

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



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Death Penalty Information Center

# The Death Penalty in the United States

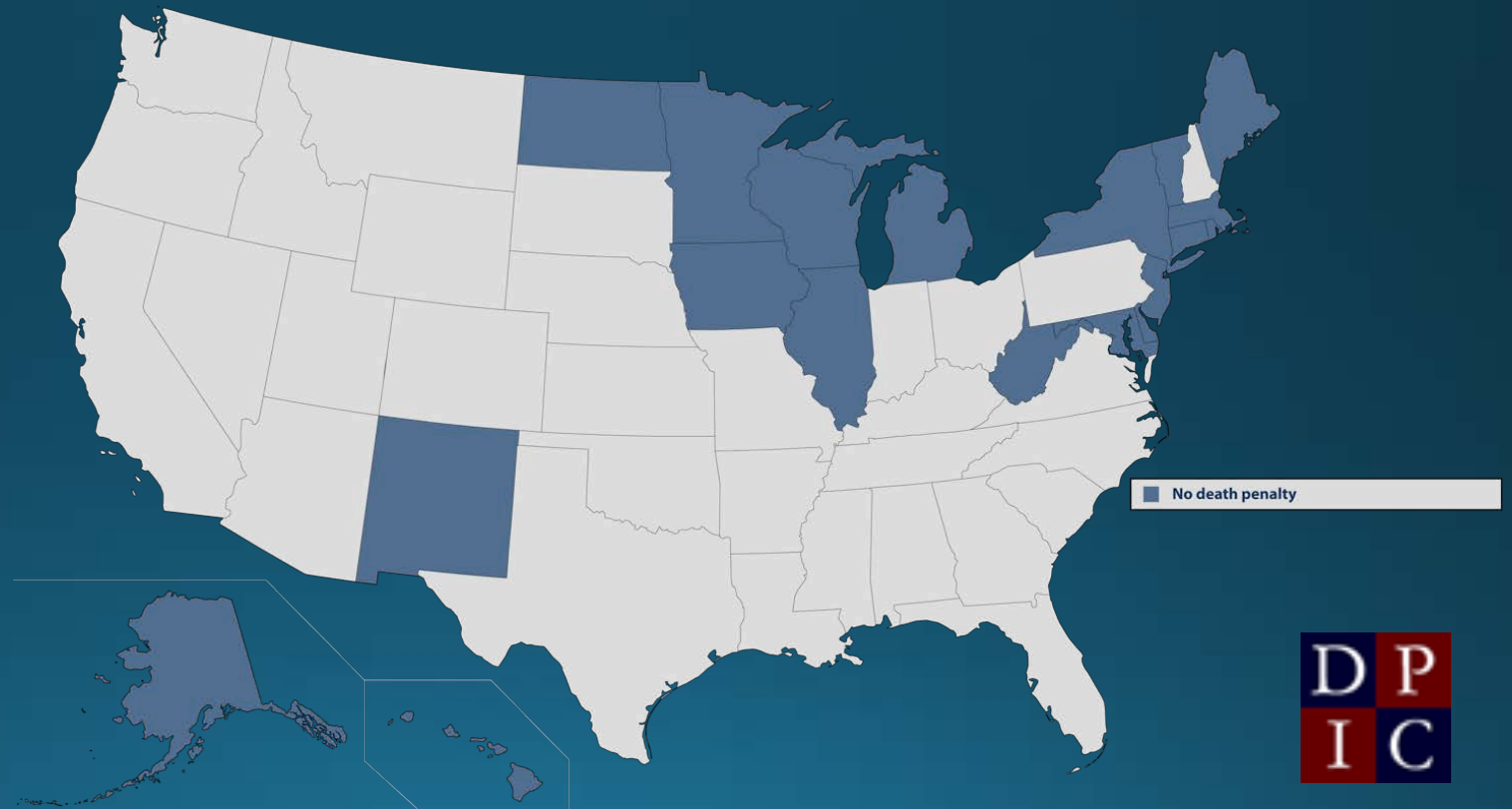
## States with and without the death penalty

### States with the death penalty

31 states and the federal government

### States without the death penalty

19 states and the District of Columbia



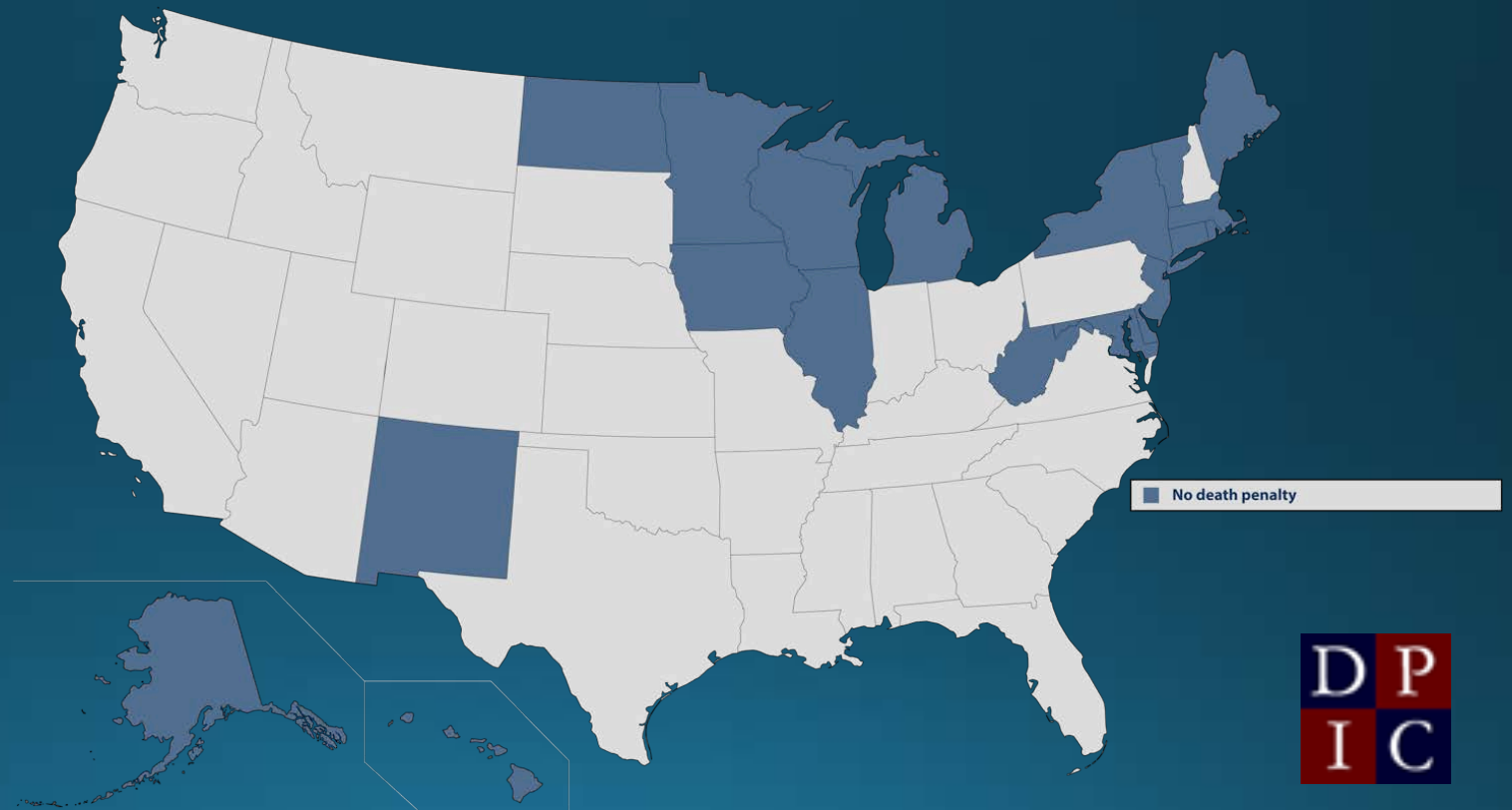
# The Death Penalty in the United States

## States with and without the death penalty

### Direction of Change

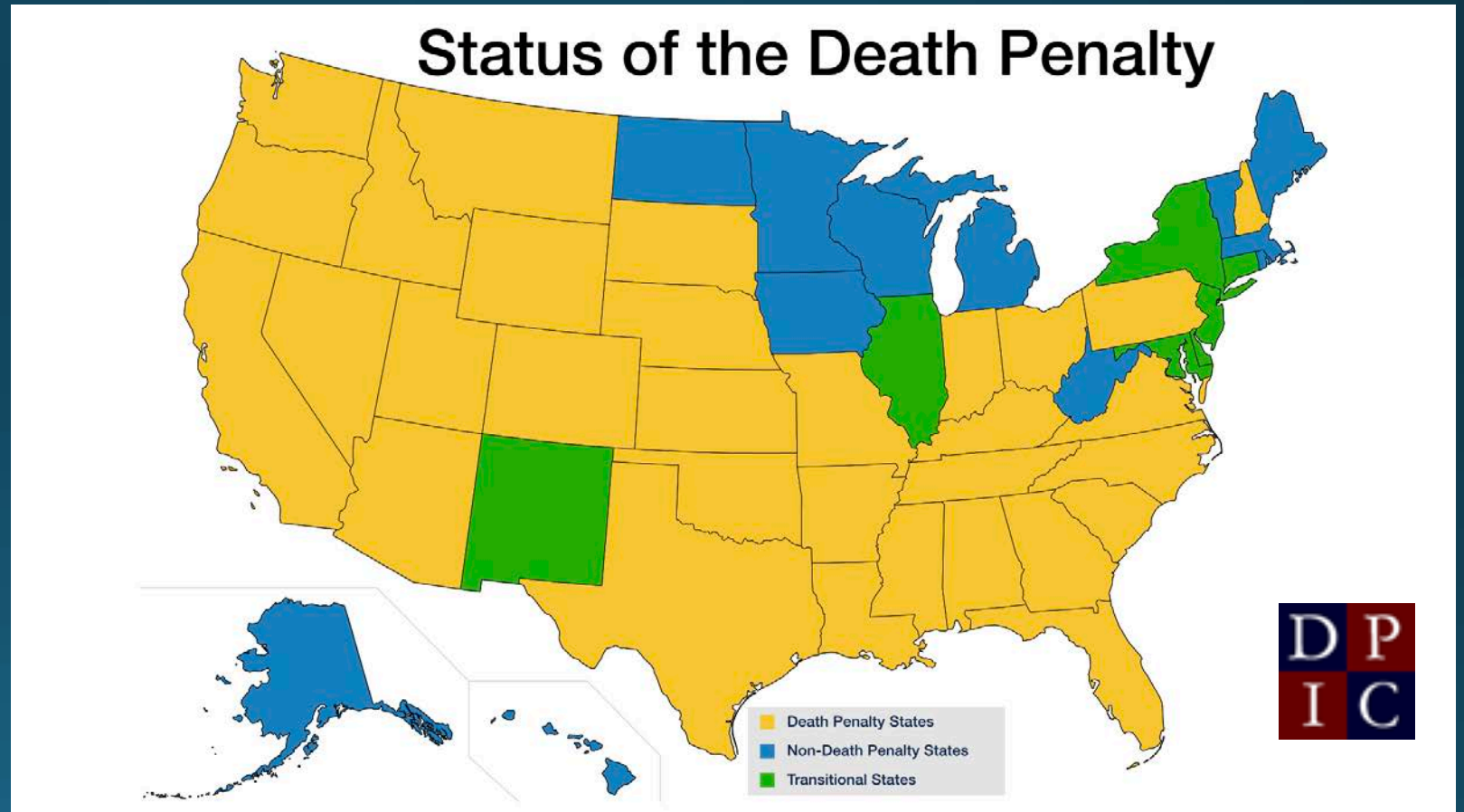
Since 2007, seven states have repealed their state's death penalty or declared it unconstitutional.

Nebraska's legislature repealed the death penalty in 2015.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.

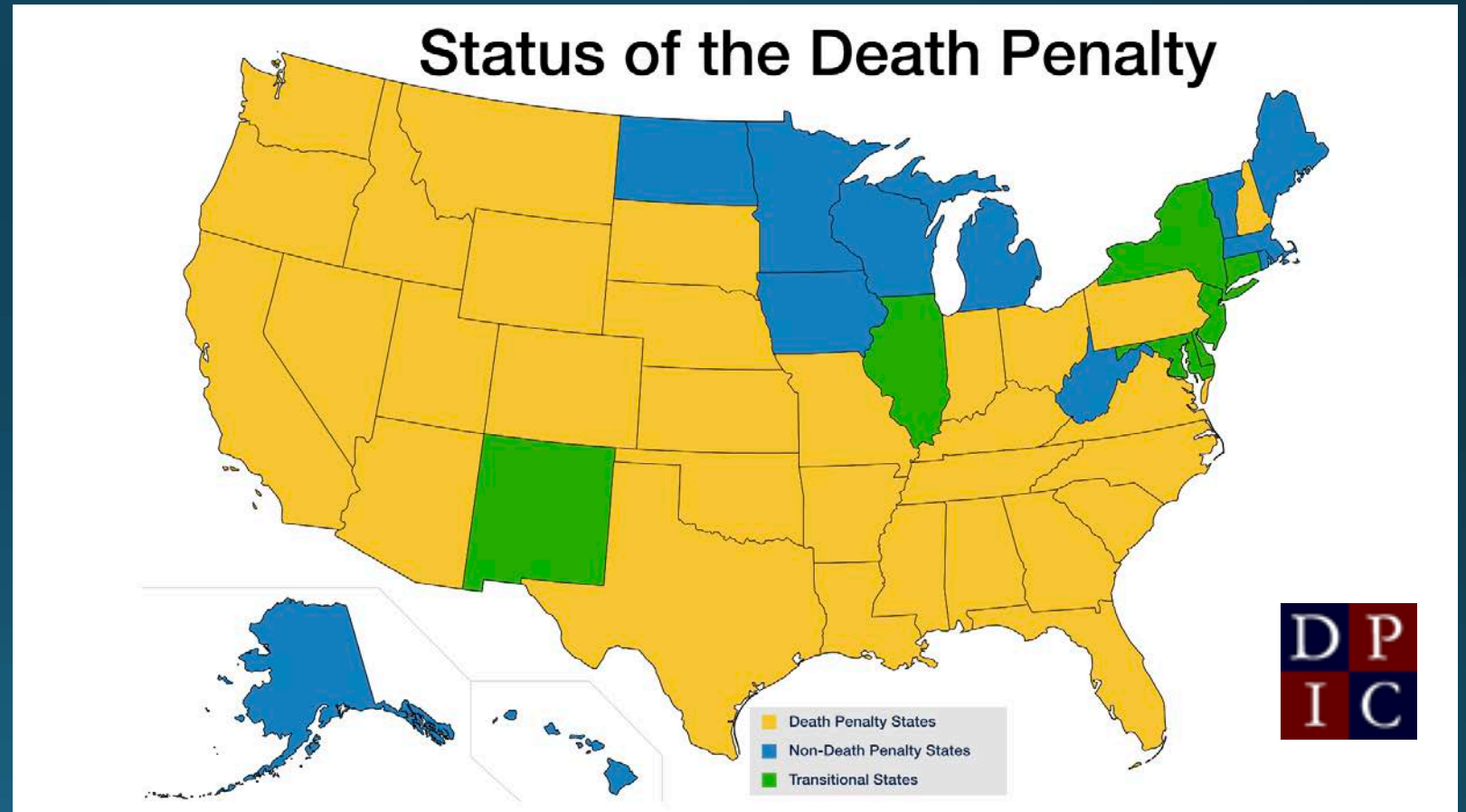
- Death Penalty States
- Non-Death Penalty States
- Transitional States



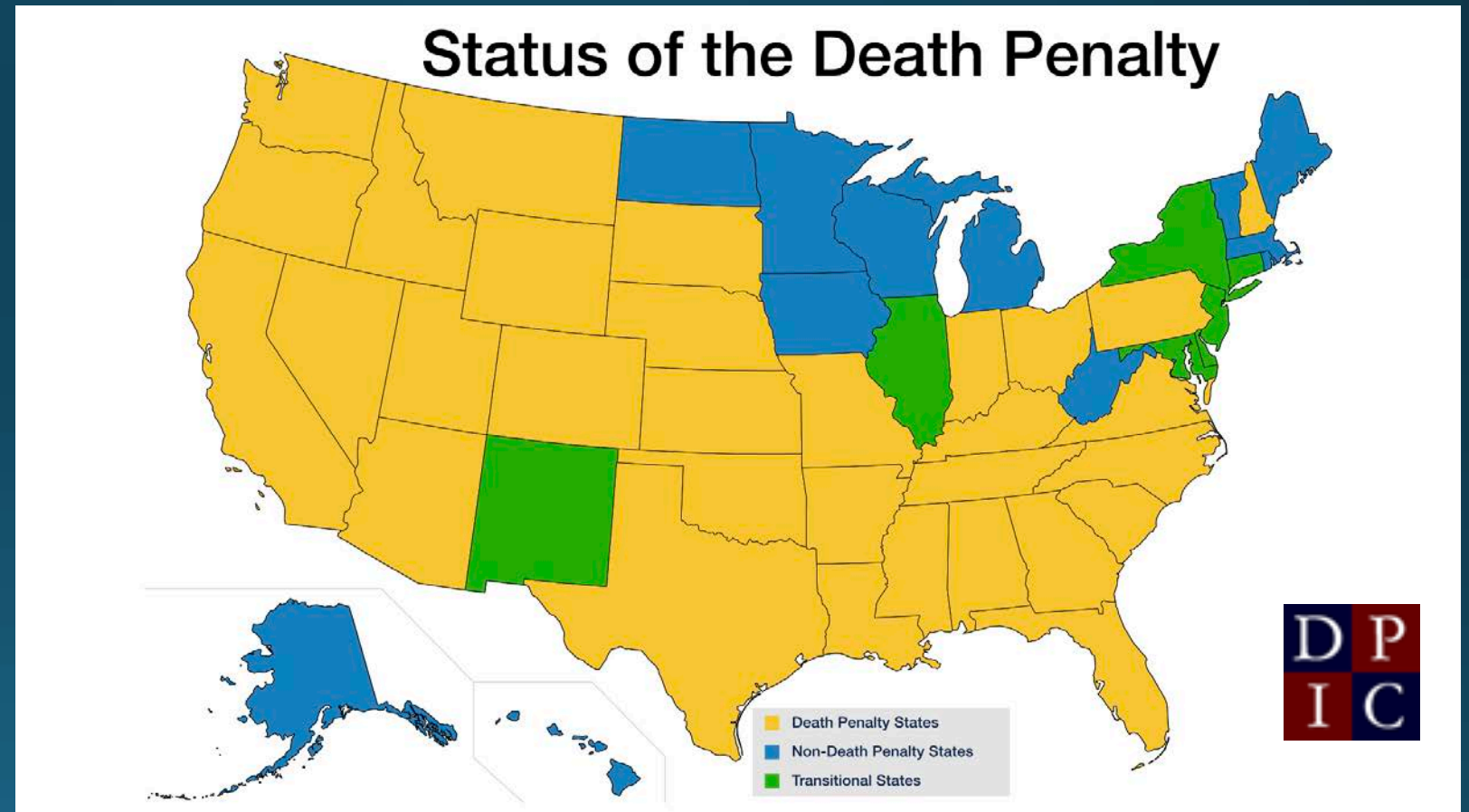




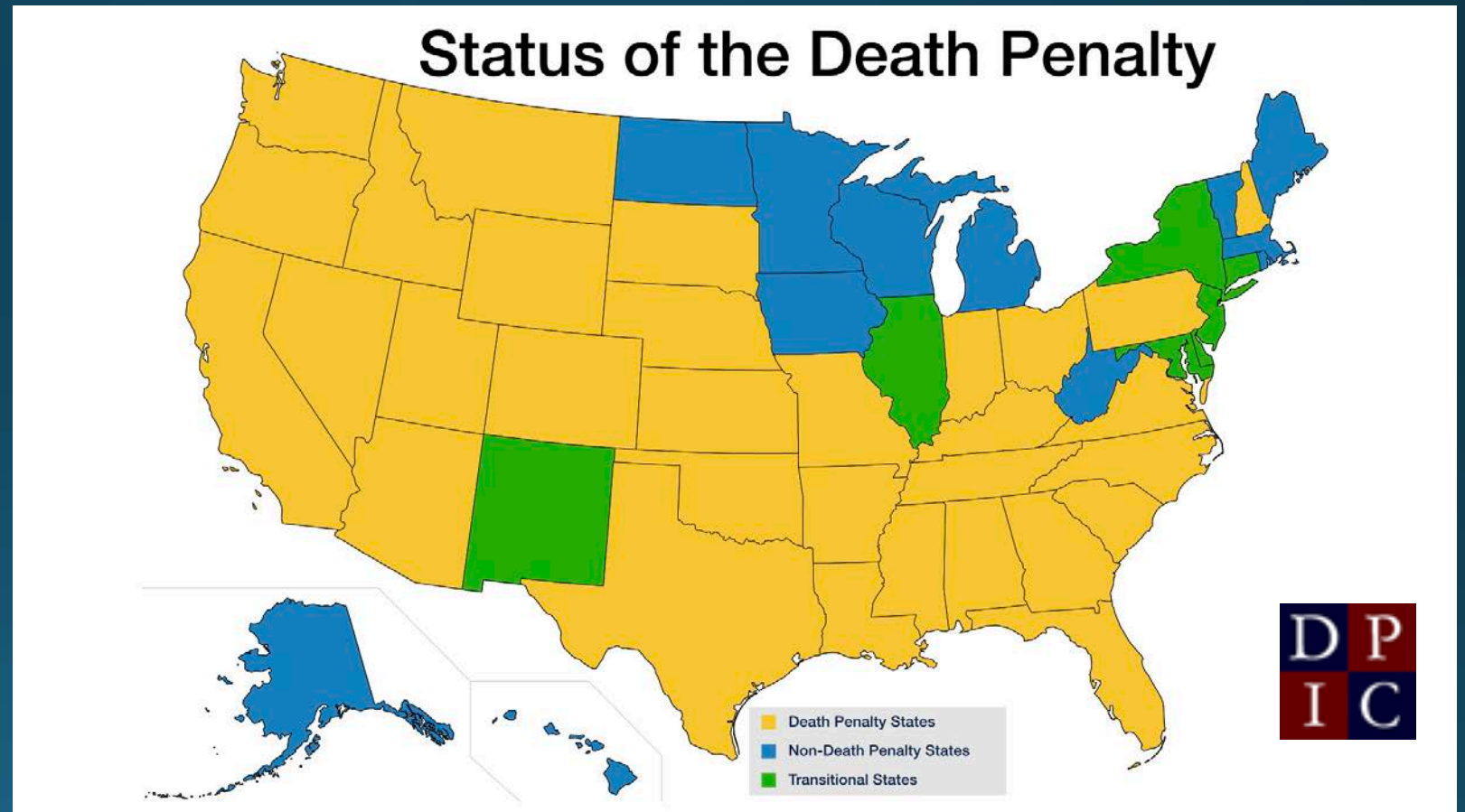
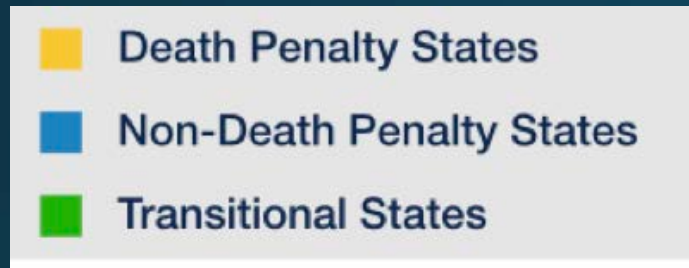
# If the death penalty were a deterrent, murder rates would surely rise. Did they?



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?



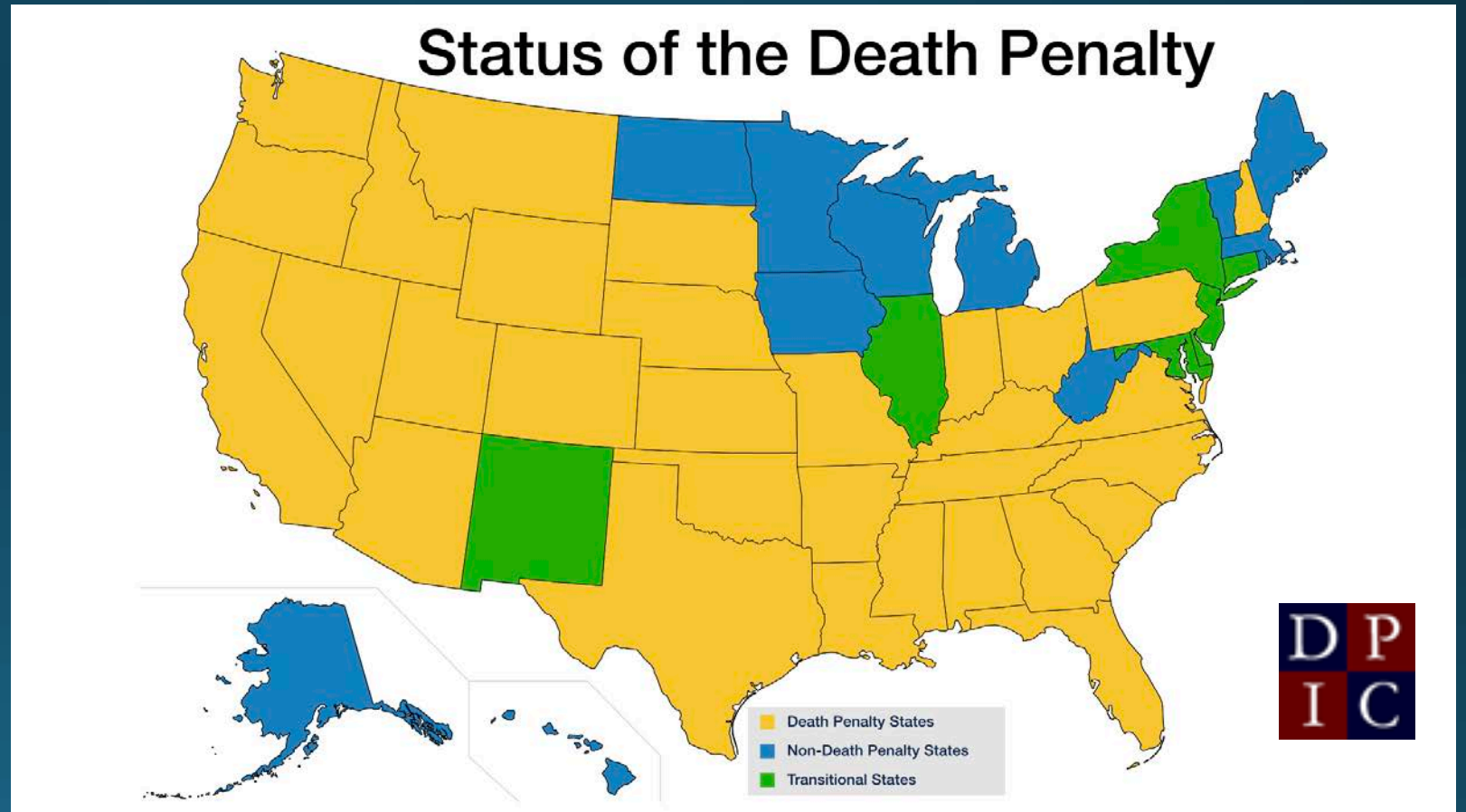
And if police were especially vulnerable without the death penalty, murders of officers should have risen as a percentage of all homicides. Did they?





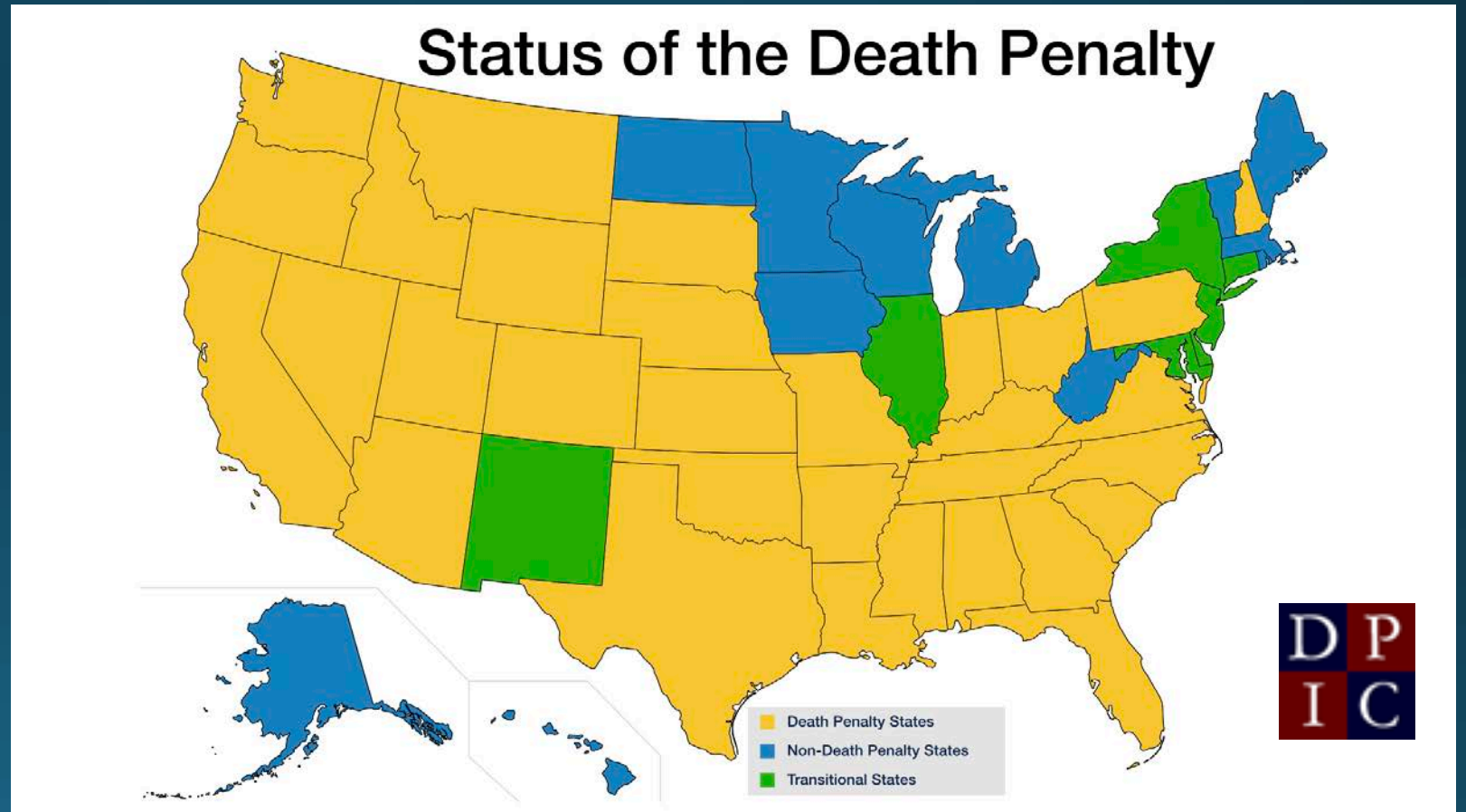
## The short answer to these questions:

- 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?

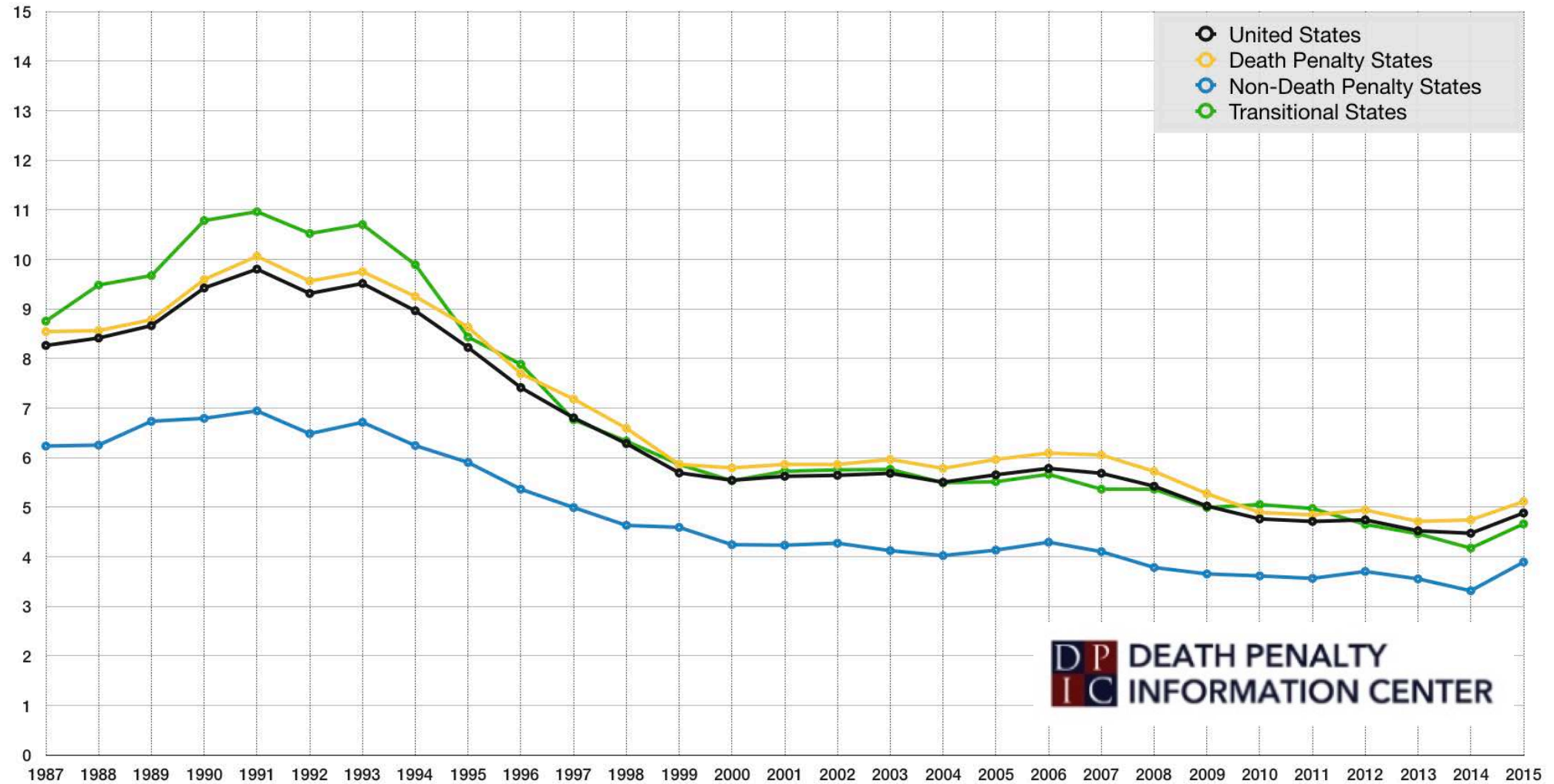


# The short answer to these questions is “No.”

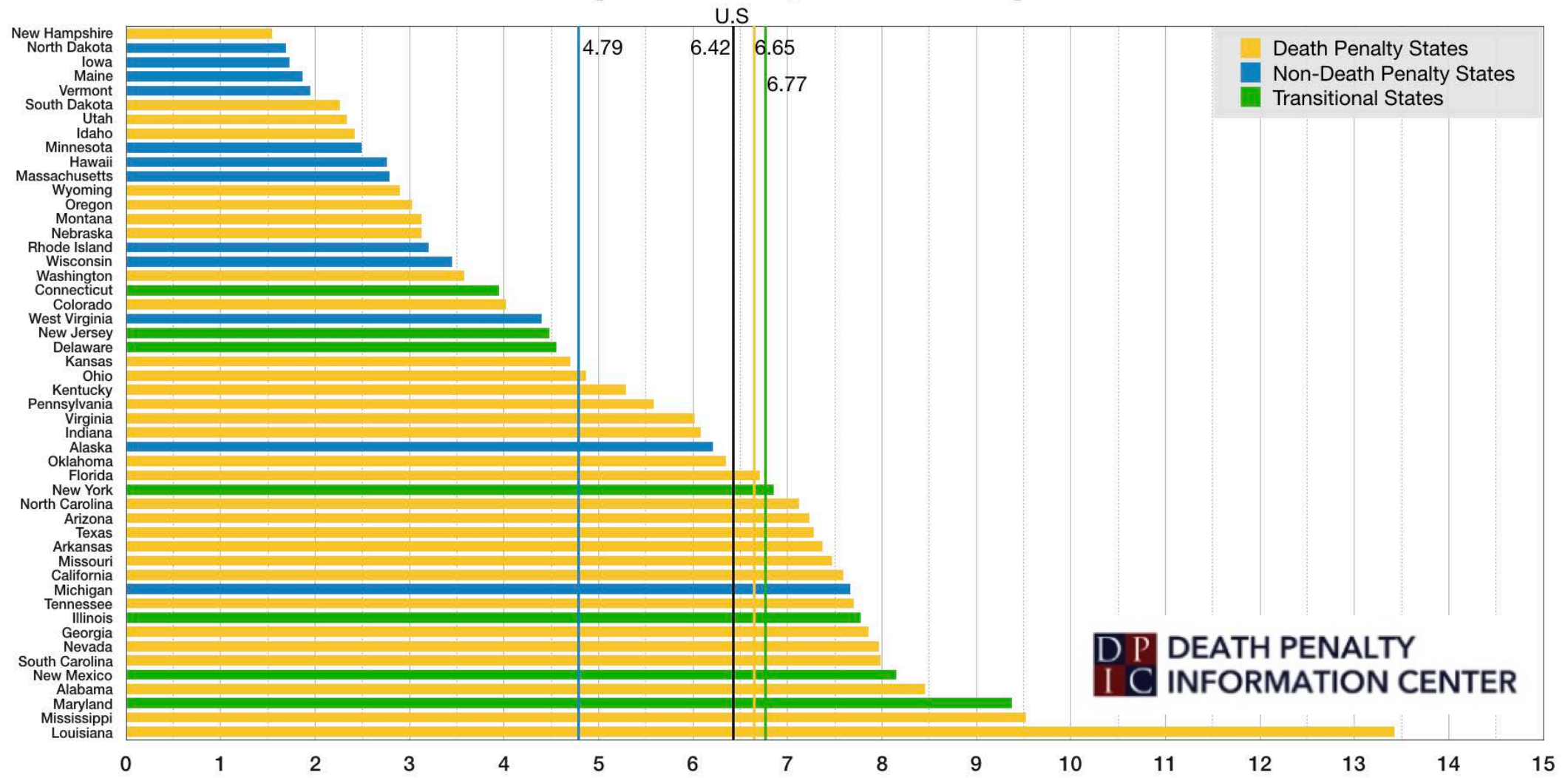
- Did murder rates rise? **No.**
- Did the rate of murders of law enforcement go up? **No.**
- Did killings of police increase as a %age of all murders? **No.**



# Murder Rate per 100,000 People

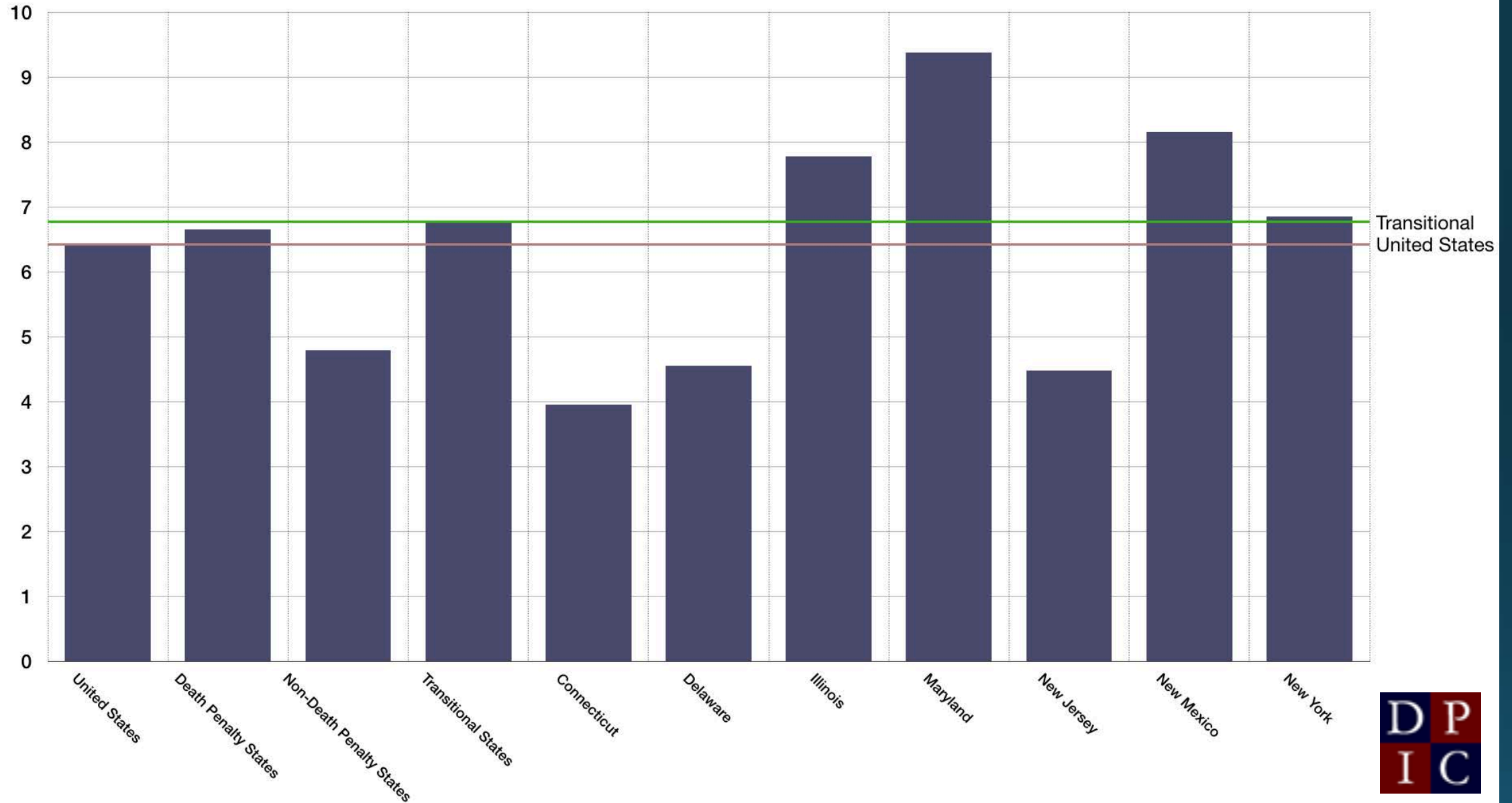


# Murder Rate per 100,000 People 1987 – 2015



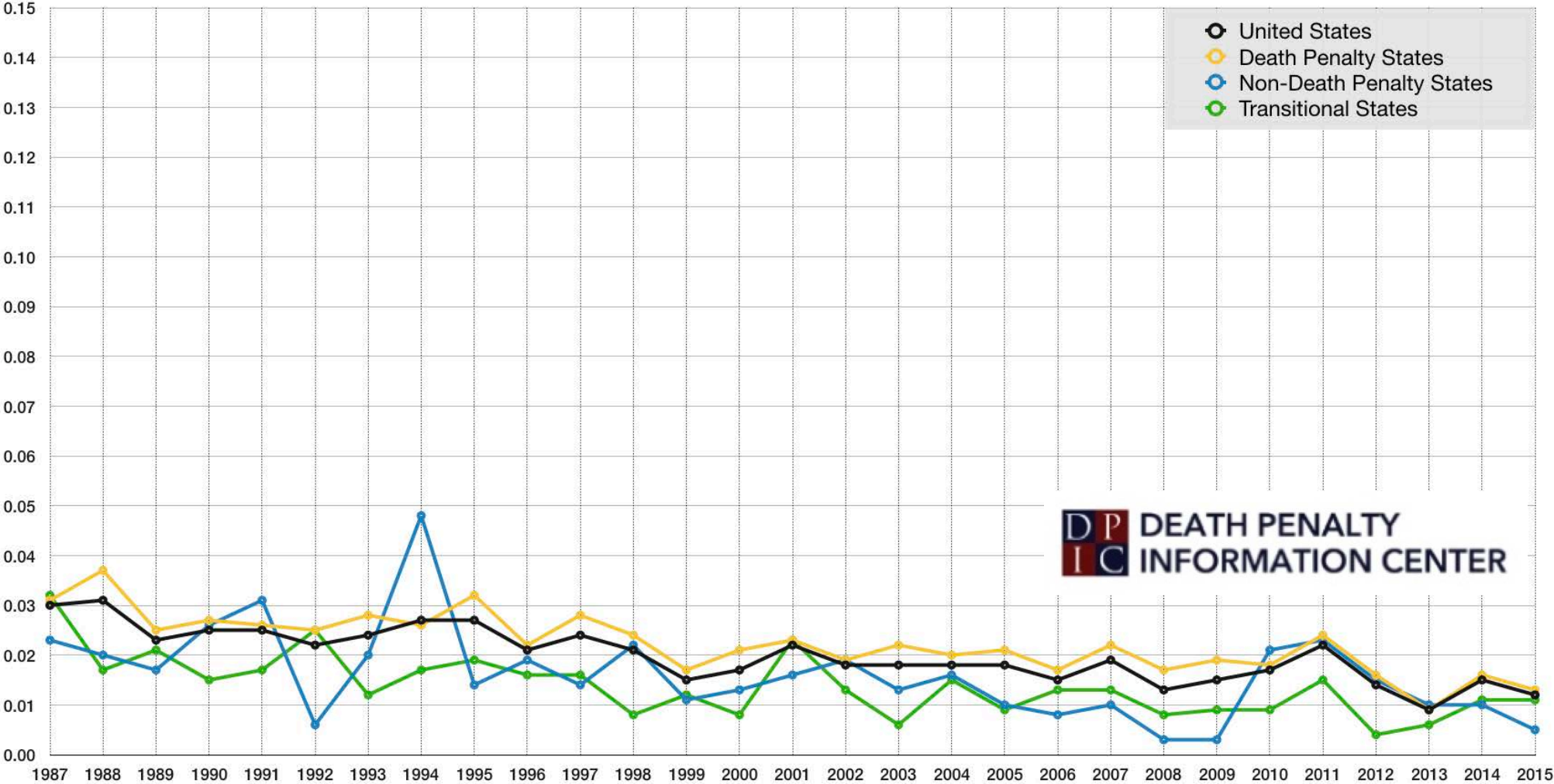


# Murder Rate per 100,000 People 1987 – 2015



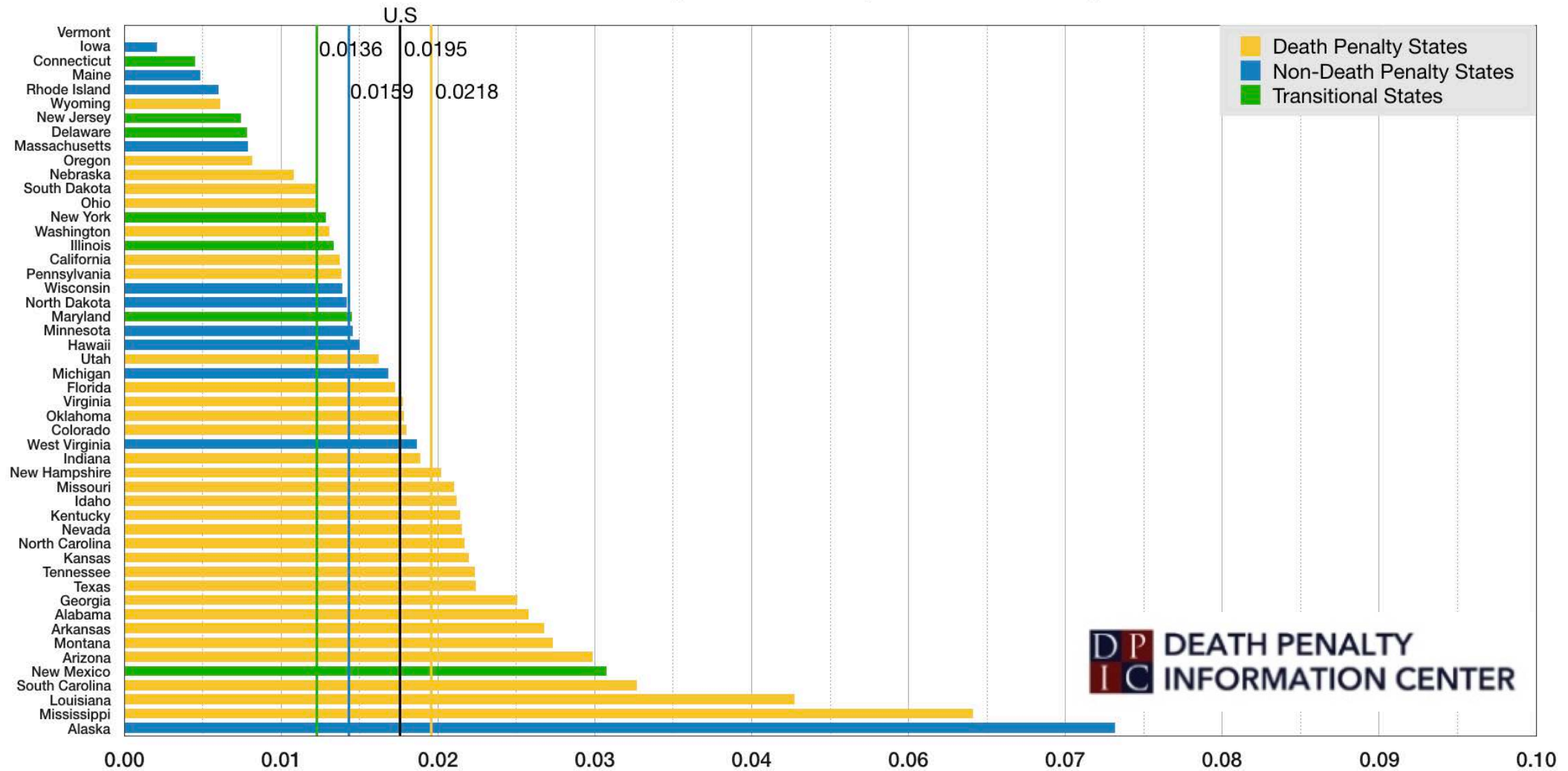


# Officer Victim Rate per 100,000 People

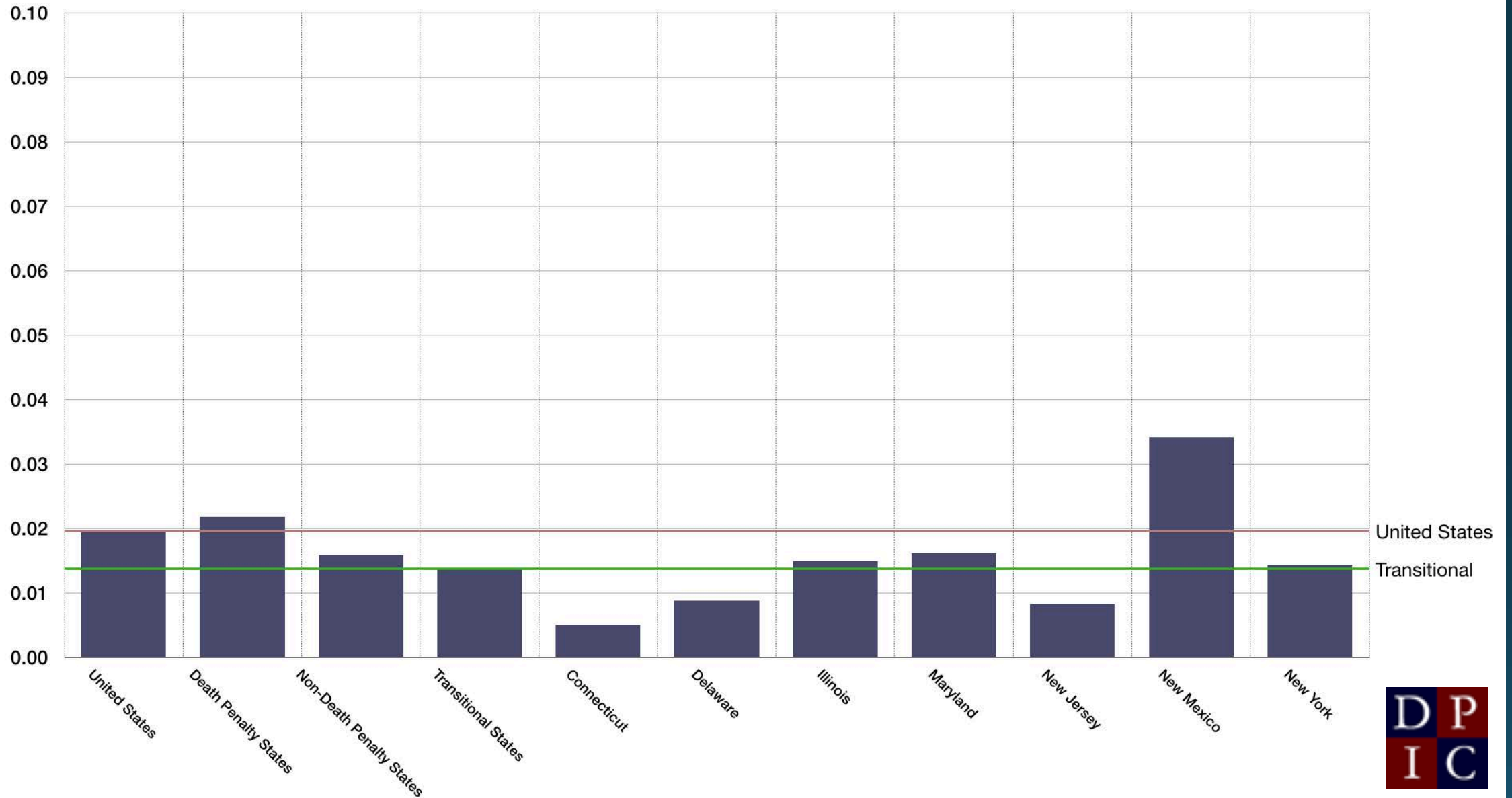


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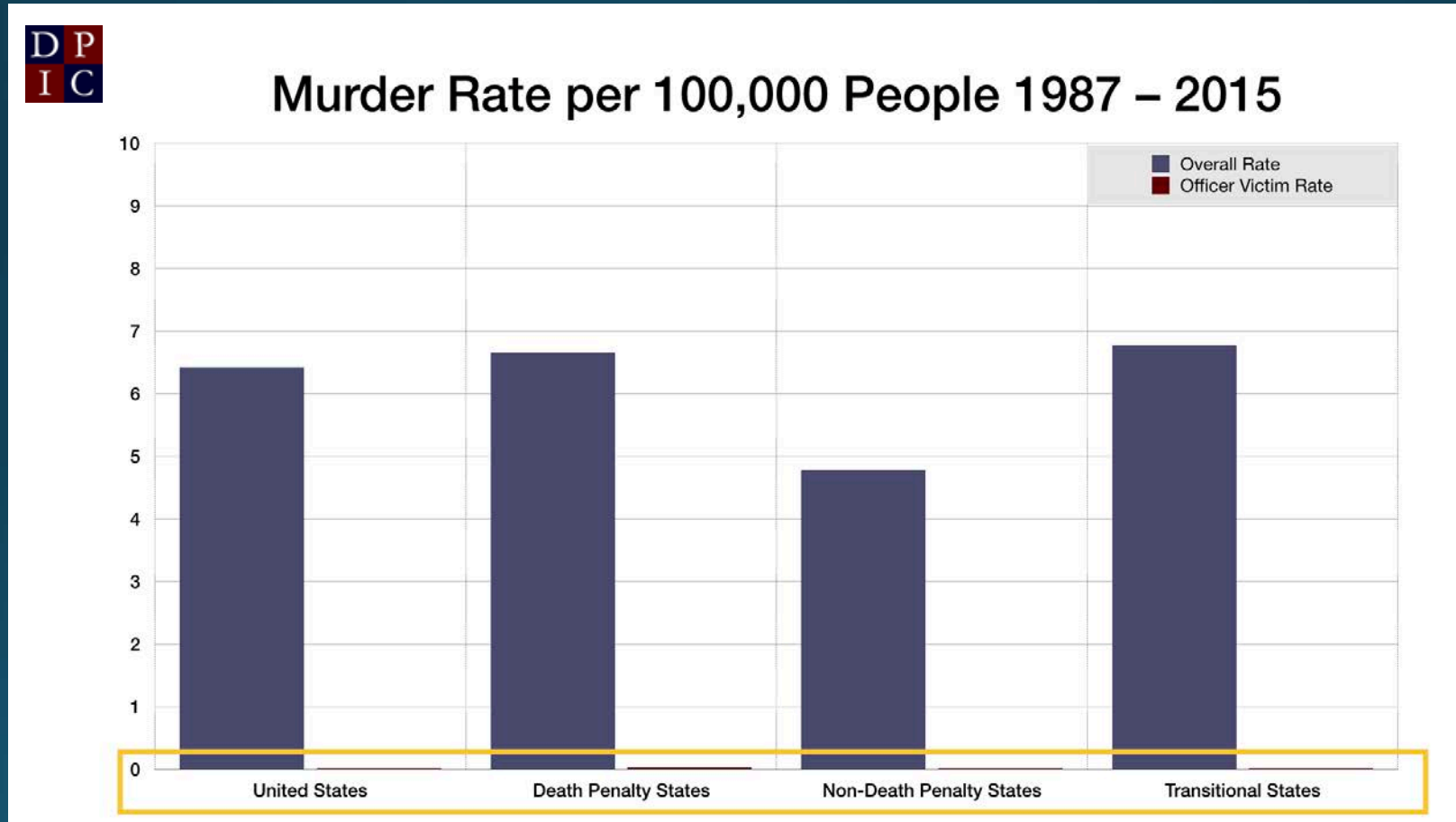
# Officer Victim Rate per 100,000 People 1987 – 2015



# Officer Victim Rate per 100,000 People 1987 – 2015

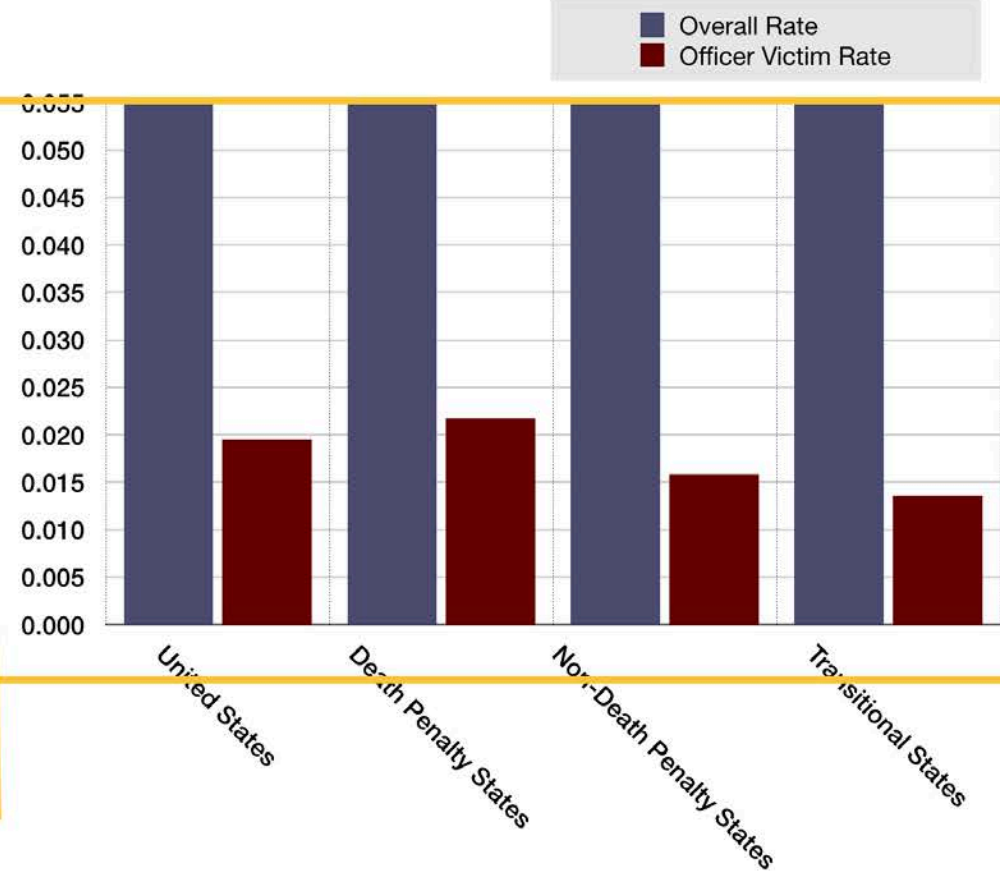
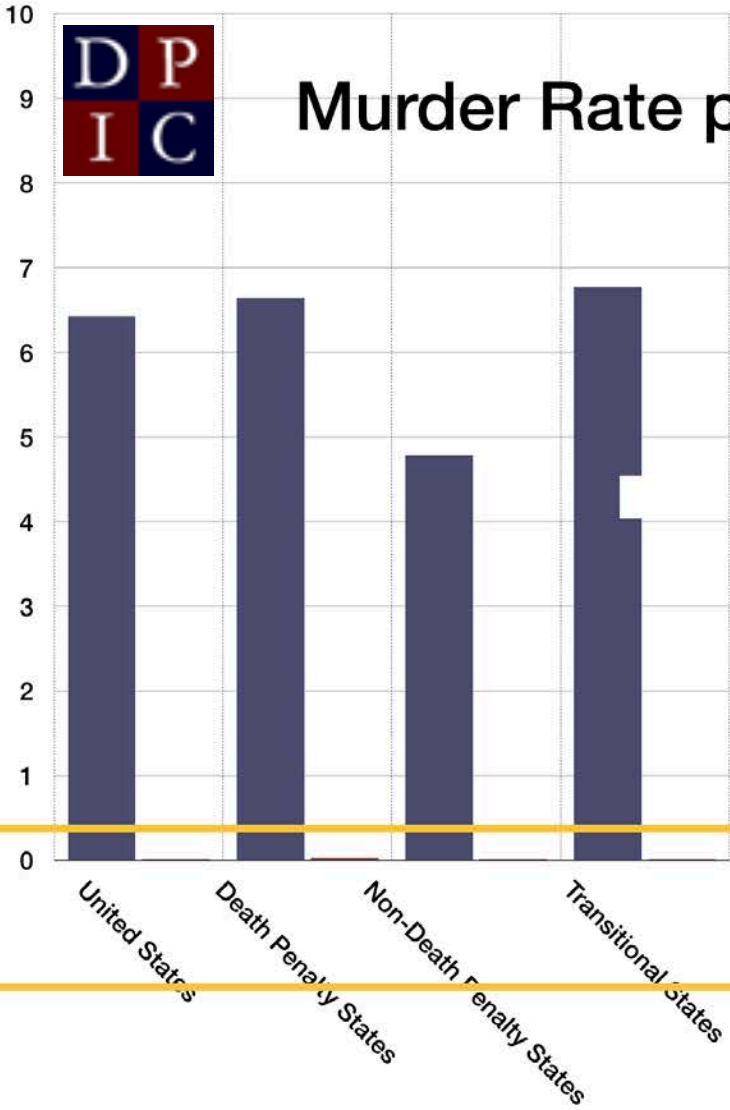


The rate at which officers are murdered is tiny compared to the national murder rate as a whole.



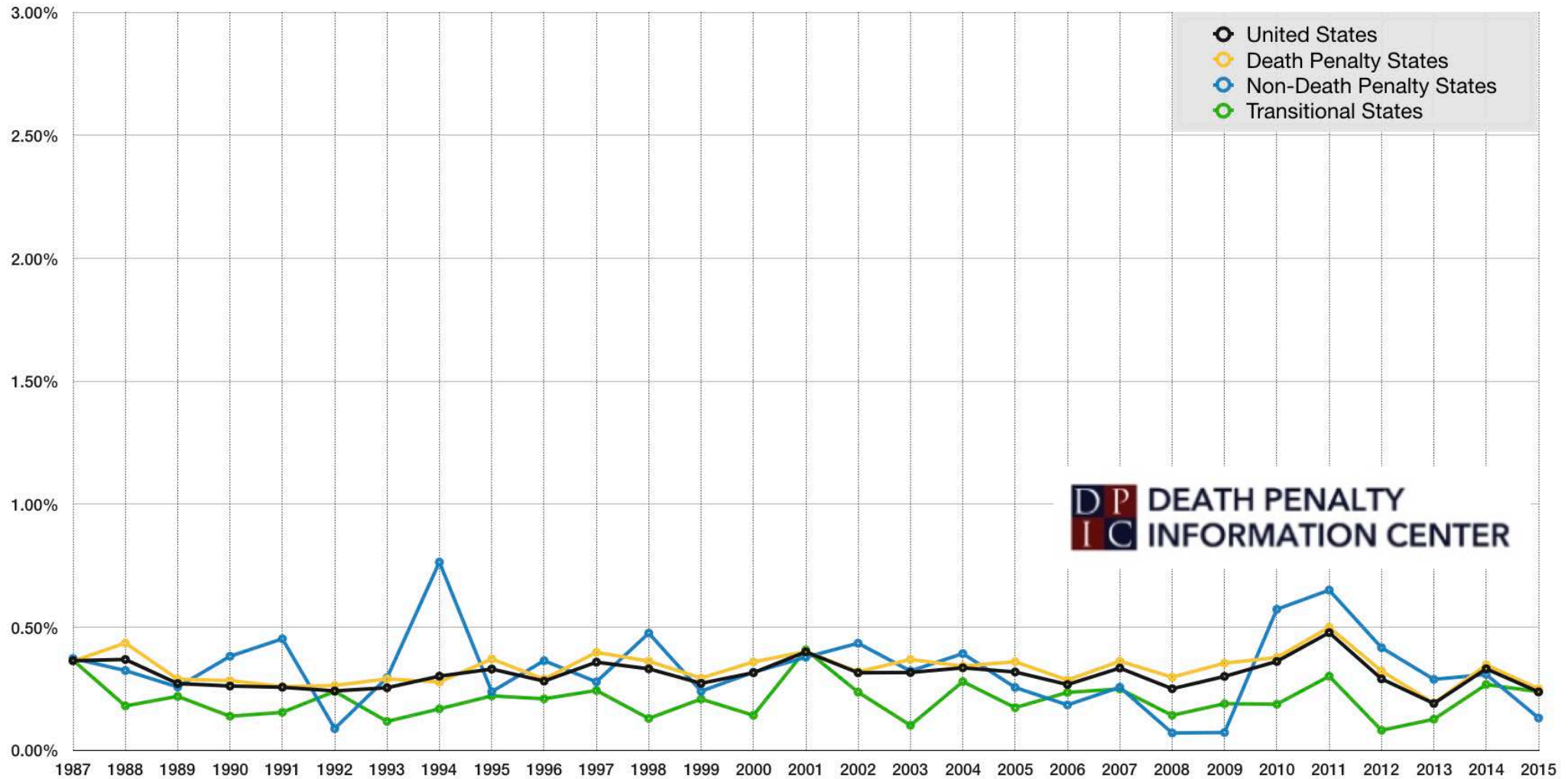


# Murder Rate per 100,000 People 1987 – 2015



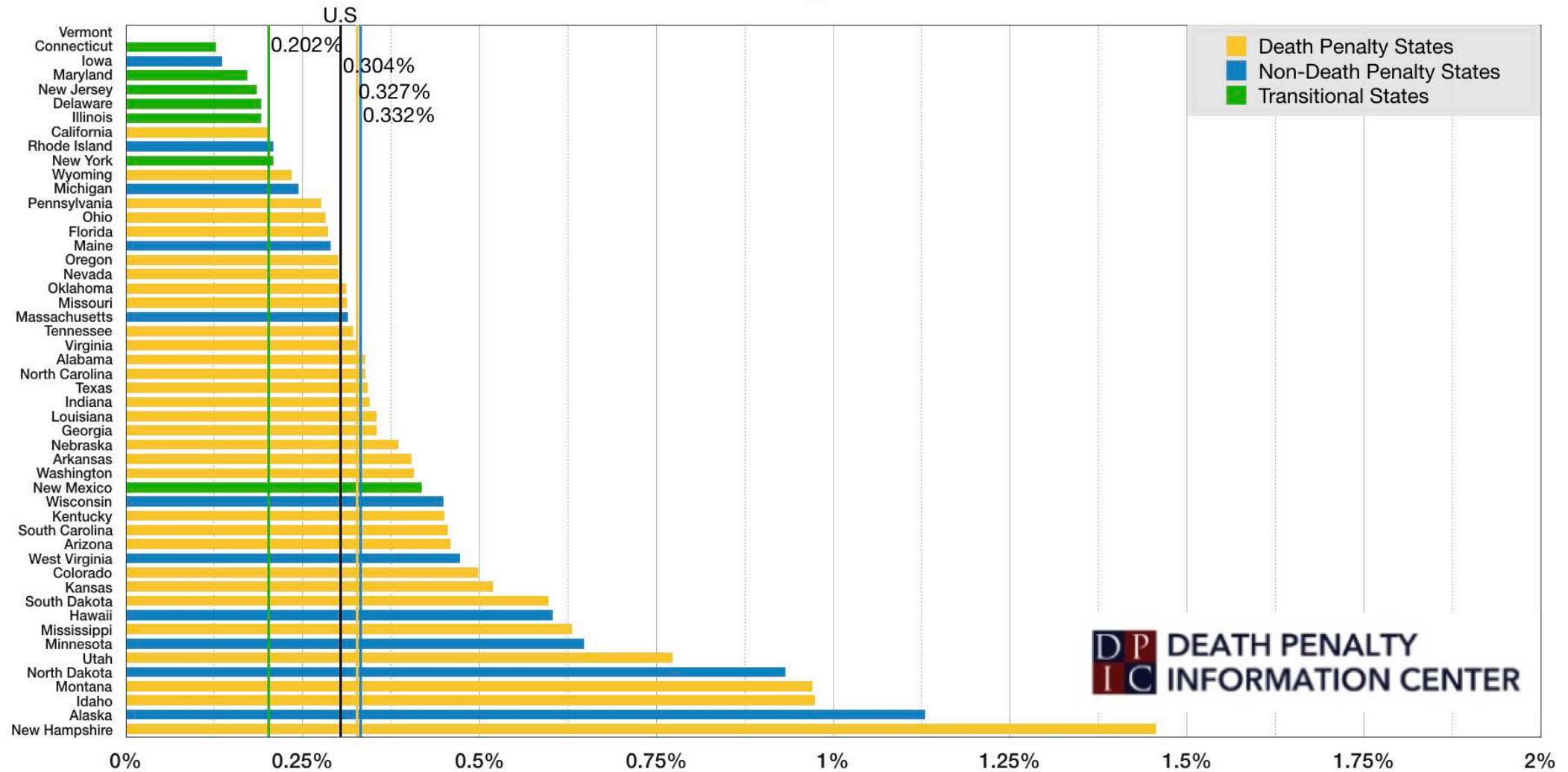


# Officer Victims as a Percentage of All Homicides

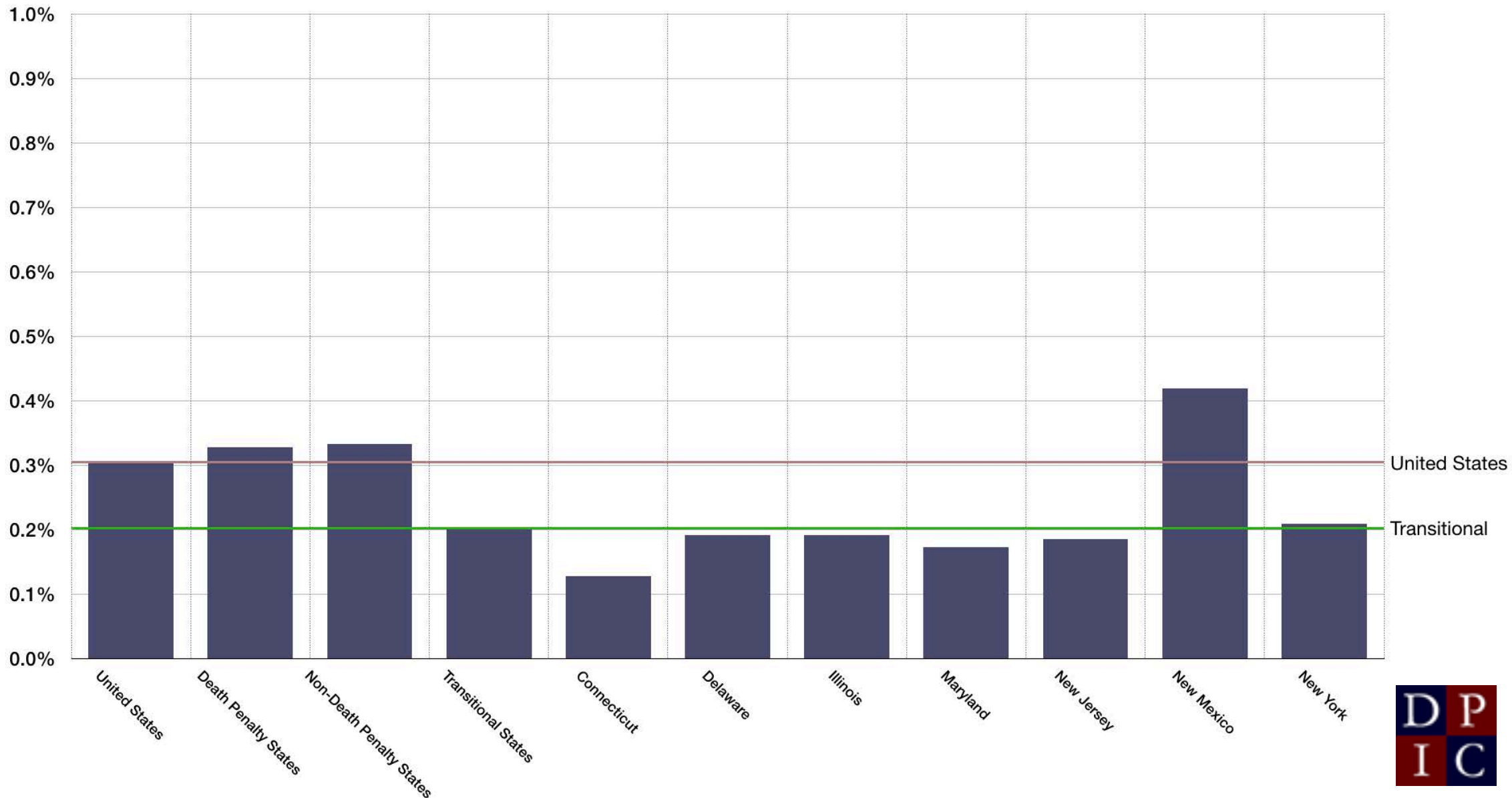


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# Officer Victims as a Percentage of All Homicides 1987 - 2015



# Officer Victims as a Percentage of All Homicides 1987 - 2015



**What did we learn?**

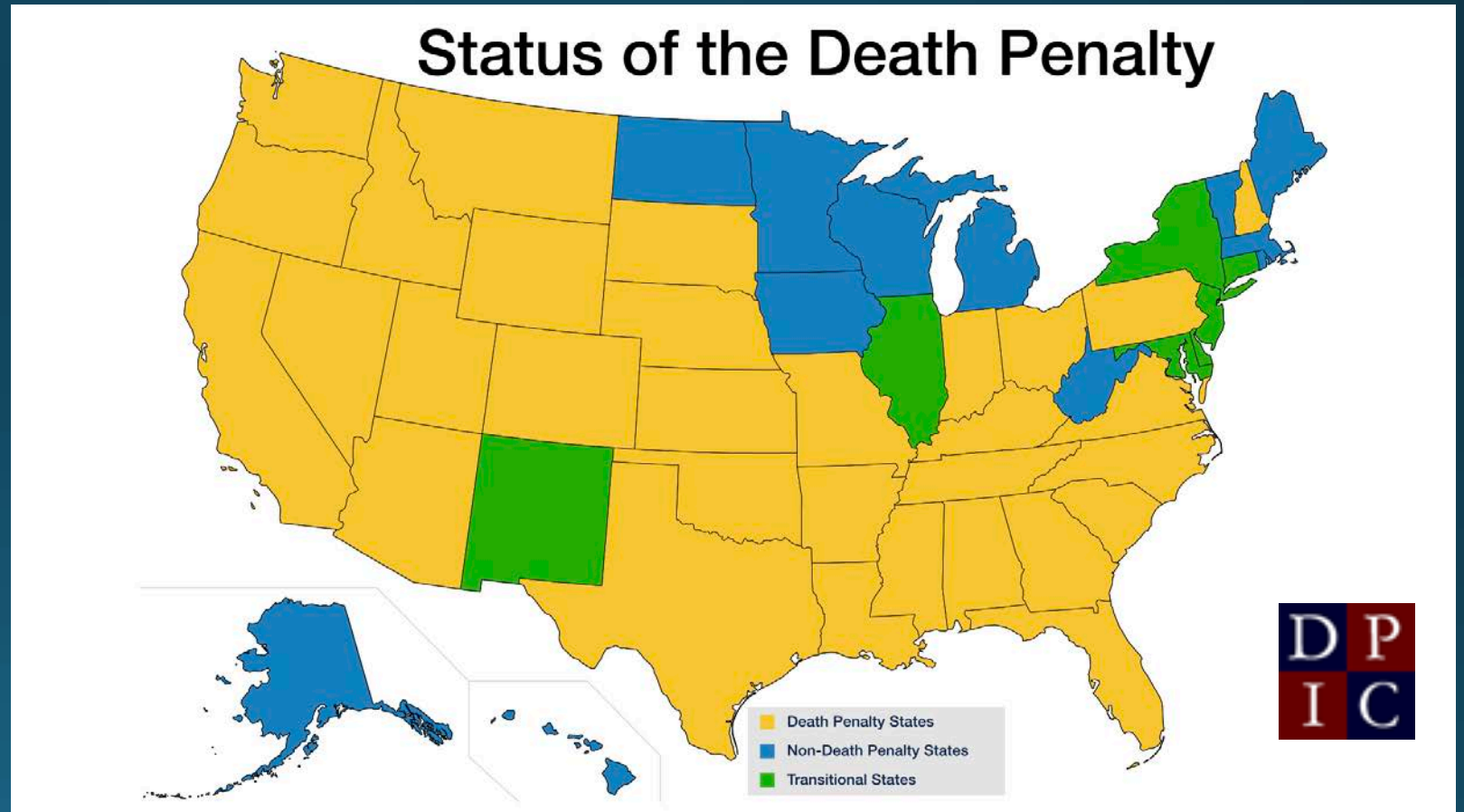
# What did we learn?

- 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.

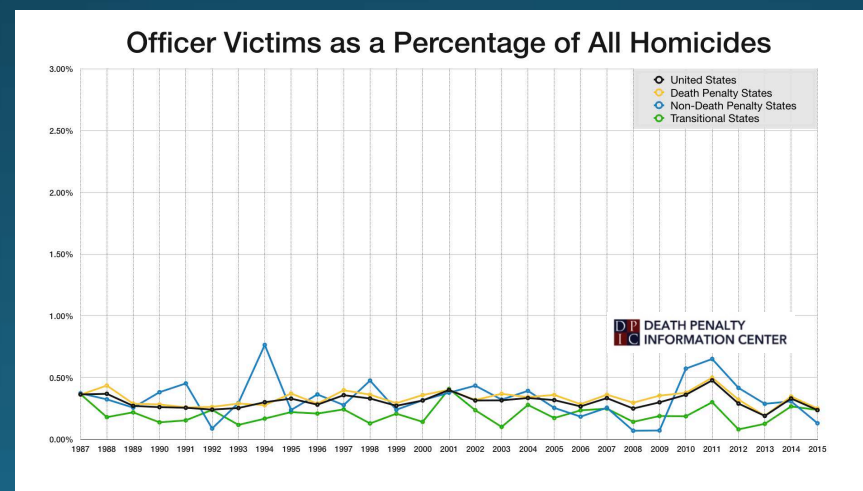
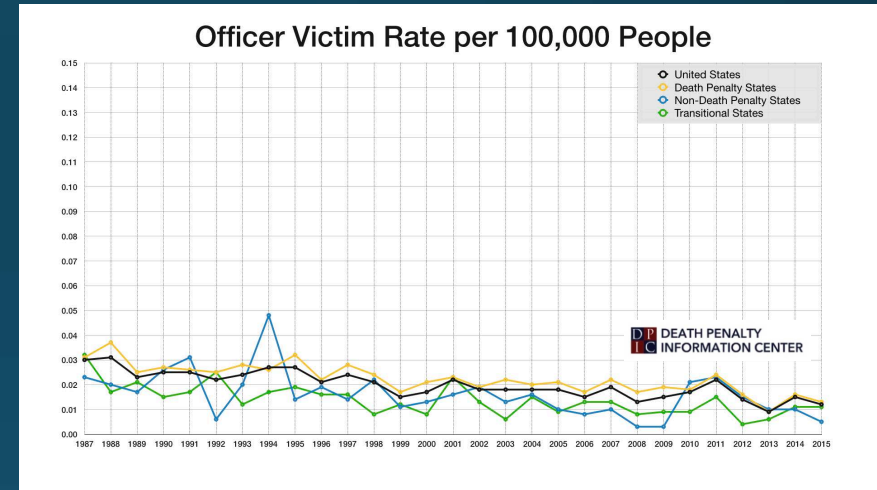
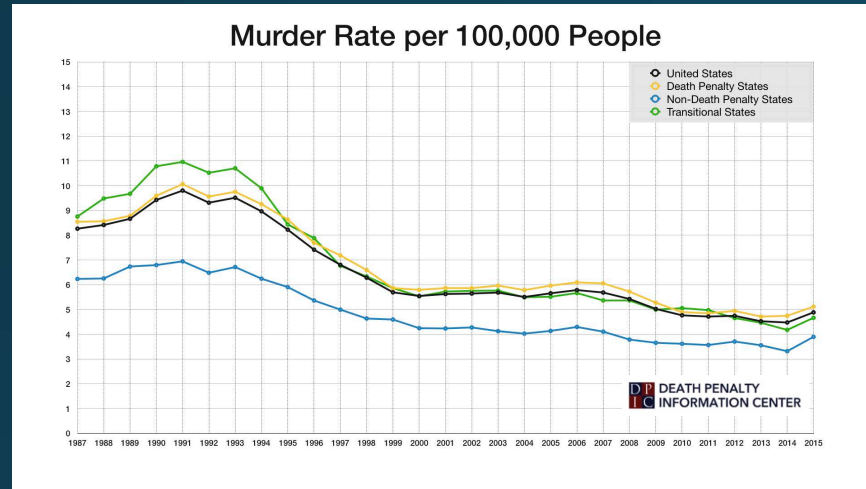


# What about the effects of abolition in the individual states?

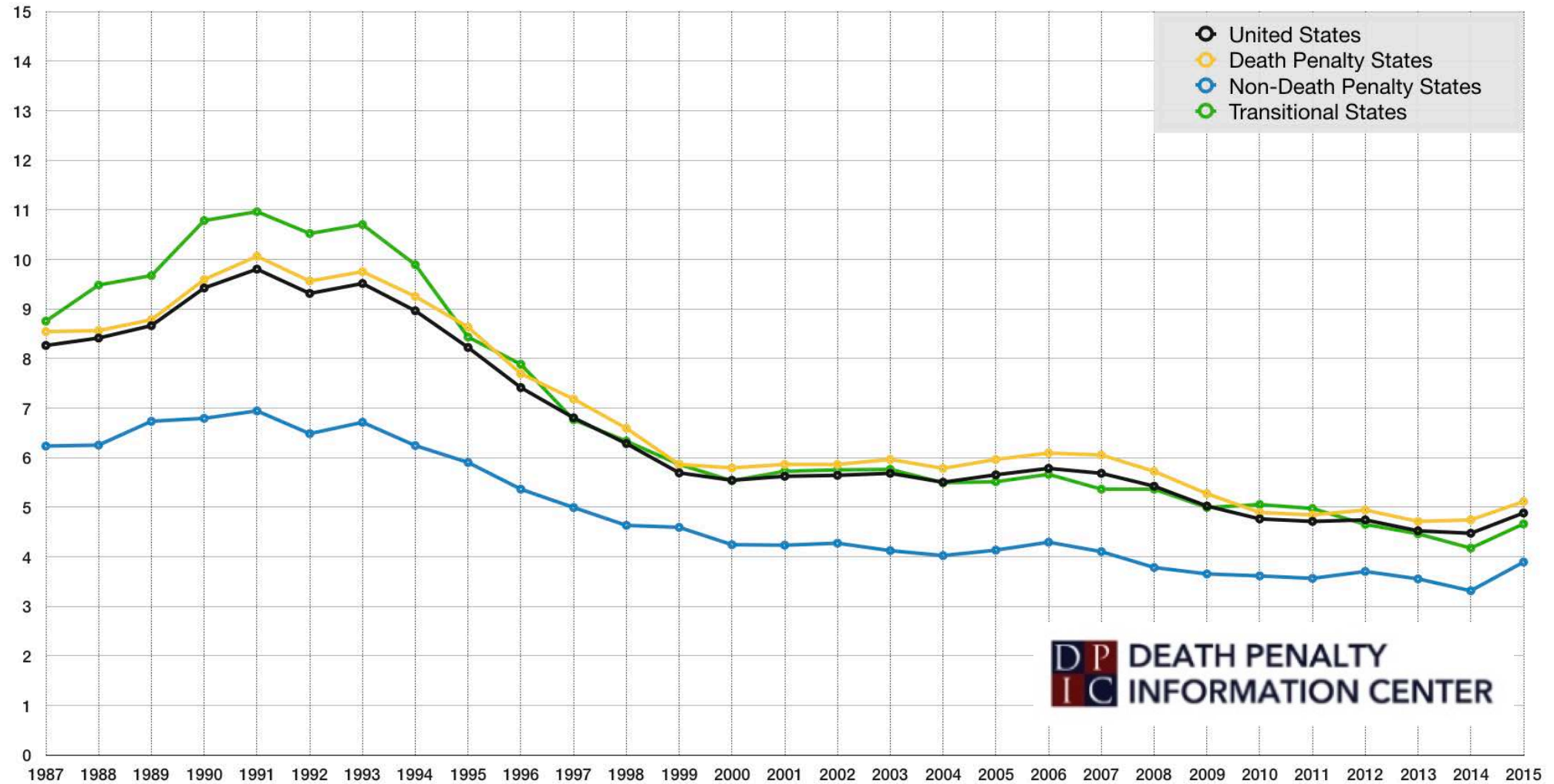
- Did murder rates rise?
- Did the rate of murders of law enforcement go up?
- Did killings of police increase as a %age of all murders?



# Did abolition of the death penalty affect any of the national trends?

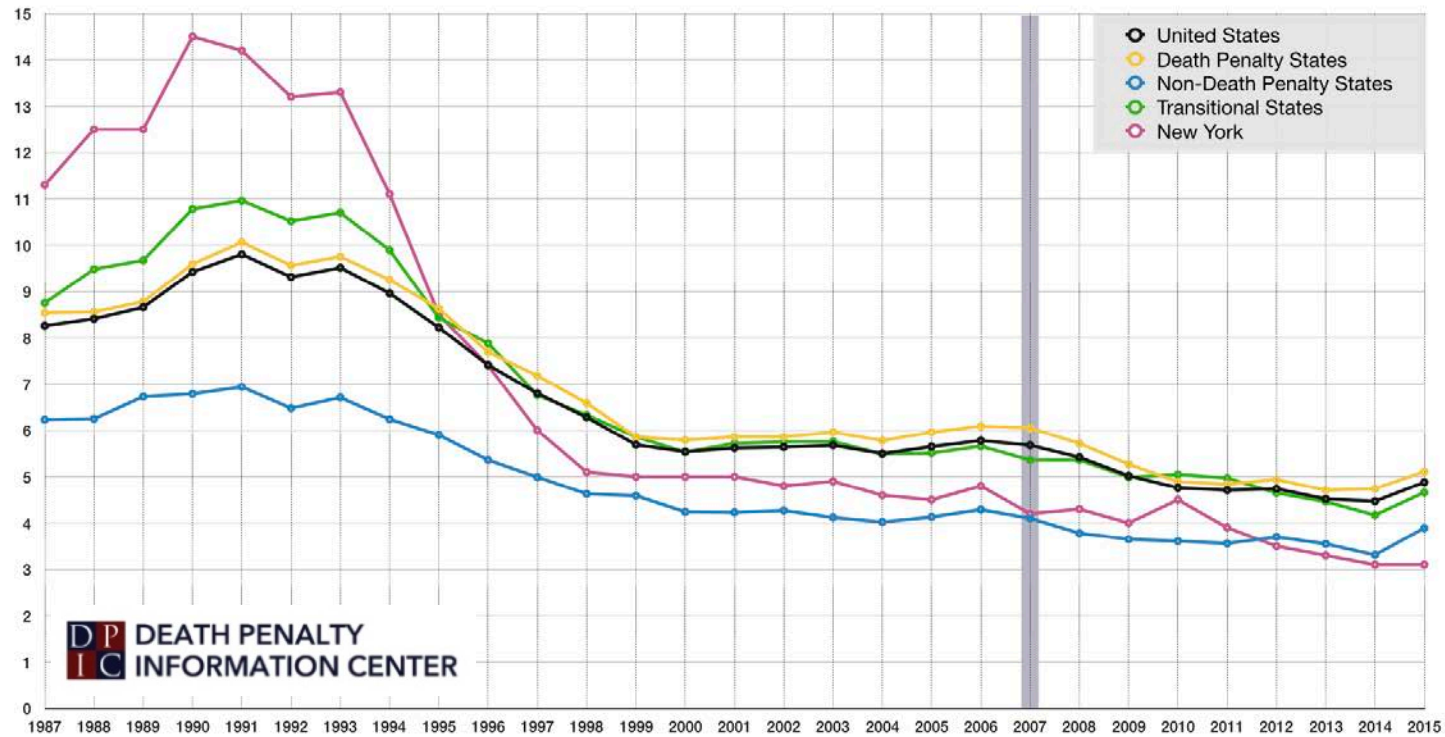


# Murder Rate per 100,000 People



# New York

## Murder Rate per 100,000 People



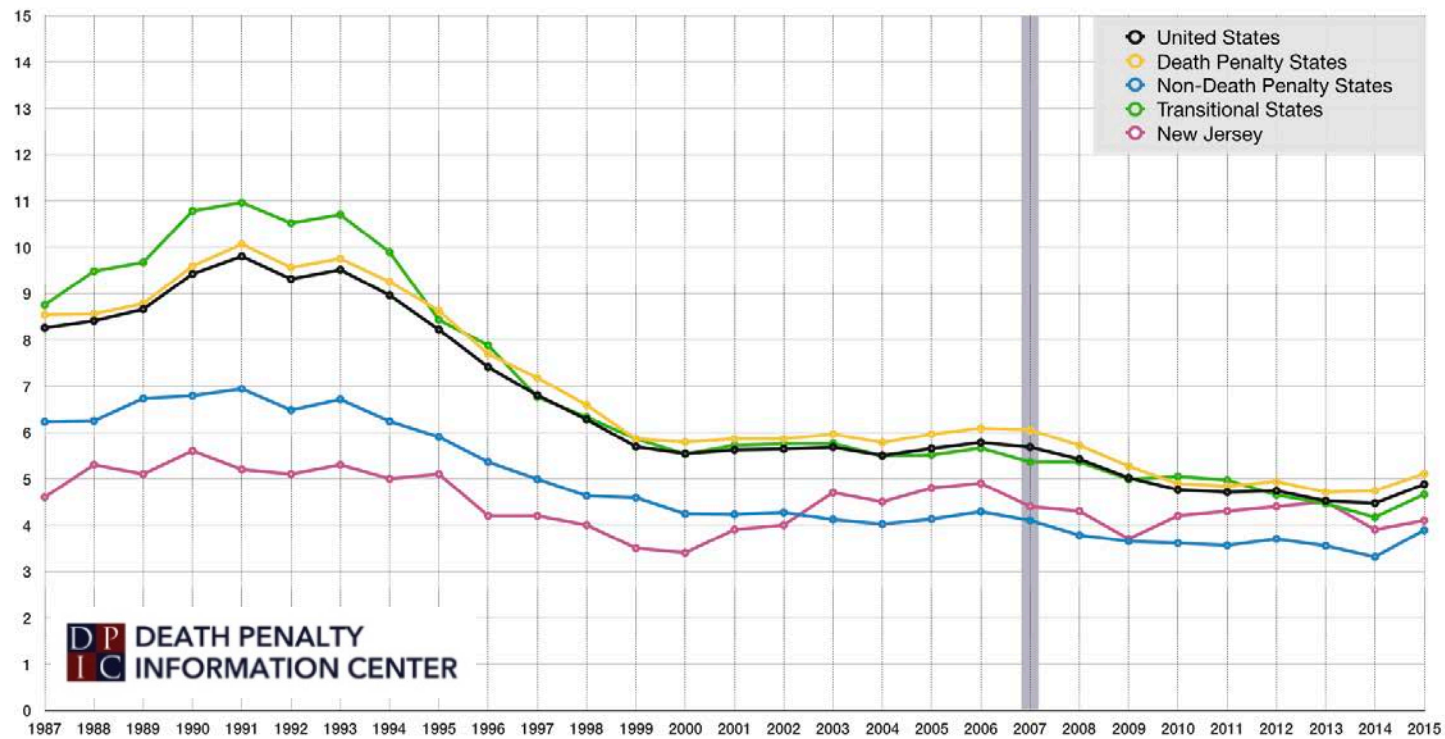
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*New York*



# New Jersey

## Murder Rate per 100,000 People



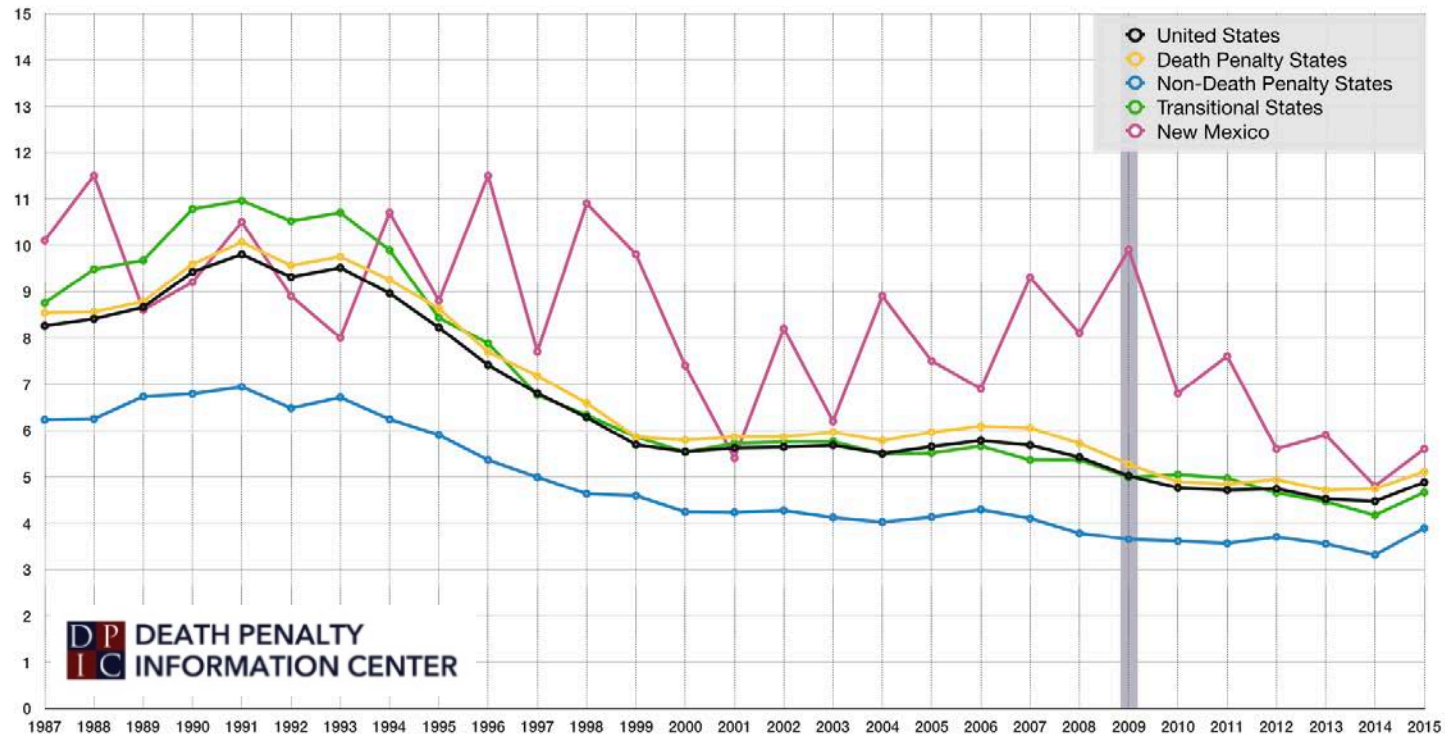
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*New Jersey*



# New Mexico

## Murder Rate per 100,000 People

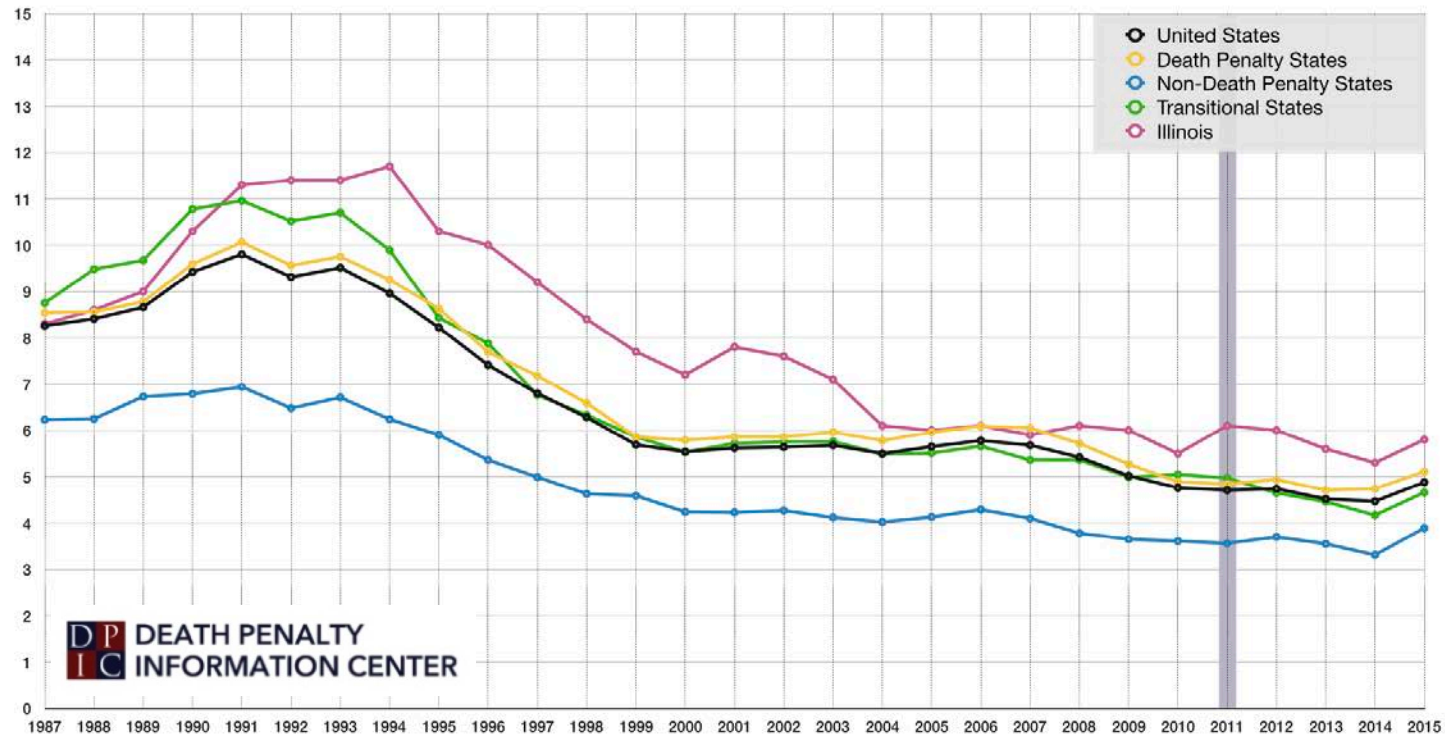


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*New Mexico*

# Illinois

## Murder Rate per 100,000 People

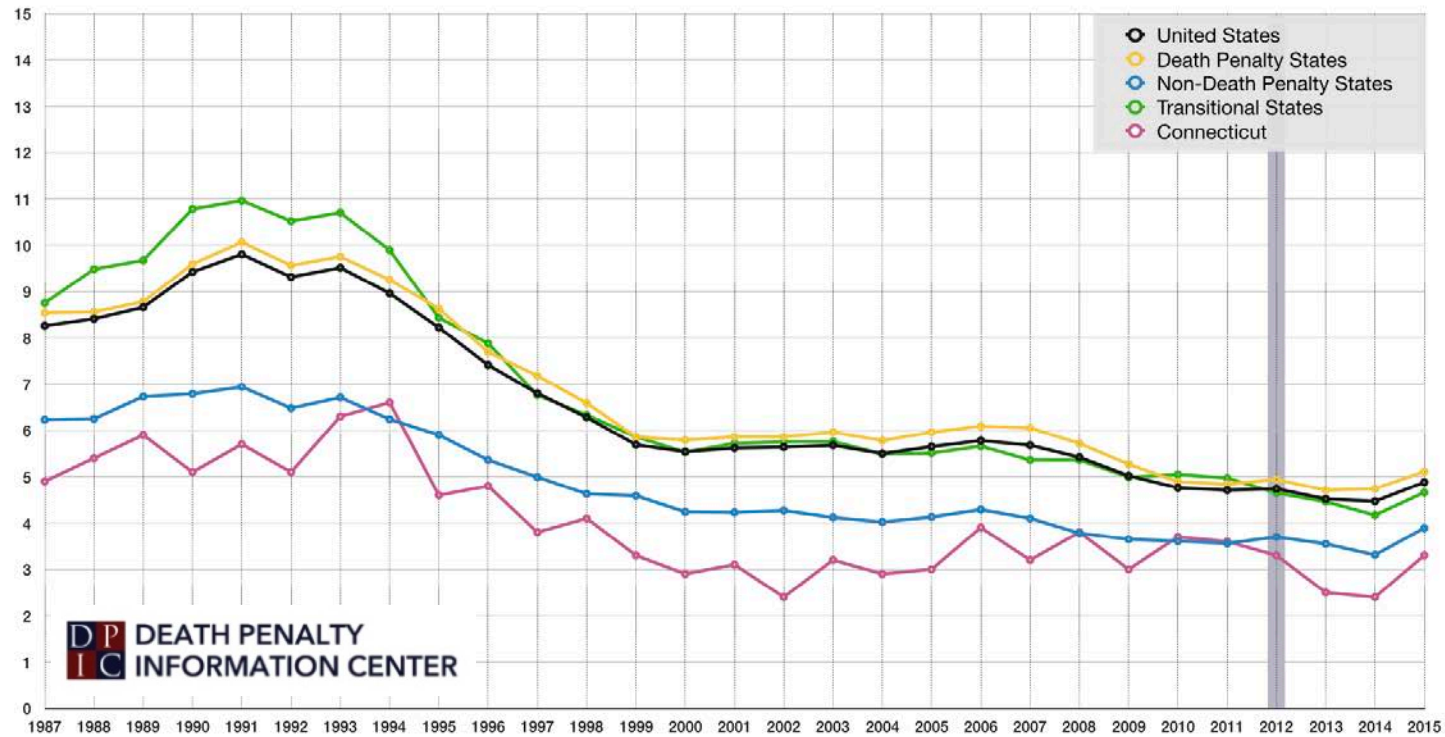


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Illinois

# Connecticut

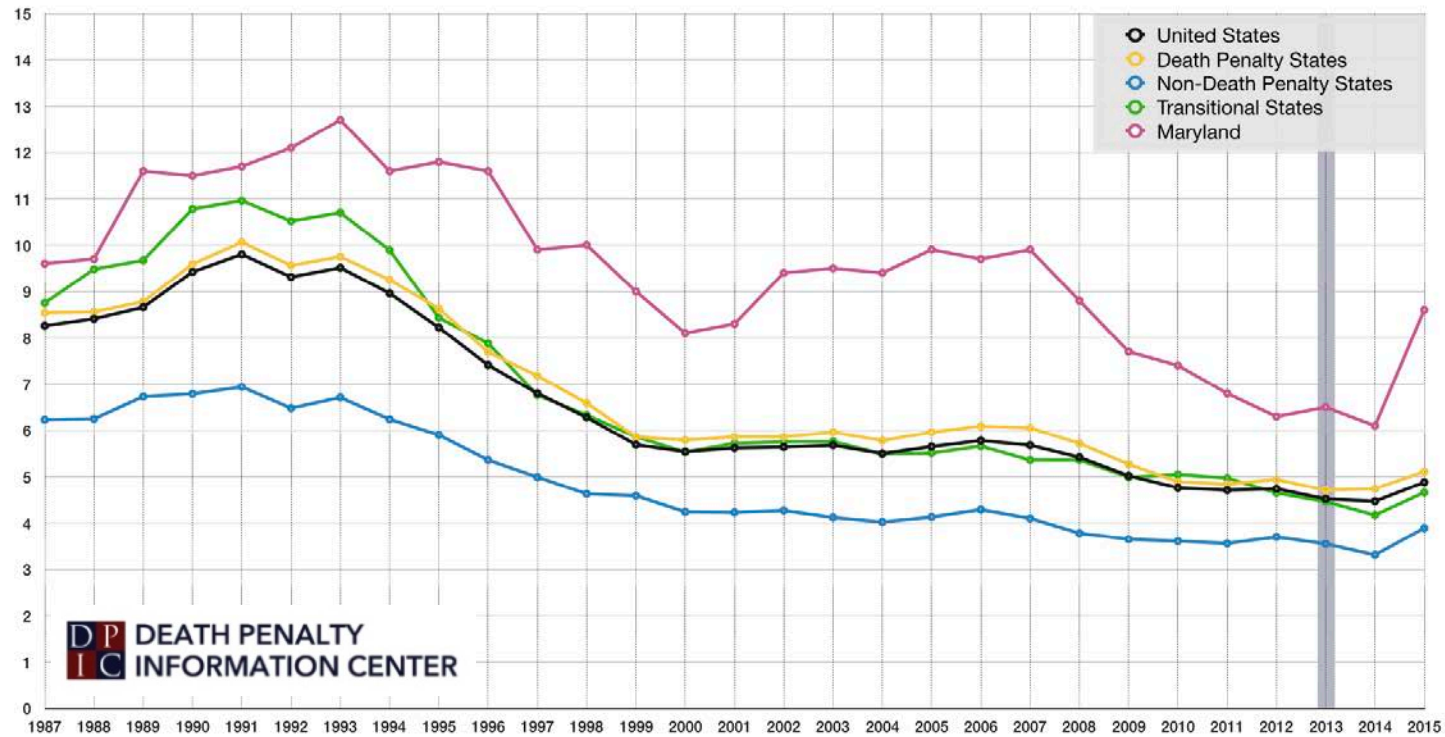
## Murder Rate per 100,000 People



Connecticut

# Maryland

## Murder Rate per 100,000 People

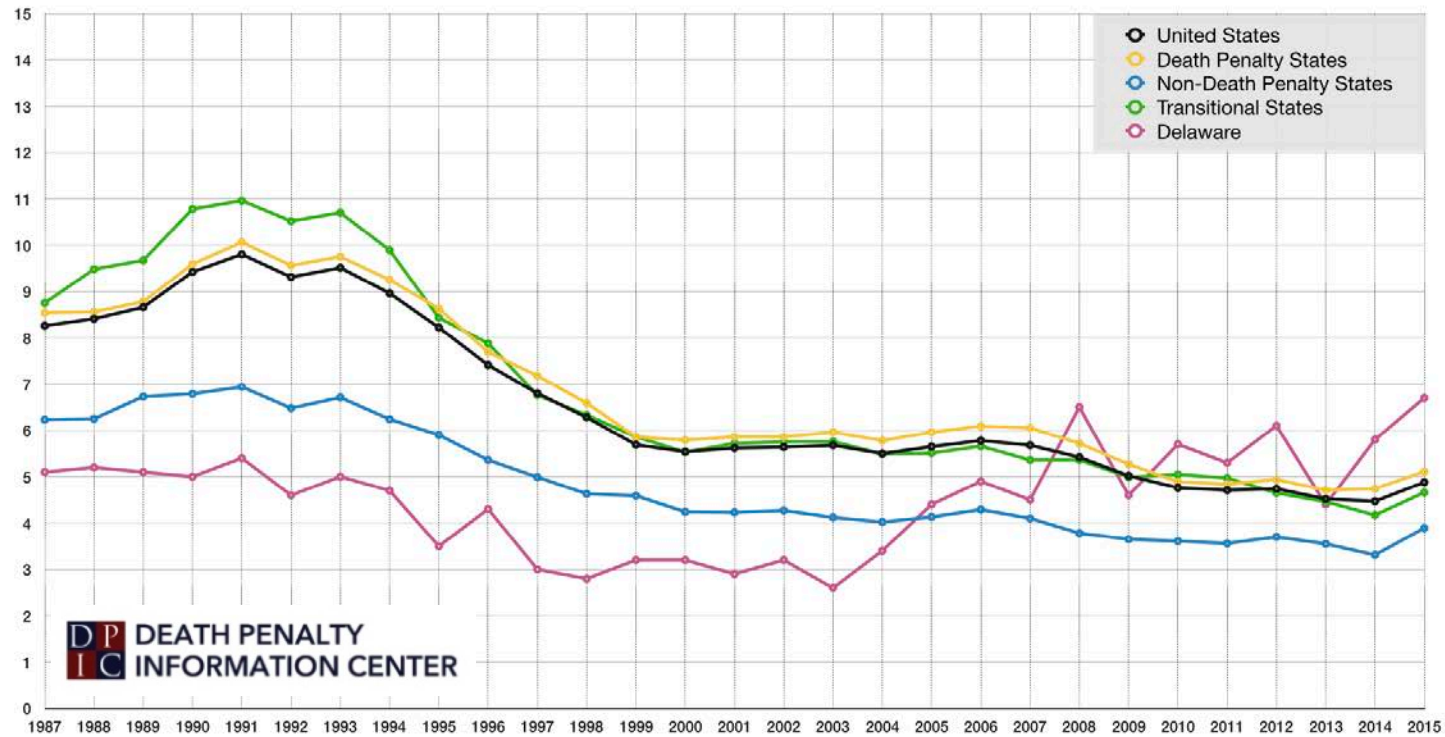


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Maryland

# Delaware

## Murder Rate per 100,000 People

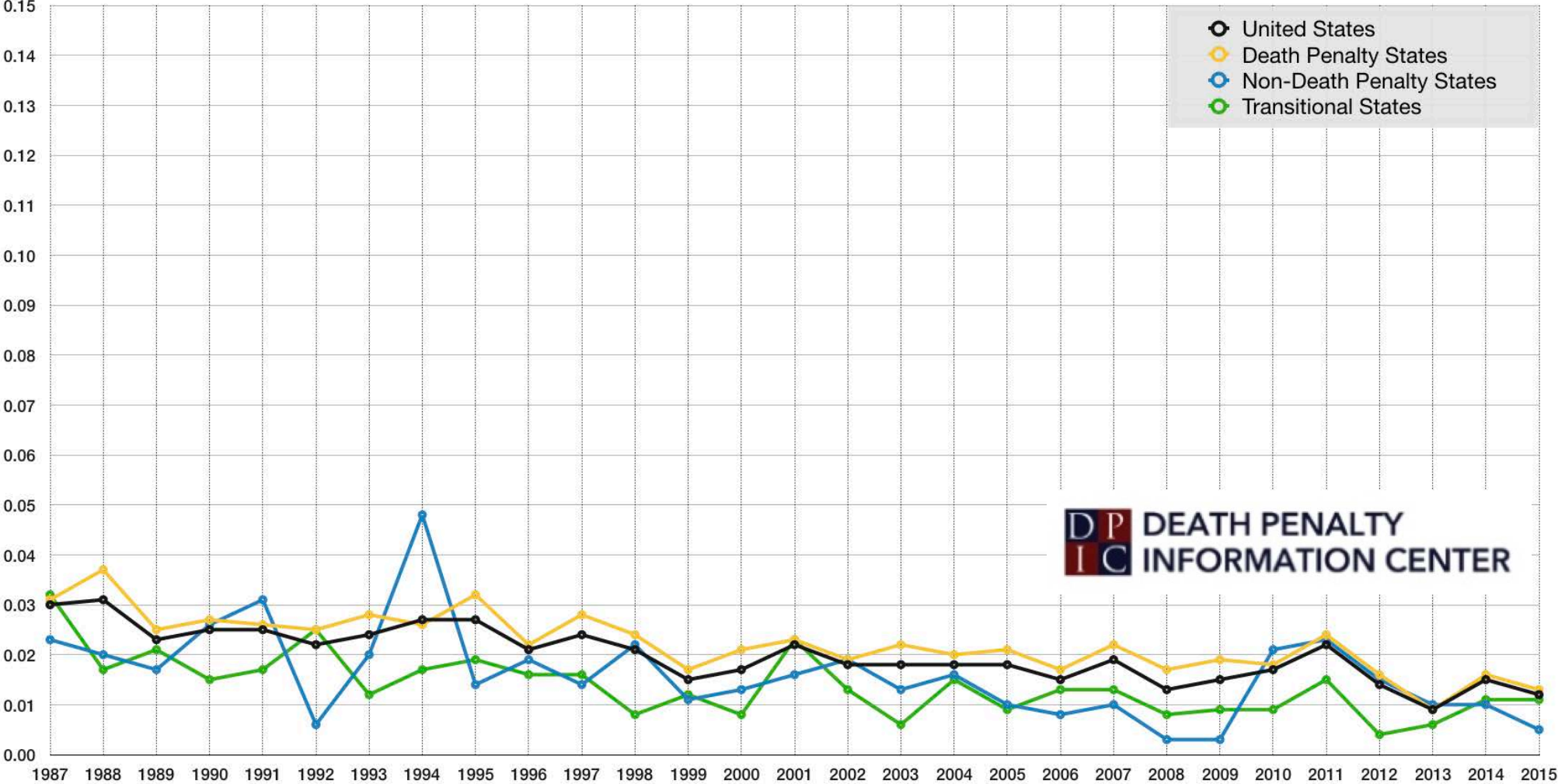


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Delaware



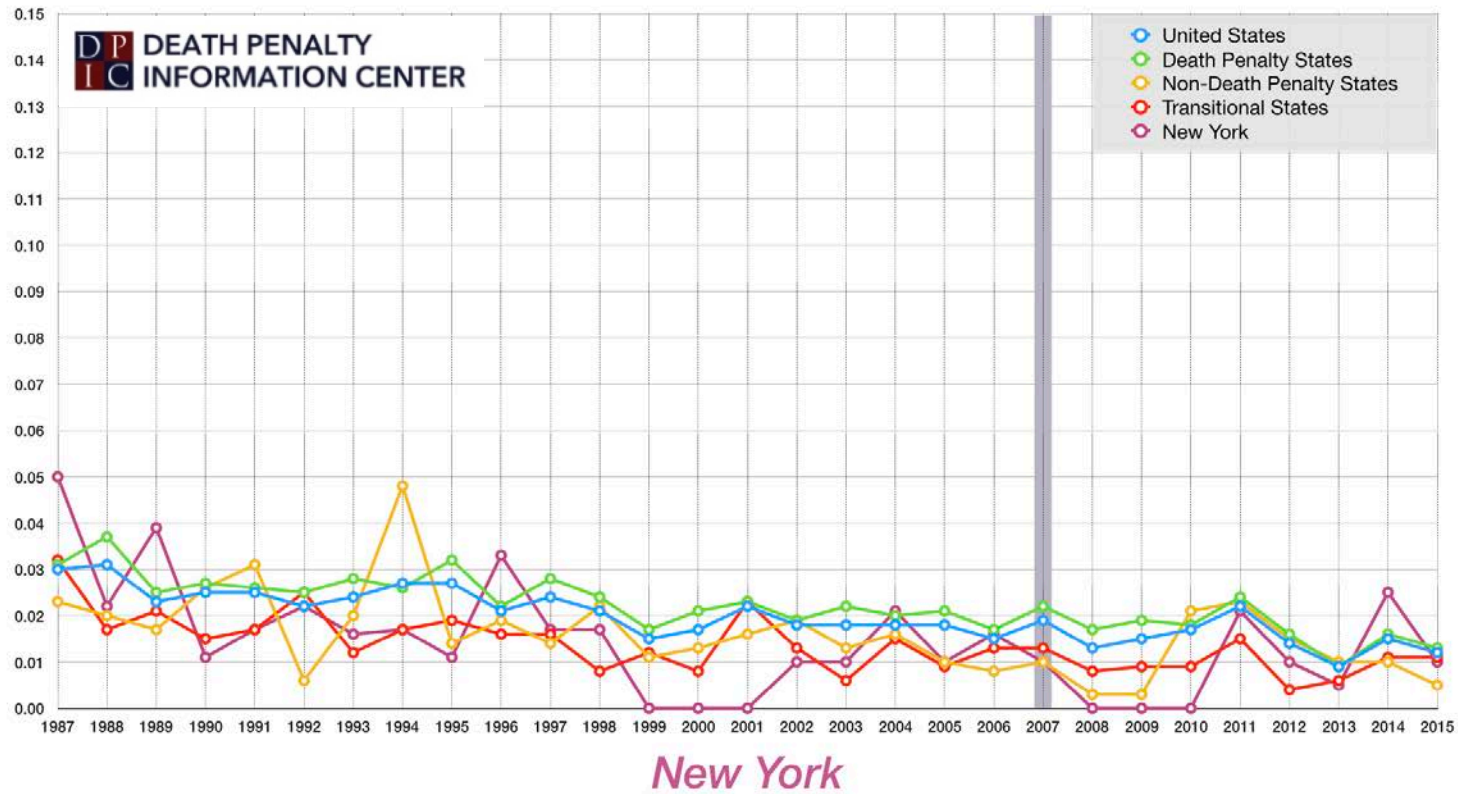
# Officer Victim Rate per 100,000 People



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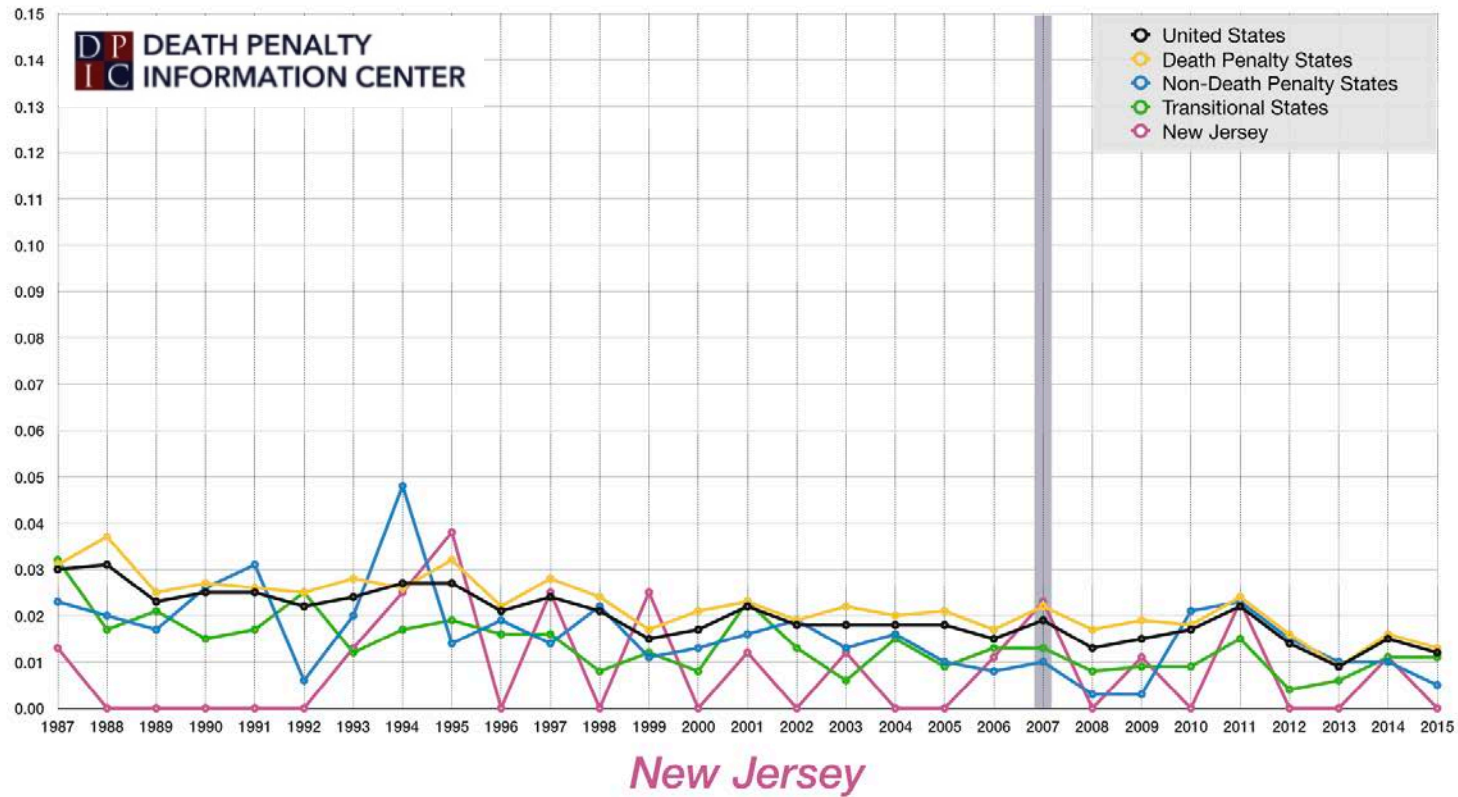
# New York

## Officer Victim Rate per 100,000 People



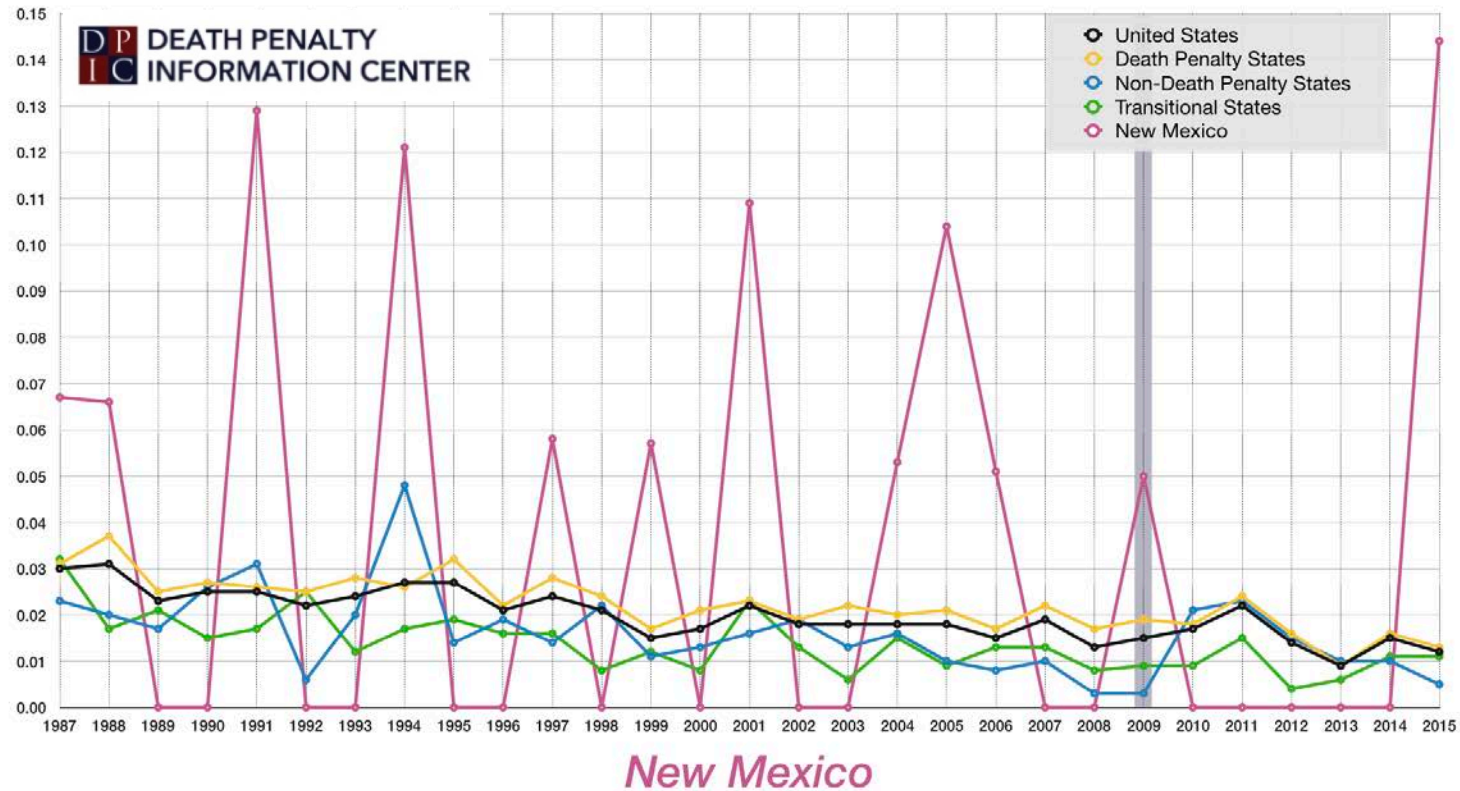
# New Jersey

## Officer Victim Rate per 100,000 People



# New Mexico

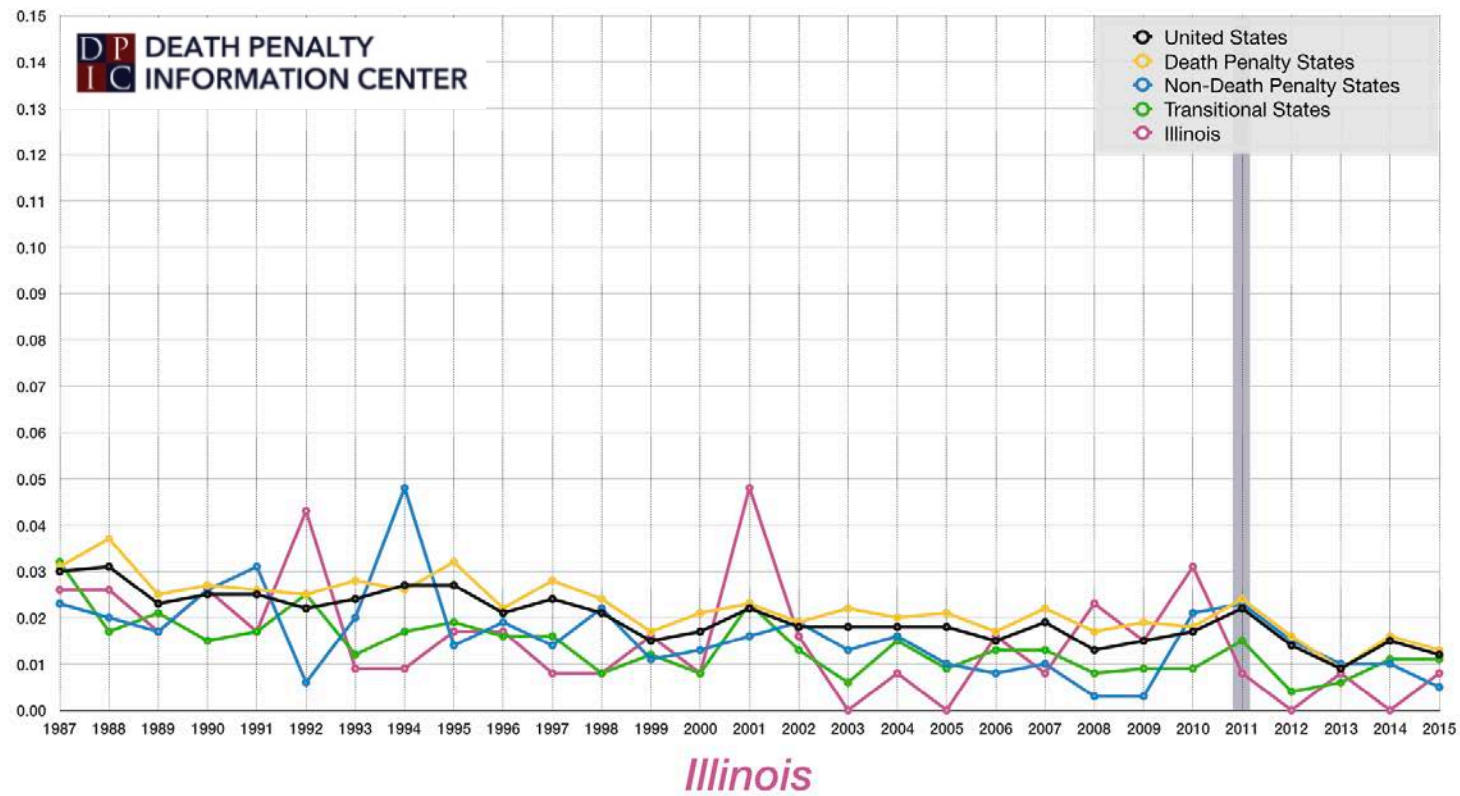
## Officer Victim Rate per 100,000 People





# Illinois

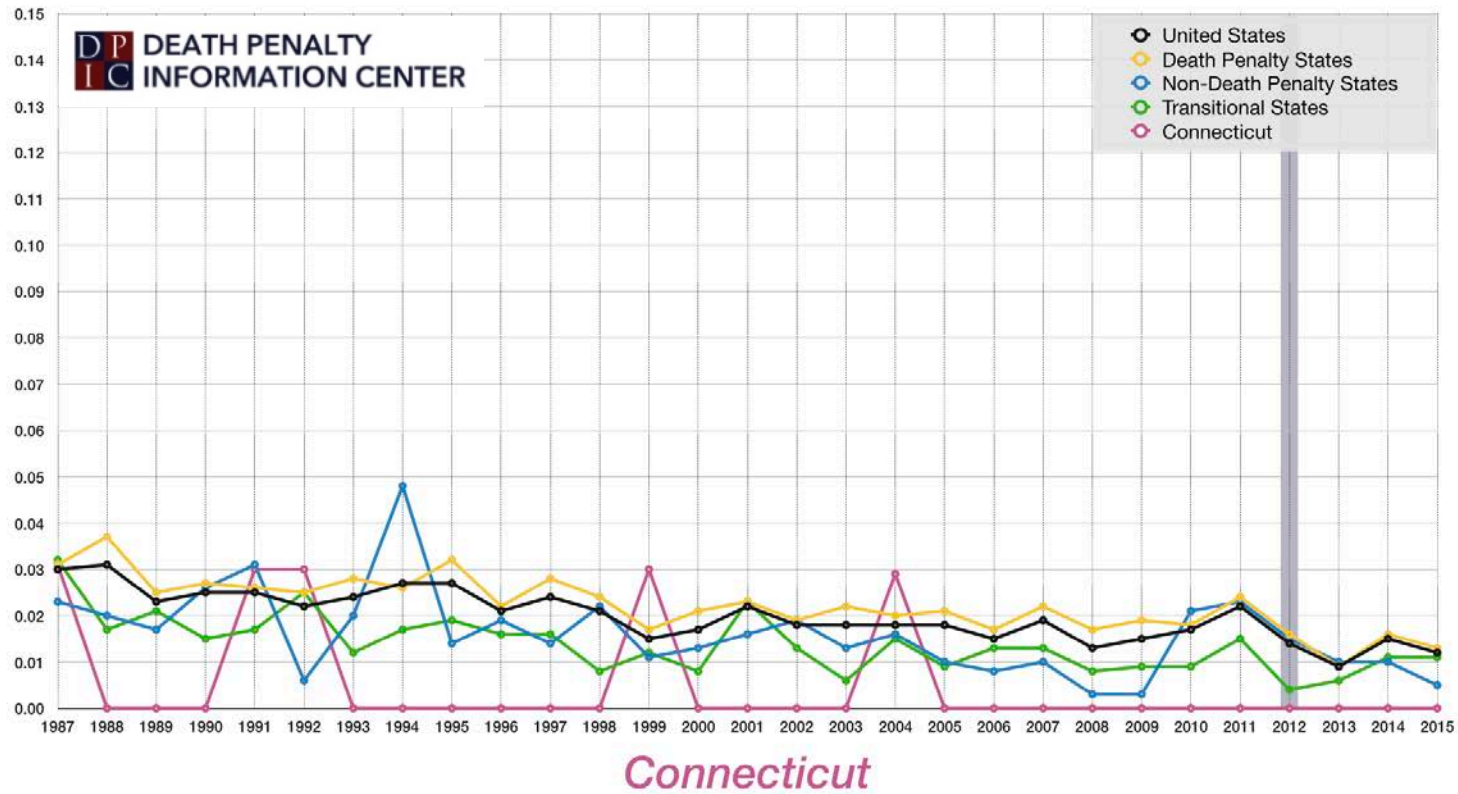
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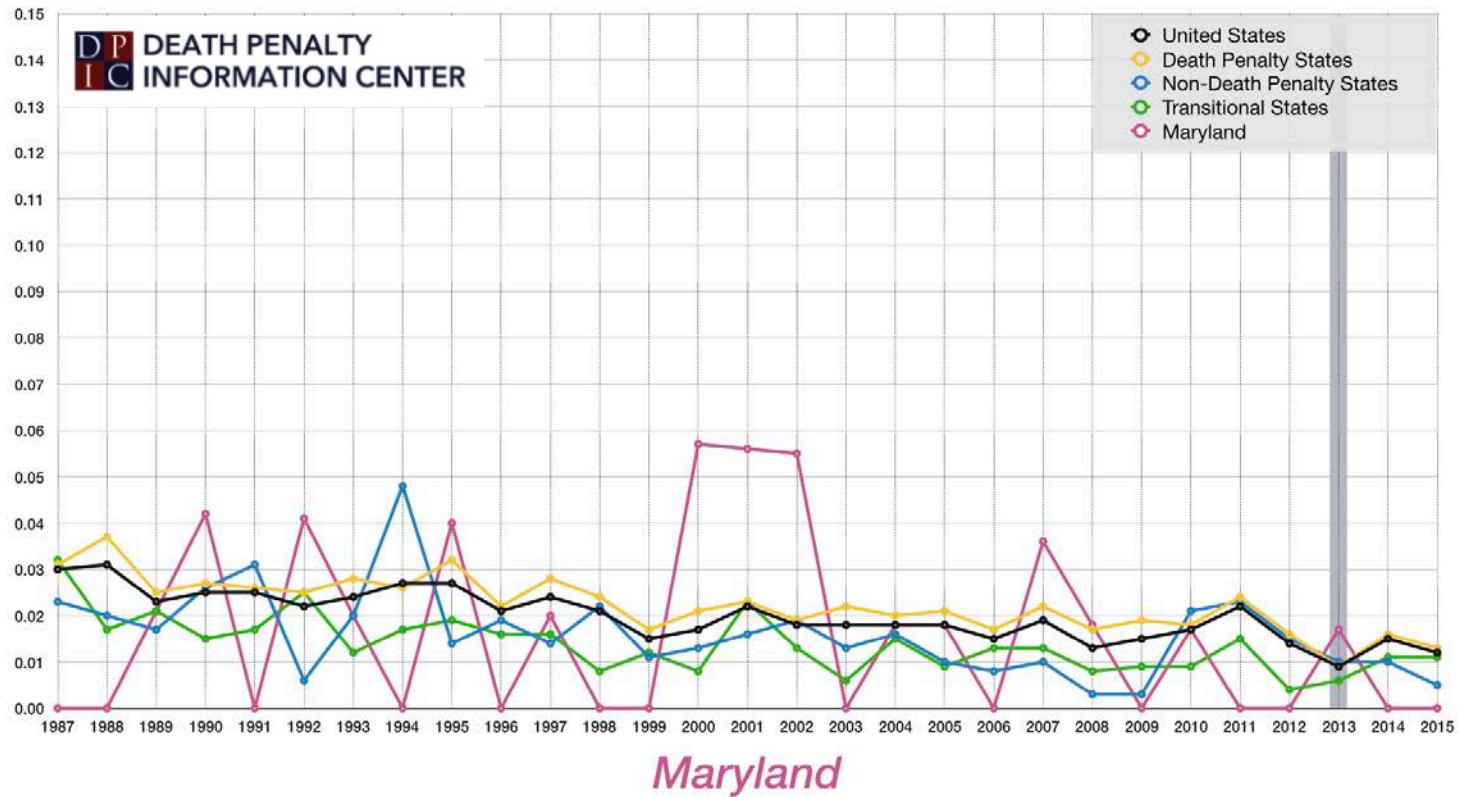
# Connecticut

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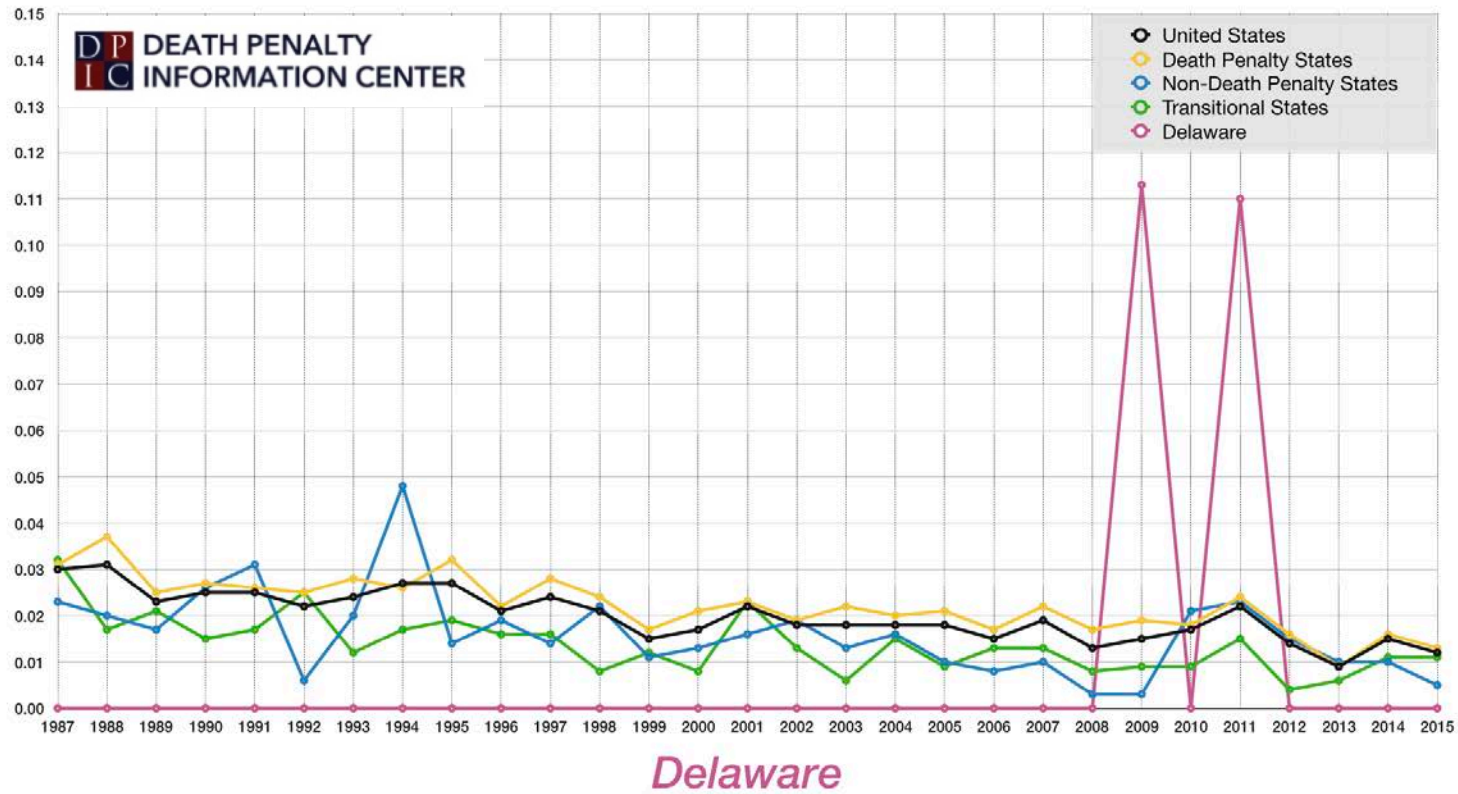
# Maryland

## Officer Victim Rate per 100,000 People

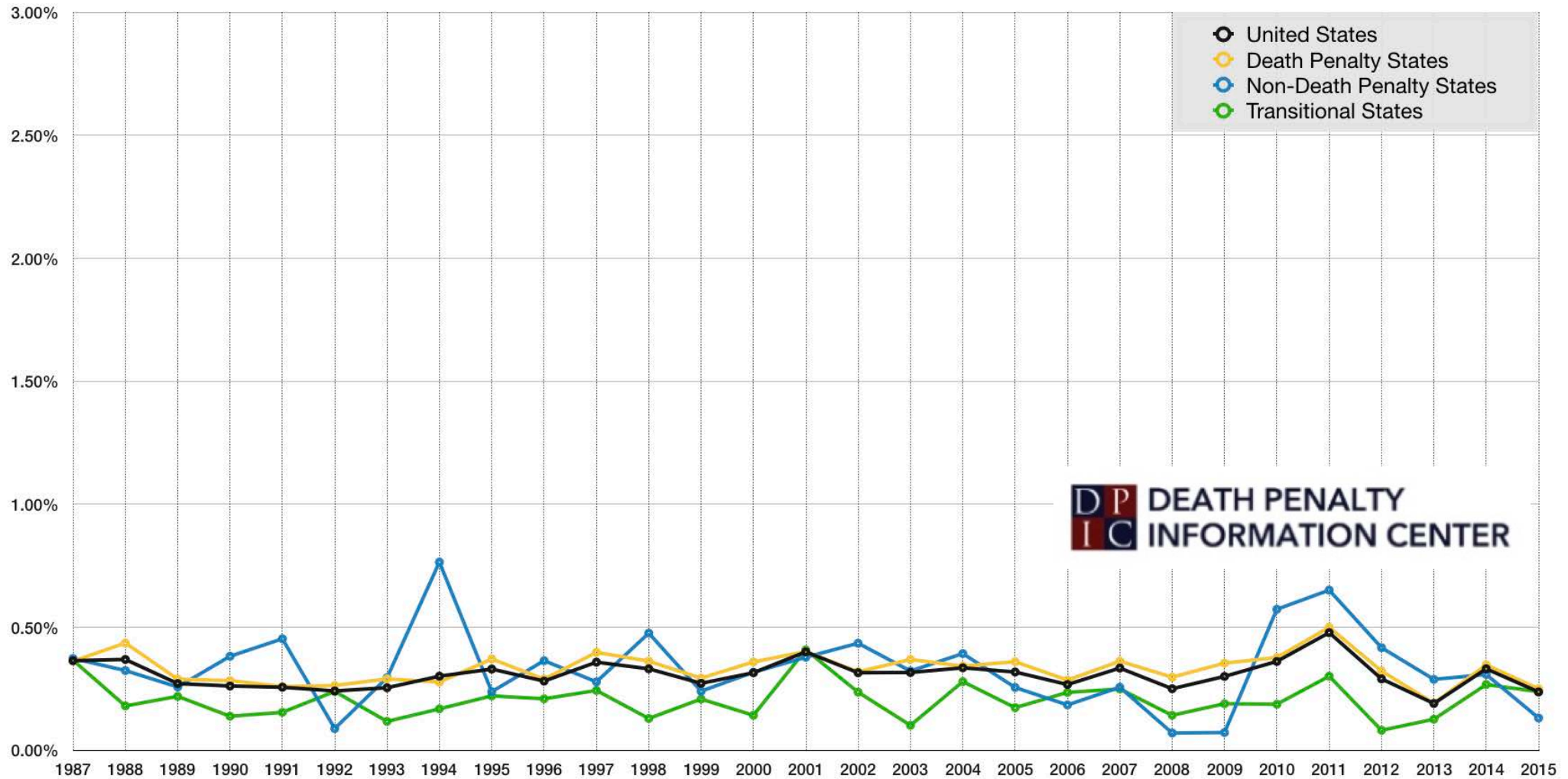


# Delaware

## Officer Victim Rate per 100,000 People



# Officer Victims as a Percentage of All Homicides



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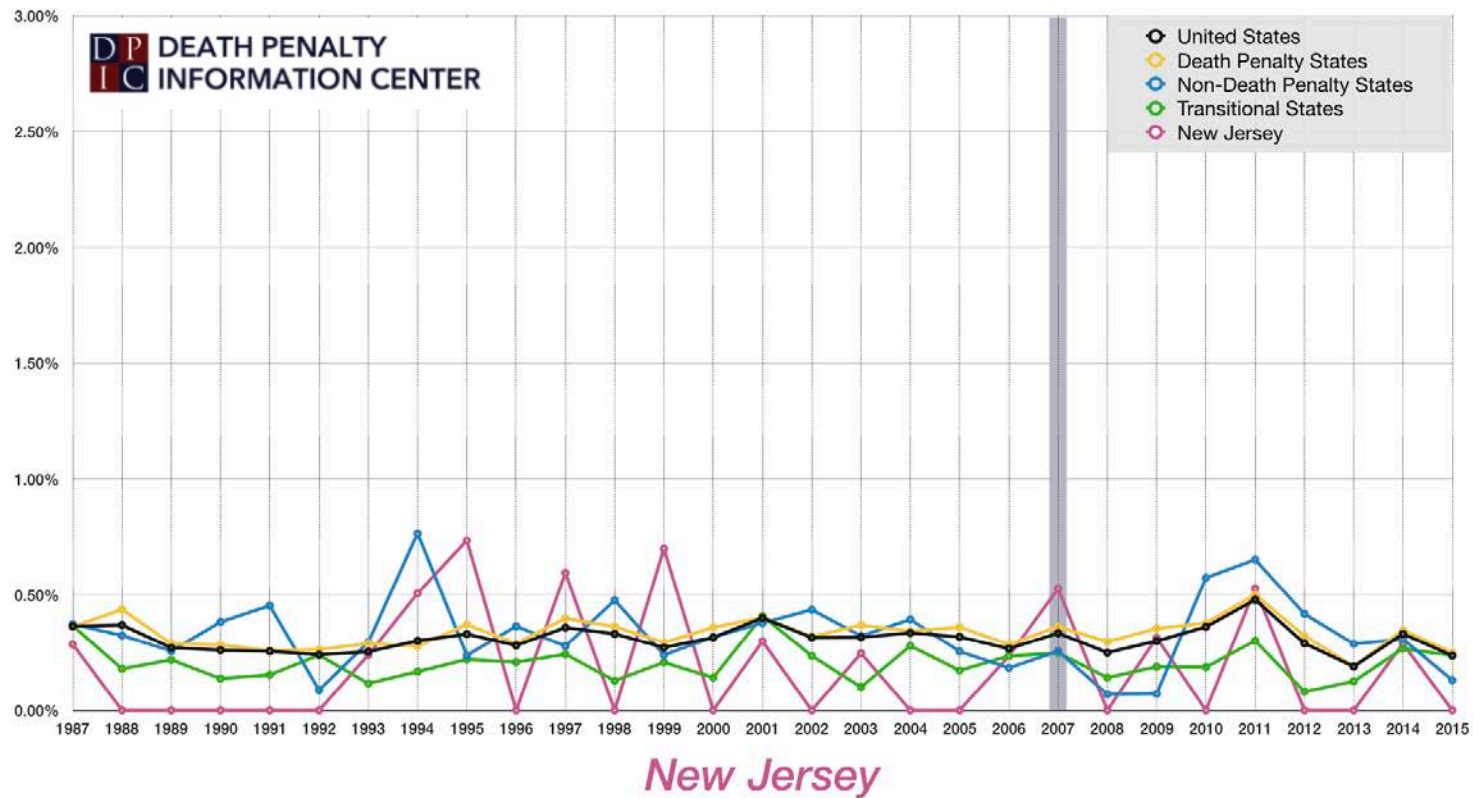






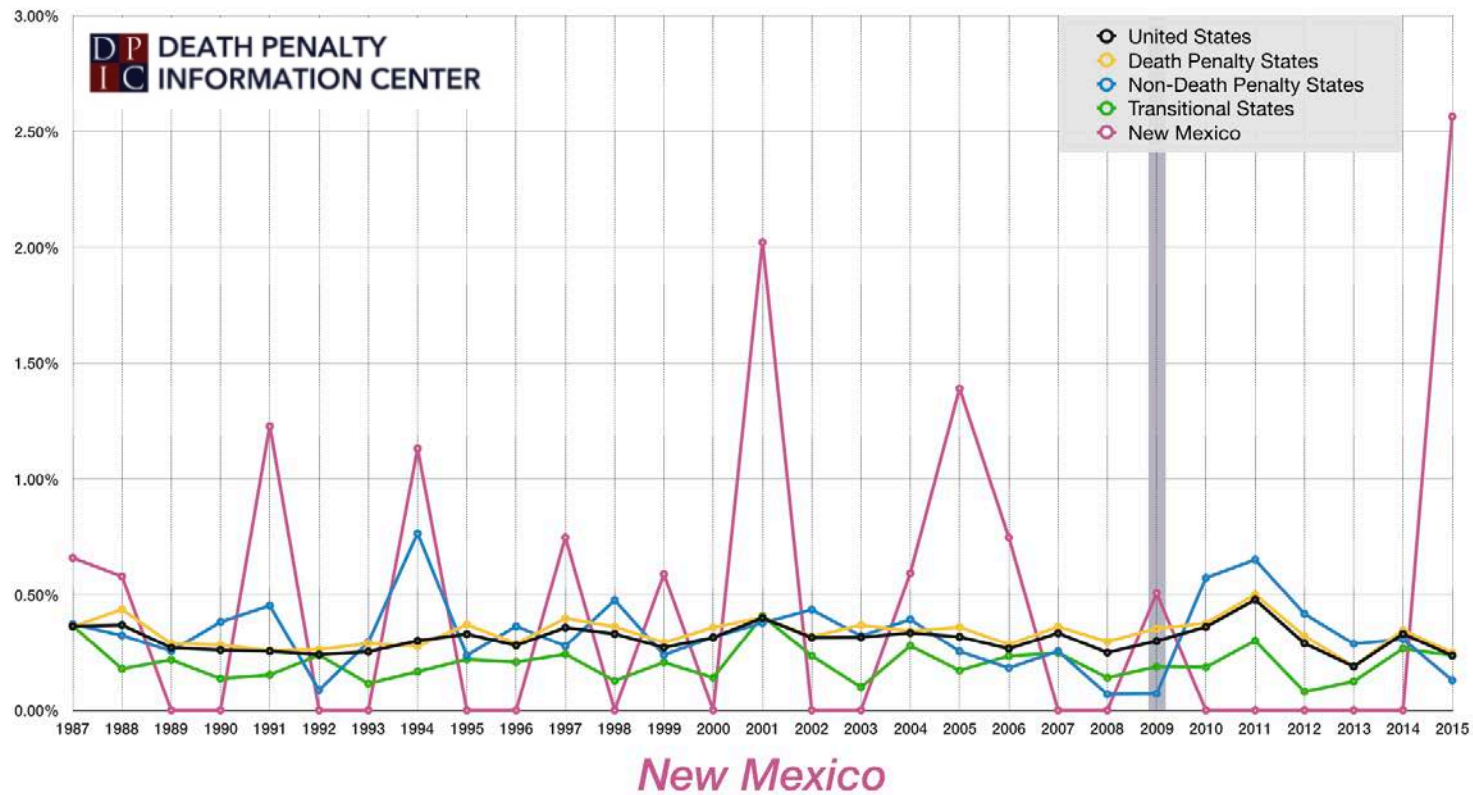
# New Jersey

## Officer Victims as a Percentage of All Homicides



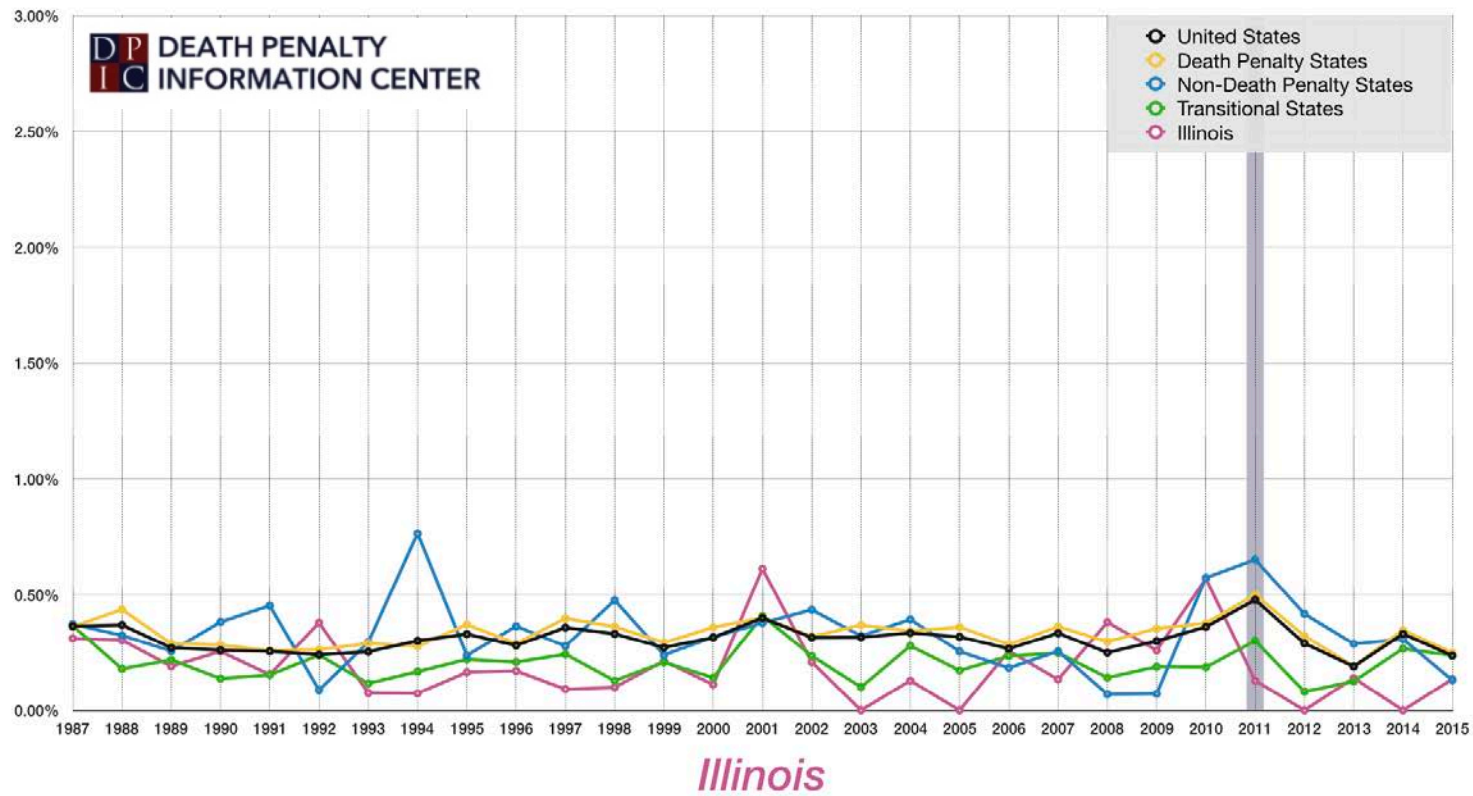
# New Mexico

## Officer Victims as a Percentage of All Homicides



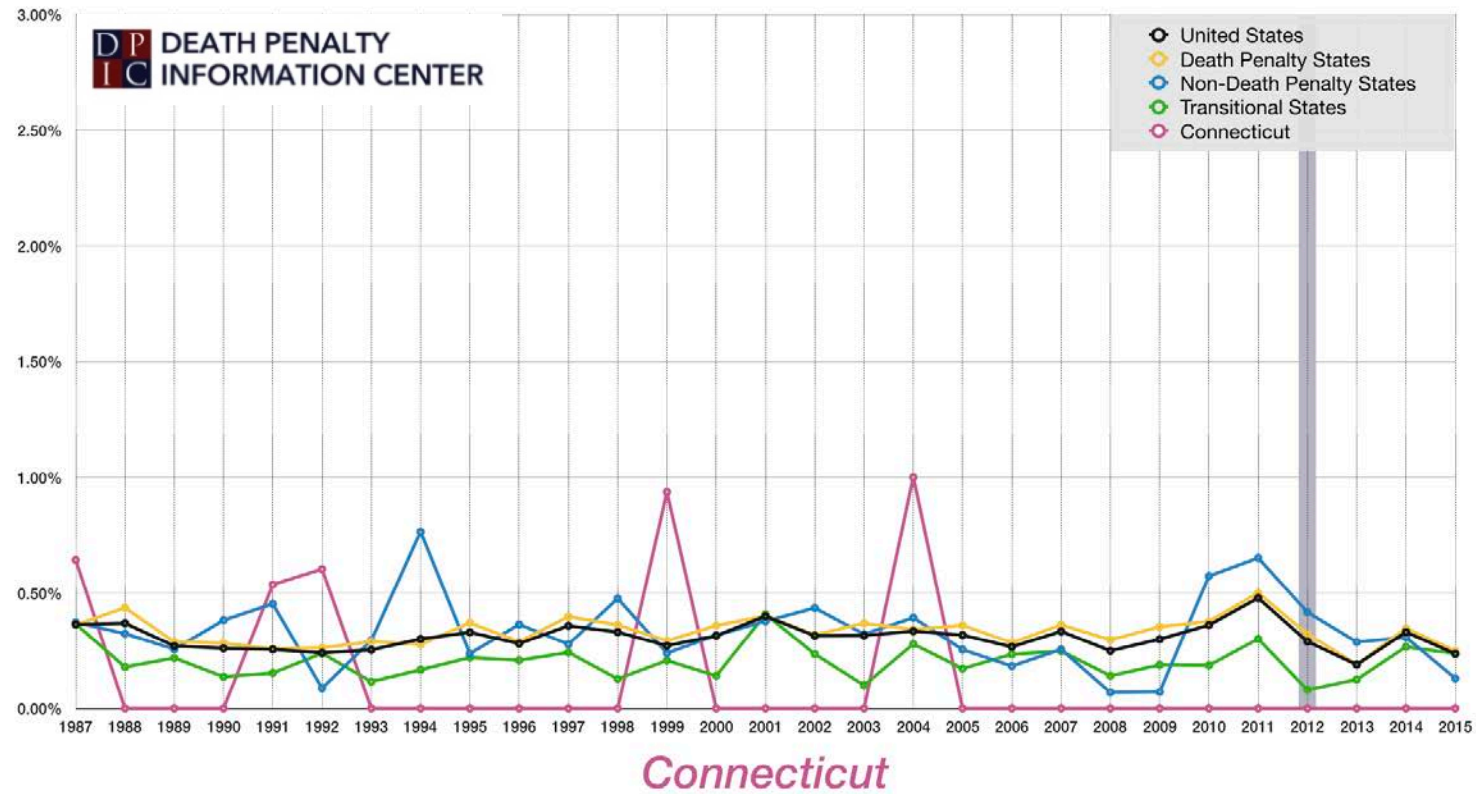
# Illinois

## Officer Victims as a Percentage of All Homicides



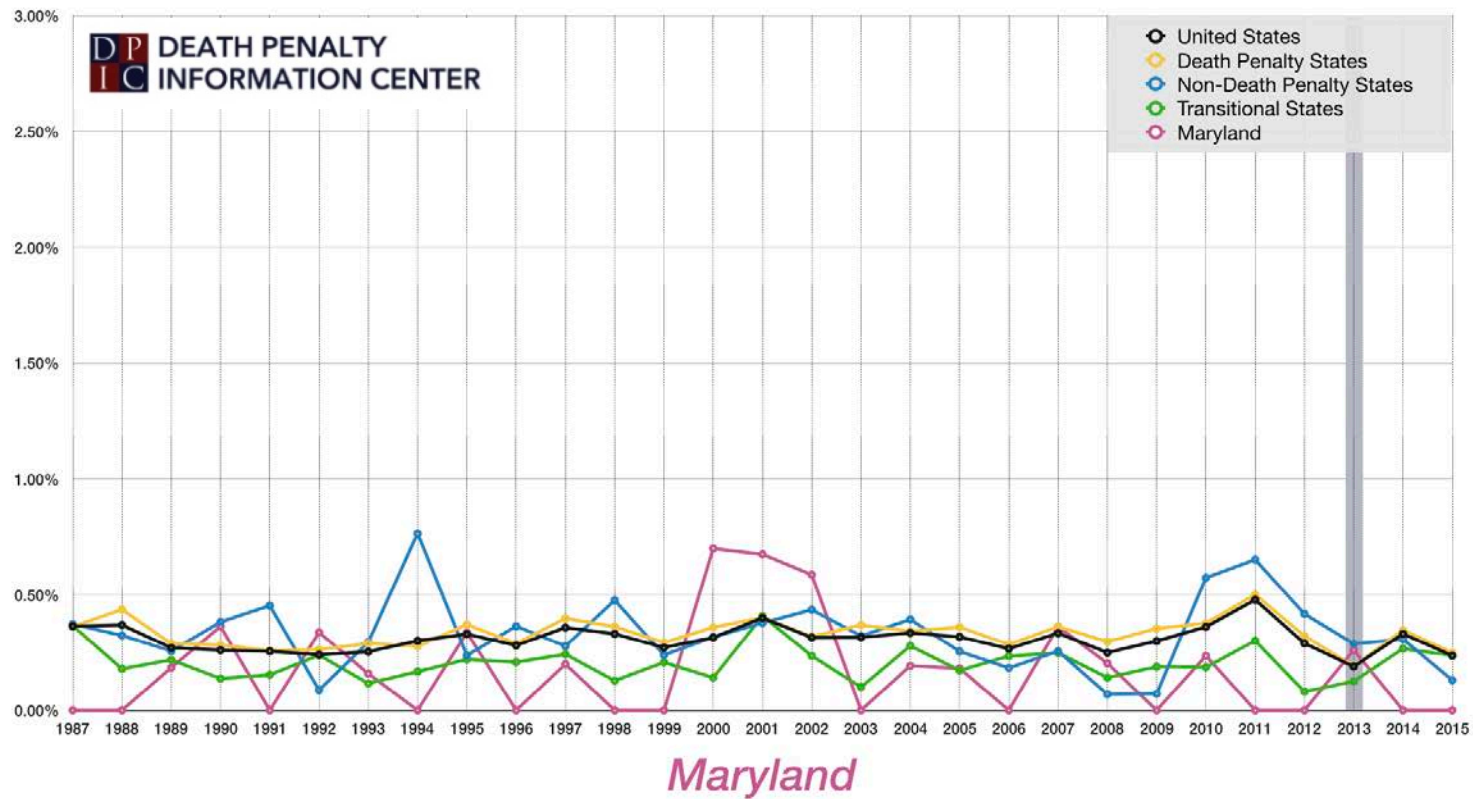
# Connecticut

## Officer Victims as a Percentage of All Homicides



# Maryland

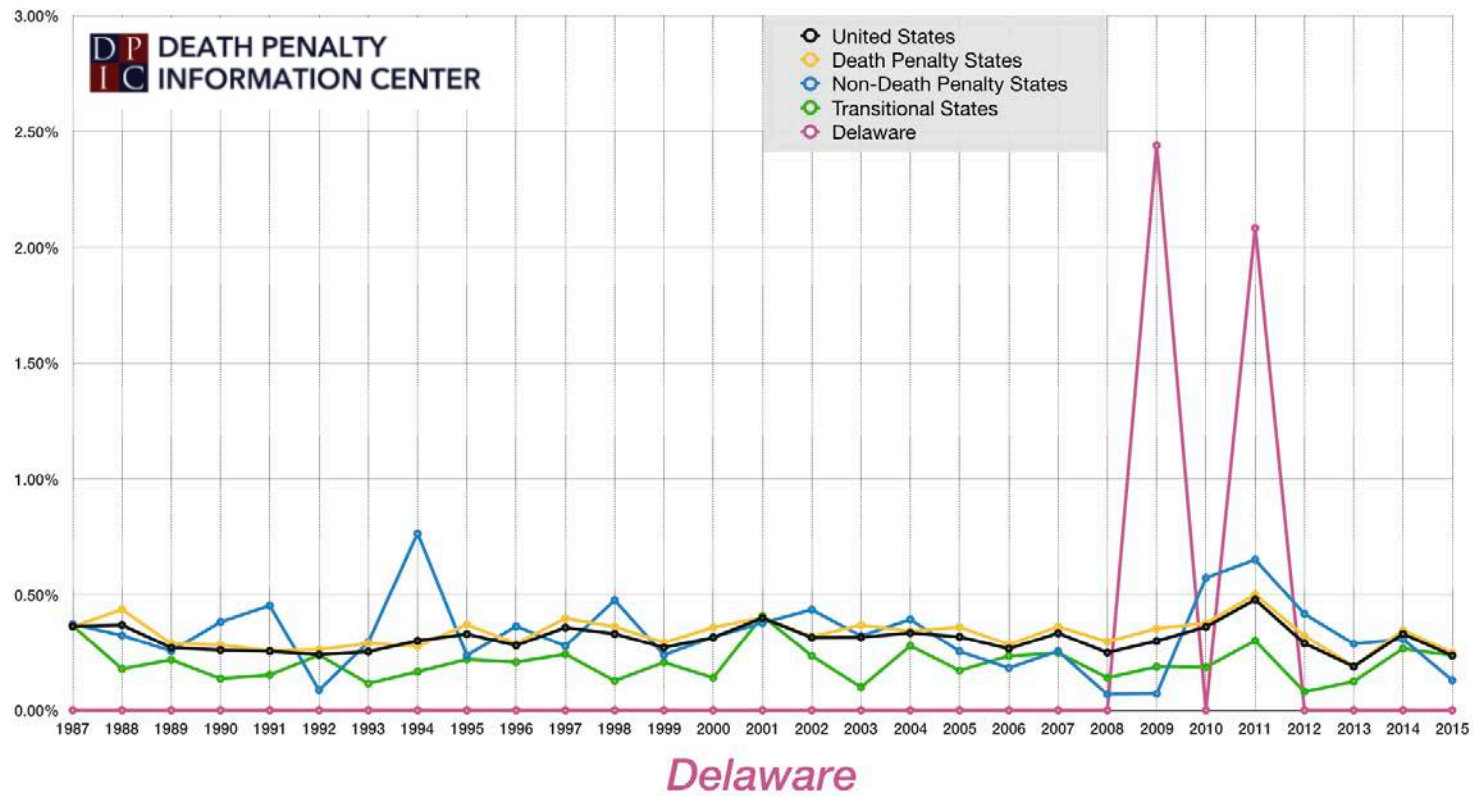
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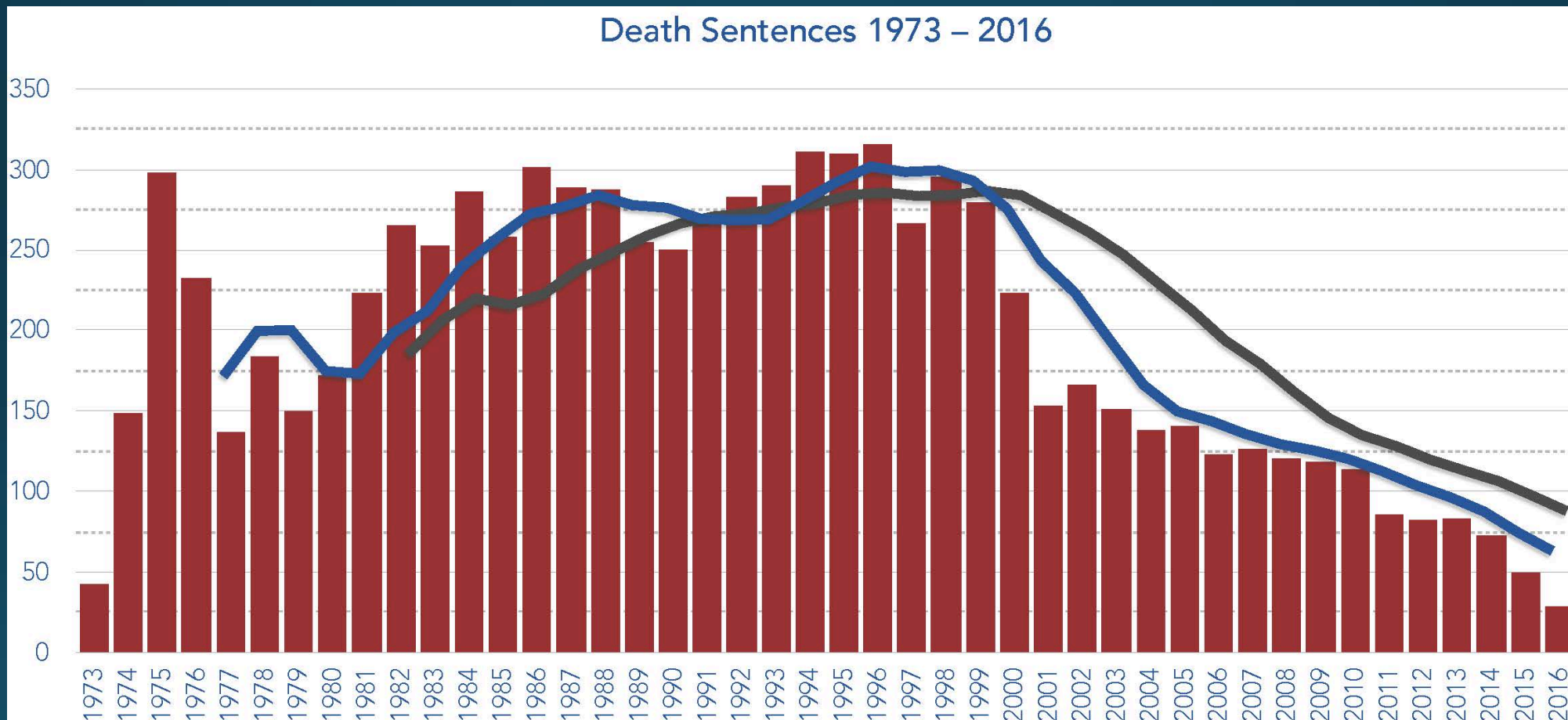


# Delaware

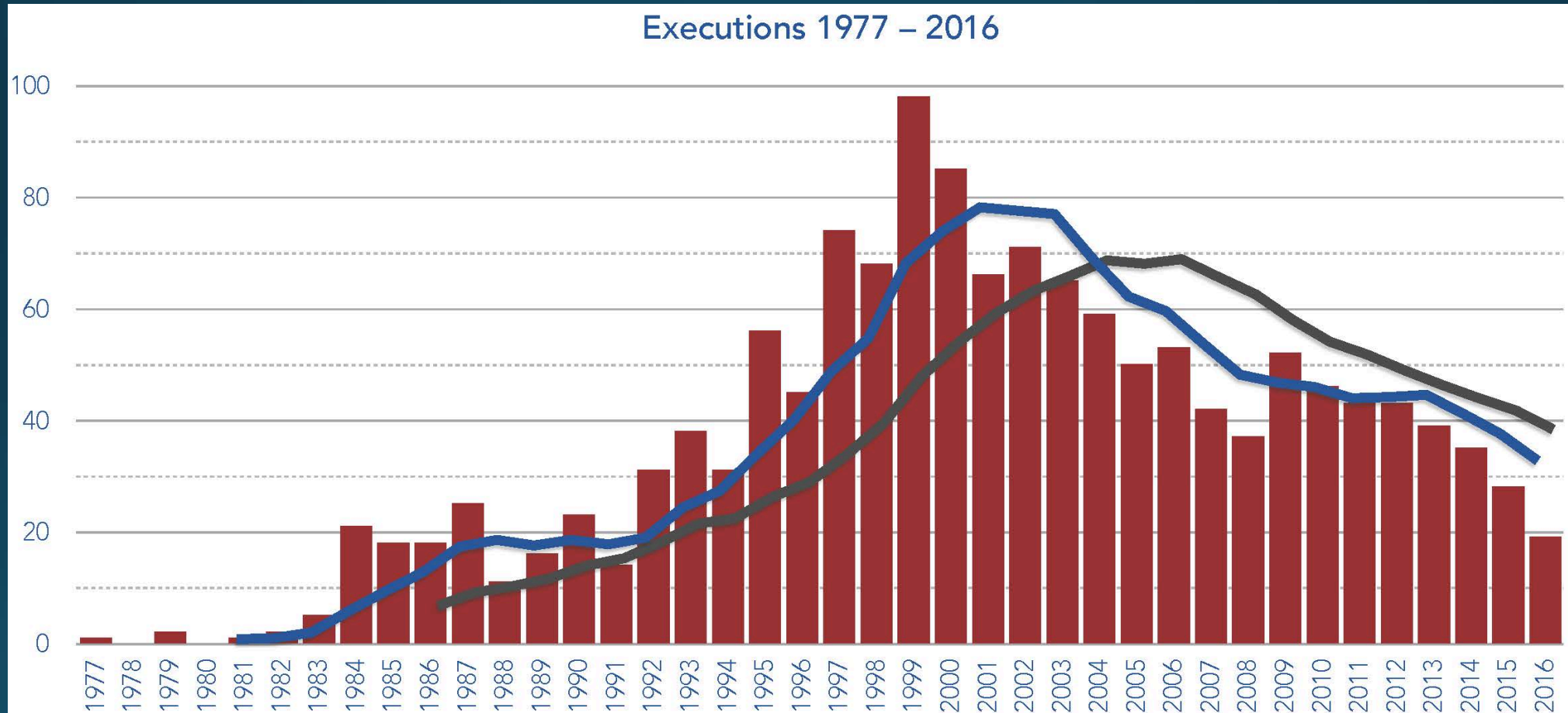
## Officer Victims as a Percentage of All Homicides



# The long-term death-sentencing decline

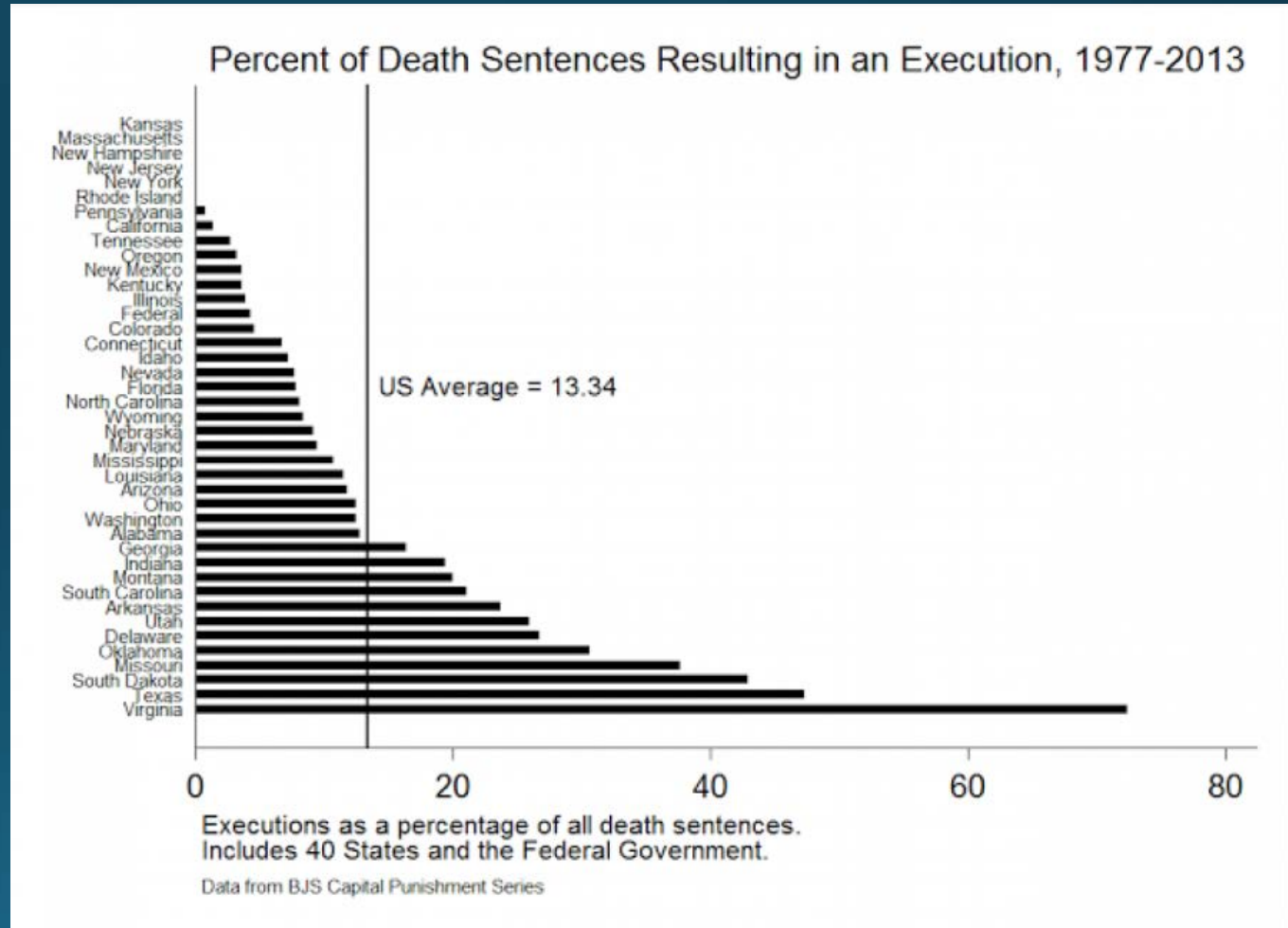


# The long-term execution decline



# 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.