To what extent was the 'Death Penalty' policy beneficial for the USA in the last 20 years?

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ABSTRACT

The death penalty is one of the most debatable topics among researchers, which aims to minimize the violent crime rate by executing criminals in the 21st century in the USA. The reason is that although 1500+ people have been executed in the USA since 1970, the crime rates have not decreased significantly. It raises the question about its effectiveness to deter crime and broader social consequences. Nowadays, some states of the USA have legalized capital punishment, while others still assume this practice as disadvantageous in the last 20 years. Since the offense rate increases every day, there must be a solution to decrease violence among the individuals.

This research analyzes whether it is beneficial for the U.S. to implement the death penalty in four central dimensions: the risk of wrongful execution, financial costs, racial and socioeconomic inequality and deterrence effects. The method, which will be used in this paper, is literature review and analysis of existing data. The findings suggest that capital punishment violates human rights, imposes financial hardships on the state and does not deter crime rates. The paper concludes with the recommendations for alternative solutions, such as investing in rehabilitation and crime prevention programs.

Additionally, this research demonstrates how the death penalty reflects structural problems in the U.S. criminal justice system. It illustrates that racial discrimination, socioeconomic biases and wrongful convictions occur as recurring patterns in prosecutorial decisions. By synthesizing existing data, research empirical evidence and theoretical perspectives, this paper highlights the importance of shift toward humane and economically beneficial solutions.

INTRODUCTION

Capital punishment (death penalty or judicial homicide) is a type of punishment when a criminal is killed for committing a violent crime (Chan & Oxley, 2004). Violent crime includes kidnapping, rape, burglary, arson and other types, which turned into death. Execution is implemented by different methods, such as lethal injection, hanging, shooting, electro-chair, etc. (Marcus, 2007). The United Nations repeatedly urged countries to restrict or eliminate the death penalty. Consequently, only 55 countries have legalized

capital punishment, while other countries are abolishing this method. One of these countries is the U.S., where 36 states (out of 50) have supported judicial homicide since 1988 (Sethuraju et al., 2016).

This research will further explore the position of the U.S. to examine whether it is beneficial for the country and its citizens to legalize the death penalty from economic and social perspectives. Understanding the benefits of the death penalty is important for policymakers to explore public safety, state expenditures and human rights obligations.

The study investigates several key conceptions of the death penalty. First of all, this study will examine the rights of people in the case of the death penalty, as there is a high risk of executing innocent people. Secondly, it will review that the cost of capital punishment is more expensive than other punishments. Thirdly, it will explore the racial and social biases in the application of the death penalty. Then, it will discuss that the crime rate is more likely to rise, since there is no effect from the deterrence theory. Lastly, this research provides the recommendations and alternatives to the death penalty, which might reduce crime rates.

This research will argue whether the death penalty negatively affects a country and its economy, as it violates human rights and principles of justice. Moreover, it will assume that the deterrence theory is not effective, as many people do not observe the reducing crime rates. The main aim of this research is to identify whether capital punishment positively influences the country.

HUMAN RIGHTS

One of the most empirical arguments is that the death penalty in the United States can be disadvantageous, as it creates a high risk of executing innocent people. This type of punishment is irreversible and any error might cause a permanent violation of basic human protection. The wrongful execution is not just a moral dilemma, but a structural liability of the government. A Death Penalty Project emphasizes that even the most advanced systems cannot eliminate human error. Therefore, capital punishment remains incompatible with the system that claims to protect constitutional rights and human dignity. Since the government actively monopolizes use of force, every judicial mistake might undermine its legitimacy and responsibility to protect human rights.

Since 1973, more than 200 people were exonerated from the death penalty and 4.1% of these people were likely innocent (Death Penalty Information Center). It means that one of twenty five people were sentenced to death despite their innocence. These indicators define wrongful convictions as systemic failures embedded in judicial and prosecutorial processes. Such failures are often caused by flawed evidence and pressured confessions. Gross et al. (2014) argues that even a 1% error rate could be unacceptable for democratic state, because execution of innocent persons might create human rights violations. In comparison to OECD countries, the United States has a higher number of wrongful convictions of death penalty cases, showing structural mistakes in judicial procedures and policies. This

illustrates that the criminal justice system might produce a high number of wrongful convictions and erroneous death sentences.

There are several cases that might illustrate the consequences of structural mistakes. Cameron Todd Willingnam was executed to the death penalty in Texas in 2004 for arsoning his house and killing his three children. However, later some experts identified that the fire was accidentical, implying that the state executed an innocent man. Similarly, the execution of Ruben Cantu also presents the risk, as during the investigation the sole eyewitness admitted to being pressured. As a result, all the expert consultations, public hearings and legal disputes were covered by the state budget. These cases are direct examples of systemic vulnerabilities, such as incentivised informants, invalid forensic practices or prosecutorial errors (Amnesty International). Marcus (2007) similarly states that the death penalty in the United States is structured on racial and socio–economic disparities, which lead to the irreversible mistakes to racial minorities and the poor.

The risk of executing people does not constitute only moral failure, but also political, economical and institutional aspects. Wrongful convictions might create public distrust and measurable financial problems to the government. Beyond ethical considerations, wrongful executions create economic consequences that negatively affect the state budget. To be specific, the US government pays a specific amount of compensation packages to those, who were wrongfully convicted of the crime. According to the Death Penalty Information Center, the US has paid more than 300 million dollars in compensation for exonerated individuals and their families, including death penalty cases. Since these payments are funded from the governmental budget, the US citizens (taxpayers) bear the financial burden of state mistakes.

This led to the second argument of public distrust. Tyler (2006) illustrates how public trust creates citizens' willingness to obey laws, pay taxes and collaborate with governmental institutions. When the state mistakenly executes innocent people, such as Cameron Todd or Ruben Cantu, the public perceive the state as incompetent and abusive. When the government accepts the risks of executing innocent people, the death penalty becomes a main reason for protests and litigation. According to the Guardian Journal, in recent years, there were several national and international calls for clemency and to demonstrate public opposition to capital punishment. This public resistance weakens the authority of the government and confidence of fairness in the legal justice system.

To sum up, this evidence concludes that the death penalty is not beneficial for the United States, because of the persistent risk of executing innocent people. These risks might further impose substantial financial burdens and corrode public confidence in the state's commitment to save human rights. While alternative punishments, such as life imprisonment, might prevent irreversible harm, death penalty delivers huge political and economic net costs.

COST OF PUNISHMENT

One of the disadvantages of the death penalty is exceptionally high financial costs compared to other punishment types, such as life imprisonment. Although public opinion supports the death penalty, considering it cheaper than housing criminals in prison (Lambert et al., 2004), the evidence illustrates the opposite. Belief that execution saves budget is based on the notion that state expenses on long-term incarceration. However, according to Shona (2018) this assumption does not consider legal and procedural requirements to capital cases.

The death penalty is more expensive, because it requires an additional jury selection process and pre-trial investigations. Shona (2018) argues that a cost analysis of the death penalty must include *"every stage of process - investigation, trial, sentencing, appeals, and post-conviction review"*. Similarly, the United States legal system spends more budget on stronger procedural safeguards to prevent structural errors (Marcus, 2007). The U.S. Department of Justice (2001) acknowledges that capital punishment prosecutions require more resources, eyewitnesses, and expert testimony rather than non-capital cases.

Table 1. Estimated Cost Comparison: Capital vs. Non-Capital Punishment in the United States.

Expense Category	Capital Case (Death Penalty)	Non-Capital Case (Life Without Parole)
Pre-trial costs	$120,000 - $200,000	$40,000 - $70,000
Trial costs	$500,000 - $1,000,000	$100,000 - $300,000
Appeals & Post-conviction	$300,000 - $600,000	$50,000 - $80,000
Death raw incarceration	$60,000 - $90,000 / year	$30,000 / year
Total case cost	$1.5M - $3.0M	$700k - $1.0M

The table illustrates estimated costs of the death penalty and non-capital cases resulting in life-imprisonment without parole at different stages. It concludes that the capital cases are more expensive than non-capital cases. Pre-trial costs are substantially higher in capital cases ($120,000 - $200,000) than in non-capital cases ($40,000 - $70,000), because it includes extended investigations, expert witnesses and specialized legal teams. Secondly, trial costs ($500,000 - $1,000,000) exceed those of non-capital cases ($100,000 - $300,000). Trial costs require procedural safeguards and high standards of evidence. The post-convictions costs and appeals are considerable higher for the death penalty cases ($300,000 - $600,000) in comparison to life without parole ($50,000 - $80,000). In addition, death row incarceration are higher ($60,000 - $90,000 / year), compared to approximately $30,000 / year for inmates serving non-capital cases.

The cost comparison illustrates that the death penalty fails to provide any benefits for the United States. Even the single capital punishment case presents significant financial commitments, making the policy financially inefficient. This punishment imposes huge financial burdens during the criminal justice process, while it does not provide any advantages, including deterrent effect and public safety.

After the judicial process, the government spends more money on sentencing, since death row incarceration is more expensive than life imprisonment. It has higher security measures and special facilities for criminals. According to Wood (2011) these expenditures cannot be avoided, because death row criminals are housed under stricter conditions, which increase operational costs. Moreover, as it was previously mentioned, states incur further expenses after execution, including compensation and litigation by families (Shona, 2018).

Importantly, all of the expenses are paid directly by the citizens of the United States. Taxpayers subsidize every additional procedure, such as prosecutors and public defenders. Shona (2018) observed when a punishment requires more than a million of dollars, the government imposes a financial burden on a society.

Finally, costs for the death penalty can be considered as an opportunity cost. This funding must support crime prevention projects, rehabilitation initiatives and improvement of policies (Wood, 2011). When the government spends money on capital cases rather than effective methods or solutions to crime, the overall benefits for society decrease. Therefore, even though the death penalty appeared as symbolically useful, it still provides economical inefficiency to the public.

Consequently, the evidence shows that the death penalty generates financial losses for society. While this punishment does not produce measurable benefits on deterrence or safety, it has no compensating advantages to the public and state.

RACIAL DISCRIMINATION

Research shows that the death penalty can be applied not only to innocent individuals, but it also discriminates against racial minorities and economically disadvantageous people. Some scholars believe that capital punishment does not serve as a neutral legal sanction, but as a part of racial bias and socioeconomic inequality. Marcus (2007) argues that the death penalty in the United States has been reflected as a structural inequality, especially in cases of racial minorities and individuals without legal representation. His research has indicated that individuals from marginalized racial groups have significantly higher probability of receiving a death sentence, even if white people were charged with similar crime cases. These disparities become more visible when the victim is white. According to Marcus (2007) criminals accused of killing white victims are up to four times more likely to be sentenced to the death rather than those whose victims are Latino or Black. These cases were originally documented in the

Baldus Study and then were identified in Supreme Court cases. They illustrate that sentencing outcomes depend on the race of the victim, which is inconsistent with the policies of equal justice.

The Justice Department of the U.S. confirms the existing inequality at the federal level. It has investigated that 80% of people who were sentenced to the death penalty were racial minorities. This dilemma can be explained not only by the crime rates, but it reflects structural decisions in choices of prosecutors and resource allocation. Prosecutors in certain jurisdictions can act more aggressively to criminals sentenced to death, which shows the influence of geographic location and political context. Marcus (2007) highlights that regions with elected prosecutors tend to sentence individuals to capital punishment more often due to political incentives. It creates a system where individuals might receive scope of punishment depending on their race or social status.

Socioeconomic status of individuals deepen these disparities. Most individuals with low income levels on death row usually lack governmental support or specialized training to defend capital cases. Consequently, these people face a significantly higher risk of being executed due to their financial status. This violates a principle that punishment must reflect the crime, not the defendants' status or wealth. Sethuraju et al. (2016) state that although many Americans believe in fairness of the judicial system, empirical evidence shows that racial minorities and the poor are targeted for capital punishment more often. Therefore, their misconceptions mask underlying structural inequalities in the criminal justice system.

Taken together, the previous research suggests that the death penalty is not advantageous for the United States, because it is systematically unequal. Race, ethnicity and economic status of individuals directly influence sentencing outcomes. Instead of promoting justice, it implies historical inequalities and undermines public trust.

DETERRENCE THEORY

The deterrence theory is an effect, where criminals refrain from committing crimes, because they fear the consequences of the punishment (Chan & Oxley, 2004). Supporters believe that the death penalty would reduce the numbers of serious crimes, such as murders, rape and kidnapping (Wood, 2011). Therefore, most U.S. citizens as well as politicians believe that the best way to deter crime of murder is the death penalty (Lambert et al, 2004). The existence of the death penalty in the U.S. criminal justice system shows that the government is strongly encouraged to minimize the level of crime and violence by imposing consequences of illegal actions on criminals (Shona, 2018).

However, according to Chan and Oxley (2004) deterrence theory presumes that offenders act rationally and realize the consequences of their crime. This assumption is central to theory, because punishment can deter crime only if individuals can evaluate risks of their actions. Most criminals already know about the severe consequences, such as life imprisonment, but it still does not stop them from committing these

crimes (Marcus, 2007). Moreover, research suggests that most serious crimes were committed under emotional distress, impulsivity or psychological disorders. In fact, cases involving impulsive emotional decisions usually ignore rational decision-making processes, so the threat of execution does not influence their actions.
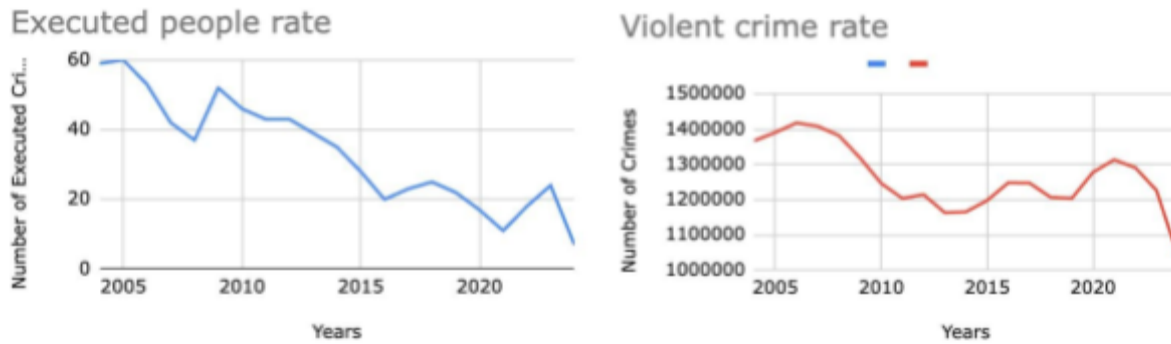
Building on this critique, International Journal of Law Management & Humanities (2024) states that while deterrence theory does not reduce crime rates, brutalization theory proves that it might even increase them. Empirical research supports the brutalization theory. Wood (2011) found that there is no effect from the deterrent theory, and even identified that there is a negative relationship between executions and homicide rates. Rather than discouraging criminals from violence, executions might normalize it. Brutalization theory suggests that the number of crime rates increases every time, when criminalists are executed under the capital punishment. When the government itself performs killing, it signals to the public that killing is acceptable under certain circumstances. Therefore, in fact, these executions tend to have a brutalization effect that results in a growth in the rate of violence (Sethuraju et al., 2016).

Public assumptions also contradict deterrence outcomes. This is a significant factor, since deterrence theory does not rely only on legal enforcement, but also on public belief. The research by Marcus (2007) concluded that 60% of Americans do not believe that capital punishment is a more useful way to deter the commission of crime. The next research in 2009 has explored that 88% of Americans support that the deterrent theory does not have any influence (Wood, 2011). This data explains that public does not perceive executions as a credible mechanism for reducing crime rates. Such public opinion can highlight that deterrence might be disadvantageous in preventing further crime.

The data shows (Table 1) the correlation of executed people rate and violent crime rate over the past 2 decades in the U.S. Even if the execution rates and crime rates somehow correlates, correlation does not cause causation. Crime rates are usually affected by several factors, such as social inequality, economic conditions and demographic locations.

In conclusion, while the death penalty could not deter the crime and homicide rates. It could even raise the number of executions in the country. Criminalistics, who committed serious crimes, are usually psychologically unstable or fully analyze the consequences of their actions. Therefore, capital punishment would not help the government to decrease crime rates.

Data 1: U. S. Department of Justice
Data 2: The Federal Bureau Investigation

RECOMMENDATION

Based on the arguments, this study provide several recommendations, which can
improve effectiveness and equity in the U.S. criminal justice system. These recommendations focus on eliminating the death penalty and integrating practices that address structural and social roots of crime.

The first recommendation is strengthening rehabilitation and restorative justice programs. Even if the public in the U.S. considers punishment as punitive, Lambert et al. (2004) explored that many citizens support alternative sanctions. Shona (2018) suggests that rehabilitation aligns with democratic principles of the country and can reduce recidivism more effectively. Improving educational programs and mental health services might solve structural causes of crime, which International Journal of Law Management & Humanities (2024) investigates that it might be the foundation of criminal justice policy. To implement these policies, the government has to set legislative reforms, long-term policies and institutional coordination.

Rehabilitation is a process when policies aimed to change criminals' behaviour rather than relying on punishment. In practice, when the criminal is charged, the government and courts might apply problem-solving mechanisms that rehabilitate the offender. Shona (2018) explains that the process begins with assessment of the psychological condition of the offender and their risk of reoffending. After that, they are required to take part in the rehabilitation process under strict control from 6 to 18 months. Rehabilitation process includes cognitive-behaviour therapies, mental health supervision and medical-assessment treatment, if necessary. International Journal of Law Management & Humanities (2024) argues that these therapies might solve addiction, mental health illnesses and lack of education. In addition to the treatment, criminals are also obliged to participate in education, training and employment to reintegrate into society. Evidence from comparative analysis, especially from Scandinavian countries, shows that rehabilitation processes reduce crime rates by prioritizing social reintegration.

Secondly, it is believed that reallocating resources to crime prevention programs might reduce crime rates. Since capital punishment requires high expenditures, scholars believe that reallocating resources to social programs might provide long-term benefits. Wood (2011) argues that millions spent on the death penalty could instead fund community policies, controlling services and victim support services. Shona (2018) similarly states that the opportunity cost of capital punishment does not benefit the society's well-being. This funding might be spent on violence prevention and community-based intervention projects. There programs can support victims of sexual harassment, intervene possible risks of crime and educate people. Moreover, they could provide new employment opportunities for citizens, as individuals might work in these projects. One of the examples is Youth Inclusion Project that provides comprehensive outreach and social support to high-risk youth. It reduced offending from 63% to 16% and provided volunteering experience for students (CMNCP, Youth Inclusion Project). Wood (2011) emphasizes that this idea could be beneficial by expanding the social service sector and supporting job creation. Consequently, investing in prevention programs might increase employment rates, public participation and safety.

Therefore, this funding should be contributed to prevention programs, which create public safety returns. By addressing the possible causes of crime, the U.S. criminal justice system might achieve equity and social well-being.

DISCUSSION

This study examines whether the death penalty is an effective punishment for countries to reduce crime rates. It discusses that it is not economically beneficial for the USA, it cannot deter crime and it also violates human rights. On the basis of these arguments, it concluded that the death penalty is immoral and it should be prohibited. This research suggests that the death penalty does not achieve its initial purpose and should not be considered as crucial for public safety.

Nevertheless, the scope of this study is limited. This study considers the policy only in the USA, and it does not discuss policy systems in the other countries. Given the diversity of punishments across all the countries, this represents an important limitation. While the U.S. has different types of punishment, such as electric chairs, some countries consider these practices as a violation of human rights. Since legal and normative standards regarding acceptable forms of punishment differ, this is a very important limitation. Moreover, the deterrence effect might function differently in other countries with various social, economic and institutional environments. Variance in social, economic stability influence how punishment perceived and whether it alerts criminal behaviour. As a result, conclusions of this study cannot be applied to global context, where juridical systems and crime rates differ.

Secondly, this study does not consider mental health and psychological factors of criminals, who receive the death penalty. There are several individuals, who were under the death row and faced histories of trauma, untreated mental illnesses. These factors influence decision-making and ability to understand the

consequences. Future research ought to consider incorporating clinical evidence whether the death penalty can be applied to people with untreatable mental health problems.

It is recommended for further research to consider the other countries with the lower crime rates, where the death penalty operates. It can help to understand whether institutional differences influence the economic and social outcomes. Also, it will be more useful to explore public perception across societies and how this perception shapes criminal justice policies. Finally, it is recommended to analyze the role of wartime violence and political conflicts to examine the deterrence effect, since these contexts underlie the traditional model of criminal behaviour.

CONCLUSION

Capital punishment is a debatable topic, which states that criminals should be punished by death (hanging, electro chairs and other punishments). This essay has argued whether capital punishment is beneficial for the country and using the example of the US. Some states in the U.S. have practiced the death penalty policy for 20 years. To examine the effectiveness of this punishment, this research considered ethical, social and economic aspects of this policy. First of all, this essay examined the rights of innocent people under the death penalty. It is an important factor from the human perspective, since human rights are violated, and there is a high chance of wrongful conviction. In addition to moral considerations, this essay discusses economic arguments that used to justify the death penalty. Despite the fact that most individuals believe that it is more expensive to afford life in prison, the death penalty is also a high-priced punishment. Lengthy trials and legal procedures significantly increase financial burden for the government and citizens. After that, it maintained the deterrence effect, which is not in fact reducing the crime rates. Although many people assume that there is a deterrent effect, it does not have significant influence and decrease crime rates. Finally, it provides several recommendations, such as rehabilitation practices and investing in social projects that deter crime.

According to these findings, implementing the death penalty might be disadvantageous for the U.S. government and its citizens. In order to decrease the crime rates in the country, the government might also strengthen alternative punishment, such as life imprisonment without parole or rehabilitation, to avoid irreversible risks. Furthermore, reallocating funding among education, healthcare and crime prevention programs might also reduce crime more efficiently. Ultimately, this research concludes that the death penalty is not either economically rational or ethically sustainable.

REFERENCES

Amnesty International. (2024). *Death Penalty*. Amnesty International; Amnesty International. https://www.amnesty.org/en/what-we-do/death-penalty/

Canada, P. S. (2018, December 21). *Crime Prevention Inventory*. https://www.publicsafety.gc.ca/cnt/cntrng-crm/crm-prvntn/nvntr/dtls-en.aspx?i=10058

Chan, J., & Oxley, D. (2016). *Deterrent Effect of Capital Punishment: A Review of the Research Evidence, The*. BOCSAR NSW Crime and Justice Bulletins. https://www.semanticscholar.org/paper/Deterrent-Effect-of-Capital-Punishment%3A-A-Review-of-Chan-Oxley/344ad3feea7e33d0475b994d181b1c34917eefc3

Death Penalty Information Center. (2025). *DPIC | Death Penalty Information Center*. https://deathpenaltyinfo.org/

Gross, S. R., O'Brien, B., Hu, C., & Kennedy, E. H. (2014). Rate of false conviction of criminal defendants who are sentenced to death. *Proceedings of the National Academy of Sciences*, *111*(20), 7230–7235. https://doi.org/10.1073/pnas.1306417111

International Journal of Law Management & Humanities. (2024, April 7). *International Journal of Legal Science and Innovation.* https://ijlsi.com/

Lambert, E. G., Clarke, A., & Lambert, J. (2004, January 1). *Reasons for Supporting and Opposing Capital Punishment in the USA: A Preliminary Study*. https://www.researchgate.net/publication/242328545_Reasons_for_Supporting_and_Opposin

Marcus, P. (2007). Capital Punishment in the United States, and Beyond. *Melbourne University Law Review, 31,* 837-872. https://scholarship.law.wm.edu/facpubs/61

Sethuraju, R., Sole, J., & Oliver, B. E. (2016). Understanding death penalty support and opposition among criminal justice and law enforcement students. *SAGE Open*, *6*(1), 1–15. https://doi.org/10.1177/2158244015624952

Tyler, T. R. (2006). *Why people obey the law*. Princeton University Press. https://www.researchgate.net/publication/220011500_Why_do_People_Obey_the_Law

The Death Penalty Project. (n.d.). *Wrongful Convictions and The Death Penalty.* https://deathpenaltyproject.org/wp-content/uploads/2022/11/The-Death-Penalty-Project_Policy-Wrongful-convictions.pdf

U.S. Department of Justice. (2019). *The Federal Death Penalty System*. https://www.justice.gov/archive/dag/pubdoc/deathpenaltystudy.htm

Wood, W. R. (2011). Capital Punishment/Death Penalty. *Corrections*, 1–14. https://doi.org/10.4135/9781412994101.n1