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Perceptions of Law Enforcement Officers on Capital Punishment in the United States

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Abstract

As scholars and legislators debate the efficacy of capital punishment, research has played a significant role in supporting arguments on both sides of the issue. Studies on the death penalty in North Carolina, United States, have ranged from examining the effects of race and sex on capital case outcomes to polling the general public on their personal support for the death penalty. Experts have been asked about their professional opinions and murder victims' family members have added their personal experiences to the mix. There is, however, one group whose opinion has not been examined: the criminal justice practitioner. Using survey data gathered from criminal justice agencies across North Carolina, United States, the current study examines support for capital punishment among criminal justice practitioners in the state. Results show that while the law enforcement officers surveyed are overwhelming in favor of the continued use of capital punishment, they concurrently agree that innocent people have both been previously executed and are currently on death row today.

Introduction

At first glance, the most recent public opinion polls suggest that Americans remain in favor of capital punishment. For example, a 2011 Gallup Poll found that 61% of Americans answered yes to the question, "Are you in favor of the death penalty for a person convicted of murder?" Only 35% of Americans answered no, and 4% said they did not know or refused to answer. Yet, the percentage of people who say they favor the death penalty is down from the high of 80% in 1994, when opposition was only at 16% (Sourcebook of Criminal Justice Statistics, 2011, Table 2.51).

Further, we know from careful studies of criminologists and other social scientists that support for capital punishment is not as widespread as believed. Studies show that when Americans are given alternatives to the death penalty such as life imprisonment without

the possibility of parole (LWOP), support falls to 50% or less (Robinson, 2009). As one example, a 2010 Gallup Poll asked Americans, "If you could choose between the following two approaches—the death penalty or life imprisonment with absolutely no possibility of parole—which do you think is the better penalty for murder?" It found that 49% chose the death penalty, 46% chose LWOP, and 6% said they did not know or refused to answer (Sourcebook of Criminal Justice Statistics, 2010, Table 2.49).

Research also illustrates that support for capital punishment widely varies based on certain demographic and social variables. For example, the 2011 Gallup Poll referenced above found that the death penalty is more supported by men than women (64% versus 57%, respectively); whites than nonwhites (68% versus 41%, respectively, and only 28% of blacks say they support capital punishment); older people than younger people (e.g., 65% of people 65 years and older support the death penalty, versus only 52% of 18-25 year olds); people earning lower salaries (e.g., 64% of people making less than \$20,000 support the death penalty, versus 59% of those who earn \$75,000 and over); Republicans than Democrats (74% versus 45%, respectively, and 65% of Independents say they support the death penalty); conservatives than liberals (72% versus 40%, respectively, and60% of moderates say they support the death penalty); and the less educated support the death penalty the most (e.g., 65% of people with a high school diploma or lower support capital punishment, versus 47% of people with post-graduate degrees) (Sourcebook of Criminal Justice Statistics, 2011, Table 2.52).

The degree to which people support capital punishment is clearly impacted by how much they know about it or don't (Bohm, 2011). For example, a national study of expert opinion of capital punishment scholars—people who study the death penalty for a living and thus are the most informed about it—found that they overwhelmingly do not support the death penalty (Robinson, 2009). Specifically, 80% answered that that they are opposed to capital punishment (only 9% expressed support for capital punishment and 11% said they were not sure). Further, not a single death penalty expert selected the death penalty when asked the question, "What is the most appropriate punishment for someone convicted of first-degree murder?" Every capital punishment expert answered either "life imprisonment without parole" (37%) or "other" (63%, and these scholars then specified various terms of imprisonment in the range of decades). The study also found that 79% of experts answered in the affirmative to the question, "Do you personally favor a temporary halt to executions (moratorium) in the United States while the practice of American capital punishment is studied?" (versus 14% of who answered no and 7% said who they were not sure). And 84% of experts said they thought "states should permanently stop executing convicted murderers" due to "problems that are serious enough to make it unacceptable as a government-sanctioned punishment" (versus 14% of who answered no and 2% who said they were unsure).

In spite of all we know about capital punishment opinion, there are only a handful of studies that examine the opinions of criminal justice practitioners. This is unfortunate, for as will be shown in this paper; there is ample reason to suspect that the opinion of capital punishment of criminal justice practitioners will be quite different than these experts, as well as with citizens more generally. Thus, the purpose of this paper is to report findings of our own survey of criminal justice practitioners' perceptions of capital punishment. In the paper, we report findings from our survey of law enforcement officers of all ranks working in criminal justice agencies across the state of North Carolina in the United

States. Since law enforcement officers have unique experiences with regard to crime and punishment, it is important to understand their views of the death penalty.

Literature Review

Public opinion of capital punishment has been widely studied by criminologists, sociologists, and scholars from other academic disciplines, and is explored annually by polling firms including Gallup and Pew. From these studies and polls, we know that most Americans say they support the death penalty but that support declines when people are given alternative punishments such as life imprisonment without the possibility of parole (LWOP). We also know that certain segments of the US population are more likely to support the death penalty, including men, Whites, older people, the poor and less educated, and conservatives and Republicans. We also know that as people learn more about the realities of capital punishment practice, they are less likely to say they want to sentence people to death and carry out executions; such findings were noted earlier.

National polls also show that people generally do not think the death penalty is an effective deterrent to crime. For example, a 2011 Gallup Poll found that only 32% of Americans thought the death penalty deters murder, versus 64% who do not think it is a deterrent (Sourcebook of Criminal Justice Statistics, 2011, Table 2.57). Males, conservatives, and Republicans are most likely to say they think the death penalty is a deterrent (Sourcebook of Criminal Justice Statistics, 2011, Table 2.58). Also, only 52% of Americans say they think the death penalty is applied fairly, versus 41% who say it is applied unfairly (Sourcebook of Criminal Justice Statistics, 2011, Table 2.0005). Whites, males, conservatives, and Republicans are most likely to report feeling the death penalty is applied fairly; this might help account for their higher level of support.

There is evidence that public opinion of capital punishment is influenced by many other factors, including fear of crime and crime rates in the neighborhood where people live. Generally, people who are more afraid of crime and/or who live in neighborhoods with higher crime rates tend to be more supportive of capital punishment (Keil & Vito, 1991; Seltzer & McCormick, 1987). People who live in counties or regions where the death penalty has been highly politicized also are found to support the death penalty more (Jacobs & Kent, 2007). This is not surprising since the death penalty serves a political function in society, allowing legislators, prosecutors, and judges to appear tough on crime (Robinson, 2009).

Also, people who are motivated by a strong desire for retribution and who think capital punishment achieves this goal of punishment are more supportive of the death penalty (Finckenauer, 1988; Robinson, 2009). Relatedly, those with strong religious beliefs, especially White, evangelical Protestants, are most supportive of the death penalty (Grasmick & Bursik, Jr., 1993; Grasmick & Cochran, 1993; Sandys & McGarrell, 1997).

Controversially, there is some evidence that race and racial animosity correlate with support for capital punishment. That is, whites and people who feel animosity towards people of other races, especially people of color, tend to be more supportive of capital punishment (Arthur, 1998; Buckler, Davila, & Salinas, 2008; Cochran & Chamlin, 2006; Unnever & Cullen, 2007).

Meanwhile, knowledge about the realities of capital punishment is found to be inversely related to support for capital punishment (Cochran & Chamlin, 2005), so that people who learn the realities of the punishment and who have legitimate concerns about problems with the punishment—including the risk it poses to the innocent—tend to be

far less supportive of the death penalty (Acker, 2009; Stinchcombe, 1994). This helps us understand the findings of death penalty experts—people who study capital punishment for a living—which show they tend *not* to support capital punishment, do *not* believe it deters murder, and believe the punishment is plagued by serious problems such as racial bias, excessive cost, and wrongful conviction for murder, among others (Radelet & Lacock, 2009; Robinson, 2009).

Some studies even find that individual personality traits correlate with support for the death penalty, which is not surprising given that personality is a measure of how people generally feel and behave (Robinson & Beaver, 2009). For example, one study found that people who rated higher on extroversion and neuroticism scales were more likely to favor the death penalty (for both men and women), while higher scores on openness to experience and agreeableness were associated with lower support of the death penalty (for men but not women) (Robbers, 2006). Another study found that people who had higher empathy scores were less likely to support capital punishment, and these people tend to be politically more liberal than conservative as well as more tolerant of different racial and ethnic groups (Unnever, Fisher, & Cullen, 2005).

In North Carolina, the state where the current study was carried out, support for capital punishment is not as strong as in other southern states. For example, a recent poll found that a large majority (68%) said they support replacing the death penalty with life imprisonment without the possibility of parole in cases where the offender must pay restitution to victims' families (LWOP+R). A sizable majority (63%) also support repealing the death penalty in order to spend more money on crime prevention, and more than half (55%) would end the death penalty if money was used to solve cold crimes and assist crime victims (Public Policy Polling, 2013).

The results of this poll are likely explained by the unique nature of capital punishment and murder in the state. Specifically, as citizens have become aware of how rare death sentences and executions are relative to murder (suggesting the inefficacy of capital punishment), support for capital punishment has dropped. Support has dropped further in the wake of studies within the state demonstrating excessive costs, racial biases, and innocent people being released from death row (Robinson, 2011). Incredibly, as death sentences started to decline in 2001 and the state has not carried out an execution since 2006, the murder rate in the state fell from 9th highest in the country in 2001 to 18th highest in the country in 2010, and 2010 was the lowest murder rate in the state since the state started collecting data in 1973 (Robinson, 2011). So perhaps citizens do not feel the death penalty is as necessary as the state has become safer.

As of this writing, there are only two studies of which we are aware that probe the opinions of capital punishment among law enforcement officers. This is interesting because criminal justice professionals are the most likely people to have had actual experience with capital punishment, either as police officers who have arrested alleged murderers and assisted with their prosecution, prosecuted or defended them at trial, helped provide care for and custody of them within correctional facilities, and so forth. The first study, conducted by Fagan (1986), surveyed 78 law enforcement officers in the state of Washington. Fagan found that 94% of the officers surveyed supported the death penalty, while 51% of the officers disagreed with the statement, "There is no evidence that the death penalty reduces crime." In a study of 386 police chiefs, Dieter (1995) found that only 26% of chiefs felt the death penalty significantly reduces the number of homicides;

when asked about ranking strategies for reducing violent crime, the chiefs cited "expanded use of the death penalty" as dead last.

In this study, we report on findings of a study of criminal justice practitioners' opinion of capital punishment using a sample of police officers in North Carolina. Given what we know about police officers, we have reason to believe that they will generally tend to be more supportive of capital punishment than the general population since males, whites, and conservatives tend to be overrepresented among police officers (Worrall & Schmalleger, 2012). Further, given Skolnick's concept of the "working personality" of police officers—which suggests they are more cynical, pessimistic, distrustful, suspicious, and even prejudicial—we would expect them to be more supportive of capital punishment (Skolnick, 2000). Yet, some of these traits might lead them to be less supportive of the death penalty, especially if, through experience, they became cynical, pessimistic, distrustful, or suspicious of criminal justice practice itself and criminal sentencing in particular.

Further, since police officers, when beginning their careers, have been found to be more intelligent and empathetic, we might expect newer officers to be less supportive of the death penalty, although they also reportedly rank higher than the average person on scales of assertiveness and masculinity (Wasilewksi & Olson, 2010). Other personality traits such as authoritarianism also ought to be associated with higher support for capital punishment among police officers (Twersky-Glasner, 2005).

Methodology

The data for this study comes from a survey we created using a survey of capital punishment experts (Robinson, 2009). The new survey asked law enforcement officers questions about their opinions on both the application of capital punishment and alternatives to capital punishment. We anticipated a low response rate, due partly to the controversial nature of the survey and partly to the general reticence of sworn personnel to engage in scholarly research. In order to increase the sample size, we thus elected to send the survey to the entire population of law enforcement officers in the state of North Carolina. We contacted the North Carolina Police Chiefs Association (NCPCA) and the North Carolina Sheriffs Association (NCSA) in September 2012 and they agreed to distribute the survey to all Police Chiefs and Sheriffs in the state. The Chiefs and Sheriffs were asked to disseminate the survey to all sworn officers in their departments. The researchers followed up the initial survey distribution with an email reminder three weeks after the original email was sent from NCPCA and NCSA and the survey was closed on November 15, 2012.

The analyses that follow are based on responses provided by 215 sworn officers in 35 North Carolina counties. That only 215 officers responded is disappointing, especially since there are likely tens of thousands of officers in the state. Yet, the findings below represent the first presentation of findings on law enforcement officers' opinions of capital punishment in North Carolina or any other state.

A major limitation of this study is that it is obviously not representative of all police officers in the state of North Carolina. It is, however, the first study of its kind to attempt to discover the opinions of everyday police officers in the state in the contemporary era of capital punishment. Further, our findings raise an important question that is intriguing, even with the small sample size.

Findings and Discussions

As shown in Table 1, the majority of the respondents are representative of the law enforcement profession as a whole in that they are white (94%) males (85%) who primarily work in urban settings (72%). Given these findings, we'd expect a high level of support for capital punishment among these officers as individuals in these groups tend to be more supportive of the death penalty. While the majority of the sample has at least some level of a college education (95%), only 42% of the sample has a Bachelor's degree or higher. This too would lead us to expect a high level of support of capital punishment among these officers.

Table 1: Descriptive variables

	Mean	S.D.	
Years in policing	15.14	9.63	
Age	39.72	10.19	
Race/Ethnicity	1.12	0.56	
Gender	1.15	0.36	
Rank			
	Line officer	46%	
	Mid-level supervisor	33%	
	Administrator	21%	
Agency location			
	Rural	28%	
	Urban	72%	
Agency type			
	Municipal	73%	
	Sheriff's Department	14%	
	Specialty	13%	
Highest Level of Education			
	High school diploma	5%	
	Some college or associates 53%		
	Bachelors	30%	
	Masters or higher	12%	

The survey was completed by officers of all ranks (46% line officers, 33% mid-level supervisors, 21% administrators). The inclusion of officers working in an administrative capacity contributed to the fairly high number of average years in the field (15.14 years of service) as well as the average age of the respondents (39.72 years of age). It is possible that officers working in mid-level management might be less supportive of capital punishment given their many years working in the field. That is, the longer officers work in the field, the more likely they will have experience with an actual death penalty case. This is purely speculative and reflects the literature in terms of how knowledge of the realities of the death penalty reduces support for it.

In Table 2, we present the main findings from our survey. First, it is clear that overwhelmingly, the law enforcement officers who completed the survey felt that capital punishment had a place in our society as a sentencing policy (21% agreed, 69% strongly agreed). Clearly, support among officers in our sample is much higher than that in the general population, and especially higher than that of capital punishment experts. It is likely that this owes itself to the conservative nature of law enforcement. We also suspect that officers who answered the questions in the survey were thinking about the death penalty in theory rather than the death penalty as it is actually carried out. Experts noted how the rare nature of the death penalty relative to murder makes it ineffective in terms of achieving justice for victims' families.

When asked to select the reasons that they wanted capital punishment to remain legal, the three most frequently selected answers among our respondents were: (1) The death penalty provides closure for the victim's family; (2) With our use of DNA testing, errors in the system are minimal; and (3) There is always a chance that an offender can get out of prison, so life in prison is never guaranteed. Expert opinion is clearly different as scholars who study the death penalty for a living overwhelmingly rejected the argument that the death penalty actually serves victims' families; they also strongly believe innocent people are sentenced to death and are much more comfortable with long terms of imprisonment than they are with capital punishment.

Of the 9% of law enforcement officers that disagreed with the continued use of capital punishment, 7% cited that they strongly disagreed with the death penalty. Their three most frequently cited reasons supporting a moratorium on executions were: (1) Life in prison without parole is a viable alternative to the death penalty; (2) I do not believe that we should condone murder with murder; and (3) I believe that life in prison is a worse punishment than being executed. These were reasons also offered by capital punishment experts, who overwhelmingly rejected the death penalty in practice. In fact, not a single expert in the study by Robinson (2009) chose the death penalty as the most appropriate sentence for convicted murderers.

Table 2: Main Findings of the Survey

Capital punishment should remain a legal punishment in the United States.

Agree	90%
Disagree	9%
Neither Agree Nor Disagree	1%

Capital punishment, as actually practiced in the United States, achieves retribution (i.e. provide justice for murder victims, their families, and society at large).

Agree	69%
Disagree	17%
Neither Agree Nor Disagree	15%

Capital punishment, as actually practiced in the United States, prevents future murders by killing offenders who would murder again?

Agree	66%
Disagree	24%
Neither Agree Nor Disagree	10%

As practiced in the United States, capital punishment is disproportionately applied to people who are poor.

Agree	22%
Disagree	62%
Neither Agree Nor Disagree	16%

As practiced in the United States, capital punishment is disproportionately applied to African Americans.

Agree	15%
Disagree	66%
Neither Agree Nor Disagree	18%

There are wrongly convicted people on death row today.

Agree	49%
Disagree	17%
Neither Agree Nor Disagree	34%

Innocent people have been executed for murders they did not commit in the United States.

Agree	53%
Disagree	13%
Neither Agree Nor Disagree	34%

Support for Capital Punishment by Education

	Support DP	Against DP	Unsure
High School Diploma	100%	0%	0%
Some College	90%	10%	0%
Associate Degree	94%	5%	1%
Bachelor's Degree	84%	16%	0%
Master's or Higher	92%	4%	4%

Support for Capital Punishment by Rank

	Support	Against	
	DP	DP	Unsure
Line Officers	93%	7%	0%
Mid-level Supervisors	83%	15%	2%
Administrators	92%	5%	3%

While 69% of the officers surveyed believe that capital punishment achieves retribution, only 28% indicated that they strongly agreed with the statement. Interestingly, 17% of the sample was unsure as to whether capital punishment provided justice for murder victims, their families and society at large. Even so, as indicated above, closure for the victim's family was a frequently cited reason for supporting the death penalty. Once again, these findings are quite different from those of the experts; expert opinion is that the death penalty, as actually carried out, does not achieve retribution. Here the officers might be responding to the theoretical death penalty rather than the death penalty in reality, which as noted above, is so rare that it generally fails to achieve this goal.

Yet, since our question is worded, "as actually practiced in the United States," it is also possible that police officers in our sample are just unaware of how rare executions are relative to murder. Three studies of death penalty practice in North Carolina over slightly different time periods found that only between 2.4% and 2.6% of murderers are sentenced to death and far less than 1% are ever executed (Radelet & Pierce, 2010; Robinson, 2011; Unah & Boger, 2009).

When asked about the potential incapacitative effect of capital punishment, 34% of respondents either disagreed with whether capital punishment prevents future murders by killing offenders who would murder again or were unsure whether it did so. Yet, a strong majority (66%) indicated they thought the death penalty potentially saves lives. This is nearly identical to the percentage of death penalty experts who answered they believe capital punishment prevents future murders by killing offenders who would murder again. However, experts also wrote that the death penalty does not incapacitate murderers any more effectively than life imprisonment without the possibility of parole and that the research suggests most murderers would never likely murder again, making execution unnecessary.

While 62% of law enforcement officers surveyed believed that the death penalty is not disproportionately applied to the poor, 22% of respondents believed that the application of capital punishment did suffer from a class bias while 16% of officers surveyed were unsure if this was the case. This is greatly different than capital punishment experts; a very large majority of them answered that the death is plagued by serious social class biases. The primary bias noted by experts was inadequate legal representation for the poor.

As to the issue of potential racial bias in the death penalty, 66% did not feel that this was the case; it is interesting that nearly one-fifth of the sample was unsure as to whether a racial bias was present in the United States' use of the death penalty. Overall, 15% of respondents agreed with the presence of a racial bias in the application of capital punishment. This, too, is greatly different than capital punishment experts; a very large majority of them answered that the death is plagued by serious racial biases. The primary

bias noted by experts was not a race-of-defendant bias, however, but instead a race-of-victim bias against killers of whites.

Recent studies in the state of North Carolina do in fact demonstrate that killers of whites are several times more likely to be sentenced to death than killers of other races, even after controlling for legally relevant variables (Radelet & Pierce, 2010; Robinson, 2011; Unah & Boger, 2009). Yet, these studies also show that whites are more likely to be sentenced to death (presumably because they tend to kill other whites).

As to the issue of innocence, only 17% of officers disagreed with the statement that wrongly convicted people are currently on death row, while 49% agreed and 34% were unsure as to whether that was the case. This is consistent with expert opinion, as a large majority of experts indicated that the death penalty is sometimes used against the innocent.

Over half of the sample (53%) of law enforcement officers surveyed agreed that innocent people have been executed for murders they did not commit. Of the remaining respondents, 13% disagreed and 34% neither agreed nor disagreed with that statement. This is also is consistent with expert opinion.

As to the issue of how education level impacts the findings, we would have anticipated that higher education is correlated with lower levels of support for capital punishment, but this is not the case. While respondents with a Bachelor's degree were the least to favor keeping capital punishment legal (16% were against the death penalty), individuals who had a Master's degree or higher had the same level of support as officers with only an Associate degree. In general, officers at all levels of education are in support of capital punishment.

Mid-level supervisors had the lowest level of support for capital punishment (83%), compared to line officers (93%) and administrators (92%). We speculated earlier that this would be the case, yet the differences are too small to draw any conclusions. And officers at all levels of rank are generally in support of capital punishment.

Conclusion

In our study of law enforcement opinion of capital punishment in the state of North Carolina, we found a very high level of support for the death penalty among police officers. This is not surprising given what is already known about capital punishment opinion.

As most officers in our study are white males and working in urban areas where murder rates tend to be highest, it is logical to assume that support for capital punishment will be high. Also, certain personality traits common in police officers are known to correlate with support for the death penalty, although we did not specifically assess personality traits in this study.

A logical explanation for high support of the death penalty among police officers in our sample is that officers indicated they believed capital punishment achieves important goals of punishment or benefits to society, including retribution and incapacitation, which they indicated would result in fewer murders in the future. Law enforcement officers also said they did not think the death penalty in North Carolina was disproportionately applied to the poor or African Americans; in the absence of bias, it is logical to also expect a high level of support.

What is surprising, however, is that, while a majority of officers in our sample answered that they believe innocent people are currently on death row (or they did not know) and that innocent people have been executed in the state, they still indicate they support the

death penalty. Some polls of normal citizens have also found this to be true (Robinson, 2009). Yet, we are still surprised that any person could simultaneously think that innocent people are on death row and being executed and continue to support the death penalty.

One possible explanation of this finding is that those who chose to participate in the survey might possibly be among the most ardent supporters of the punishment. There are those people who would support the death penalty even knowing that innocent people are subjected to it; this is the price of justice, so to speak (Pojman & Rieman, 1998). Without a larger and more representative sample this is of course only speculation.

This study contributes to our understanding of capital punishment opinion for it is the first of its kind that assesses death penalty opinion among criminal justice practitioners. Yet, we have assessed only one branch of criminal justice—police officers—in only one state in the United States—North Carolina. Further, our sample size is unfortunately low. This is a major limitation that makes generalizing to all law enforcement officers in the state impossible.

Thus, future research in this area ought to assess opinion of criminal justice practitioners in courts, corrections, and other criminal justice agencies, as well as in other states. Further, efforts should be made to increase sample sizes so that more sophisticated analyses can be conducted. We hope that our findings generate further study into this important area of research.

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