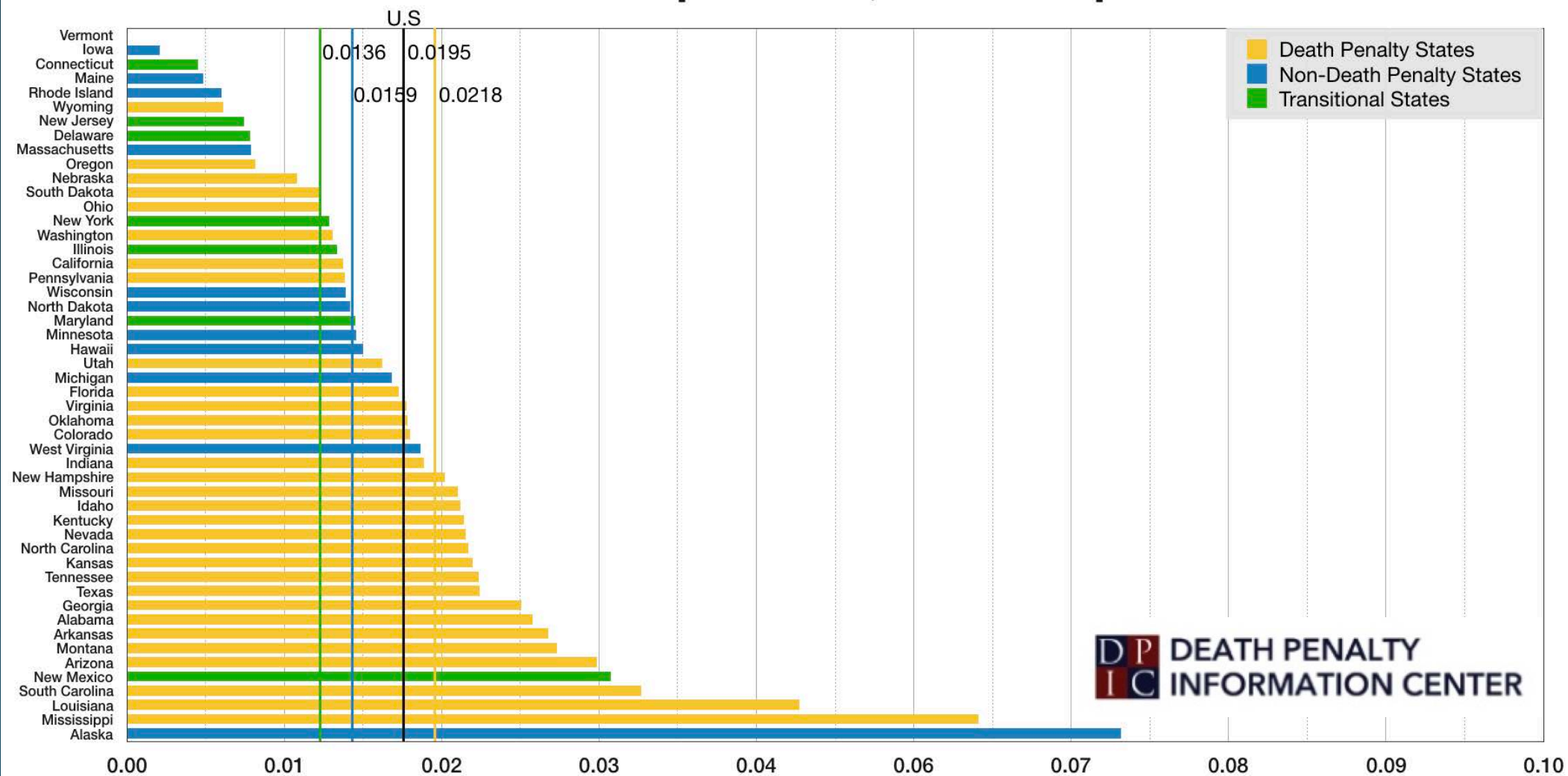
Murder Rate per 100,000 People 1987 – 2015



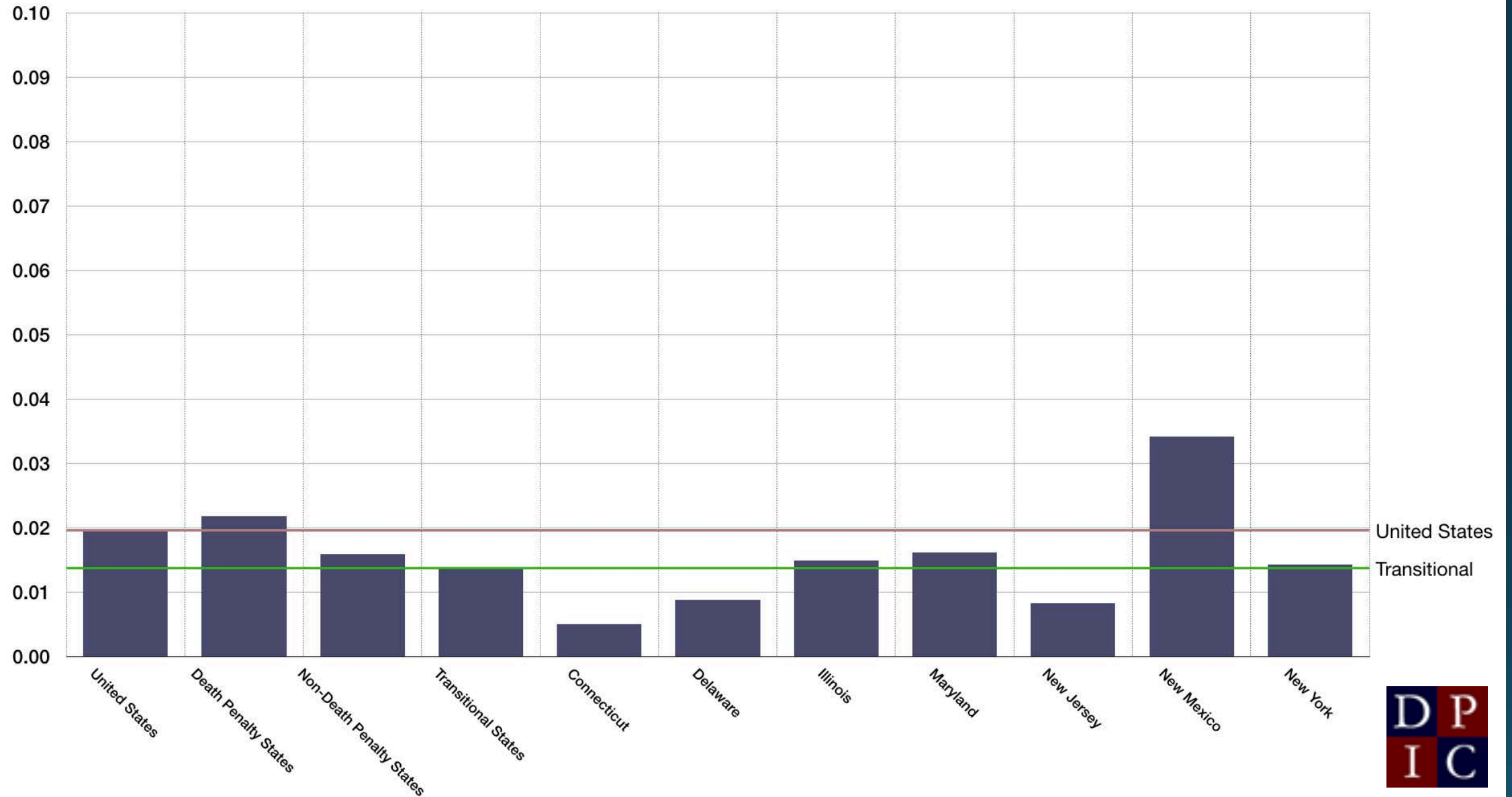
Officer Victim Rate per 100,000 People



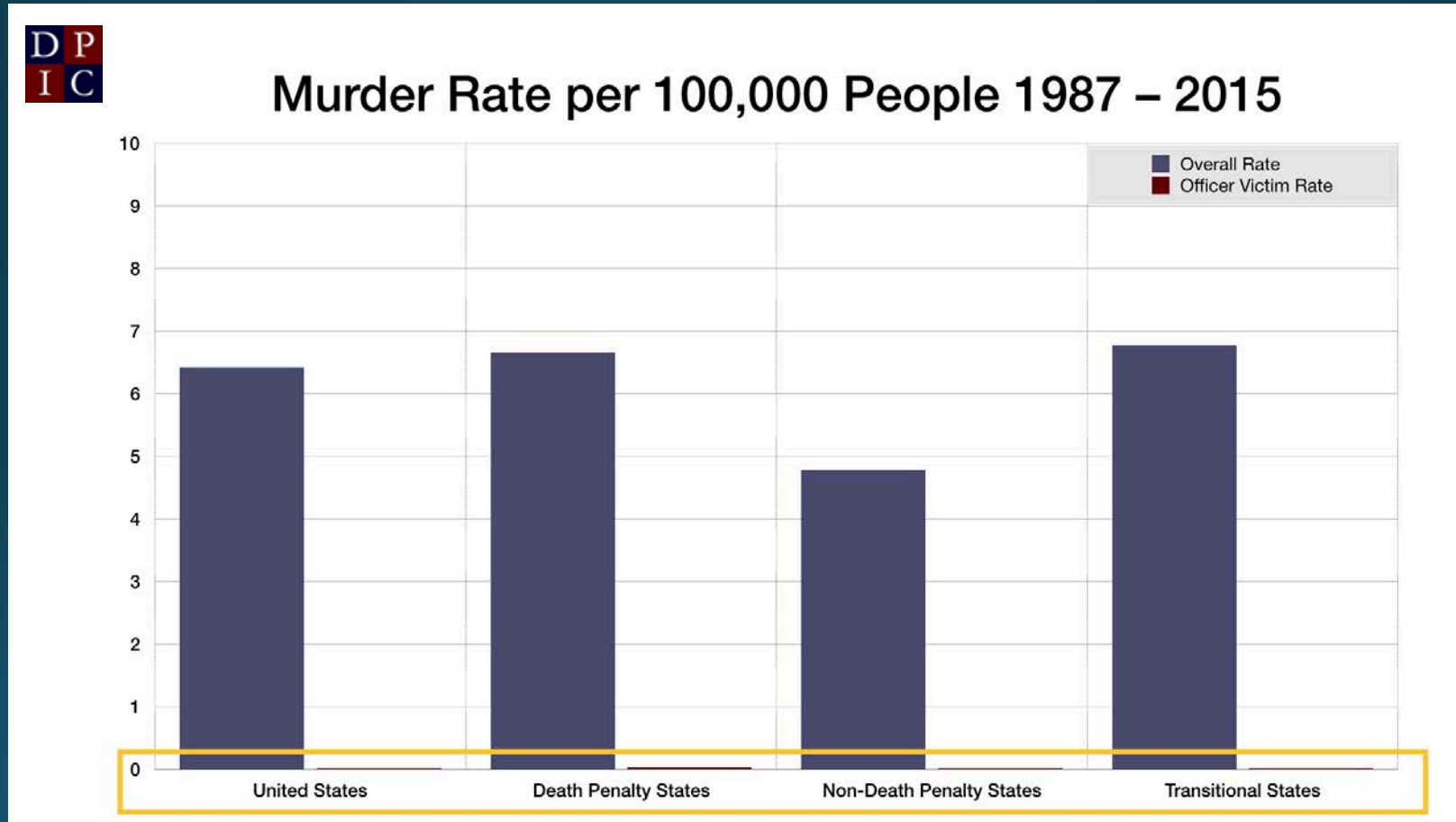
Officer Victim Rate per 100,000 People 1987 – 2015



Officer Victim Rate per 100,000 People 1987 – 2015

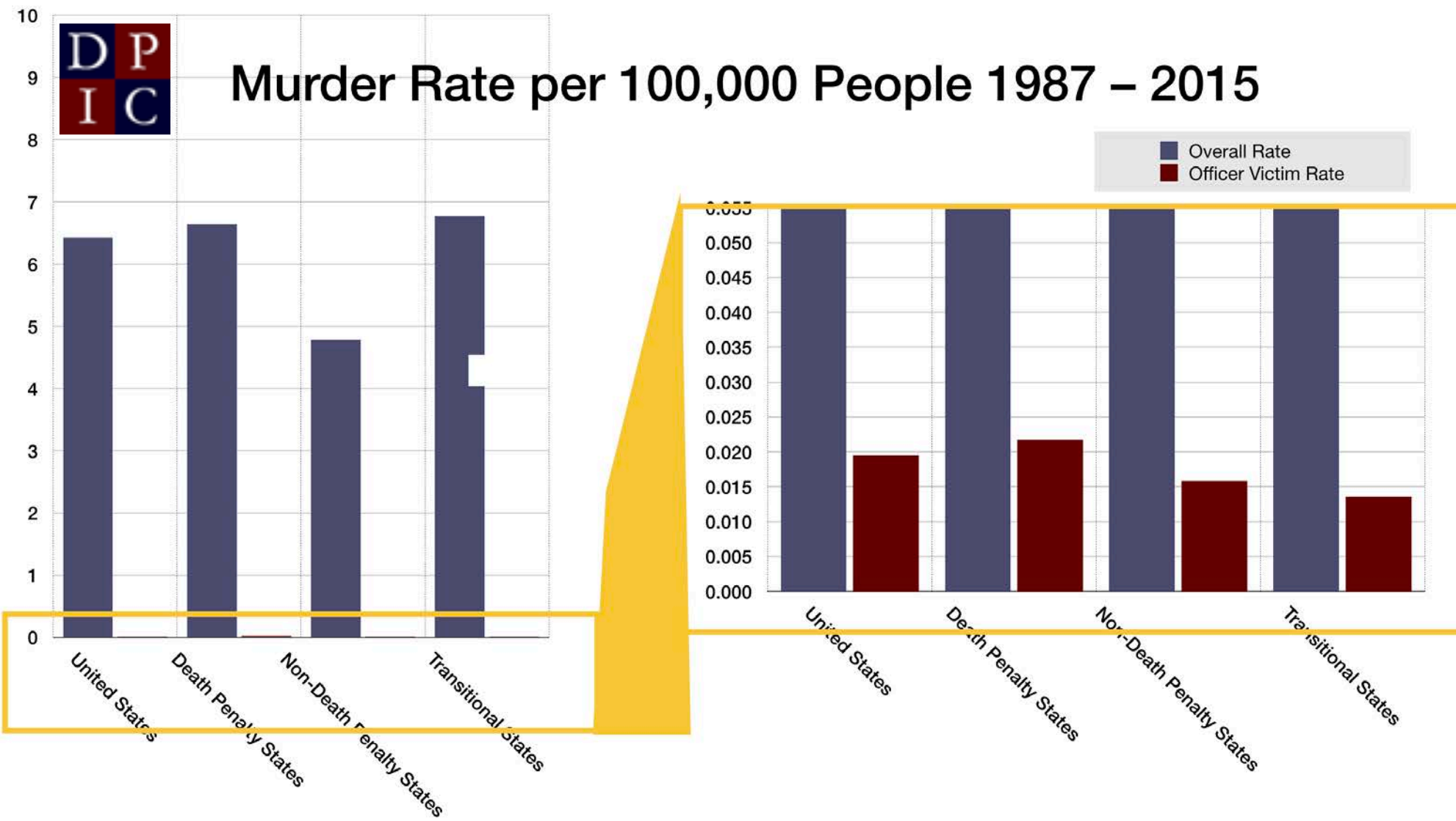


The rate at which officers are murdered is tiny compared to the national murder rate as a whole.

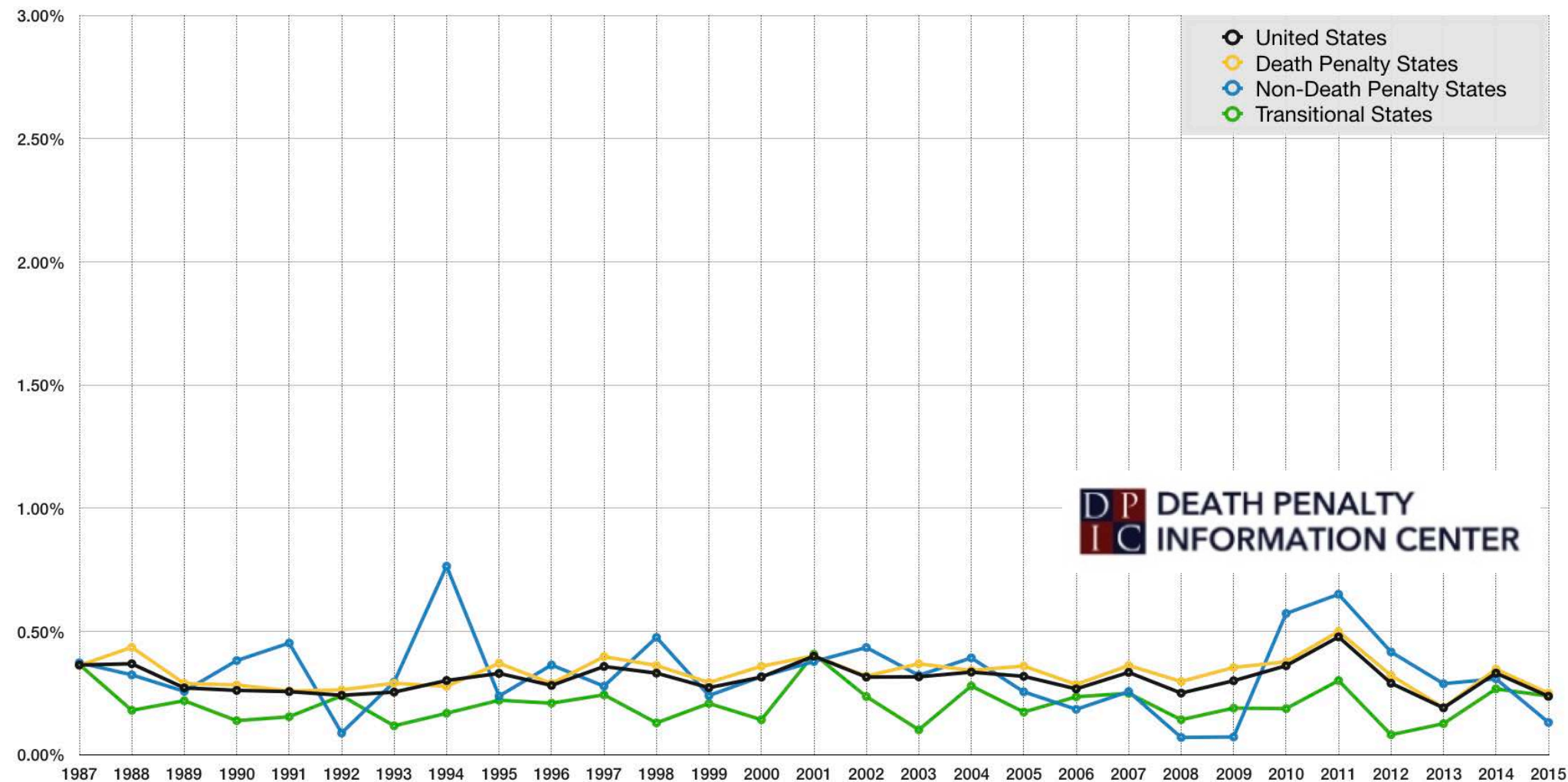




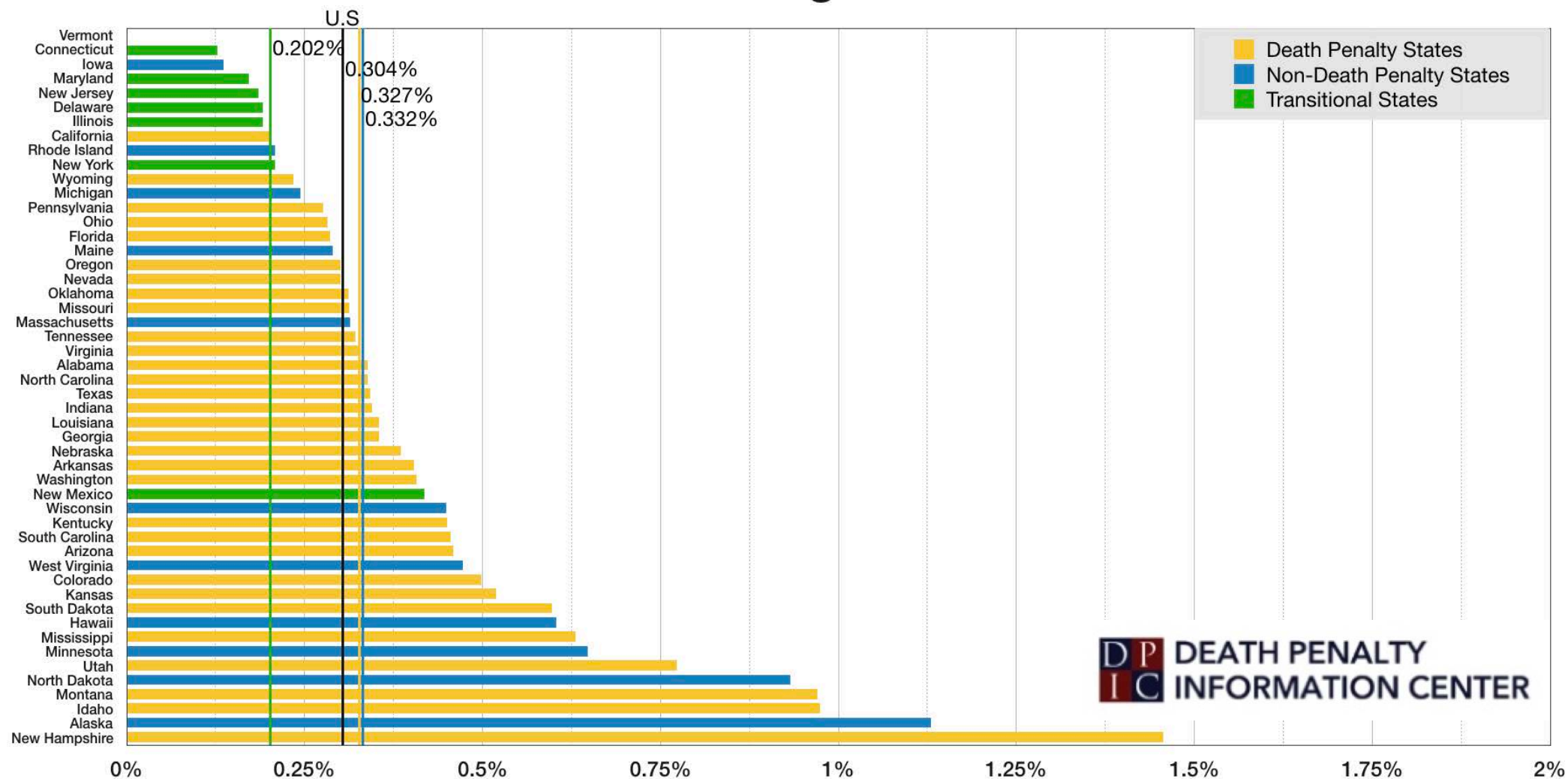
Murder Rate per 100,000 People 1987 – 2015



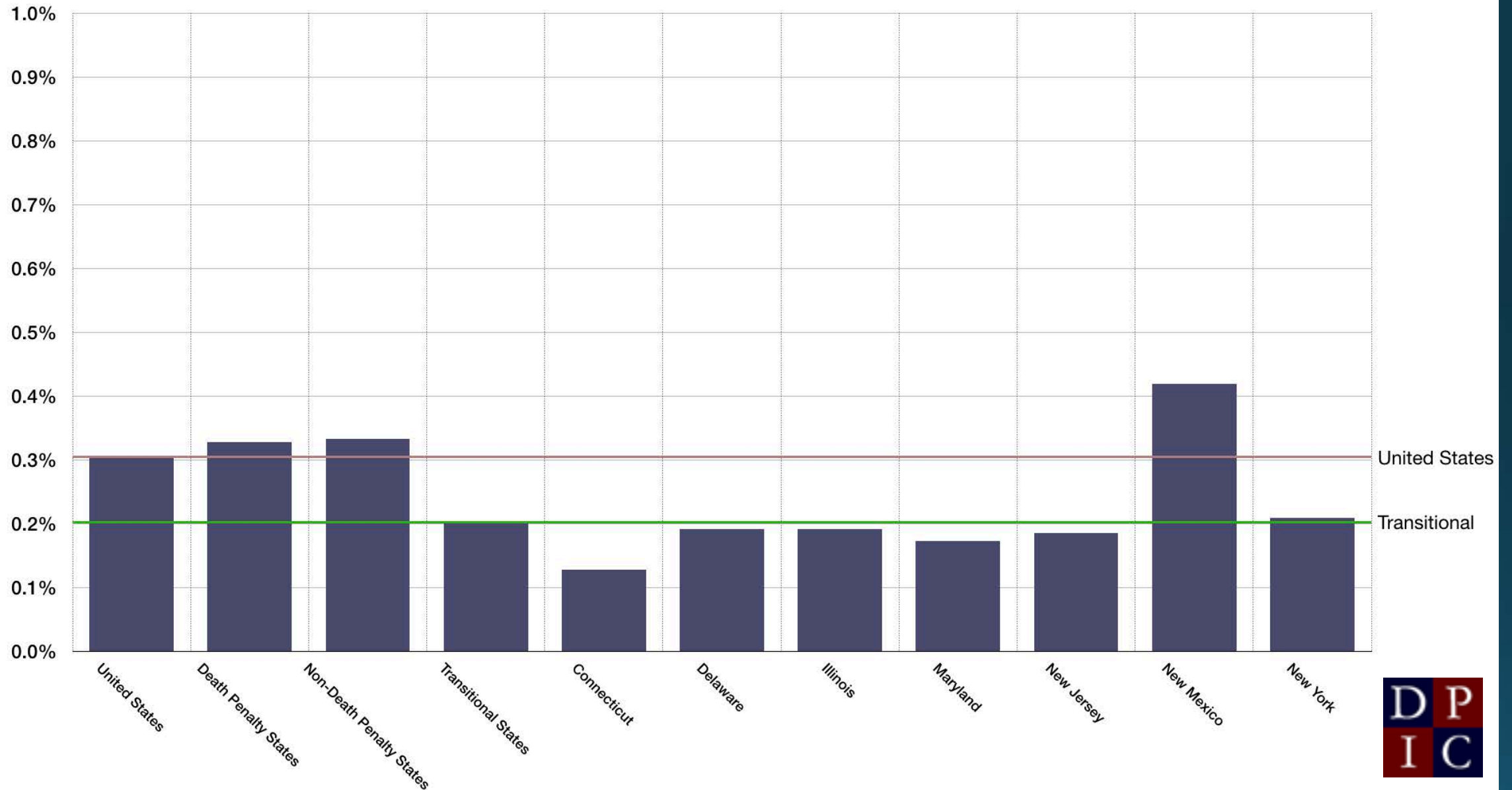
Officer Victims as a Percentage of All Homicides



Officer Victims as a Percentage of All Homicides 1987 - 2015



Officer Victims as a Percentage of All Homicides 1987 - 2015



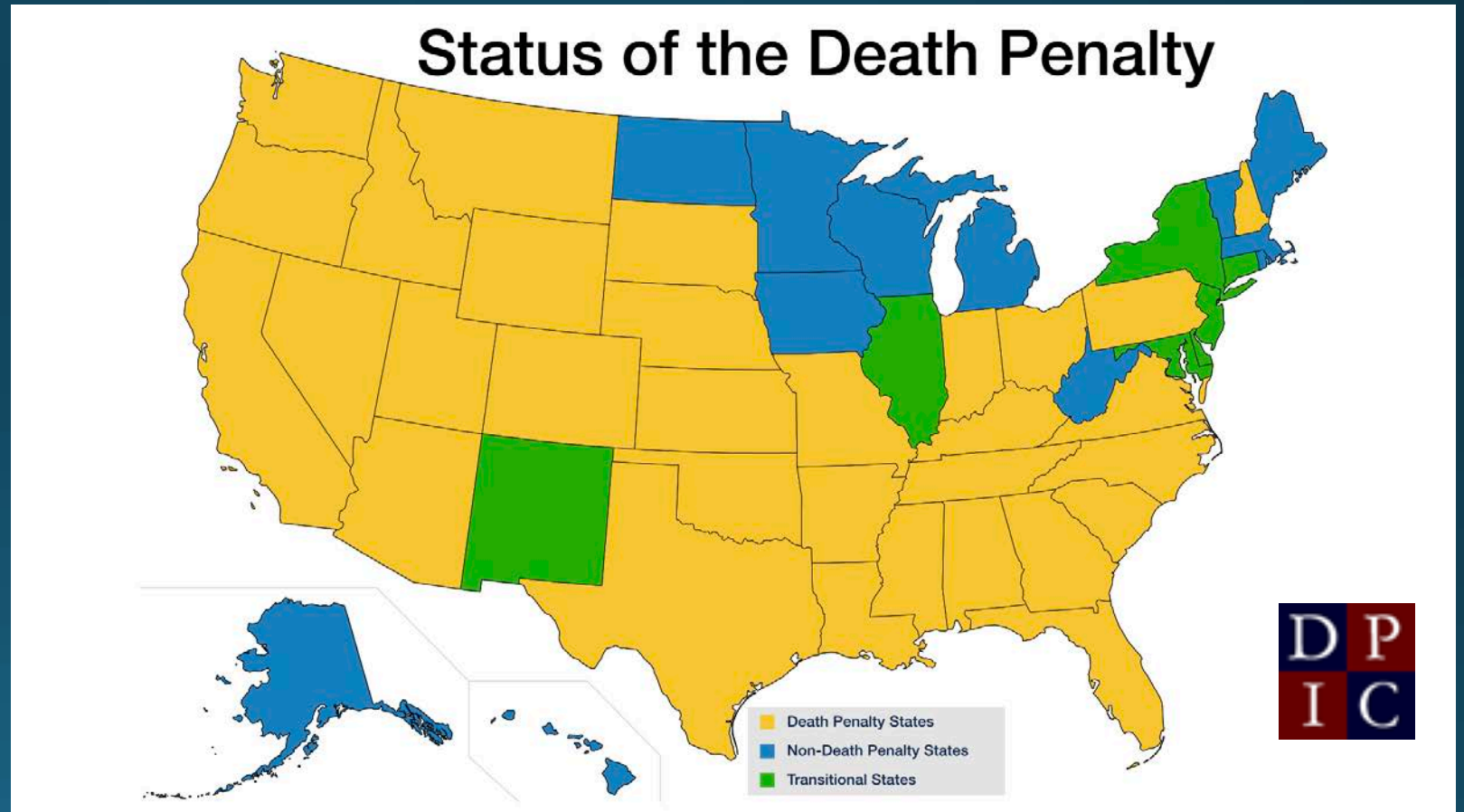
What did we learn?

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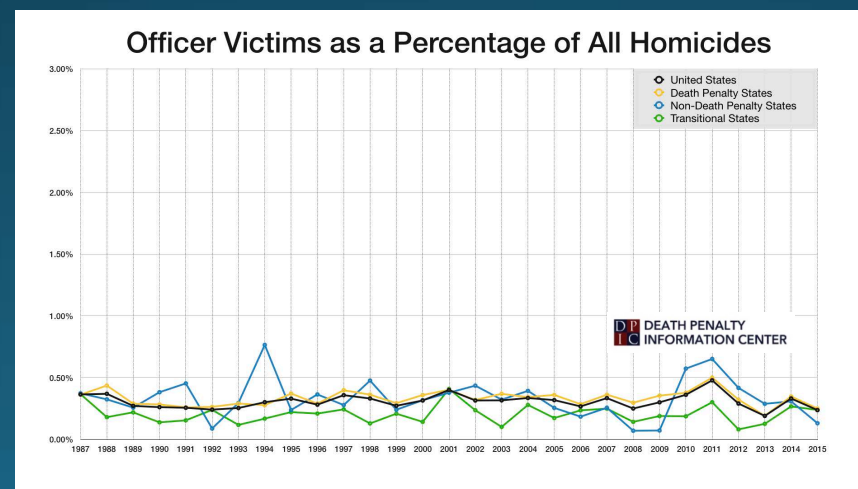
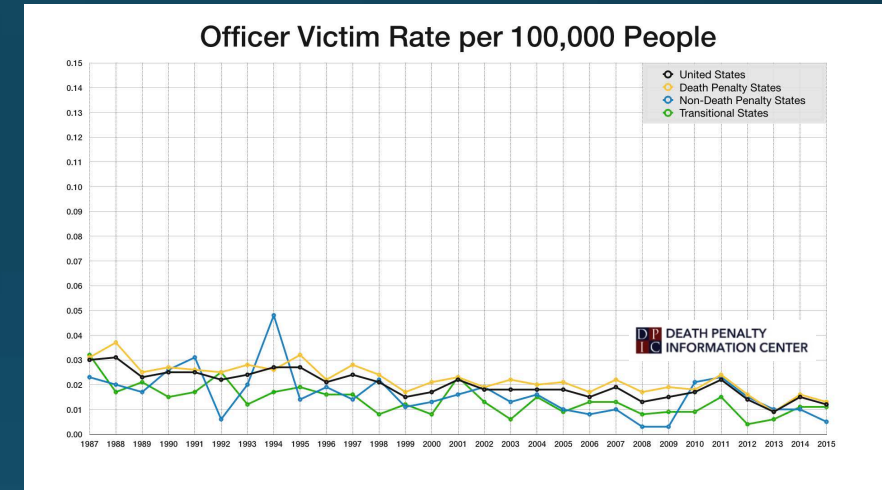
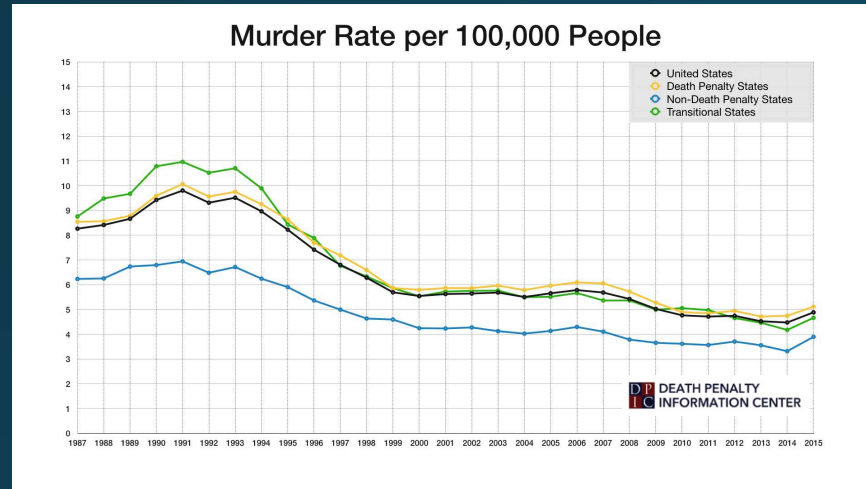
- States with the death penalty continue to have higher murder rates than states without the death penalty.
- National trends are national trends, irrespective of whether the state has the death penalty, never had the death penalty, or recently abolished the death penalty.
- There is no apparent correlation between the death penalty and changes in murder rates; if anything, there is a correlation between murder rates and death sentences subsequently imposed.
- The death penalty had no discernible effect on killings of law enforcement.
- However, abolition of the death penalty is much more likely to occur in states in which killings of police are very low as a percentage of all murders.

What about the effects of abolition in the individual states?

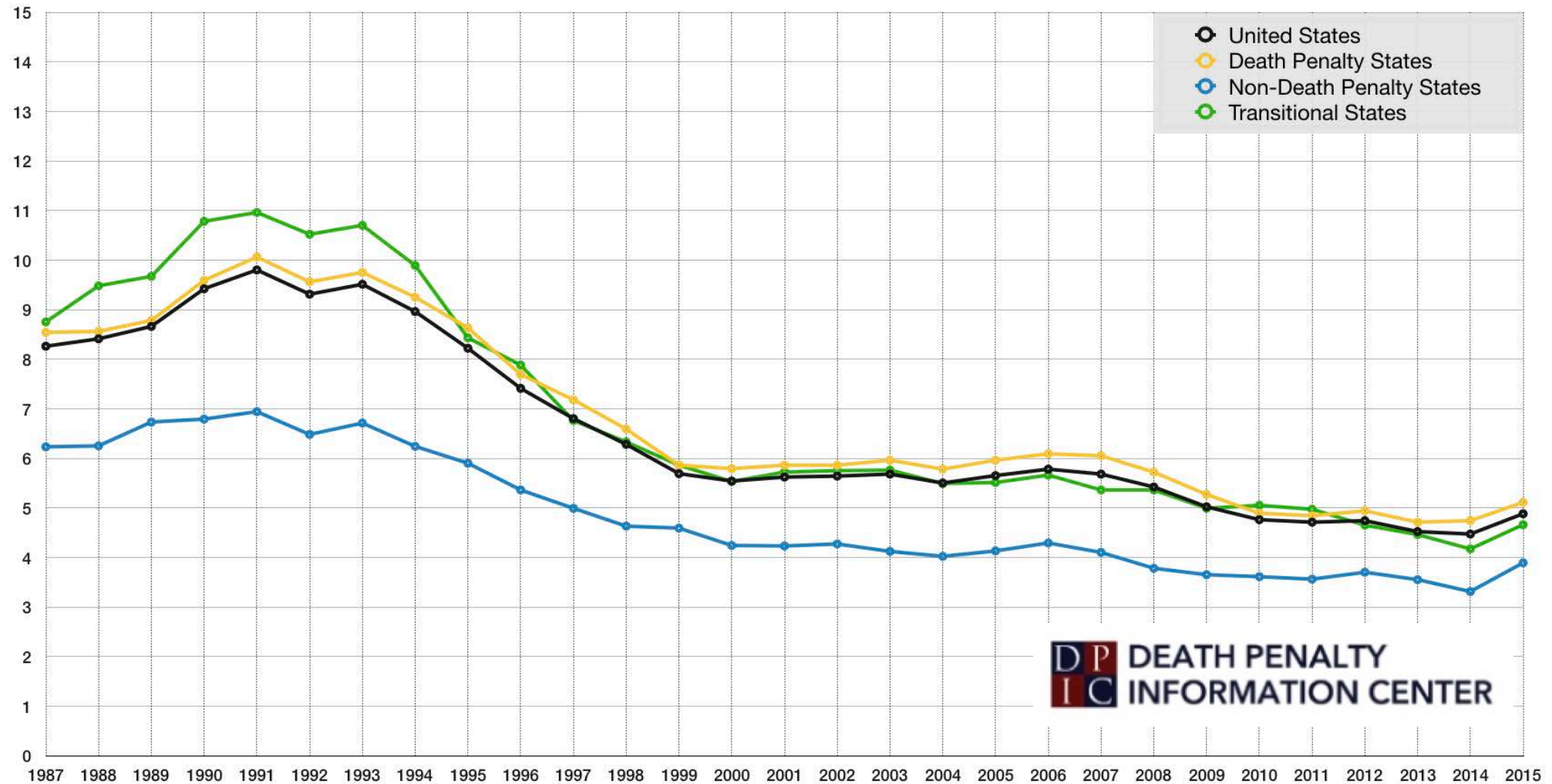
- Did murder rates rise?
- Did the rate of murders of law enforcement go up?
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Did abolition of the death penalty affect any of the national trends?

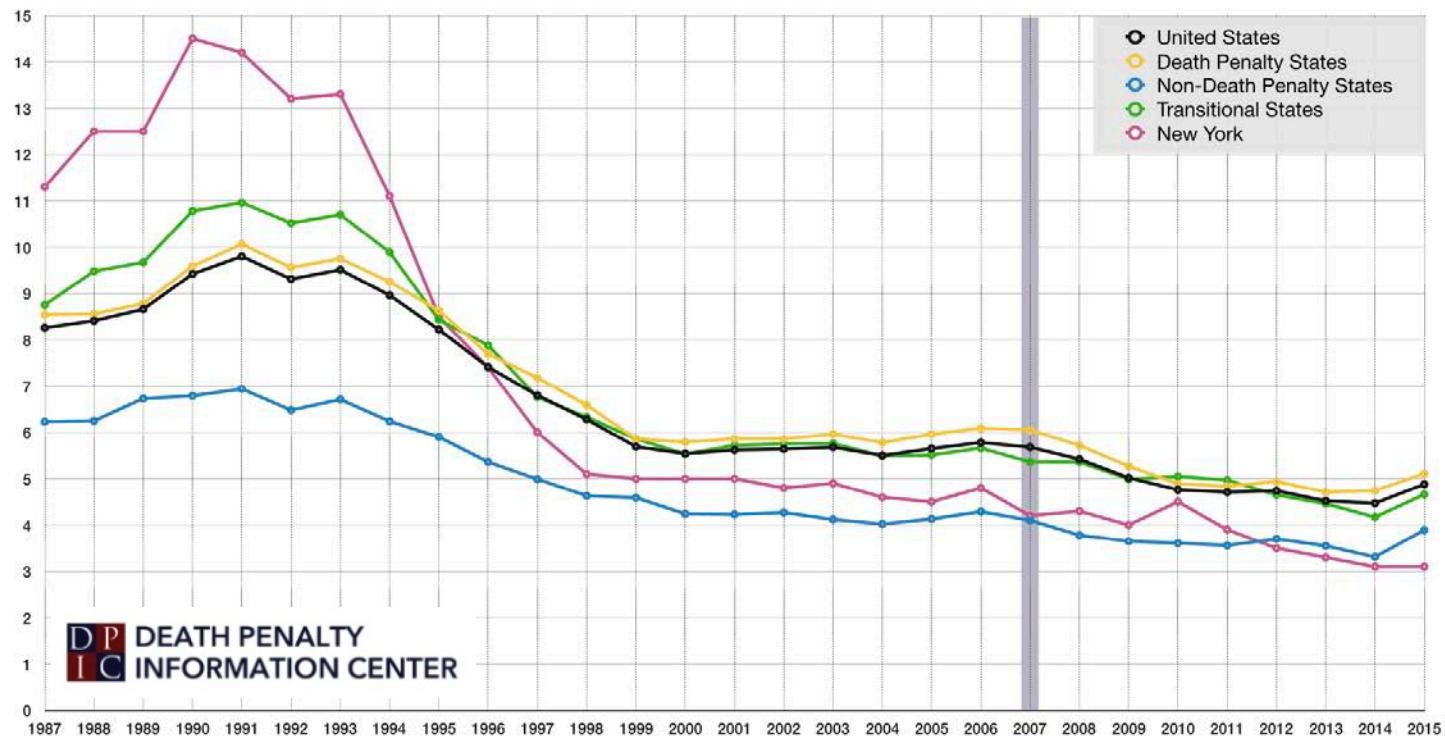


Murder Rate per 100,000 People



New York

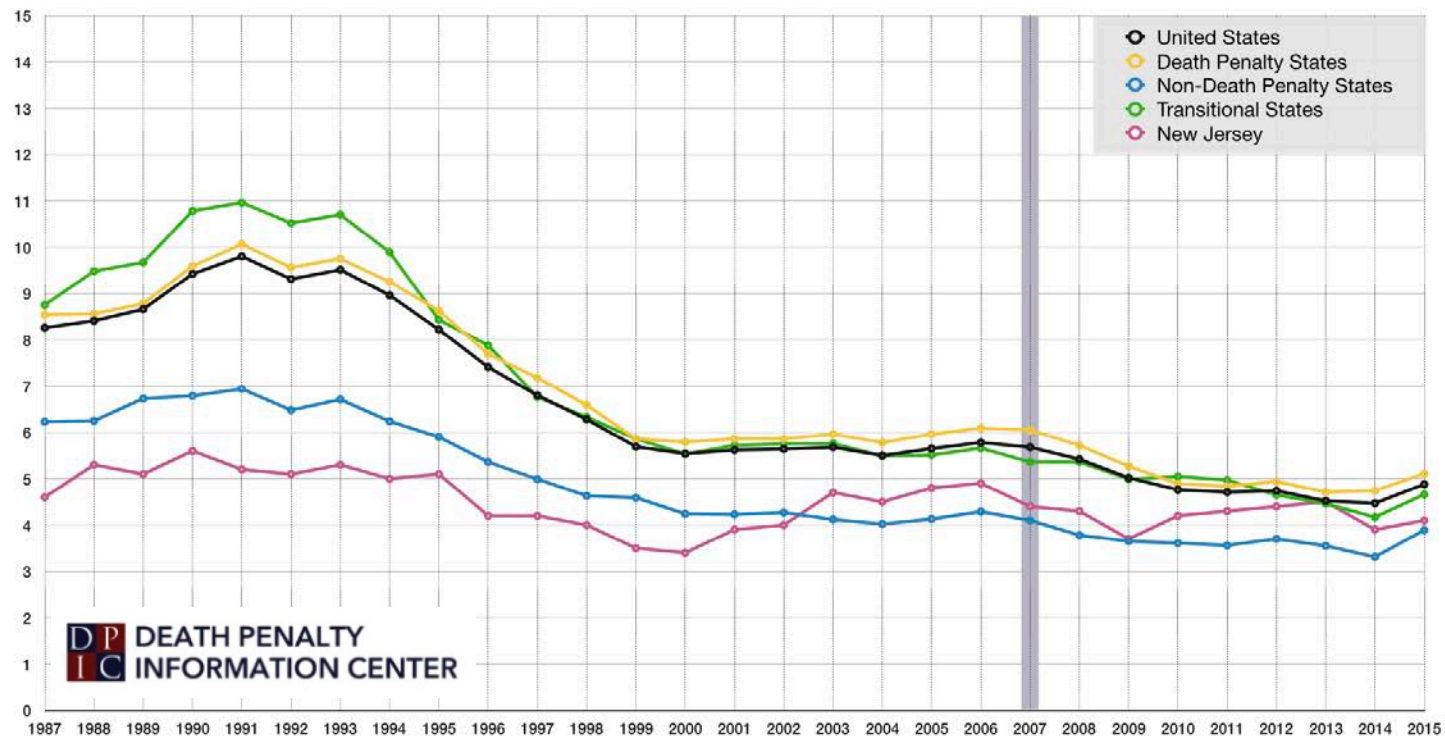
Murder Rate per 100,000 People



New York

New Jersey

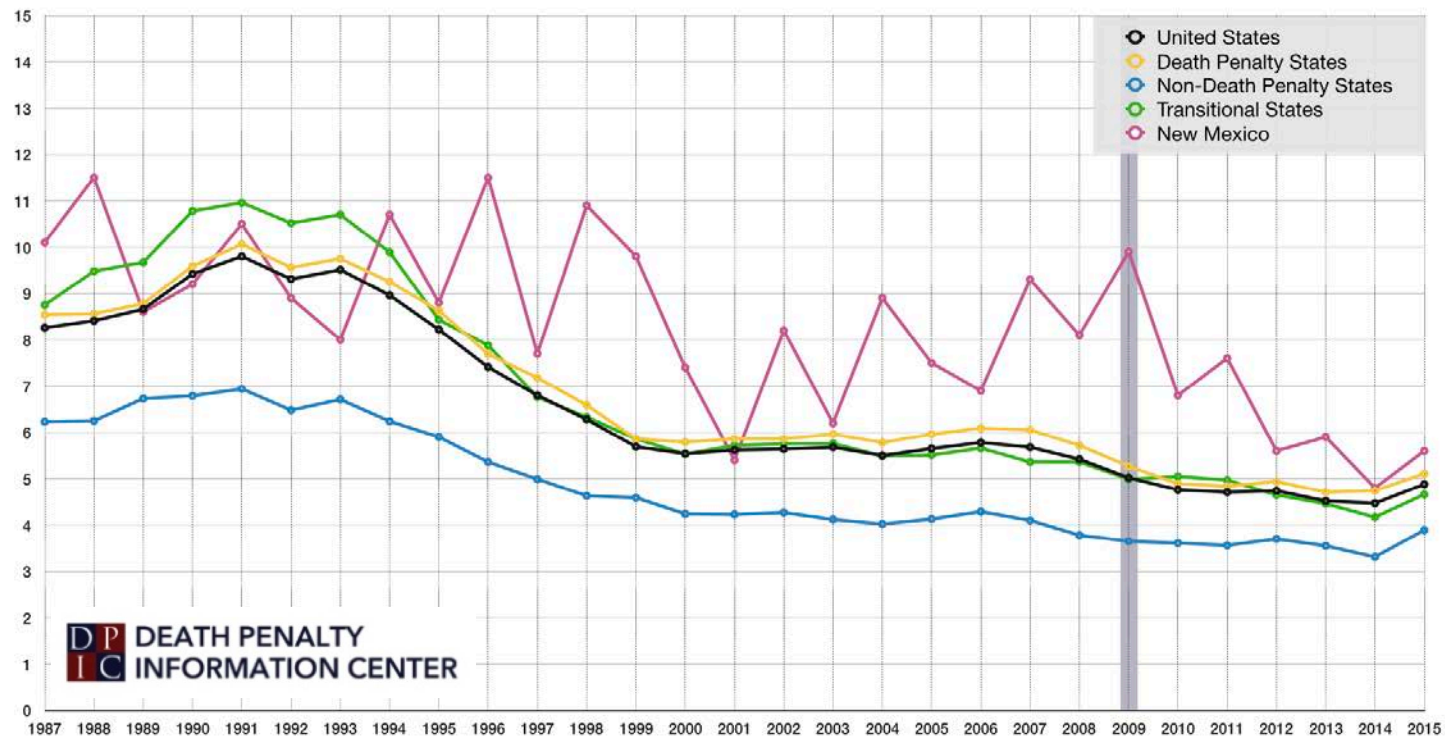
Murder Rate per 100,000 People



New Jersey

New Mexico

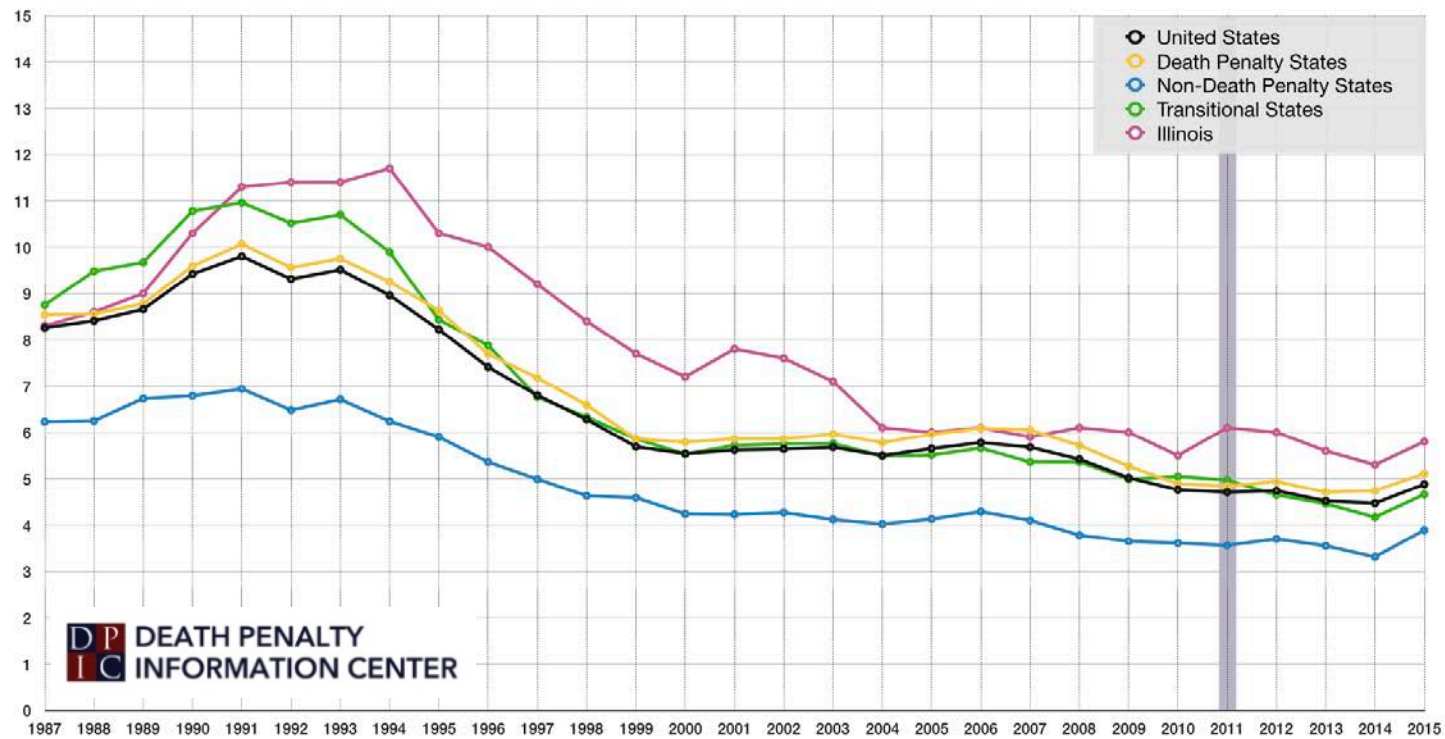
Murder Rate per 100,000 People



New Mexico

Illinois

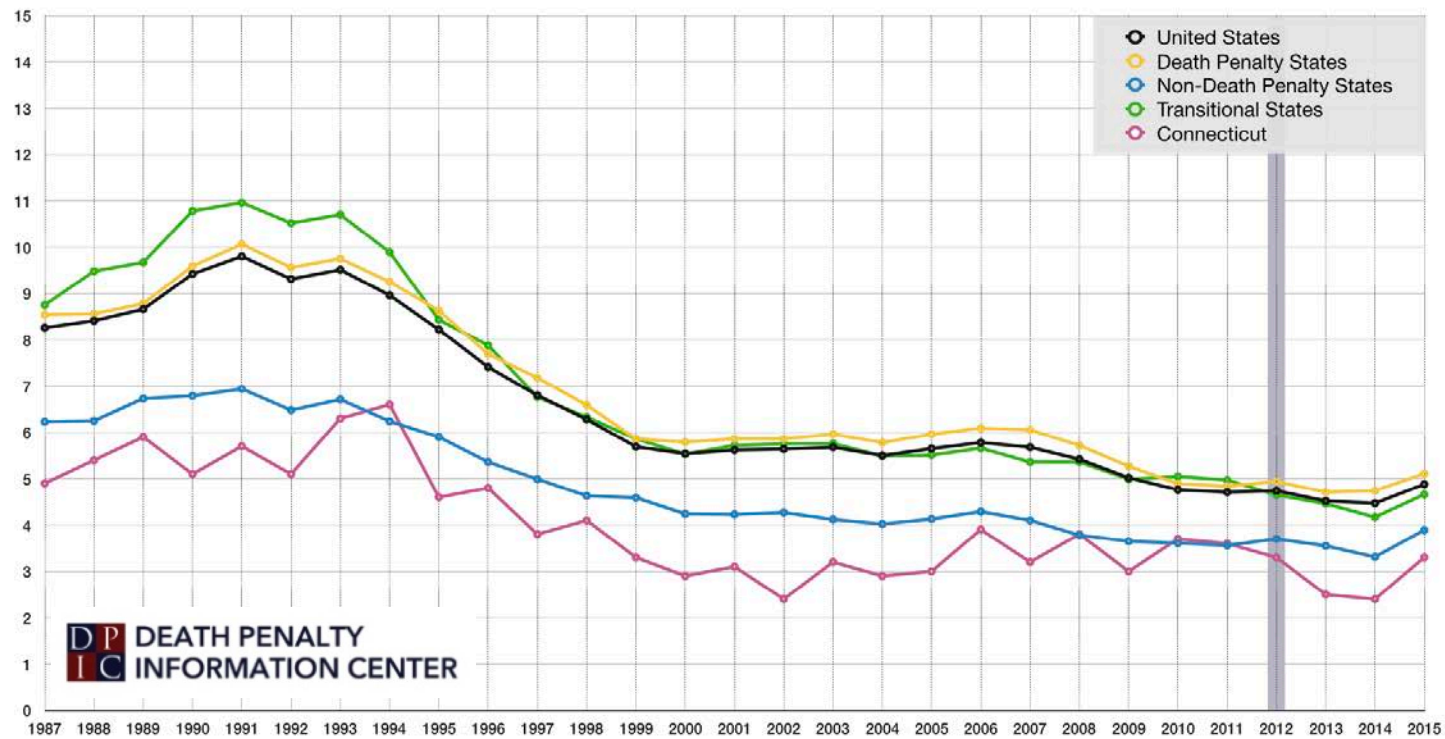
Murder Rate per 100,000 People



Illinois

Connecticut

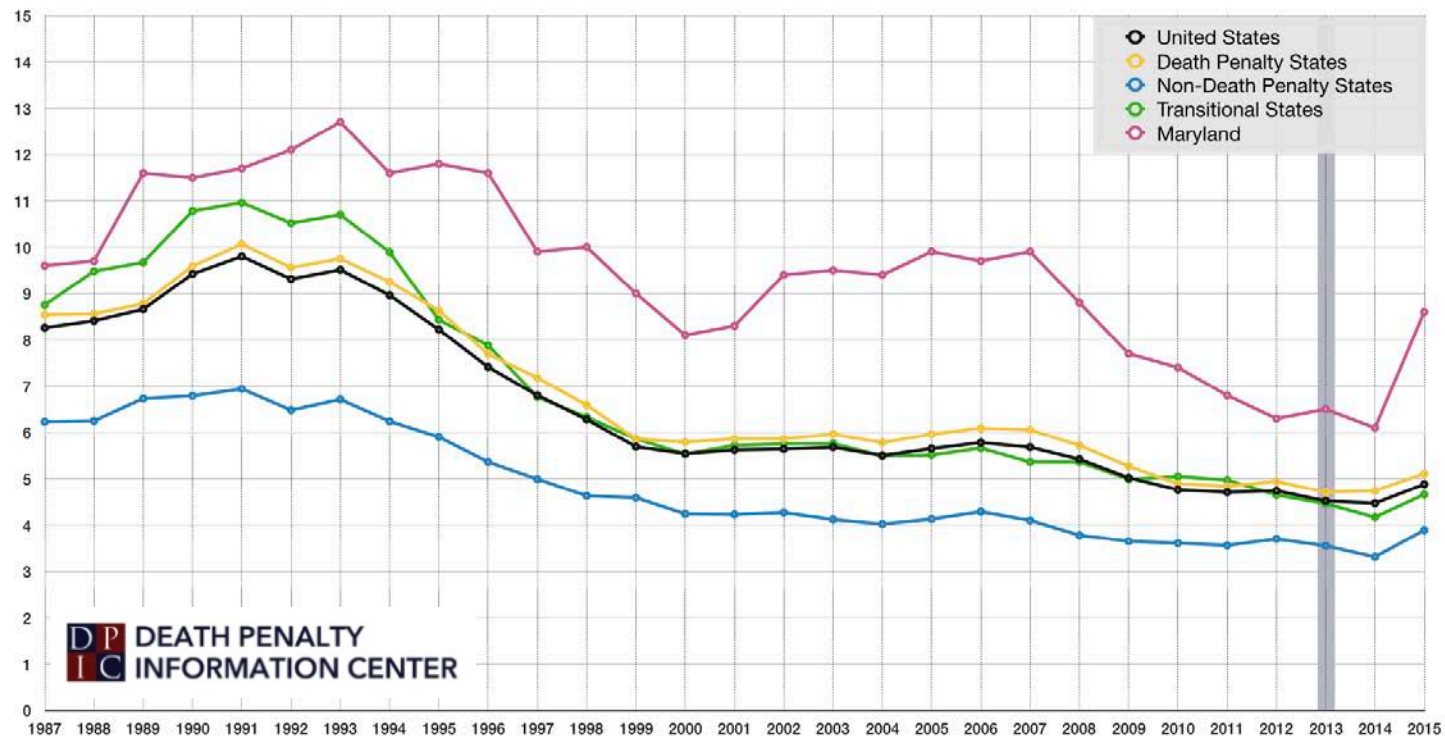
Murder Rate per 100,000 People



Connecticut

Maryland

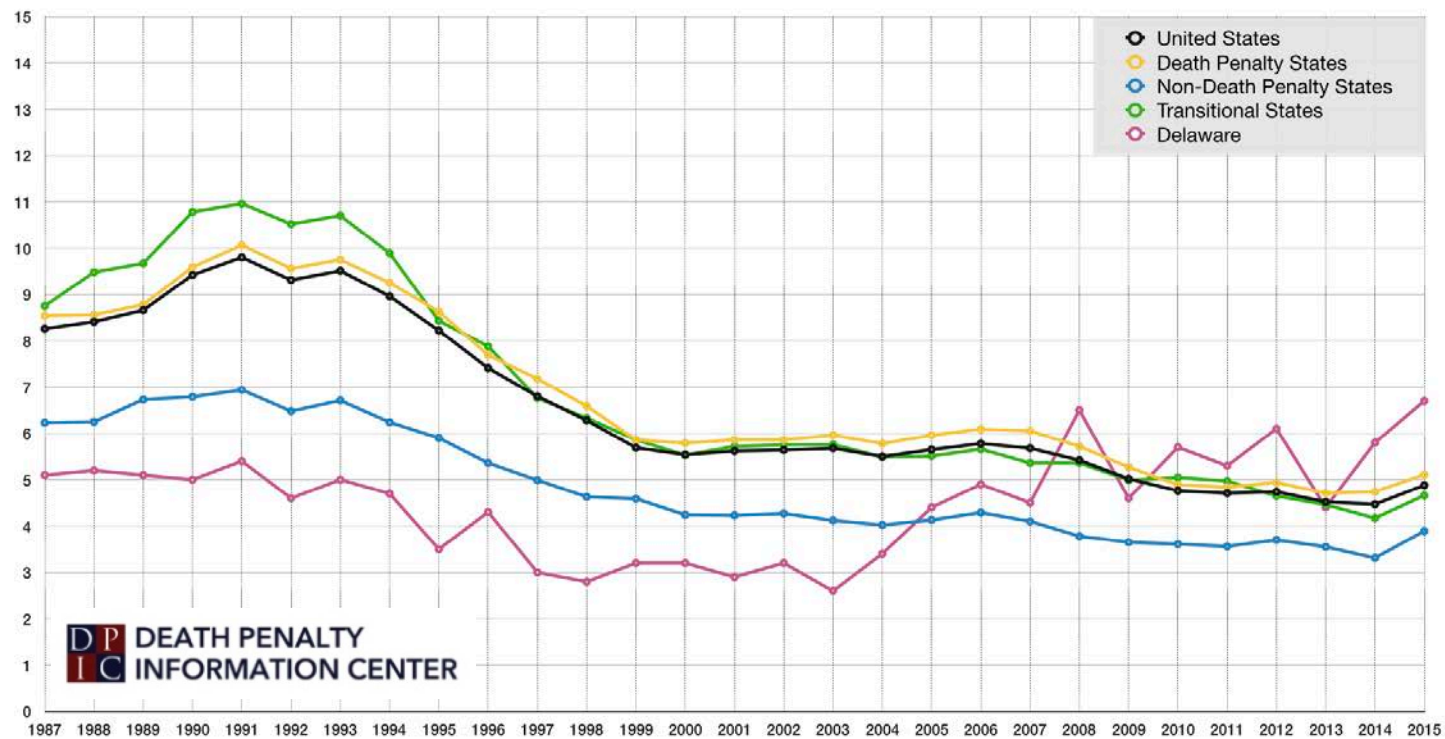
Murder Rate per 100,000 People



Maryland

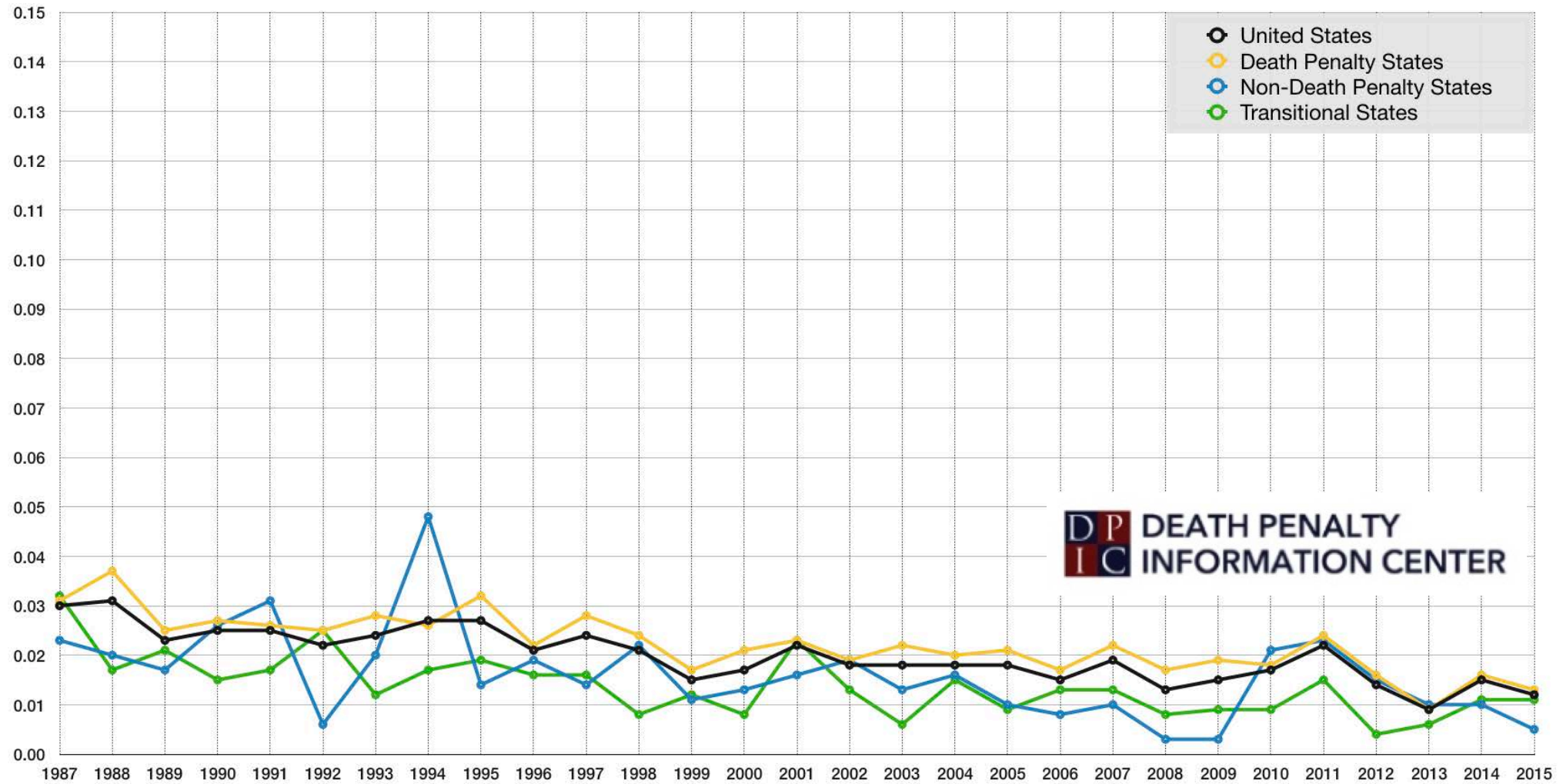
Delaware

Murder Rate per 100,000 People



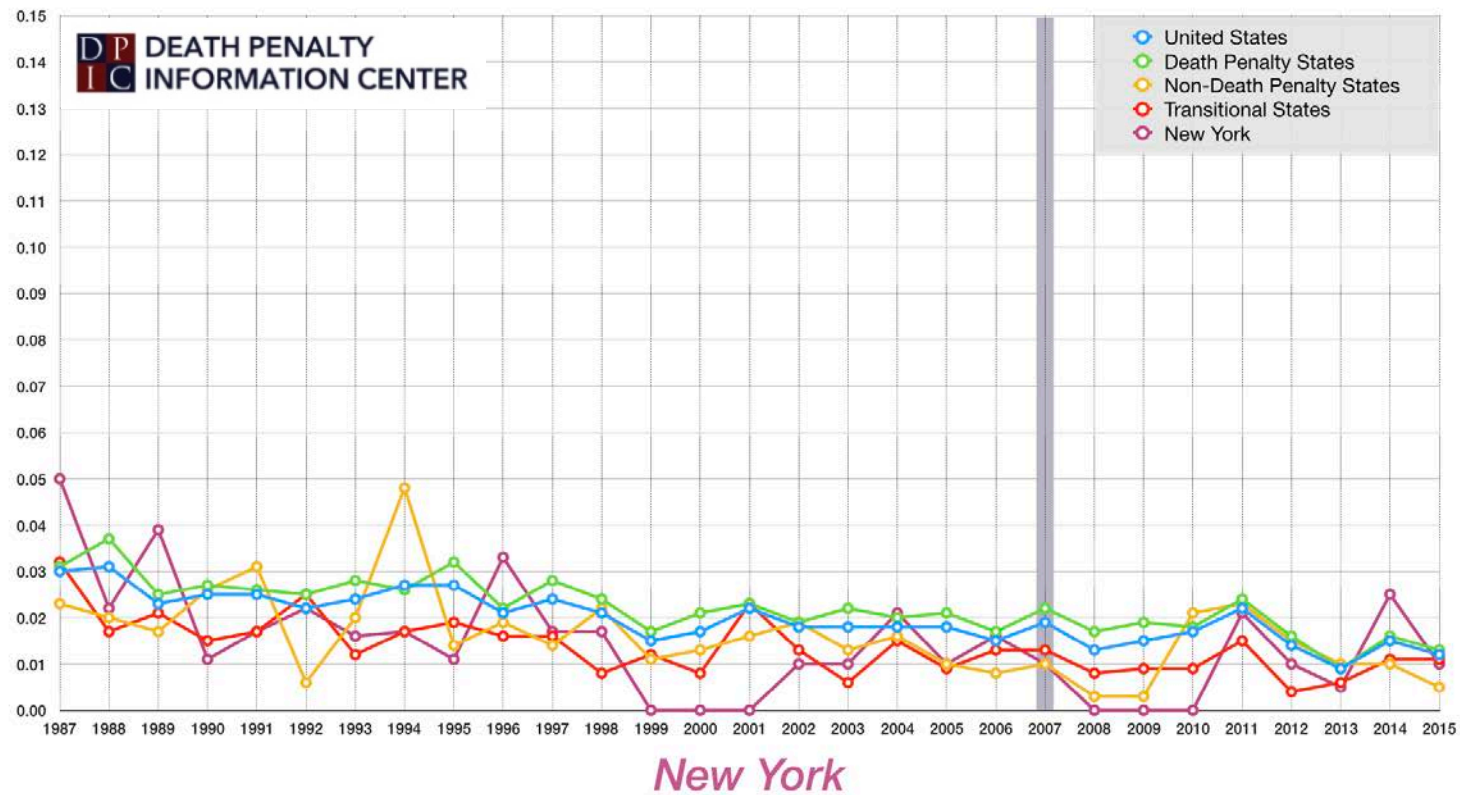
Delaware

Officer Victim Rate per 100,000 People



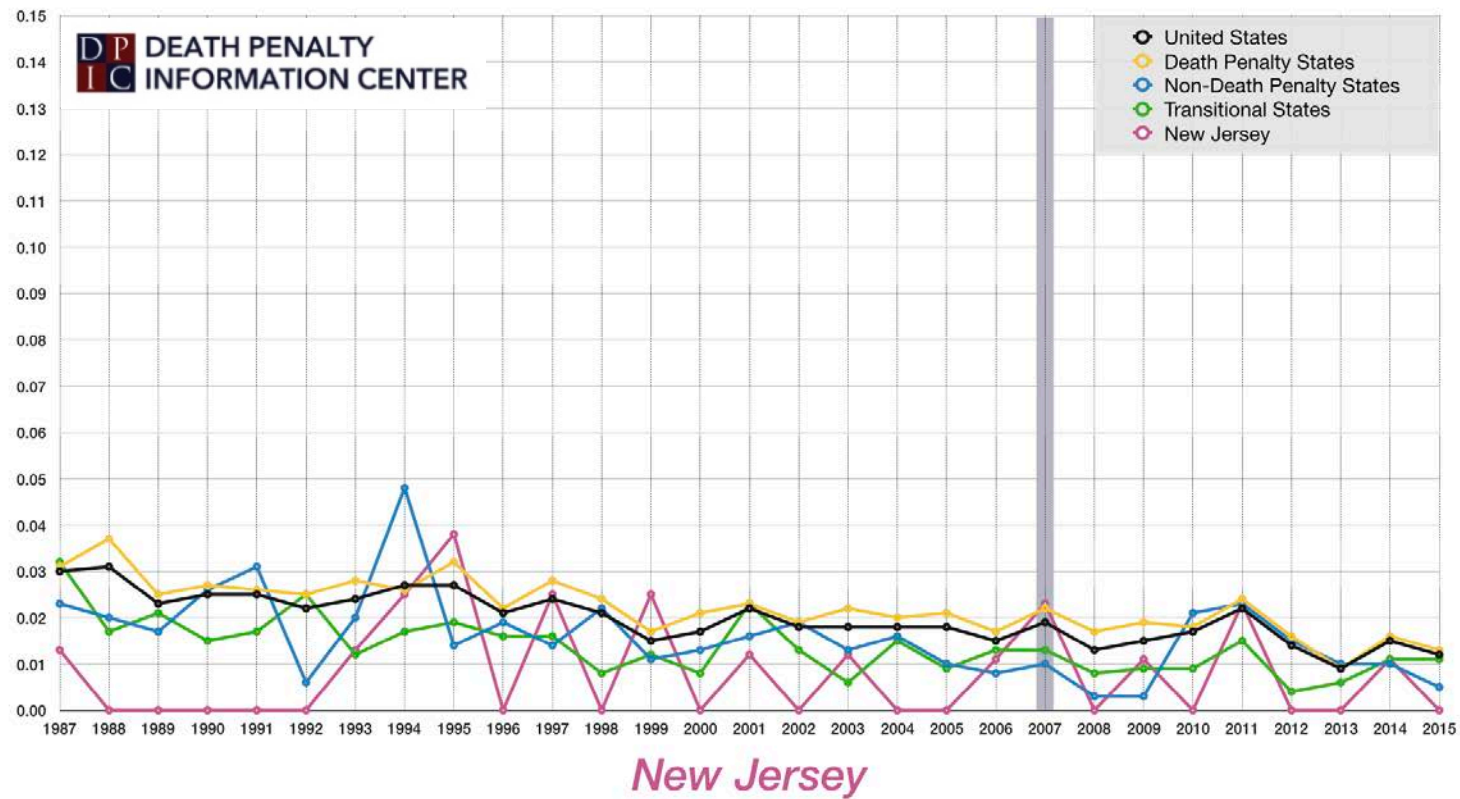
New York

Officer Victim Rate per 100,000 People



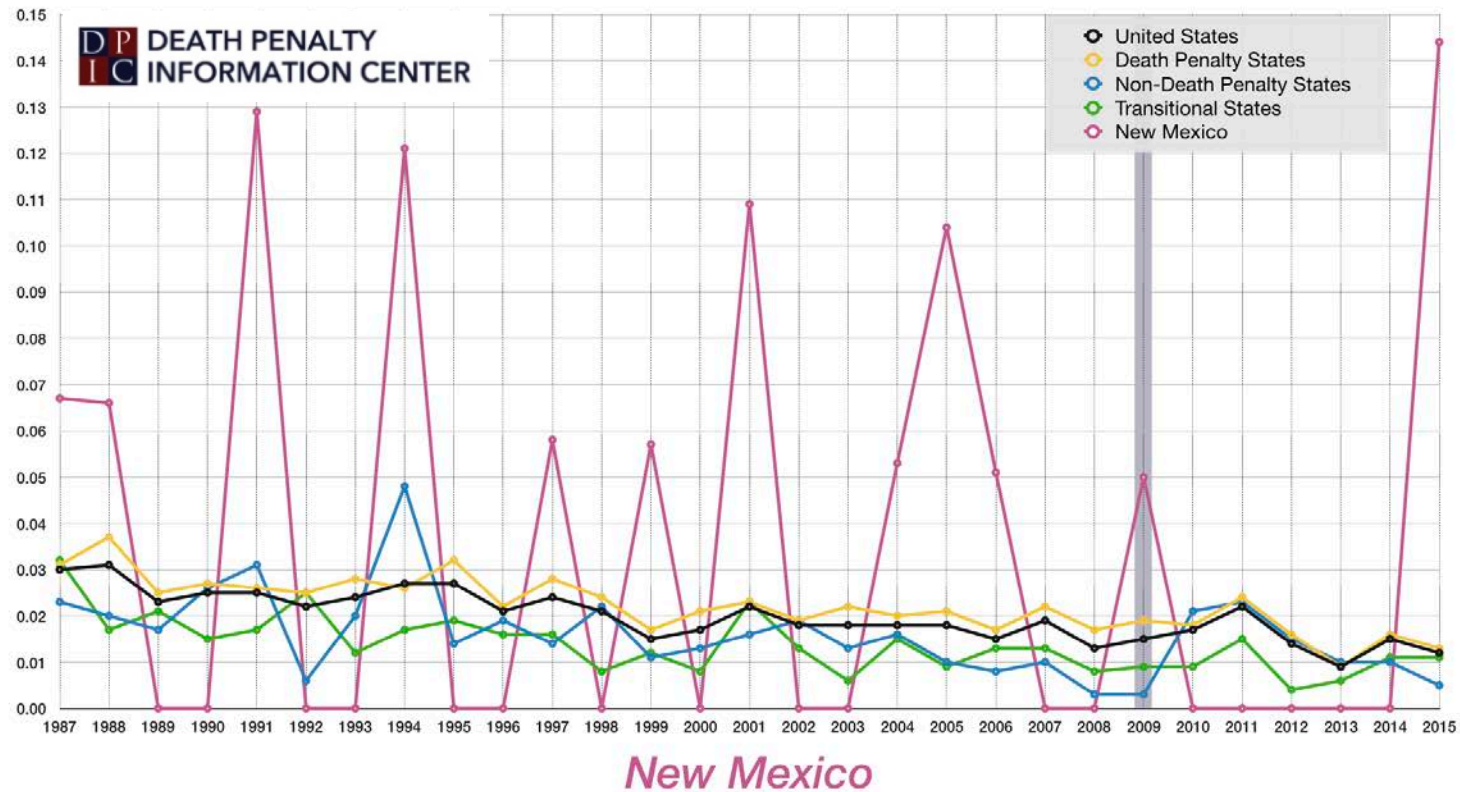
New Jersey

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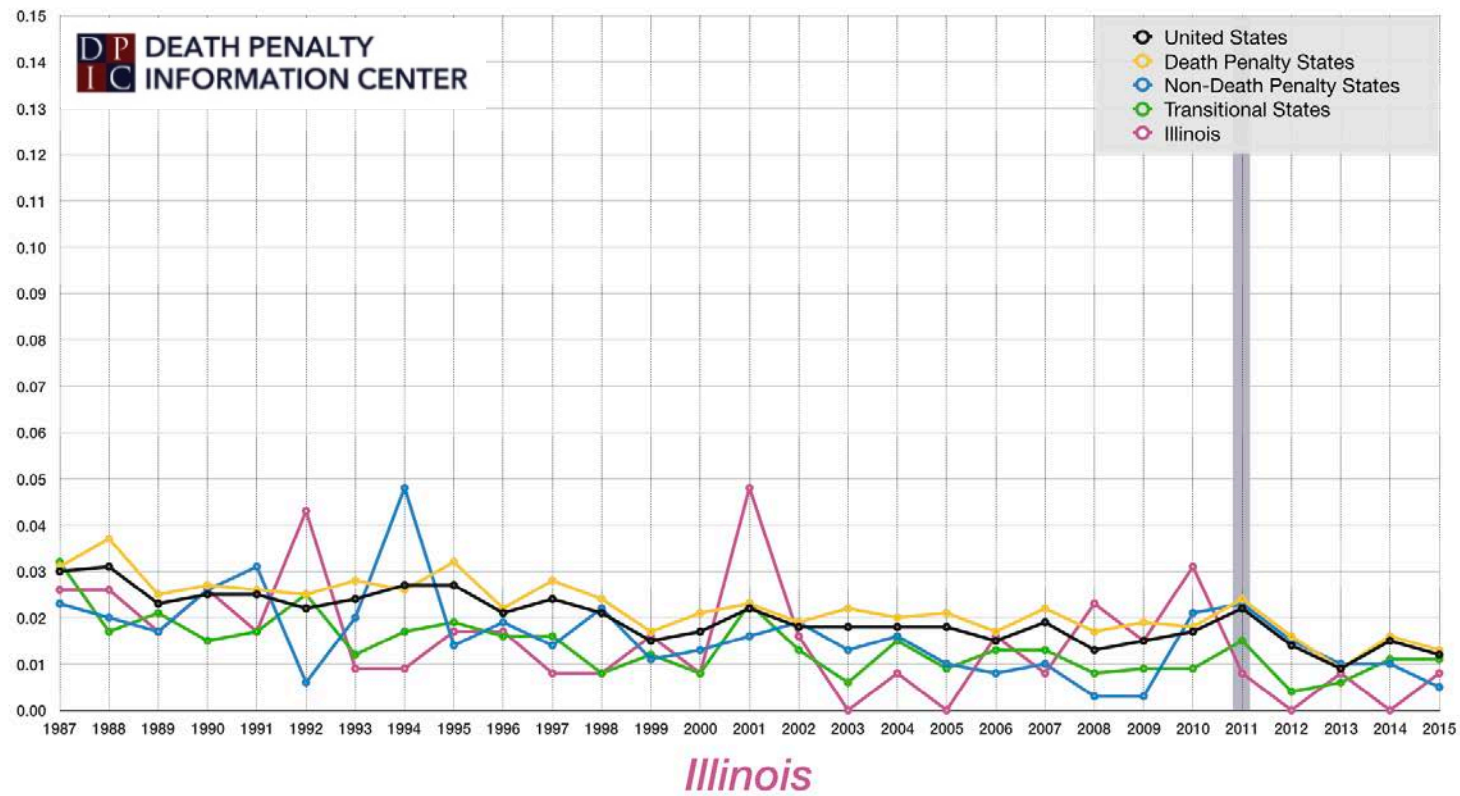
New Mexico

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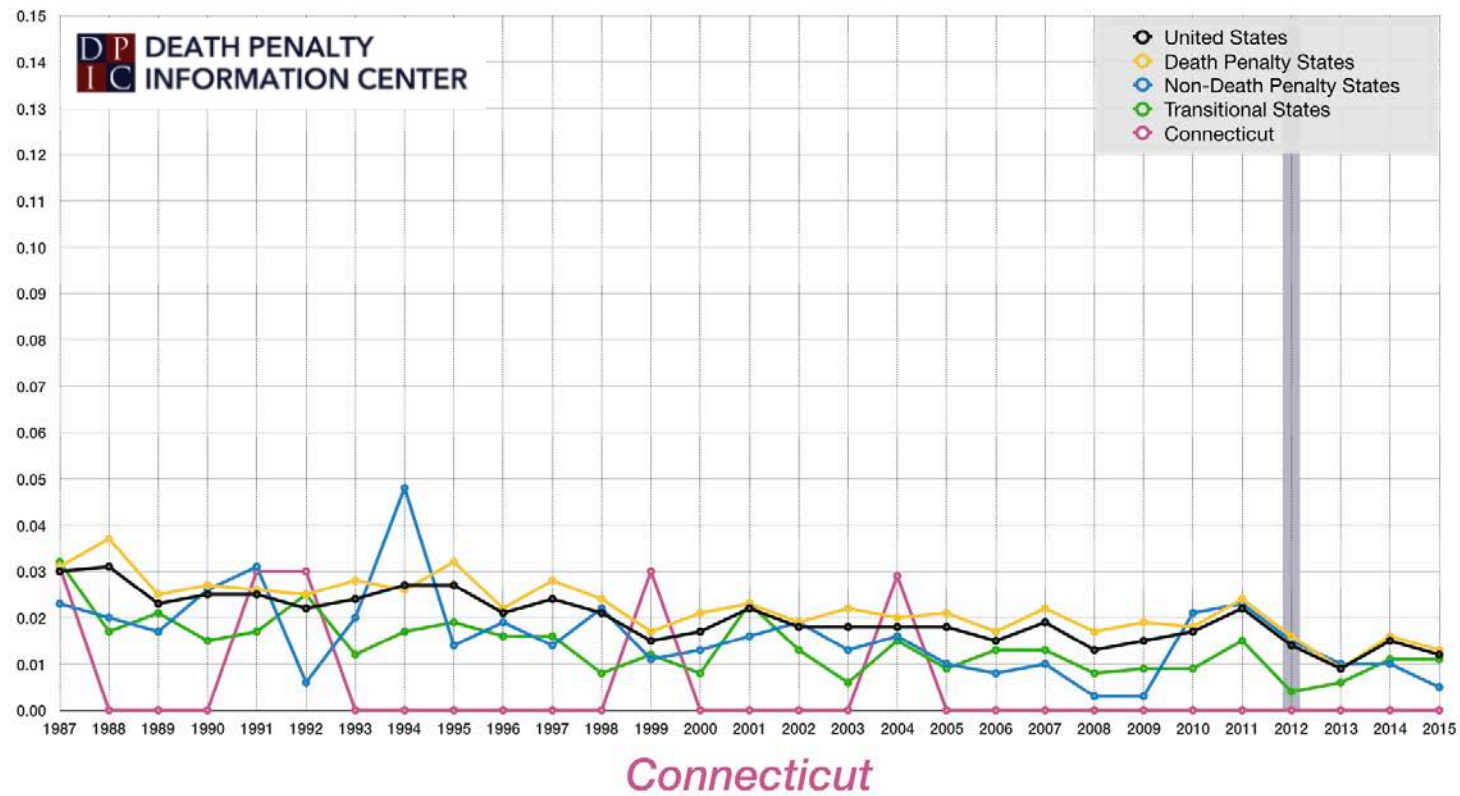
Illinois

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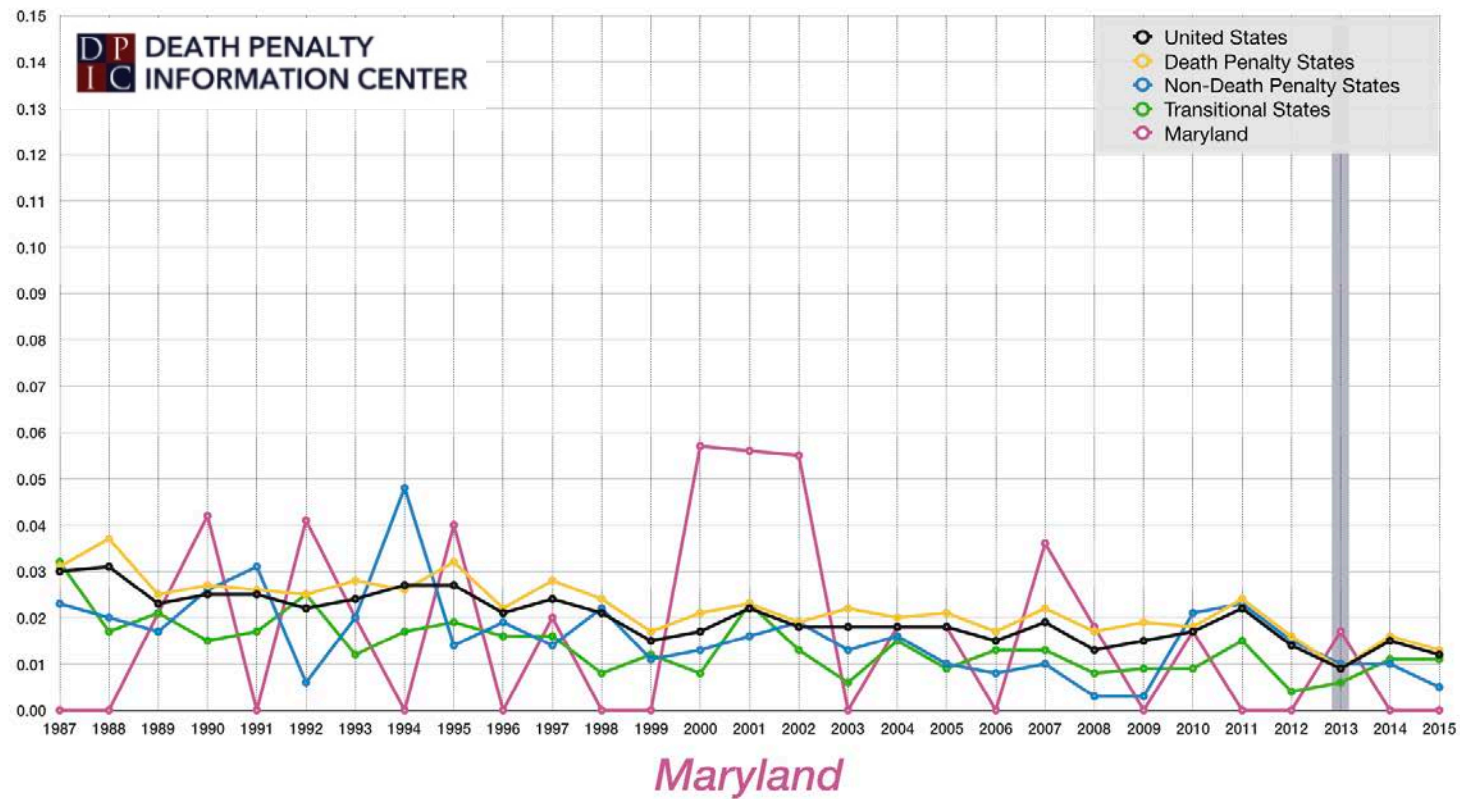
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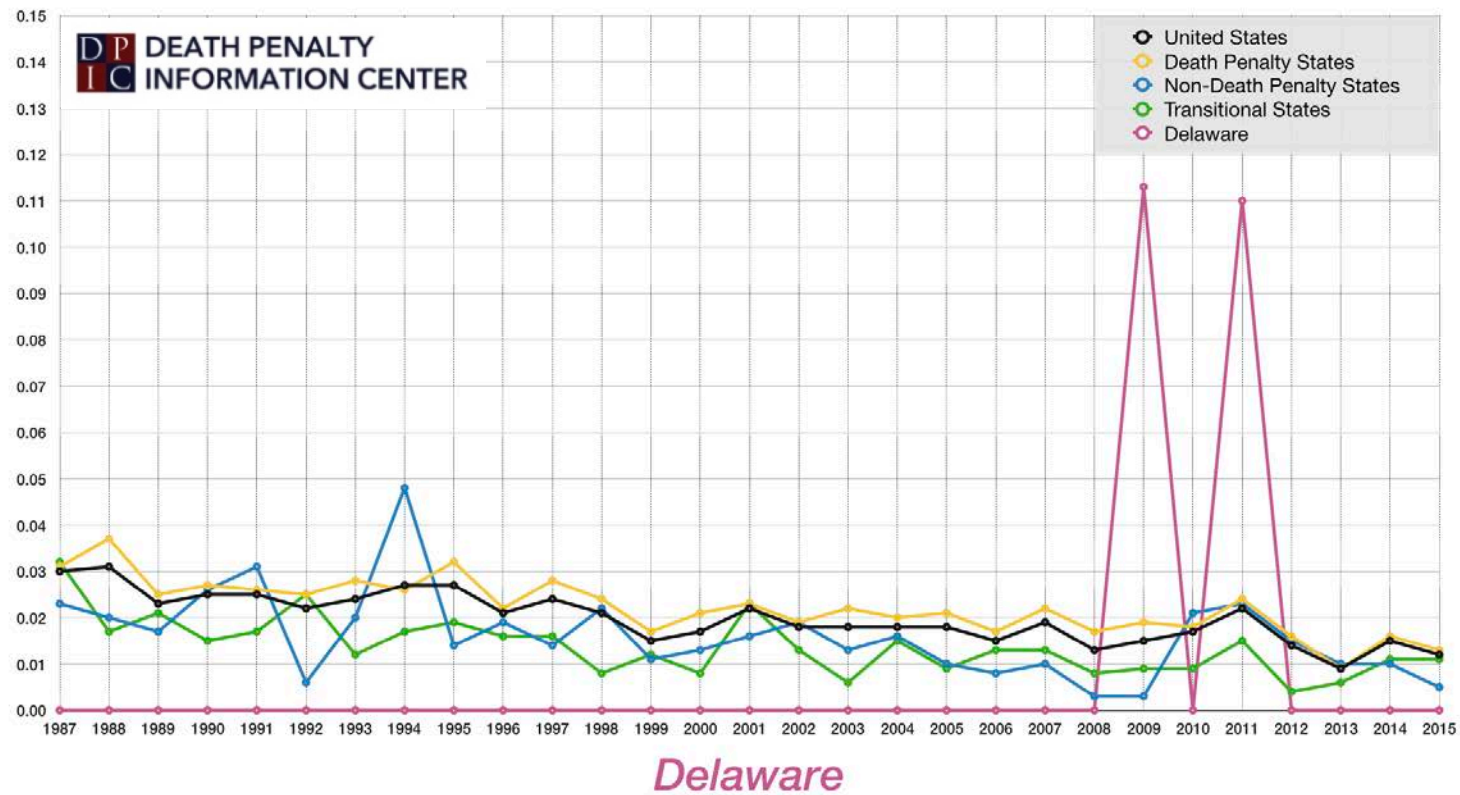
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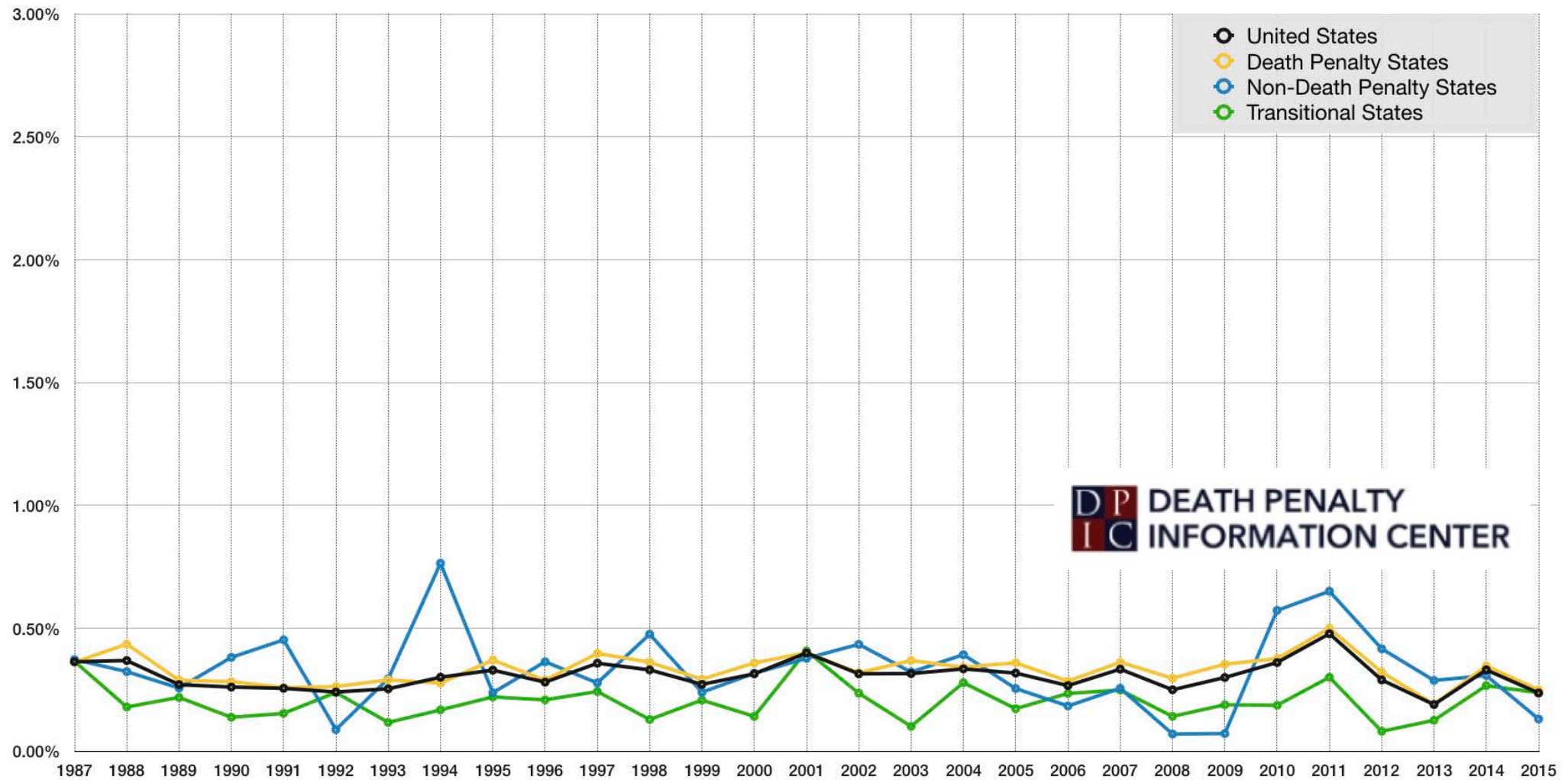


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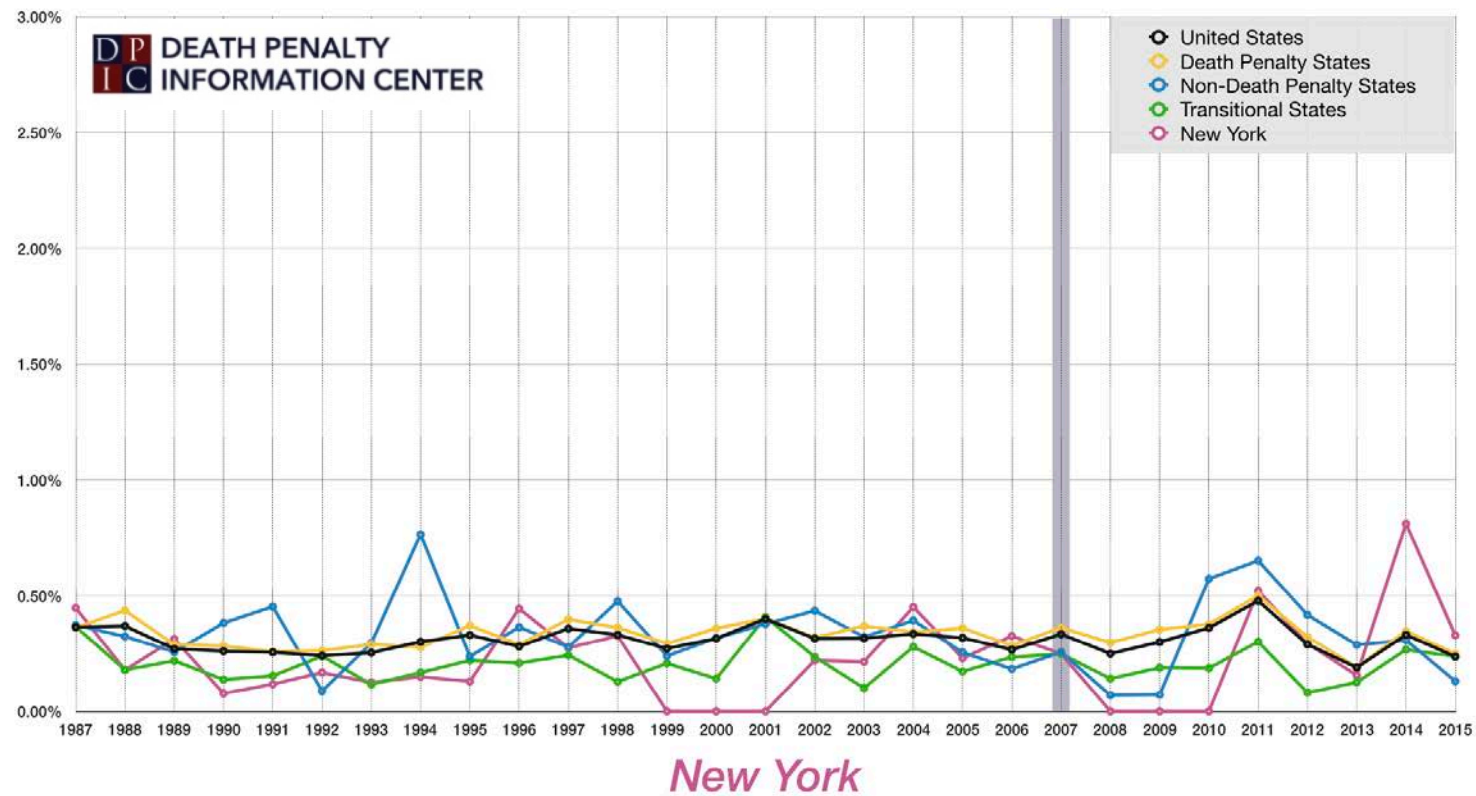


Officer Victims as a Percentage of All Homicides



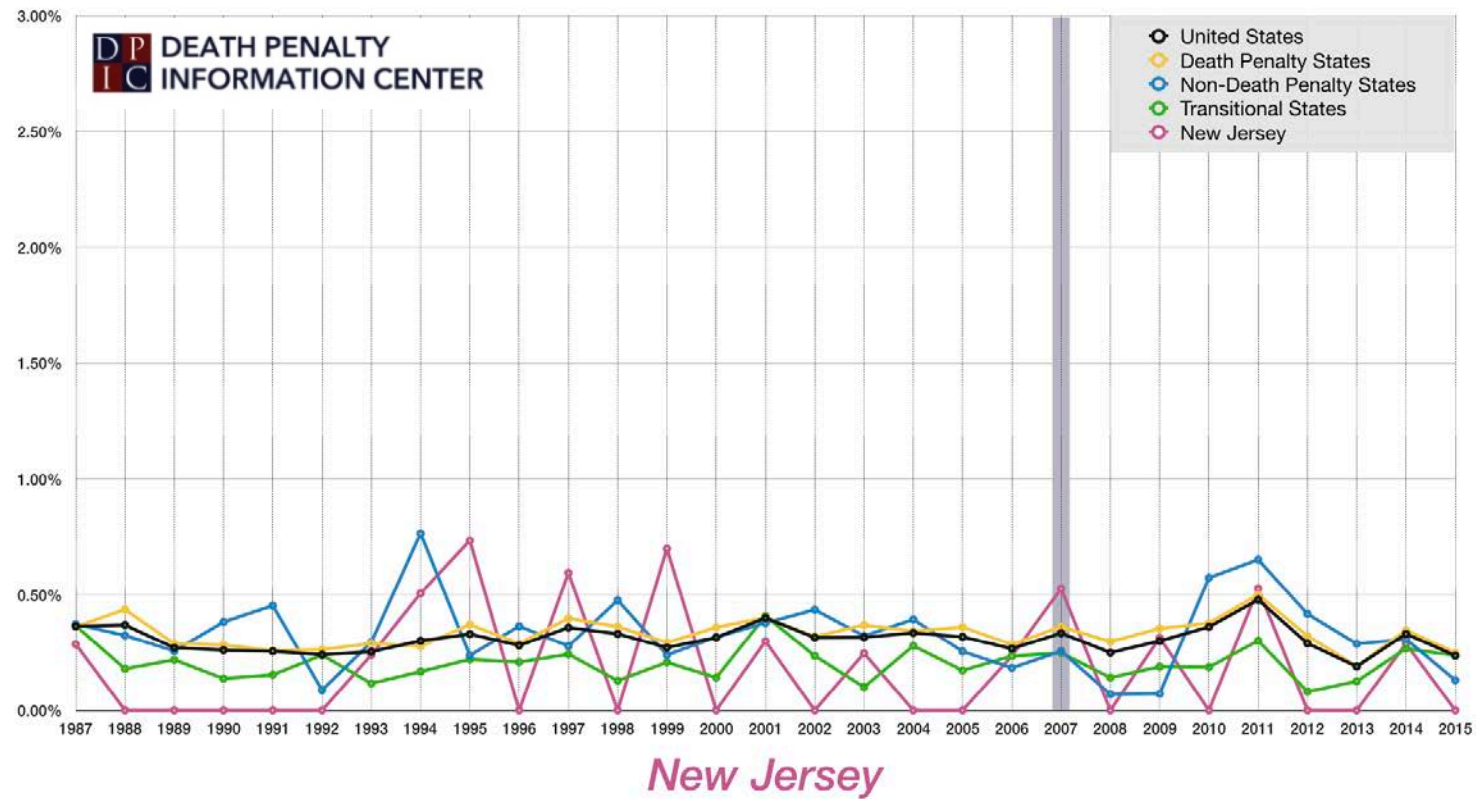
New York

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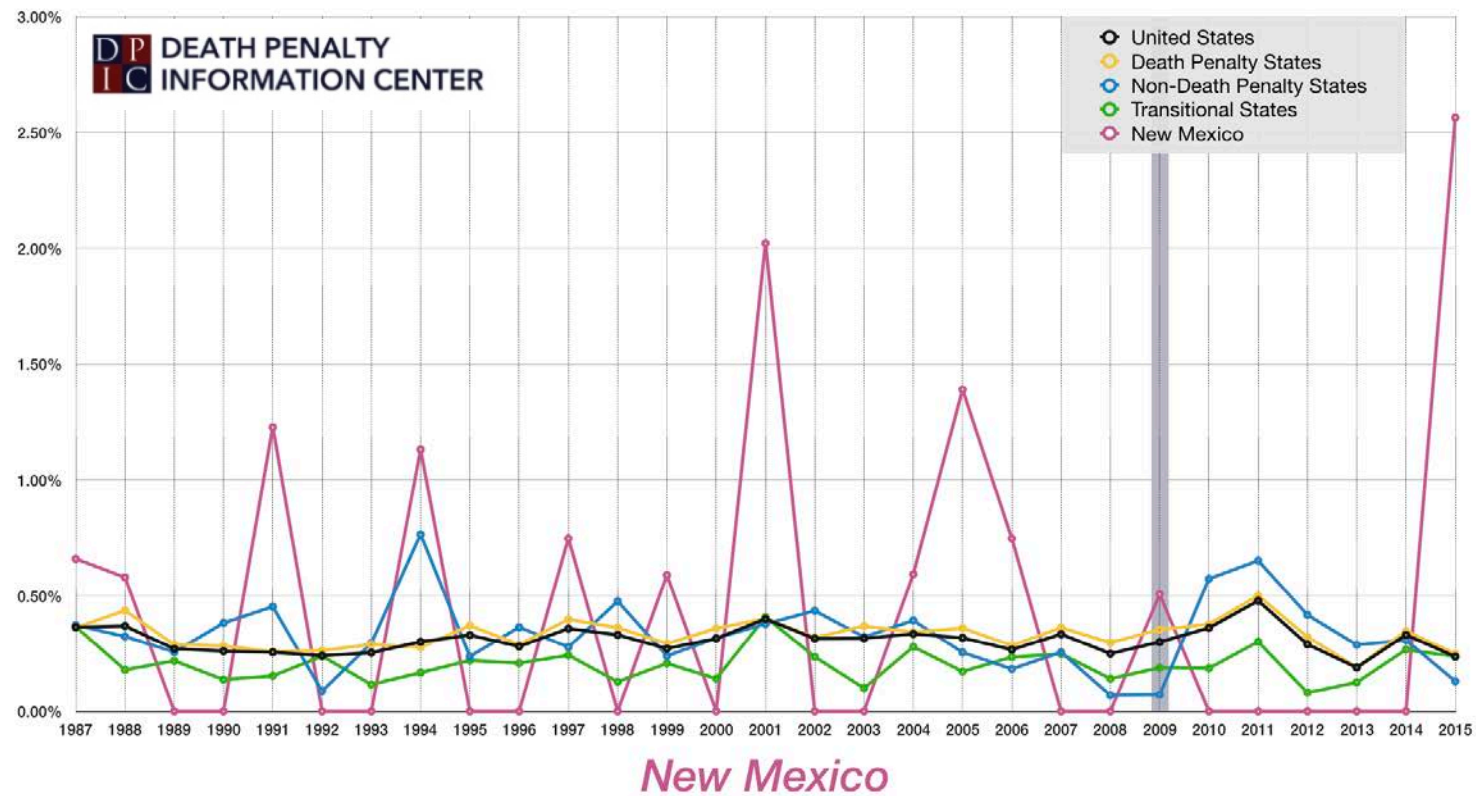
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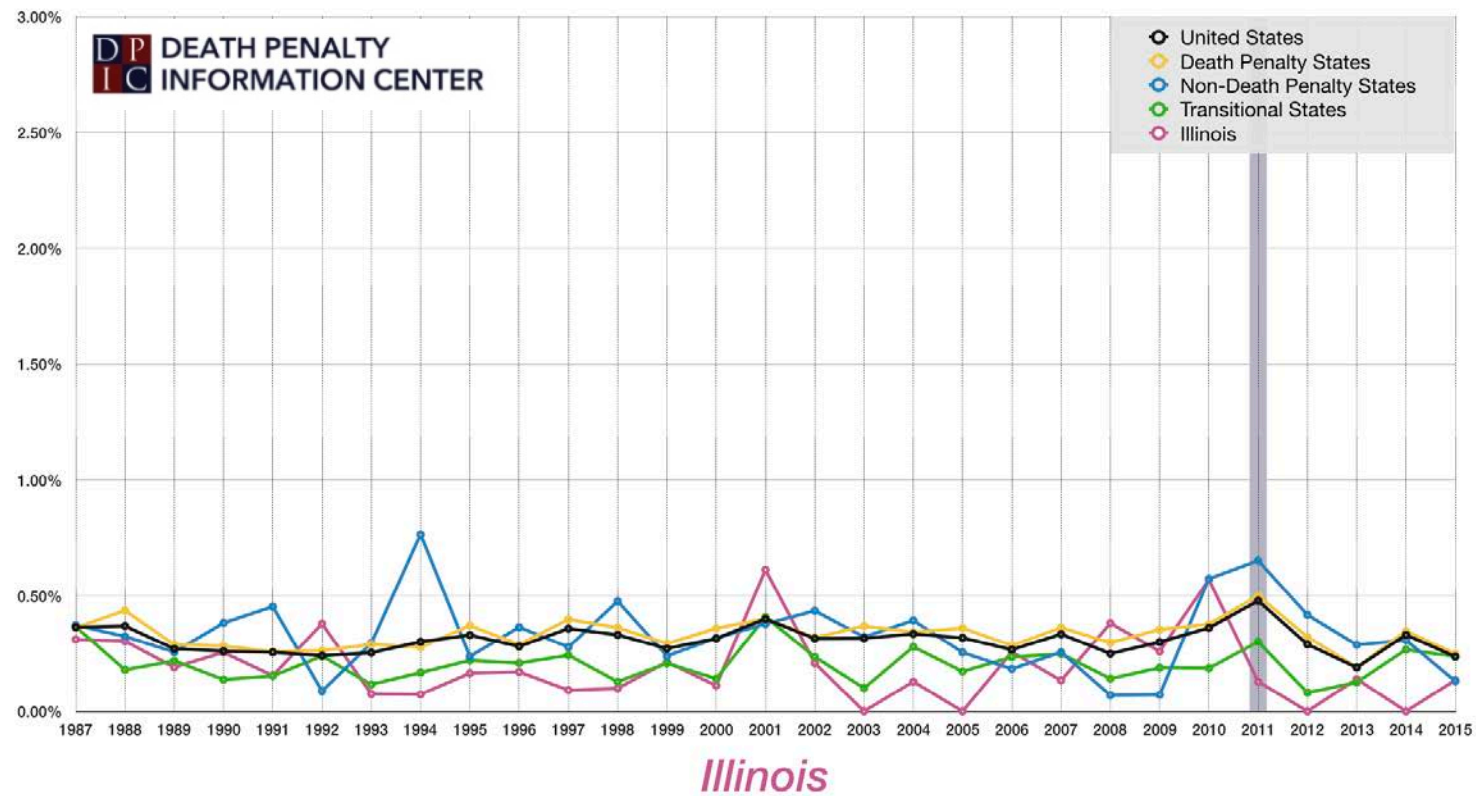
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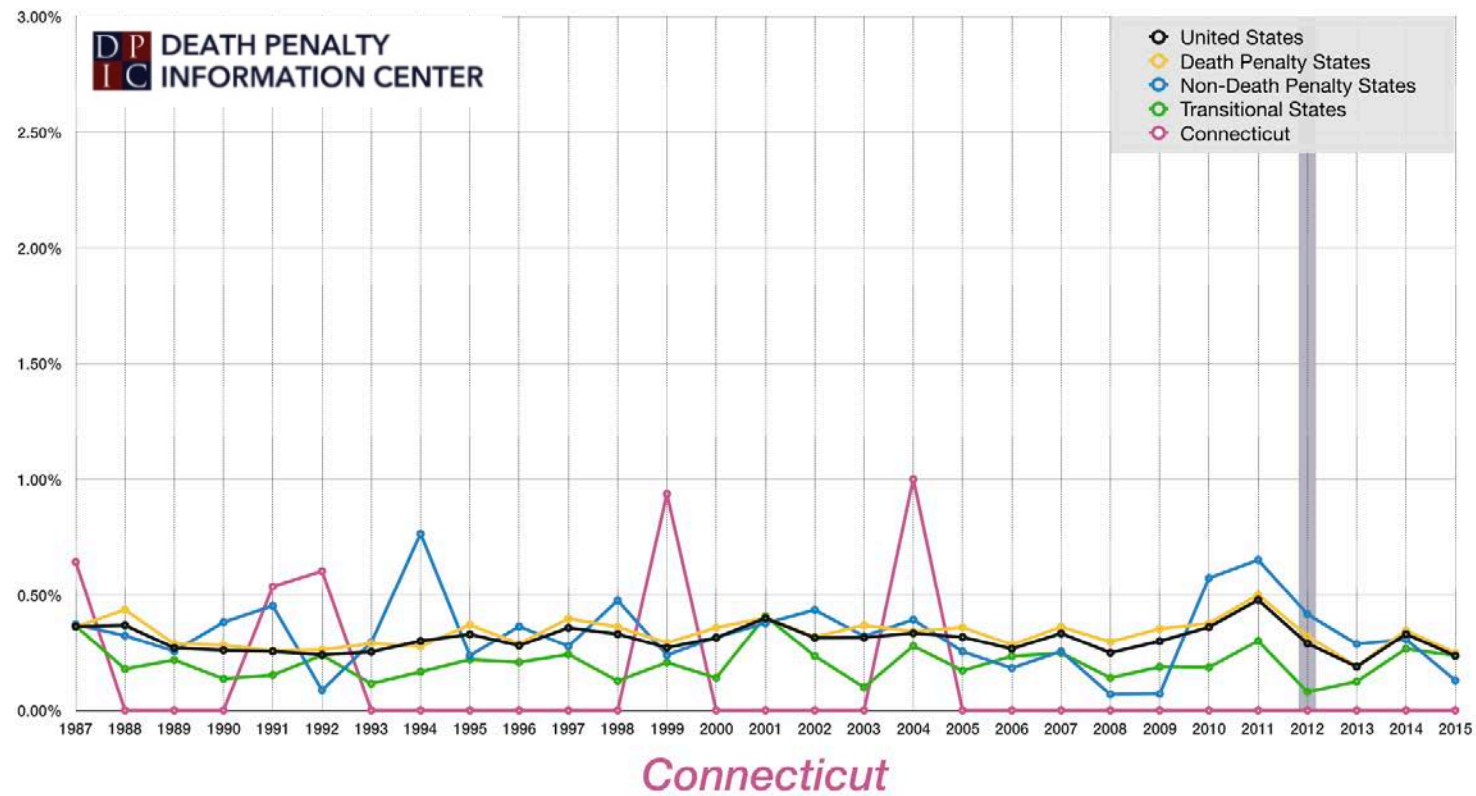
Illinois

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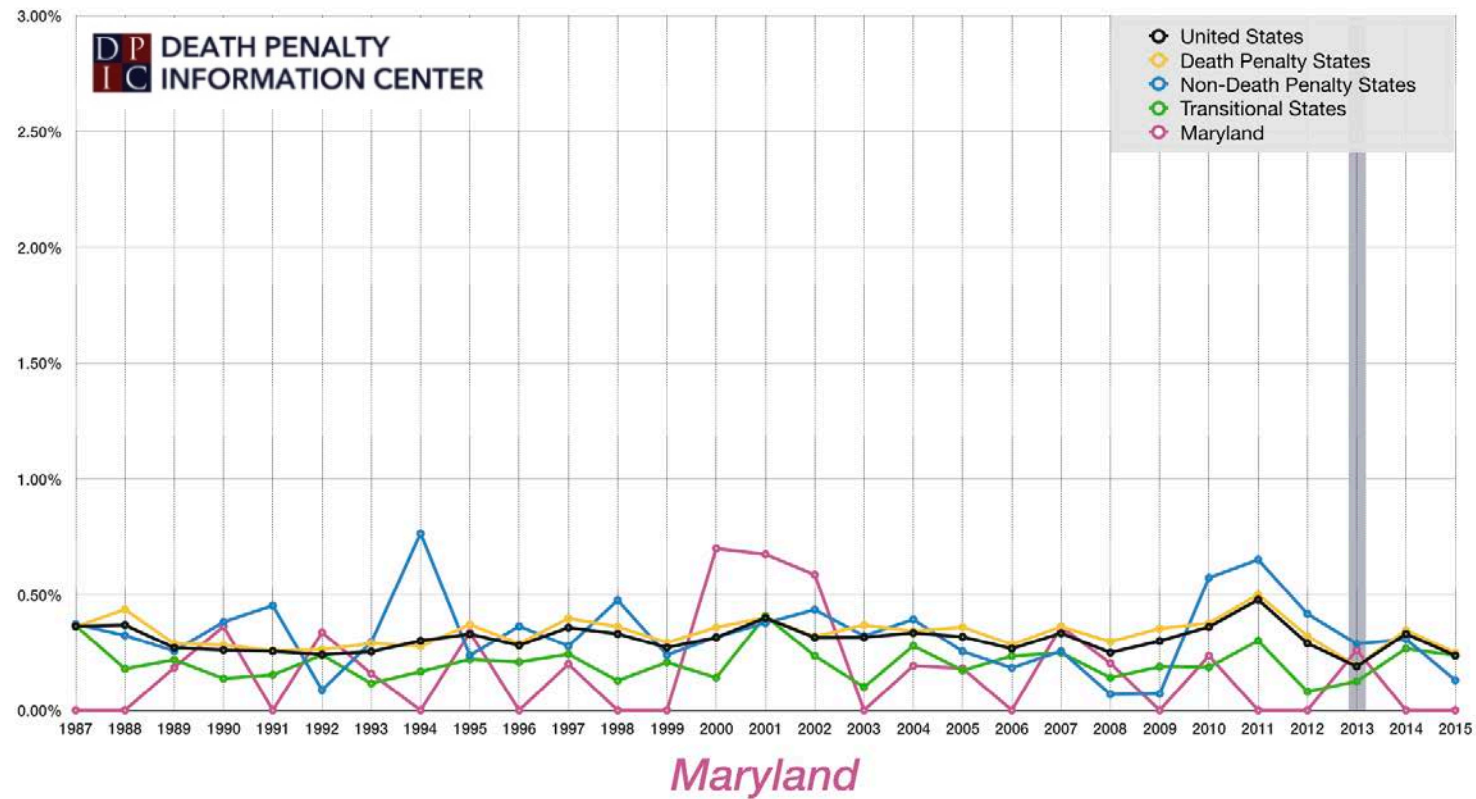
Connecticut

Officer Victims as a Percentage of All Homicides



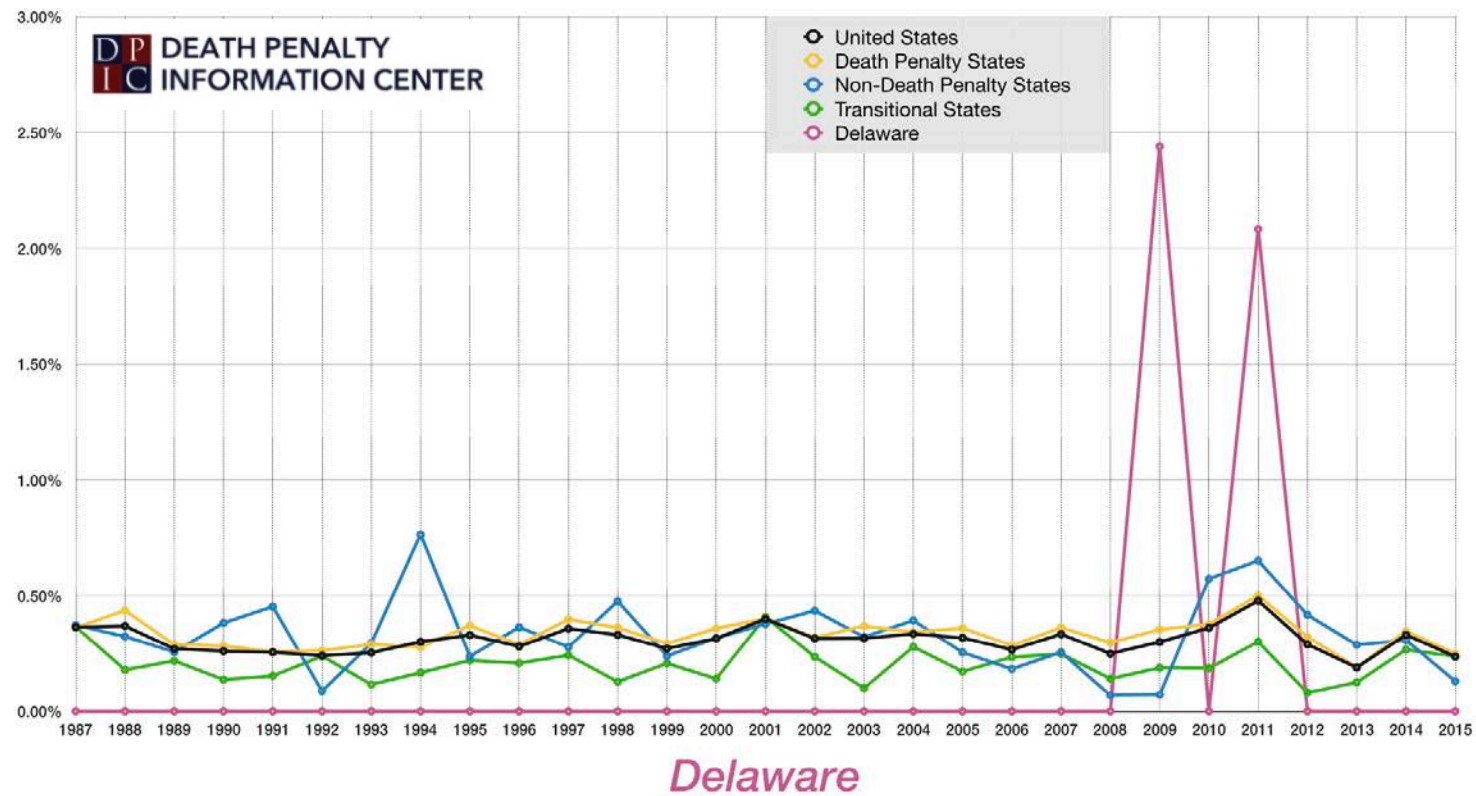
Maryland

Officer Victims as a Percentage of All Homicides

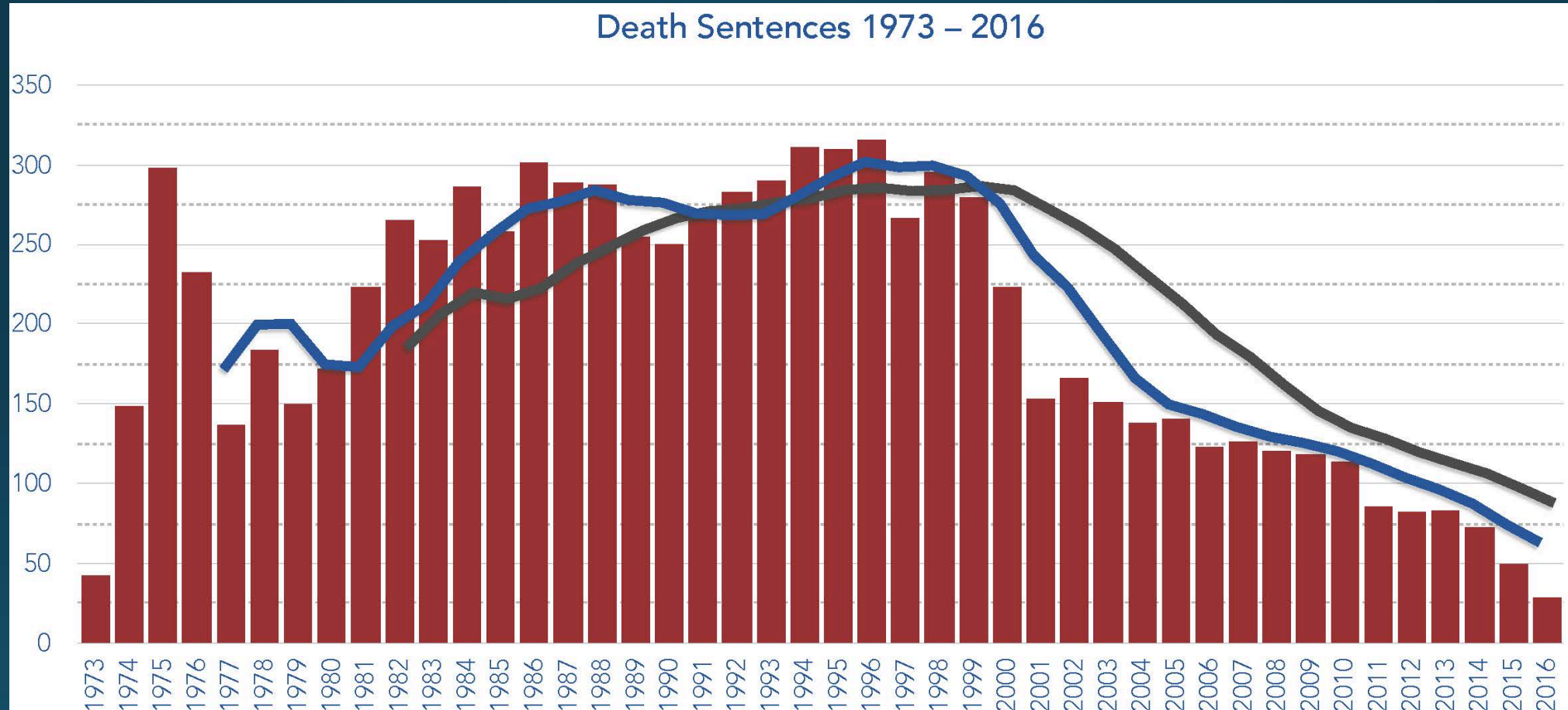


Delaware

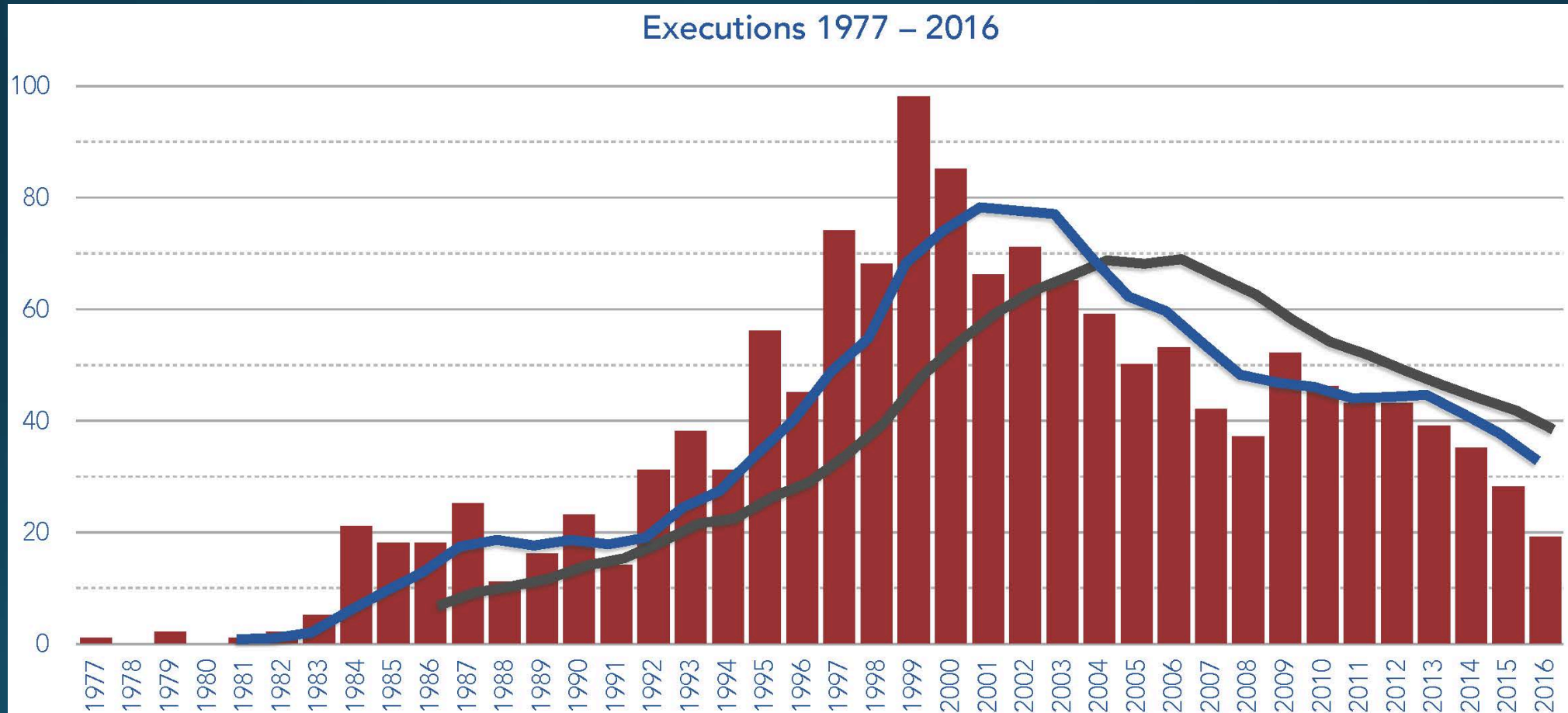
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The long-term death-sentencing decline

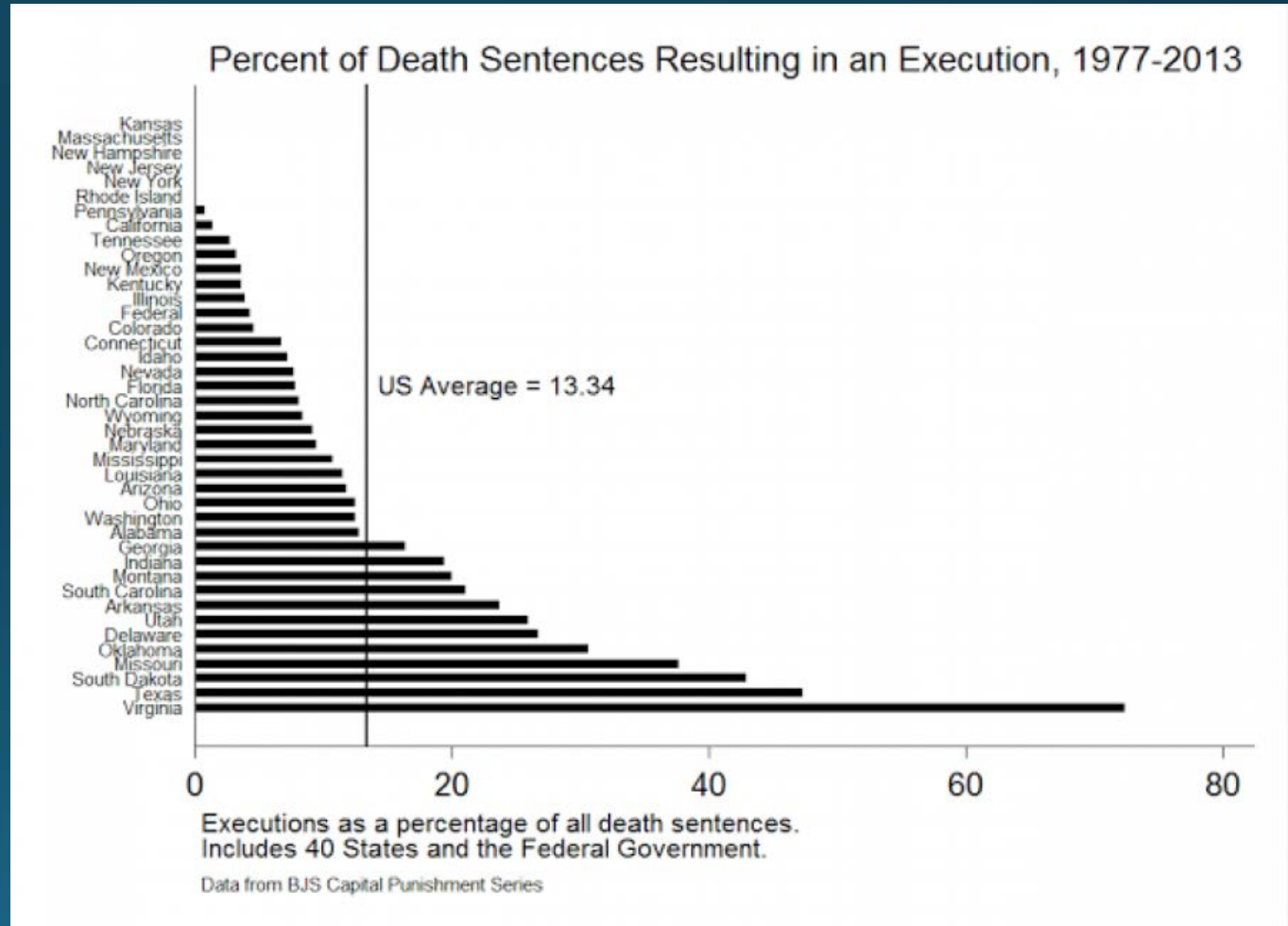


The long-term execution decline



The relationship between executions and abolition

All of the states that have legislatively abolished the death penalty had rates of carrying out executions that were far lower than the national average



The future?

- Many factors go into whether a state retains, discards, or expands capital punishment. The homicide numbers suggest a few. They contribute to the political environment in which abolition or retention of the death penalty occurs, but they are not predictors of future legislative or judicial action.
- The numbers, however, show that repeal of the death penalty has not launched a homicide “parade of horrors” or led to “open season” on police officers.
- Murders still occur at higher rates in states that have the death penalty, and police officers are killed at higher rates in the long-time death-penalty states.