

Death penalty's vanishing point?

BY FRANK R. BAUMGARTNER

CHAPEL HILL -- In this time of fiscal stress, a new study by Duke economist Philip Cook suggests that the state could save \$11 million per year if it stopped pursuing capital punishment. Is that a cost savings worth seeking, or would it be too radical a shift from current practices?

Recent trends suggest that in fact, juries and prosecutors across the state have already dramatically reduced their attachment to the death penalty. Going the final step might produce large savings with little actual change from current practice.

Consistently over the past decade, North Carolinians have suffered 500 to 600 homicides per year; the rate in 2008 (6.7 per 1,000 population) was a slight decline from 2007 and a larger decline from 1999 (7.2 per 1,000). In general these numbers have fluctuated but show no great trend. Thankfully, the numbers are slightly declining rather than increasing; we can all be pleased of that!

Whereas murders have been relatively flat, the number of capital punishment trials has declined sharply: From 1996 to 2000, there were 55 to 65 each year before starting a steep decline. From 51 trials in 2001, the numbers went down in a steady beat: 35 in 2002, 22 in 2003, and so on until there were just 12 capital trials in 2008 and nine in 2009.

So, prosecutors who once sought capital punishment in 10 percent to 12 percent of all murders statewide have moved to seeking it in less than 2 percent of the cases.

Juries have done the same as prosecutors, moving away from the punishment. In 1996, 34 of the 60 capital trials, or 57 percent, ended in death sentences. That percentage has declined steadily since then: 42 percent in 1997, 32 percent by 2000, and 20 percent in 2002. In 2008, just one death penalty was imposed out of 12 capital trials, or 8 percent (2009 numbers showed similar trends with two death sentences out of nine capital trials).

The net result of these trends is a remarkable decline in the number of death sentences: from 34 in 1996 to just one in 2008 and two in 2009. Since 2002, the numbers have consistently been in the single digits. Executions, of course, have been suspended in North Carolina since 2006.

Considering that prosecutors have been requesting death less and less, and that juries have been even more sparing in their willingness to impose it, Cook's estimate takes on additional meaning. If we can save that much money by making such a small change from current practices, why not?

States have moved away from the death penalty for many reasons, but the most fundamental one is the number of innocent people who have been discovered on death row. Nationally, 139 people have been released in the modern era (post 1976), eight right here in North Carolina (three since 2007).

In response to concerns about inadequate legal representation, courts have required increased safeguards to ensure that no mistakes are made; these are likely to increase the cost of the death penalty system in the years to come.

It is reassuring to know that murder rates have been slightly declining or relatively steady during a decade of dramatic decline in the number of decisions by prosecutors and our fellow citizens serving on juries throughout the state to impose punishments of death. Considering how rarely we are using the death penalty, Cook's estimate of the cost savings of doing away with it and court requirements mandating continued high costs in the future, maybe it's time to just do away with it.

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[**erratum:** In the third paragraph the article refers to murder rates of 6.7 and 7.2 per 1,000 population; this should be per 100,000 population, not 1,000.]