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## **A Study of Prevailing Views on Death Penalty as a Deterrence of Crime in Texas**

Thomas D. Trivette

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**A Study of Prevailing Views on Death Penalty as a Deterrence of Crime in Texas**

**Submitted by**

**Thomas D. “Tom” Trivette**

**for**

**EMPA 396 Graduate Research Project in Public Administration  
Golden Gate University**

**Dr. Alan Roper**

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## **ABSTRACT**

Since the beginning of time, there has been questions as to what constituted an appropriate level punishment for committing crime. The death penalty is a controversial topic often touching on morals, rights and the administration of justice. It is the ultimate and the most severe punishment imposed by the laws of death penalty states, including Texas. Once carried out, it cannot be undone. Today, 27 states currently impose the death penalty. Of these 27 states, many have not had an execution in over a decade, to include California (Gramlich, J., 2019). Putting aside the arguments for and against this practice and its financial cost to state governments, this study delved into whether its citizens and local officials believe the death penalty serves to deter crime in the State of Texas. Therefore, if the use of the death penalty results in fewer crimes, then the death penalty should continue as part of the Texas Penal Code. This research paper reviewed the brief history of the death penalty and how this process was then redrafted. Past studies focused not on beliefs, but on whether the death penalty deterred crime; however, they have been inconclusive. Through interviews with local law enforcement officials, Criminal District Attorney's (DAs), and surveys administered to local community members, popular views and themes have been identified and analyzed. This research project explored how the death penalty came to be, its effect on society, whether or not it served as a deterrence to violent crime, and if the public supported such an irreversible punishment.

## CHAPTER 1: INTRODUCTION

### Background

Early European settlers introduced the death penalty to America. In 1608, Captain George Kendall was accused of being a spy and earned the dubious honor of being the first recorded person in the new world to be executed in the Jamestown colony of Virginia. ("Early History of the Death Penalty", n.d.). "By making an example of an offender, it is argued that others will learn their lesson and not commit a similar crime." (Lambert et al., 2004). When one commits a capital offense thereby taking the life of another, one of the possible sentences that can be imposed is the death sentence. The U.S. Constitution gives authority for states to impose capital punishment.

Texas history reveals a total of 579 executions have taken place since 1982. One of the darkest time periods was under Governor Rick Perry (2001-2014) while he was Governor of Texas. Under Governor Perry's administration, 279 people were put to death, "more than any other governor in U.S. history". (Texas Death Penalty Facts, 2023). Texas has eight executions scheduled in 2023. Based on historical data, Texas has a long history of executions, with the most recent (as of writing) taking place January 2023.

This research proved important for a variety of reasons. The stakes are high in death penalty cases and oftentimes these cases cry out to gain attention to substantive justice. The Supreme Court has fervently attempted to maintain the delicate balance of being fair and reliable in order to allow executions to move forward. "Often the line between substance and procedure get blurred, and the tension is between different levels of procedural abstraction: should the question be whether the process was fair, or whether the process for assessing the fairness of the process was itself fair?" (Sklansky, D., 2017). Between the victim and the victim's family, there is tremendous pain, suffering and loss – there are emotions on both sides: the victim's family

demands justice (retribution for the crime committed), while the defendant seeks a fair trial and likely make an attempt to avoid the death penalty all together. In the end, there will be arguments whether or not justice was served.

Capital punishment has many important arguments raised from various sides, including religious and moral convictions. From a Christian point of view, scripture mandates capital punishment – anyone who takes a life must also lose their own life. (Genesis 9:6). There are also concerns that it costs more to keep someone on death row for over a decade than what it would cost for serving life imprisoned. According to one study, the cost of life imprisonment was far less than litigating capital cases. (Steiker & Steiker, 2016). All of these factors are worth debate and consideration. “The goal of a law is to provide someone with a deterrent against crime they wish to commit...to make that happen, the strongest deterrent is required...by telling people they will die if convicted for serious crimes, the goal is to prevent the crime from happening in the first place.” (Gaille, L., 2018).

### **Process of sentencing in Texas**

In Texas, the jury must find the convicted person guilty beyond a reasonable doubt. The other element must prove the probability the defendant will commit future dangerousness. (Hays, J., 2019). Should the jury unanimously conclude that the defendant is a continuing, ongoing threat to society, the jurors must then take into consideration all evidence, including the circumstance of the offense, the character and background, moral culpability, and other circumstances that may reduce the defendant’s moral blameworthiness to warrant issuing a sentence of life imprisonment without parole. If all of the twelve jurors answer “no” to this, then the judge will issue a death sentence. However, if at least ten of the twelve jurors agree to serving life imprisonment without parole or the jurors fail to arrive at a verdict, then the judge would issue a sentence of life

imprisonment without parole (Acker, J., 2017). This process was part of the redrafted death penalty legislation after the Supreme Court invalidated the previous legislation in 1972, as mentioned in the brief history.

Examining such factors such as the heinousness of the capital offense, past conduct in the community, having antisocial personality traits in order to predict future dangerousness has an intuitive, common-sense appeal. However, the means to put this to the test is beyond practical and if ever, only possible in a prison setting. But even so, data that would shed light on the predictive accuracy of capital juries are illusive.

As states redrafted their death penalty laws, they outlined the process of how a death sentence could be issued, and support for the death penalty seemed to steadily gain favor in public opinion polls with those in favor of the death penalty climbing as high as 80% in the early 1990s.

There were frequent executions with as many as 167 executions per year in the 1930s. Succeeding decades saw a decline and by the 1966, public support reached all-time low of 42% and the constitutionality of the death penalty was challenged. In 1972, data presented to the Supreme Court indicated that 15-20 percent of death-eligible defendants were actually sentenced to death leading some Justices to conclude that the death sentence was more of a fatal lottery (Phillips, S., & Simon, A., 2014). The Supreme Court then ruled that because the juries had complete control over whether a defendant received a death sentence, the discretionary capital statutes resulted in arbitrary sentencing. The nature of this sentencing was then in violation of the Eight Amendment's cruel and unusual punishment clause. This decision then voided the death penalty statutes of all executing states and over 600 death row inmates' sentences were commuted. Because of this, new death penalty laws were drafted by the states. (Dezhbakhsh, H. & Shepherd, J., 2003).

While there have been some ups and down in popular opinion through the years, the percentage stayed somewhere in the 60-70 percent. However, in 2017 the percentage dropped down to the 50s and has stayed there in recent years (Gallup News - In Depth: Death Penalty, 2023.). This coincides with the global trend towards the abolition of the death penalty. Circumstances have also shaken the solid foundation of support for it, namely, cases where those on death row were exonerated by DNA and other evidence and disturbing studies that have found racial bias infecting the U.S. capital punishment system. Since the last decade, this has become the central subject in the death penalty discourse (Bandes, 2008). Journalists, scholars and commentators openly oppose the death penalty, but politicians have not addressed it on a national level nor does it happen to figure as a national issue (Broughton, J., 2017.) Similarly, the Supreme Court has increasingly recognized and enforced constitutional commitments to human dignity. However, it still maintains the constitutional regulation of the death penalty and has a proximate and decisive space in the process of state killing (Condon, J., 2020).

### **Statement of the Problem**

“The goal of a law is to provide someone with a deterrent against crime they wish to commit...to make that happen, the strongest deterrent is required...by telling people they will die if convicted for serious crimes, the goal is to prevent the crime from happening in the first place.” (Gaille, L., 2018).

Across our nation, there has been on-going debate as to whether or not the death penalty serves as an effective deterrent to violent crime, or if it is even needed at all. As long as public support remains, legislators will continue to keep this law on the books. Politicians will continue using the death penalty to their favor as long as their voters support this cause. While there is no doubt this is an often-emotional topic, one important issue remains: the death penalty is an irreversible



punishment that cannot be undone. As Harris County, Texas is known as the “execution capitol of America” (Jeffrey, J., 2018), Texas must ensure a person is innocent unless they are convicted beyond a reasonable doubt.

### **Purpose of the Study**

The purpose of this study was to determine whether the death penalty serves as a deterrent to violent crime in the State of Texas by examining the current views of local officials and inhabitants of Texas regarding the death penalty. It also sought to understand the underlying reasons for support behind the death penalty as it relates to crime prevention and law and order. If data shows significant support for the death penalty as a deterrent to violent crimes, then the Texas Penal Code should remain in place. Given that some states have abolished the death penalty, others putting a moratorium on it, and with no other states adding it, the subject of capital punishment is a worthy discussion to have.

### **Significance of the Study**

The significance of this study was to have an updated assessment of the current views of the death penalty as it impacts criminal behavior in the state. For public administrators, this is a topic that will likely have to be discussed at every election cycle. It can strongly influence one’s candidacy and determine support from constituencies. Therefore, it is important that this topic is discussed in earnest with our local citizens. However, given that it is of a sensitive nature that has implications in people’s moral or ethical choices, public administrators will not want to associate their names with a given side until they know which side they will support.

Texas is a state where the death penalty is ‘just how we do things in Texas’ and there’s currently no push to abolish it. When running for office, public officials are elected to represent

their constituents. If certain constituents hold opposing views on this subject, it is important to impart how the death penalty can be good for their community, city, county and state. With the influx of transplants from other states, it is important to re-examine if these views still hold true today. Updated studies on this topic will contribute to the shaping of views and influence policy reviews to reflect current beliefs.

### **Main Research Questions**

The main research questions this paper addressed were: 1) Is the prevalent view of the death penalty a deterrent to violent crime in the State of Texas?; 2) Does the existence of the death penalty promote law and order in society? and, 3) Does the public support the death penalty as part of the Texas Penal Code?

### **Theory of Change and Assumptions**

The theories of change for this research paper are: If punishment for a capital offense includes the possibility of the death penalty in the State of Texas,

**Assumption 1 (A1):** then it will serve as a deterrent to violent crimes.

**Assumption 2 (A2):** then there will be a perception of greater law and order in society.

**Assumption 3 (A3):** then there will be greater public support for continuing capital punishment in the State of Texas.

### **Limitations**

While this paper explored current views on the death penalty and its perceived efficacy on deterring future violent crimes and in promoting law and order in society, it did not delve into any statistical comparisons of historical data within the State of Texas or among other states. It also did not make a comparison of the different states that have, in the past, enforced the death penalty,

and later decided to abolish it. It has also intentionally kept to a minimum the discussion of the pros and cons of this statute. This study does not address ethical considerations in death penalty sentencing; it will only mention ethical considerations towards the death penalty in so far as how it affects public support. Lastly, this study did not debate the death penalty as it relates to the mentally ill or juvenile offenders.

### **Definition of Terms**

For a clear understanding of this study, the following definitions were employed: Death penalty is a ruling that is administered to someone who is convicted of a capital offense under the Texas Penal code. A capital offense is when someone intentionally or knowingly causes the death of an individual, under special circumstances. (Penal Code Chapter 19. Criminal Homicide, 2020). In particular, the:

- murder of a public safety officer or firefighter in the line of duty;
  - murder during the commission of specified felonies (kidnapping, burglary, robbery, aggravated rape, arson);
  - murder for remuneration;
  - multiple murders;
  - murder during prison escape;
  - murder of a correctional officer;
  - murder of a judge;
  - murder by a state prison inmate who is serving a life sentence for any of five offenses;
- [or]
- murder of an individual under six years of age. (Penal Code Chapter 19. Criminal Homicide, 2020).

### **Expected Impact of the Study**

According to the review of related literature, there was no conclusive indication that the prevailing views on death penalty served as a deterrence to violent crime. With this said, do the people of Texas believe that the existence of the death penalty serves to deter crime? If so, then this policy should remain. But if this study finds that, even if only in public opinion, the death penalty does not serve to deter crime, then it is time to rethink this irreversible sentence. This research is crucial to understand how the death penalty has (or does not have) an influence on law and order in a civilized society.

## **CHAPTER 2: LITERATURE REVIEW**

### **Introduction**

This review of literature includes a brief review of the history of the death penalty up to its present day standing, which will also provide a better understanding of how the death penalty came to hold its current status in America and in the State of Texas. A discussion of the process by which a jury or judge could hand down a death sentence in Texas is also explored. Additionally, a look into previous studies that have sought to examine the death penalty as a deterrent to crime will be reviewed.

### **Literature Review**

#### **Capital Punishment as a deterrent to violent crime**

The period from 1983 through 1999 saw the most executions in the U.S. and was considered to be the 'heyday' of its time. (Gross, S., 2018). In today's society, the debate often involves two arguments: whether the death penalty is moral and whether it serves a purpose in society, with the latter viewed as the single most important consideration in the death penalty controversy. It is argued the death penalty serves as a strong deterrence to capital crimes, however as cited in the review of literature, "there is no way of knowing if there would have been more murders in Texas had the death penalty been abolished." (Nagin, D., 2014). Frankly, it seems the studies have been inconclusive. Some have posited that executions save large number of lives; others conclude that it increases homicides, while others say it has not. The National Research Council reached a striking conclusion: research about the deterrence and the death penalty done in the past generation should be ignored (Nagin, D., 2014). Additionally, a separate study found

there was no credible evidence to support the notion that the death penalty deters crime more than life imprisonment. (The Death Penalty: Questions and Answers, n.d.),

### **Capital punishment and influence on law and order**

Justice demands those convicted of serious violent crime should be sentenced to death, as “...society has a moral obligation to protect the safety and welfare of its citizens.” (Andre, C., & Velasquez, M., n.d.). As there are many who support the death penalty, it is often debated as to how much influence it truly influences law and order. One way this statement is strengthened is to look at it through a different lens: when murderers are put to death, that person will not commit another crime. As humans, we do not typically like to think about death or what lies beyond. As the mere threat of telling someone they will die for their actions is enough to consider future crimes for most rational people. It should be noted however, not everyone who commits violent crime has done so with forethought; it could also happen during a heat of passion.

Life imprisonment will lock the convicted away forever, just as someone sitting on death row awaiting execution. There are key differences that should be considered, however. First, when someone willfully inflicts greater loss on another, justice requires retribution equal to the crime imposed on the innocent person. (Andre, C. & Velasquez, M., n.d.). Second, a person convicted to death requires mandatory appeals, which not only takes years, but also creates a backlog with the courts while awaiting final disposition – these further delays only impede justice for the victim’s families. Lastly, as the U.S. Supreme Court has upheld the constitutionality of the death penalty, “the threat of execution influences criminal behavior more effectively than imprisonment” (The Case Against the Death Penalty, n.d.)

In a study by Marguart, et al. (1989), they retrospectively reviewed disciplinary records of 92 capital offenders in Texas that had been sentenced to death but gained relief under the special issue. It found that only 10% of them had committed serious institutional violence, and just one percent had killed another inmate. Other studies have also reported that convicted murderers and those serving life without parole sentences did not account for a large part of prison violence (Cunningham, M., & Sorensen, J., 2007).

Texas has undoubtedly distinguished itself as the nation's preeminent death penalty jurisdiction, having executed close to 600 offenders since capital punishment became law. As changes in a state's murder rate follow a change in its death penalty law, it therefore can be attributed to a legal change (Dezhbakhsh, H. & Shepherd, J., 2003). Criticism of Texas statute revolves around a precarious prediction of the future, rather than the defendant's moral blameworthiness. (Fowler, B., 2017).

### **Factors Affecting Public Support of the Death Penalty**

A 2021 survey revealed 60% of U.S. adults favor the death penalty, a slight drop from five (5)% a year prior. This same survey discovered 30% opposed the death penalty, while another 15% strongly opposed. (Most Americans Favor the Death Penalty Despite Concerns About Its Administration, 2021).

Three factors affect public support of the death penalty: moral, ethical and religious. Moral concerns about innocent people being sentenced to death and worries about the convicted suffering pain while being executed violates the Eight Amendment of the U.S. Constitution, whereas a sentence of life imprisonment affords the condemned more time to appeal their sentence in hopes evidence proves their innocence. "Yet support for the death penalty is strongly associated

with a belief that when someone commits murder, the death penalty is morally justified. Among the public overall, 64% say the death penalty is morally justified in cases of murder, while 33% say it is not justified. An overwhelming share of death penalty supporters (90%) say it is morally justified under such circumstances, compared with 25% of death penalty opponents.” (Most Americans Favor the Death Penalty Despite Concerns About Its Administration, 2021).

Second, ethical considerations serve an important part in how one views the death penalty. As humans, morals teach us we are protectors of life, not takers. The death penalty can be viewed as being inhumane and a violation of the Bill of Rights, specifically the Eighth Amendment which forbids cruel and unusual punishment (although this does not prohibit the death penalty). Another argument is the deeply held belief that an innocent person could be executed. For this concern to be confirmed, look no further than Texas. Since 1989, the state, despite strong evidence of innocence, carried out executions of 10 people. (McKinley, 2022). This is a startling, worrisome statistic that resonates with many and understandably so. The mere thought of executing an innocent person when one could instead serve life imprisonment with the hope that true justice will eventually be found, can be a heavy burden for affected families claiming innocence.

Lastly, there are religious concerns. In The Old Testament of the Bible, Christians were taught ‘an eye for an eye’ retribution. As civilization and society changed, The New Testament teaches forgiveness and mercy, and less about retribution, as “...the vast majority of Christian Churches are against the death penalty and actively campaign for its abolition.” (Frederic, N., 2019). America was founded on a system of law, and the crime narratives are often reduced to a battle between the innocent good and the evil murderer (Lynch, M., 2002).



Proponents of non-lethal alternatives believe that the death penalty is unnecessary and unjust. They point to these non-lethal alternatives as morally permissible, but while the death sentence is more closely scrutinized, a closer look at solitary confinement and life without parole may entail inhumane conditions and the grotesque inhumanity of long-term solitary confinement may not be better than death (McLeod, M., 2018).

Of interesting note, however, the following states have abolished the practice:

“New Mexico (2009), Illinois (2011), Connecticut (2012), Maryland (2013), New Hampshire (2019), Colorado (2020) and Virginia (2021) have legislatively abolished the death penalty, replacing it with a sentence of life imprisonment with no possibility for parole. The Nebraska Legislature also abolished capital punishment in 2015, but it was reinstated by a statewide vote in 2016. Additionally, courts in Washington and Delaware recently ruled that the states' capital punishment laws are unconstitutional. States across the country will continue to debate its fairness, reliability and cost of implementation”. (States and Capital Punishment, 2021).

And so, the death penalty still remains the status quo for many states. A little over half of Americans endorse it as it is constructed as a punishment that is essential to fulfill justice giving a life for a life.

Texas is the undisputed leader in making use of the death penalty, which accounts for more than one-third of the country's total during the modern era of capital punishment. While this can be attributed in part to its sizeable population, the commensurate amount of crime, including murders committed annually, lends to many opportunities to impose and carry out the

death sentence (Acker, J., 2017). Texas is also unique in that its capital sentencing statute includes the future dangerousness – the probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society – in the criteria of imposing a death sentence (Cunningham, M., & Sorensen, J., 2007). As an alternative to the death sentence, Texas adopted life imprisonment without parole in 2005. It was one of the last jurisdictions to do so (Acker, J., 2017).

## **Conclusion**

Throughout history, existence of the death penalty has caused some doubts as to its process, ethical and religious implications, and effectivity. However, the death penalty was never completely abolished because of its perceived usefulness in the deterrence of crime. While scholarly evidence on the deterrent effect of the death penalty is greatly flawed to draw conclusions from, people will still continue to have their stand on the death penalty. Therefore, judgement about whether there is a deterrent effect is still relevant to policy (Nagin, D., 2014.)

## CHAPTER 3: METHODOLOGY

### Introduction

As this study looks into the public opinion on death penalty as a deterrent to violent crime, surveys administered to the local population and interviews with local law enforcement officials and Criminal DAs were employed.

### Main Research Question

As previously discussed in the introduction, the main research questions posed are: 1) Is the prevalent view of the death penalty a deterrent to violent crime in the State of Texas? 2) Does the existence of the death penalty promote law and order in society? and, 3) Does the public support the death penalty as part of the Texas Penal Code?

### Theory of Change and Assumptions

The theory of change of this paper is: If the prevalent views of the death penalty result in fewer crimes, then the death penalty should continue as part of the Texas Penal Code.

As such, the following three assumptions are made:

The theory of change of this paper is: If punishment for a capital offense includes the possibility of the death penalty in the State of Texas,

**Assumption 1 (A1):** Then it will serve as a deterrent to violent crimes.

**Assumption 2 (A2):** Then there will be a perception of greater law and order in society.

**Assumption 3 (A3):** Then there will be a greater public support for continuing capital punishment in the State of Texas.

## Operational Definitions

The following operational definitions have been employed for this research paper:

- For purposes of this study, capital punishment refers to either of the two: a death sentence or a lifetime sentence without parole.
- For purposes of this study, a death sentence is a sentence handed down to a defendant for a capital offense.
- For purposes of this study, a capital offense is a violent act intentionally and/or knowingly resulting in causing the death of an individual.
- For the purposes of this study, the people in the State of Texas will comprise of a sampling of residents in North Texas.
- For purposes of the study, reduction of the death penalty is a commutation, a life imprisonment, or any decrease in being sentenced to death.
- For purposes of the study, deterrence to violent crime is the threat of being punished. A higher percentage will show more support for the deterrence to violent crimes
- For purposes of the study, greater law and order in society is the perception that there are fewer violent crimes. The higher the percentage, the greater the perception is that the death penalty influences law and order.
- For purposes of this study, support of the death penalty is agreeing or strongly agreeing to keeping the death penalty on a Likert scale in the survey. If there is a 66.7% level of support, the study will conclude that there is enough support not to amend this legislation. This number is based on current percentage dictating the need for a constitutional amendment.

### **Population Sampling Strategy and Procedure**

To accurately capture the perceptions of Texas officials and local residents in my hometown of Keller, a combination of interviews and surveys were conducted. I interviewed senior-ranking LEO's a physician, and District Attorneys (DA's). Utilizing a database to manage my research, over 100 surveys were administered to local residents who are part of Nextdoor.com, as well as immediate neighbors. The interview and survey instruments can be viewed in the Appendix.

### **Data Analysis**

The data collected reflects both quantitative and qualitative data. The quantitative data is from the surveys measuring public support for the death penalty. After the surveys were returned, the data provided was analyzed to show the following: whether respondents are in favor of the death penalty and their perception towards the death penalty as a deterrent to violent crime. The qualitative data comprised of open-ended question from the survey and the responses to the interview questions for local officials and local prosecutors. Data was reviewed for similarities and nuances in order to better understand public opinion and perception on the topic. Similarly, the responses to the interview questions were reviewed for common themes and topics for further discussion.

### **Internal and External Validity**

The questions asked on the survey reflect the exact assumptions without variation in terminology. This lends the instrument used being internally valid, as terminology used directly reflects the assumptions as defined by my operational definitions. Similarly, these instruments

can be used anywhere in the State of Texas, as the questions specifies. However, it cannot be used for other states because generalizations for views outside Texas is not covered.

Once the surveys were returned, the data obtained was analyzed by comparing the information to reflect differences between the respondents. Both qualitative and quantitative means were used. The data gathered was then be reflected accordingly.

### **Limitations**

During this research project, the first limitation was the longitudinal effects due to time constraints in this eight-week course. However, the data and polling asked did not require an excessive amount of resources, as the work on this research project commenced in a prior EMPA course. The second limitation involved the current COVID-19 situation still affecting many parts of our country, albeit diminishing. For the most part, COVID-19 has dramatically improved since 2020, although many parts of the world continue practicing COVID-19 safety measures, some locally as well, including some government agencies and health practices. As we transition through this pandemic phase, it was vital for everyone to maintain proper social-distancing, practice good health, and wear proper facial coverings as applicable. This said, the ability to meet with my local officials was accomplished purely online to adhere to safety protocols, as well as limited availability for face-to-face interviews. Lastly, due to real-world weather events that occurred in North Texas during my research period, contacting public safety officials proved to be challenging, thus not everyone was able to participate. Congressional, county, city and state offices were also closed during the data-gathering phase. As a result, many elected officials could not be reached, and those that did respond cited a busy schedule of backlogged activity and were unable to participate in this research project.

## Chapter 4: Results and Findings

This chapter provides research analysis and findings from rapid surveys (quantitative) and key informant interviews (qualitative) conducted over the course of a two-week period. A total of 101 surveys were returned. The survey utilized a Likert Scale to gauge sentiment on statements ranging from strong agreement to strong disagreement. The survey also included open-ended questions. Six (6) key informant interviews were completed. Those interviewed include current public officials who enforce public policy and have expertise in this field. A physician was also interviewed to capture his thoughts since doctors must take the Hippocratic Oath. An interview questionnaire was used to gather data so all respondents answered the same questions, allowing for the collection of qualitative data. All respondents from both the survey and interviews were residents of Keller, Texas and its surrounding communities.

**Assumption 1 (A1):** If punishment for a capital offense includes the possibility of the death penalty in the State of Texas, then it will serve as a deterrent to violent crimes. VALIDATED.

### Quantitative Data

The majority (53%) of respondents either ‘strongly agreed’ or ‘agreed’ that Texas’s death penalty laws are a deterrent to violent crime. Moreover, the quantitative findings to this question support the goal of the law as mentioned in the review of literature. The goal of law is having the strongest deterrent in place and telling people that they will die if convicted of a serious crime. Additionally, it is in place to prevent the crime from happening in the first place (Gaille, L., 2018). (See Figure 1.)

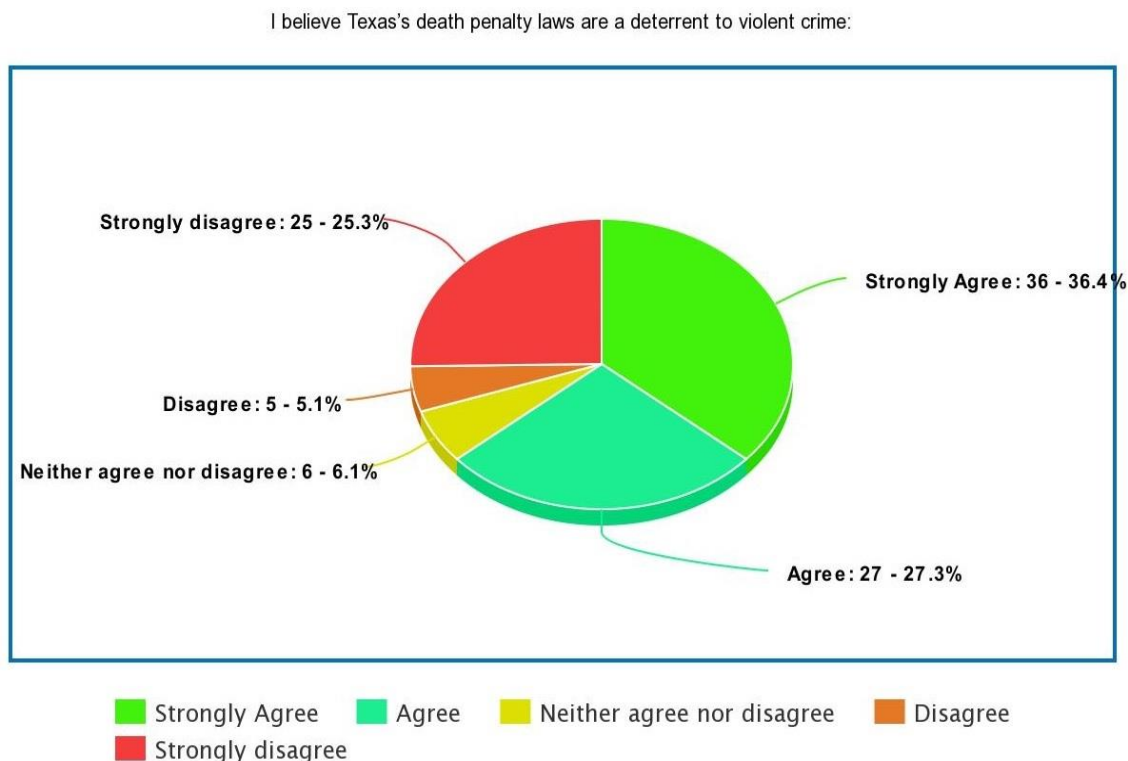


Figure 1: Total number of respondents who answered: 100. Respondents who skipped: 1

## Qualitative Results

Of the six (6) key informant interviews I received from this research, five (5) believed the death penalty laws are a deterrent to violent crime. One physician stated “Texas will take a life if a jury has determined the convicted is beyond rehabilitation and they pose a danger or threat to society” (S. Allanku, interview, January 31, 2023). The only opposing view expressed came from a Criminal DA who believed the death penalty did not serve as a deterrent because those who commit the violent crimes do not think ahead of the potential penalties.

From the open-ended question on the survey, the common themes expressed were that the punishment must be equal to the crime, the death penalty is an appropriate



sentence for capital crimes committed, an ‘eye for an eye’ justice system should remain intact, and that Texas should effectuate its laws. Conversely, those who expressed disagreement shared common themes such as criminals not being concerned about their consequences, innocent people being put to death, and the push for more rehabilitation.

These findings differentiate from the review of literature in that two separate studies revealed there was no way of knowing for sure that there would have been more murders in Texas had the death penalty been abolished. (Nagin, D., 2014), and another study by the ACLU who argued there was no credible evidence to support the death penalty deterred crime no more than life imprisonment. (The Death Penalty: Questions and Answers, n.d.)

**Assumption 2 (A2):** If punishment for a capital offense includes the possibility of the death penalty in the State of Texas, then there will be a perception of greater law and order in society. VALIDATED

### **Quantitative Data**

This study sought to examine people’s perception of law and order as it relates to having the death penalty as law. With the expectation that the higher the percentage, the greater the perception is that the death penalty influences law and order. The majority of respondents (29%) “agreed” that when a capital offense included the possibility of the death penalty in the State of Texas, it promoted greater law and order in society. Similarly, 27% of the same respondents “strongly agreed”. Thus, over half were in agreement with this question (See Figure 2). While previous literature does not focus on this assumption,

the data in this study revealed a 56% agreement leaning towards the perception that greater law and order in society persists because of the death penalty.

I believe Texas's death penalty laws for eligible capital felonies promote greater law and order in society.

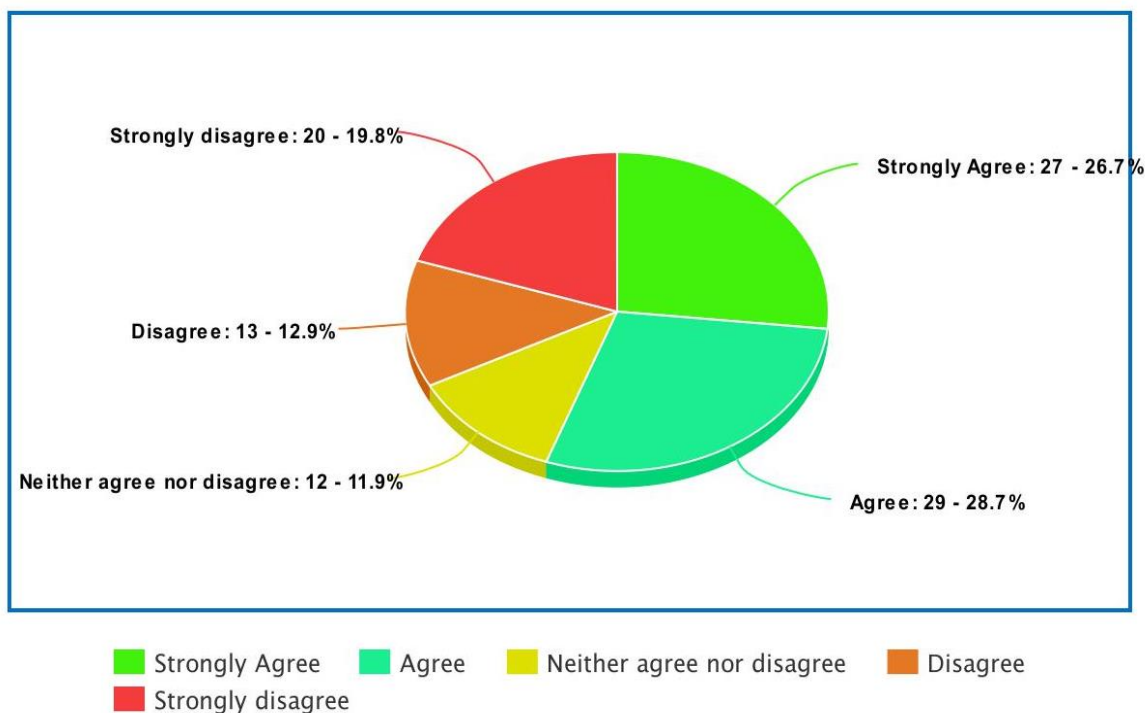


Figure 2: Total number of respondents who answered: 101. Respondents who skipped: 0

## Qualitative Results

Of the six (6) key informant interviews, all six (6) believed the death penalty increased the public perception on law and order to society. The common theme among the supporters pivoted around a civilized society being maintained by law and order in an orchestrated effort to maintain a functioning society, as well as crime levels being so severe that the ultimate price must be paid by the person committing it. When asked “As a subject matter expert (SME), do you believe this increases the public perception on law and order to society, as a violent offender could receive the death penalty”, a District Attorney

responded: “Yes, I do believe the death penalty serves a purpose in a law-and-order society. I believe the law-abiding citizens do consider consequences...” (Local Criminal District Attorney, interview, February 13, 2023). Another senior law enforcement officer responded to the same question, stating:

“I do believe that the public’s perception of a society that is controlled by laws is the foundation upon which a civil society is based. A society that will allow a person to kill others without the overarching thought that such conduct could be met with a severe and permanent response is not facing the reality of the crime that has been committed. The thought that all you have to do is lock criminals up and throw away the key is not a complete thought, or a well-reasoned response to the issue of how to deal with the most violent criminals in our society. Overall, the people who make up the society must have some sense of security, a belief that the society is based upon just laws and proper procedures, or the society will not survive. There must, at some level, be a crime so severe, so beyond the bounds of rational thought, that an ultimate price must be paid by the person committing it.” (Local senior-ranking law enforcement officer, interview, February 6, 2023.)

From the open-ended question on the survey, a respondent believed living in a state that executes violent offenders made her feel somewhat safer as opposed to living in a state that did not impose the death penalty as punishments for violent crimes. One respondent

stated “I’d rather live in a State where the death sentence is supported rather than a state that condones capital (sic) crimes by allowing the felon to reside in prison” (Anonymous respondent, rapid survey, January 31, 2023). From those who disagreed, a common theme emerged regarding miscarriage of justice, including concerns that innocent people were being put to death, and that was reason enough to do away with the death penalty. Several respondents discussed concerns with lengthy, costly appeals when the convicted should be given life imprisonment instead since laws will continue to be broken.

These findings supported my review of literature in that society has the moral obligation to protect sanctity and safety of life, and when a murderer is put to death, that person will not commit another crime. Additionally, it was argued that in order for justice to be served, retribution must be equal to the crime imposed on the innocent person.

**Assumption 3 (A3):** If punishment for a capital offense includes the possibility of the death penalty in the State of Texas, then there will be a greater public support for continuing capital punishment in The State of Texas. VALIDATED

### **Quantitative Data**

The majority of respondents (63%) either “strongly agreed” or “agreed” that if capital punishment included the possibility of the death penalty in Texas, there would be greater support for continuing capital punishment in Texas. Quantitative data received for this question coincides with the assumption and aligns with a survey completed in 2021, which found more than half of U.S. adults favor the death penalty (Nadeem, 2021), which aligned with other studies. (See Figure 3.)

I would vote to continue the use of capital punishment and the death penalty in Texas as a deterrent to violent crime:

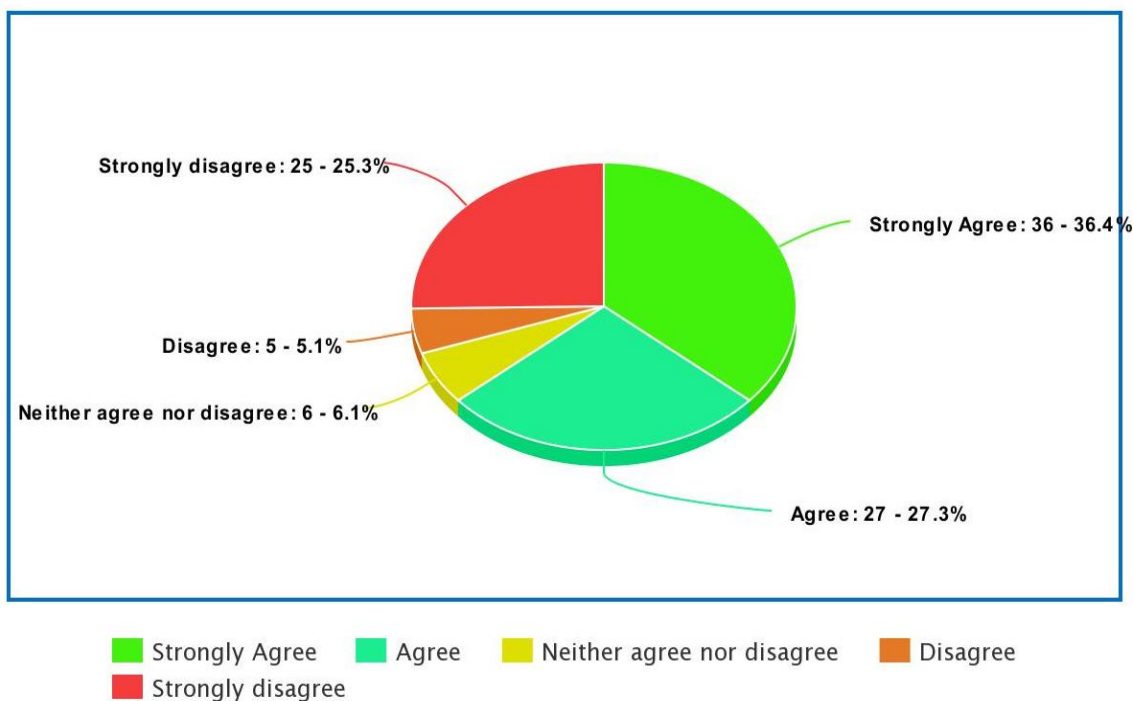


Figure 3: Total number of respondents who answered: 99. Respondents who skipped: 2

## Qualitative Results

Of the six (6) key informant interviews, all six (6) believed the public supported capital punishment in the State of Texas. There were varying themes, from people having a strong sense of right and wrong to human compassion for the affected families. When responding to the following question “Does the public support capital punishment in the State of Texas? If so, please elaborate”, a local Chief of Police stressed the importance of society recognizing the crime and sending the appropriate message that violent crimes will not be accepted. The Chief of Police continued,

“The punishment, in order to be effective, must exceed the societal norm. In our society, murder or any of the variant of murder that is in the law that covers capital punishment, is beyond our societal norms.

Therefore, the ultimate punishment, capital punishment, must also be outside the societal norms in order for the society to recognize the crime and reflect on the permanence of the punishment thereby sending a message to society that there is limit to societal willingness to accept specific types of crime.” (Chief of Police in neighboring city, interview, February 6, 2023).

From the open-ended question on the survey, those who chose to respond were in agreement that the use of the death penalty in Texas was a deterrent to violent crime and would vote to continue its use. However, there were several strong opinions against voting to keep the death penalty in place. One respondent believed “putting someone to death set them free and wasn’t real punishment” (anonymous respondent, rapid survey, January 28, 2023) and believed voting for it served no real purpose; another respondent believed that Texas should abolish the death penalty if it came to a vote, while another person stated the death penalty was “barbaric” and would vote to end it. One respondent cited her Christian views in opposition to the death penalty, specifically “The 5<sup>th</sup> Commandment – Thou Shalt Not Kill” (anonymous respondent, rapid survey, January 29, 2023) and would not support this particular type of punishment (although punishment in general was supported, just not capital punishment in and of itself).

These findings support review of literature, in that the majority (60%) of people support the death penalty, although the last few years have seen a slight decline for support, as many states have started to abolish it. Additionally, review of literature found 90% of death penalty supporters agreeing it was morally justified in cases of murder. As these findings discovered, an

overwhelming response believed that the ultimate punishment must be carried out in order to send a message that violent crimes will not be tolerated in our society.

## **Conclusion**

The data gathered between the mixed-methods approach in the surveys and key-informant interviews resulted in all three (3) assumptions being validated. Having over 100 surveys proved to be invaluable, as did interviewing subject matter experts and community elected officials who contributed their expertise in this field to this study.

## **Chapter 5: Conclusions, Recommendations, and Areas for Further Research**

The Theory of Change in this research were: If punishment for a capital offense includes the possibility of the death penalty in the State of Texas,

**Assumption 1 (A1):** then it will serve as a deterrent to violent crimes.

**Assumption 2 (A2):** then there will be a perception of greater law and order in society.

**Assumption 3 (A3):** then there will be greater public support for continuing capital punishment in the State of Texas.

**Assumption 1 (A1):** If punishment for a capital offense includes the possibility of the death penalty in the State of Texas, then it will serve as a deterrent to violent crimes.

**Conclusion: Assumption 1 is validated.**

As the quantitative and qualitative data discovered, more than half (53%) either “strongly agreed” or “agreed” that Texas’s death penalty laws are a deterrent to violent crime. Common themes present in the surveys and key-informant interviews revealed punishment must be equal to the crime committed and that the death penalty is an appropriate sentence for violent crimes.

**Assumption 2 (A2):** If punishment for a capital offense includes the possibility of the death penalty in the State of Texas, then there will be a perception of greater law and order in society.

**Conclusion: Assumption 2 is validated.**

As the quantitative and qualitative data discovered, more than half (56%) of those surveyed were in agreement that there is a perception of greater law and order in society if the capital offense includes the possibility of the death penalty in the State of Texas. Research further produced a



recurring theme: that a civilized society being maintained by law and order is required to live in a functioning society, and that the punishment must be severe that the ultimate price must be paid by the person convicted beyond a reasonable doubt.

**Assumption 3 (A3):** If punishment for a capital offense includes the possibility of the death penalty in the State of Texas, then then there will be greater public support for continuing capital punishment in the State of Texas.

**Conclusion: Assumption 3 is validated.**

As the quantitative and qualitative data discovered, a whopping 63% of respondents were in agreement for public support of capital punishment in the State of Texas. Based on societal norms, the death penalty sends a strong message that violent crimes will not be tolerated. As such, the data gathered for this research indicated there is public support in Texas and that this measure is not on the ballot anytime soon for abolishment. Texas has a long-rooted history in carrying out capital punishment. Needless to say, it is here to stay as long as there is public support. Politicians in turn, will continue using this data to their favor in keeping the death penalty in place.

Since the three assumptions of the study were validated with majority still in agreement with the death penalty, then the study can conclude that as of now, there is no change needed in the current statutes in the State of Texas with regards to the death penalty.

## **Recommendations and Areas for Further Research**

### **Recommendations**

Based on the results of this research, the following recommendations are presented:

1. Since the overall findings of this research validate that there is still a majority support for the death penalty, then the State of Texas should continue the use of capital punishment as a deterrent to violent crimes. While the majority supports this current law, it should be measured to determine if Texans will continue their support due to changing demographics across the state. Changes to current law will be challenging considering the majority of public support revealed in this study. An effective plan to gauge support should be developed and implemented for dissemination by September 30, 2024.
2. Those in public office who wish to support the death penalty openly may do so given that this stance is still supported by the majority of constituents as concluded in this research. Polling of Texans will validate support or non-support of the death penalty, thereby allowing politicians and lawmakers to rally around areas with strong support, depending on campaign issues and party. This is an achievable task and should be conducted to reveal true public support. Results reportable by January 30, 2026.
3. It is further recommended that this study should be replicated throughout Texas in order to draw conclusions for the entire state. Through community outreach, advertising, town meetings, local and state government involvement, active and unbiased polling, data could provide current climate assessment on the death penalty as a deterrent to violent crime. Lawmakers, law enforcement officials, politicians and constituents should expect charged emotions on all sides. Results reportable by September 30, 2028. This five-year

period allows for proper vetting by policy makers, any legal reviews, and discussion of this emotional, but important topic.

### **Areas for Further Research**

Given the population sampled in this study, there remains clear support that the majority of respondents back the death penalty and continue their public support. However, while the assumptions garnered slightly over half in favor of, it was not an overwhelming percentage. It is therefore suggested that this study be repeated in five (5) years to determine if there is a shift in beliefs or support for the death penalty, especially with changing demographics in Texas. The results of this future study can then use this study as a baseline for gauging if there is stability in the assumptions studied here.

In review of the literature, the death penalty serving as a deterrent to violent crime was found to be inconclusive (Nagin, D., 2014). This is because the argument found there is no way to see how many murders would have occurred had the death penalty not been in place. But now there are states that once practiced the death penalty that have now abolished it. This gives researchers the opportunity to delve into this more by looking at the violent crime rate while the death penalty was in place and comparing it to the violent crime rate after the death penalty was abolished. With this analysis, there will be greater insight as to whether or not the presence of the death penalty did serve as a deterrent to violent crime.

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## **APPENDIX A**

### **RAPID SURVEY: PREVAILING VIEWS ON THE DEATH PENALTY AS A DETERRENT TO CRIME IN TEXAS**

**INFORMED CONSENT:** My name is Thomas Trivette. I am currently a graduate student at Golden Gate University in San Francisco, California. As a candidate for a Master's degree in Public Administration, my capstone project consists of collecting personal views on the death penalty in Texas. Your responses are confidential and secure. This survey is expected to take approximately one (1) minute for completion. If you require assistance or have any questions, feel free to e-mail me at: TTrivette@my.ggu.edu

#### **Survey Questions:**

1. I believe Texas's death penalty laws are a deterrent to violent crime:
  - a) Strongly Agree
  - b) Agree
  - c) Neutral
  - d) Disagree
  - e) Strongly Disagree
  
2. I believe Texas's death penalty laws for eligible capital felonies promote greater law and order in society:
  - a) Strongly Agree
  - b) Agree
  - c) Neutral
  - d) Disagree

e) Strongly Disagree

3. I would vote to continue the use of capital punishment and the death penalty in Texas as a deterrent to violent crime:

a) Strongly Agree

b) Agree

c) Neutral

d) Disagree

e) Strongly Disagree

Is there anything you would like to share with me regarding your views or convictions on the death penalty, more so in our home state, Texas?

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## **APPENDIX B**

### **KEY INFORMANT INTERVIEW: PREVAILING VIEWS ON THE DEATH PENALTY AS A DETERRENT TO CRIME IN TEXAS**

**INFORMED CONSENT:** My name is Thomas Trivette. I am currently a graduate student at Golden Gate University in San Francisco, California. As a candidate for a Master's degree in Public Administration, my capstone project consists of collecting personal views on the death penalty in Texas. Your responses are confidential and secure. This interview is expected to take approximately 10-15 minutes for completion. If you require assistance or have any questions, feel free to e-mail me at: TTrivette@my.ggu.edu

### **INTERVIEW QUESTIONS:**

1. Do you believe the death penalty serves as a deterrent to violent crimes in Texas? Please explain your response.
2. As a subject matter expert (SME), do you believe this increases the public perception on law and order to society, as a violent offender could receive the death penalty? If so, please explain.
3. Does the public support capital punishment in the State of Texas? If so, please explain.