

The rightfulness of usage of death penalty in the criminal justice system

[Law](#), [Death Penalty](#)



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Introduction

The death penalty is the harshest punishment in the criminal justice system. Capital punishment ends the existence of those punished, instead of temporarily imprisoning them. The methods used to carry out the death penalty are lethal injections being the most common and primary method; electrocution, gas chamber and firing squad are also used in some states. This year 17 offenders were executed, but there are thousands of offenders currently on death row. Capital punishment is rarely carried out and the thousands held on death row are more expensive to hold than sentencing them to life in prison.

Today the death penalty is supported by three quarters of Americans. The Supreme Court argues that capital punishment is unconstitutional for juries to have the power to sentence an offender the death penalty after the Furman v. Georgia case. The death penalty is not carried out enough in contemporary America to be considered a deterrent. The few times it is actually carried out suggest that it should just be eliminated. Others argue that there are crimes so heinous that these violent offenders deserve to suffer more than their victim did. There are many interpretations on whether the death penalty should be eliminated or kept as part of the system.

Capital punishment is a bad public policy because it is rarely carried out and raises questions about the credibility of the justice system.

Counter Argument

There are beliefs that those who commit the most heinous crimes deserve the death penalty. They deserve to suffer as much as their victim and the victim's family and friends had. The majority of Americans who support the death penalty believe the punishment is fair and offenders deserve the same treatment. Grieving families of victims are the biggest support of capital punishment because they wish for justice to be served.

The Furman v. Georgia case brought up the argument that the death penalty could be constitutional. The death penalty could be executed fairly if judges and juries were provided with a sensible guideline and objective to determine whether an individual should live or die. There is a loose interpretation of what a heinous crime is but if it were well defined, the death penalty would be more affective. A clear definition would result in more executions and could potentially become a deterrent if it is carried out more often.

Currently in America capital punishment remains a divided issue. There is not set interpretation as to what a heinous crime is that would deserve the death penalty.

Capital punishment comes with the risk that an innocent person may be executed, this is main reason people question this punishment. If an execution error were to occur, the justice system will lose credibility and the trust of the public. This punishment cannot be considered a deterrent; it only deters those who the punishment is carried out on. Capital punishment is more expensive and time consuming than sentencing a person to life in

prison. An offender sentenced to life in prison will suffer just as much as they would be sentenced the death penalty. Spending life until death in prison is a severe punishment. Confinement often causes people to go crazy and it would be assumed that most would rather be executed.

My Argument

It is a fact that “ only a small proportion of homicides in the United States result in execution”(Appleton & Grøver, 2007). Capital punishment is rarely carried out; therefore it cannot be considered a deterrent of crime. This punishment only deters those who are executed. Life in prison is less expensive than death row and the inmate will suffer just as much. The death penalty is not affective in deterring people and more expensive, therefore it is more practical to abolish capital punishment and sentence those who commit heinous crimes to life in prison.

The death penalty comes with a serious risk and that is that an innocent person may be put to death. This punishment is permanent, “ the death penalty and high incarceration rates intensify the need for accuracy when determining guilt” (MacFarlane & Stratton, 2016). Once one is executed it is over. The risk is that an innocent person may be sentenced to death. Doug McCray was on death row in Florida for 21 years, his case was re tried 9 times. He had no recollection of the murder he committed but the justice system found him guilty. Just before he was supposed to die a psychiatrist diagnosed him with temporal lobe seizure disorder and proved that he did not have a guilty mind when committing the crime. His condition gave him no recollection of the murder. There have been many cases where innocent

people are put in prison and year later found guilty. If an innocent individual is put to death and found guilty afterwards, it is too late.

There are no guidelines defining a heinous crime to determine who should be sentenced to death. There are many interpretations as to what determines who is sentenced the death penalty and who is not. All judges are conflicted with “ the problem of judgment. Judging whether a person convicted of capital murder should be executed or spared requires a thoughtful decider to think hard about the nature of reality. The decision presents the decider with a string of questions about complex ideas such as intent, causality, justice, state power, the human mind, and the purposes of punishment” (Kaplan, Dunn & Jackson, 2016). Different beliefs and opinions do make the death penalty seem reasonable. One judge may sentence a person to death and another judge may sentence someone else to life in prison for the same crime. If there are no guidelines it should not be a policy.

Conclusion

It cannot be determined whether someone on death row will suffer more than his or her victim, therefore this long, rarely carried out process is not a good public policy.