

4-2014

# Finding Data: The Politics and Magic of Accessing Capital Punishment Data

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## Recommended Citation

O'Brien, Barbara, "Finding Data: The Politics and Magic of Accessing Capital Punishment Data" (2014). *2014 Presentations*. Paper 18.  
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# FINDING DATA: THE POLITICS AND MAGIC OF ACCESSING CAPITAL PUNISHMENT DATA

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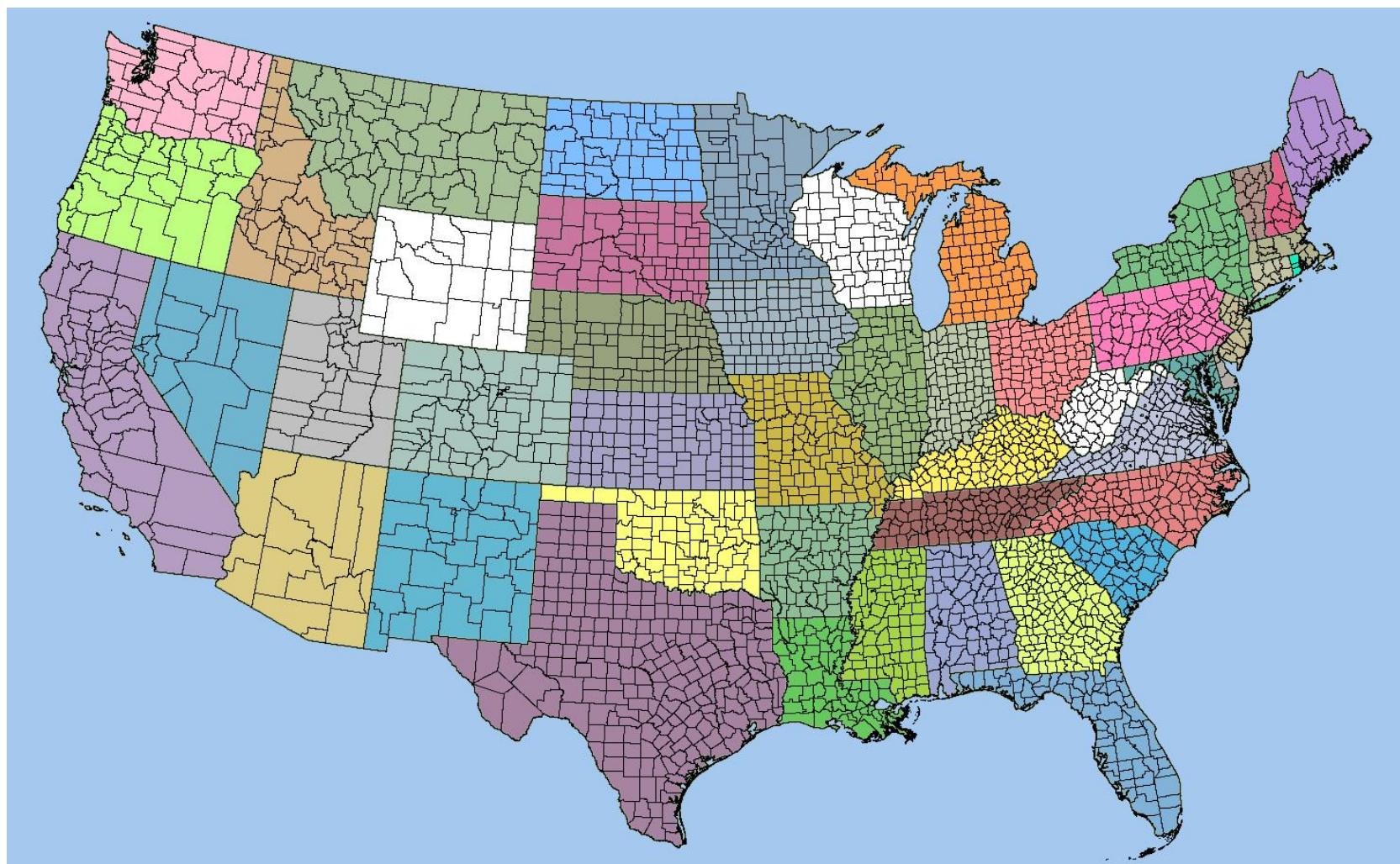
Mona Lynch, University of California at Irvine

Catherine M. Grosso, Michigan State University College of Law

Barbara O'Brien, Michigan State University College of Law

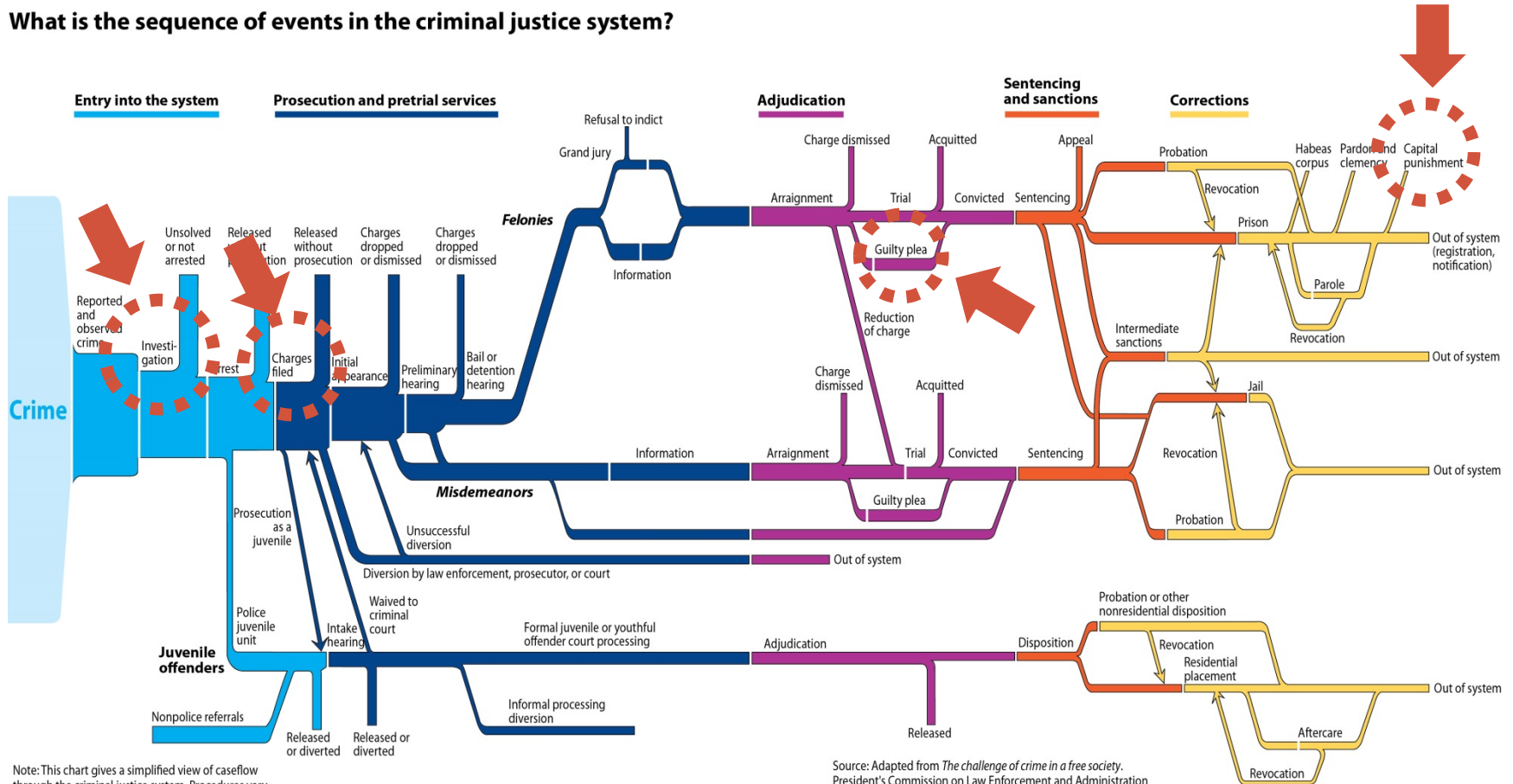
Valerie West, John Jay College, City University of New York

# Most Crime is Local



# Criminal Justice System Flowchart

What is the sequence of events in the criminal justice system?



Note: This chart gives a simplified view of caseload flow through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

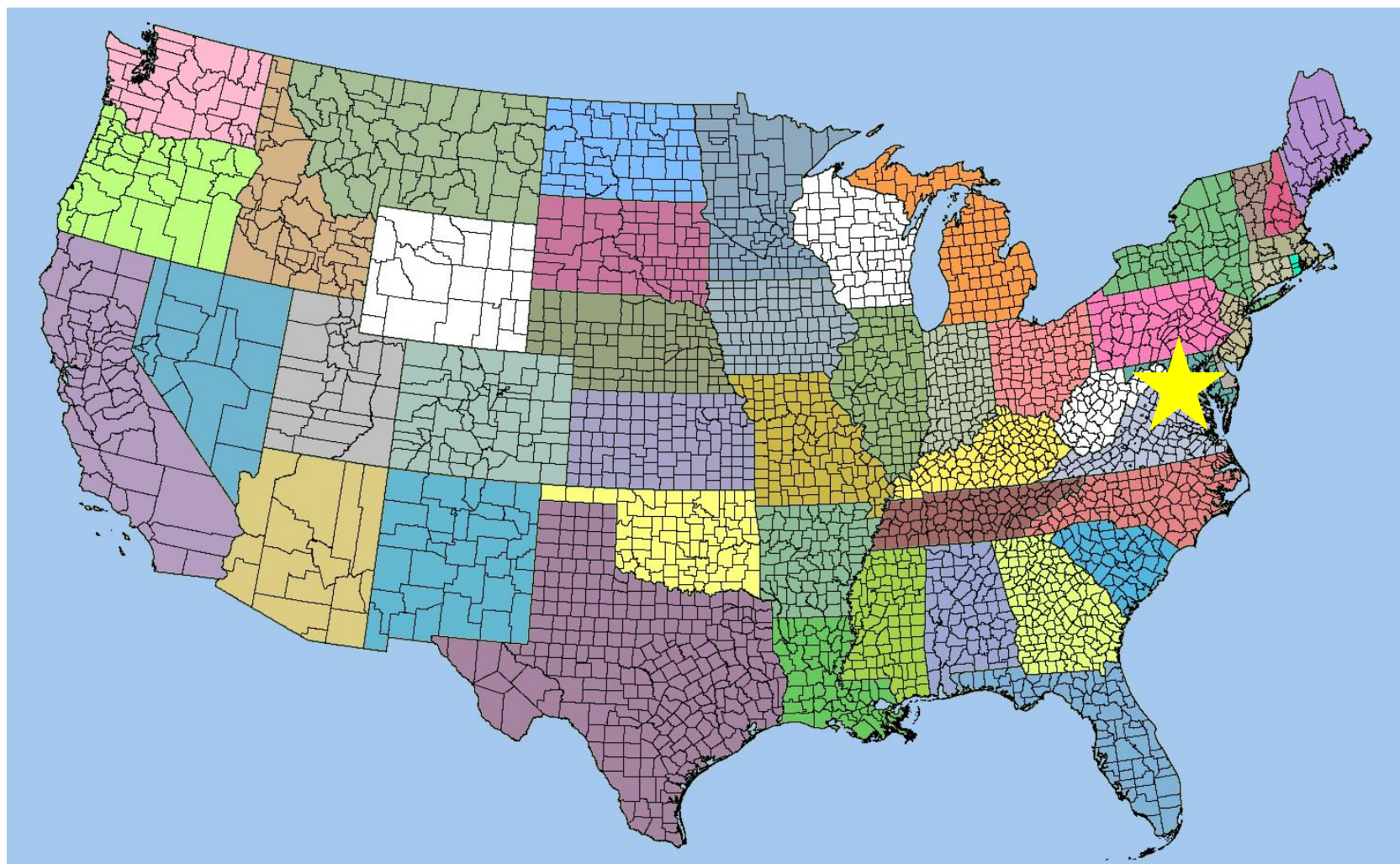
# What can national datasets show us?

The screenshot displays the IBM SPSS Statistics Data Editor interface. The title bar reads "ICPSR COMPLETE Database.sav [DataSet1] - IBM SPSS Statistics Data Editor". The menu bar includes File, Edit, View, Data, Transform, Analyze, Graphs, Utilities, Add-ons, Window, and Help. The toolbar contains various icons for file operations and data manipulation. The main window shows a data grid with 36 variables. The variables are: stillDR, reasonR MV, currentst atus, sex, serious3, serious2, serious1, marital, and educ. The data rows are numbered 1 through 28. Five red-bordered boxes highlight specific datasets:

- FBI: Supplementary Homicide Reports** (Row 1)
- Death Penalty Information Center: Executions in the United States** (Row 7)
- FBI: National Incident-Based Reporting System Series** (Row 16)
- Bureau of Justice Statistics: Capital Punishment** (Row 22)
- The Espy File: Executions in the United States 1608-2002** (Row 28)

At the bottom of the window, there are tabs for "Data View" and "Variable View", and a status bar indicating "IBM SPSS Statistics Processor is ready".

# Local Crimes → Federal Data



**Table 1. Murders, Capital Murders, Death Sentences and Executions for Three States, 1977-2013**

	<u>California</u>	<u>Texas</u>	<u>Florida</u>
Murders (1977-2012)	98,256	63,431	40,645
Capital Murders* (1977-2011)	35,320	12,948	2,735
% Capital*	35%	21%	14%
Arrests per Capital Murder*	57.2	75.4	67.6
Death Row (April, 2013)	731	298	412
Death Sentences (1977-2013)	922	958	941
Death Sentences per 1000 Murders (1977-2012)	9.14	14.96	22.78
Death Sentences per 1000 Capital Murders (1977-2011)	25.1	87.1	330.5
Executions (1977-2013)	13	508	81
Executions per 1000 Murders (1977-2012)	0.13	7.76	1.82
Executions per 1000 Capital Murders (1977-2011)	0.4	36.8	25.9
Executions per 1000 Death Sentences (1977-2013)	14.10	530.27	86.08
Murder Rate (Average 1977-2012)	9.20	9.42	8.58
Population (30 Yr. Average, 1,000,000's)	30.5	18.8	13.9

\* Detailed data from the SHR to compute capital-eligible homicides in Florida are missing for some years. Estimates for Florida here are based on multiple imputations and should be interpreted cautiously.

**Sources:**

Murders (1977-2012): UCR

# To Be “Death Eligible”





# To Be “Death Eligible”



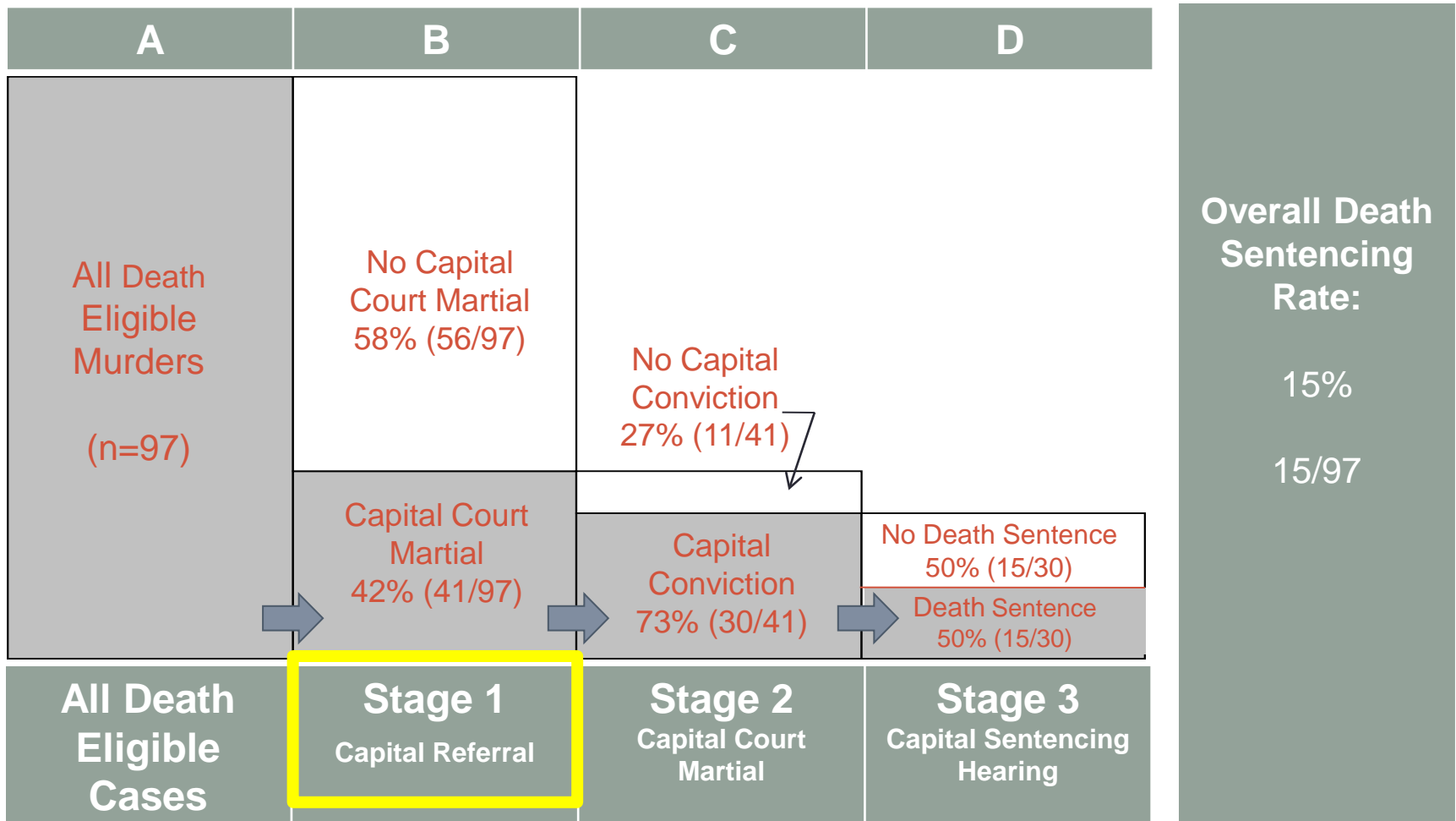
- Many jurisdictions try to keep a list of all murders that occur and those resulting in charges.
- Each jurisdiction keeps track of murders that result in a death sentence (i.e. who is or was on death row).
- **No jurisdictions keep a list of “death eligible” murders.**

# Reality . . .

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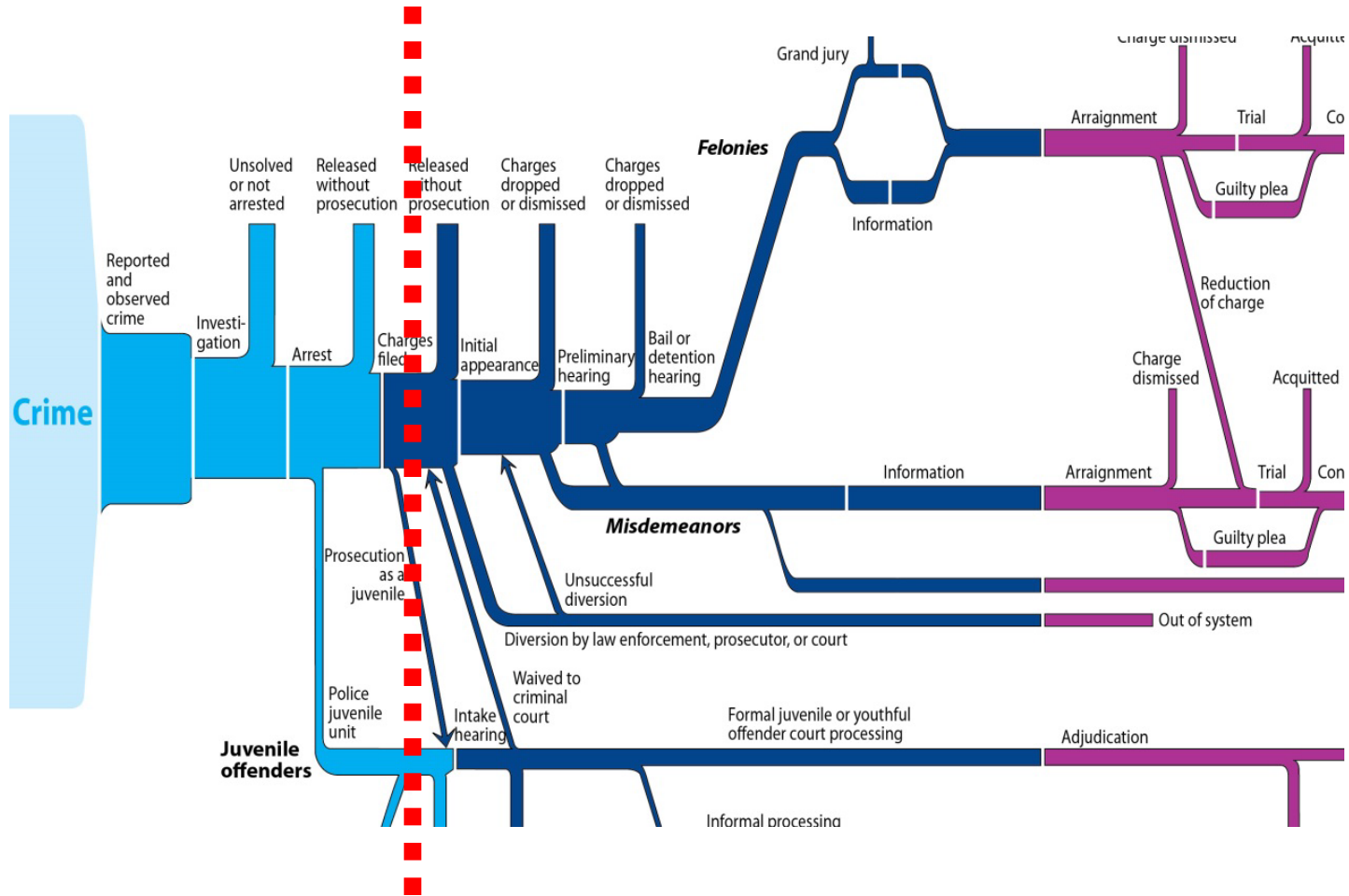
Most death penalty research requires extensive data collection.

# Charging and Sentencing Studies



**Figure 1. Overview of Decisionmaking and Outcomes**  
 (from *Racial Discrimination in the Administration of the Death Penalty: The Experience of the United States Armed Forces (1984-2005)*)

# Criminal Justice System Flowchart



# Finding Data: Meaningful Control Variables

Charges and Convictions

Procedural History

Aggravating Factors

Mitigating Circumstances

Defendant's Demographics and Background

Defendant's Mental Health, Drug, and Alcohol History

Defendant's Military Background

Victim's Background

Circumstances of Victim

Characteristics of the Homicide

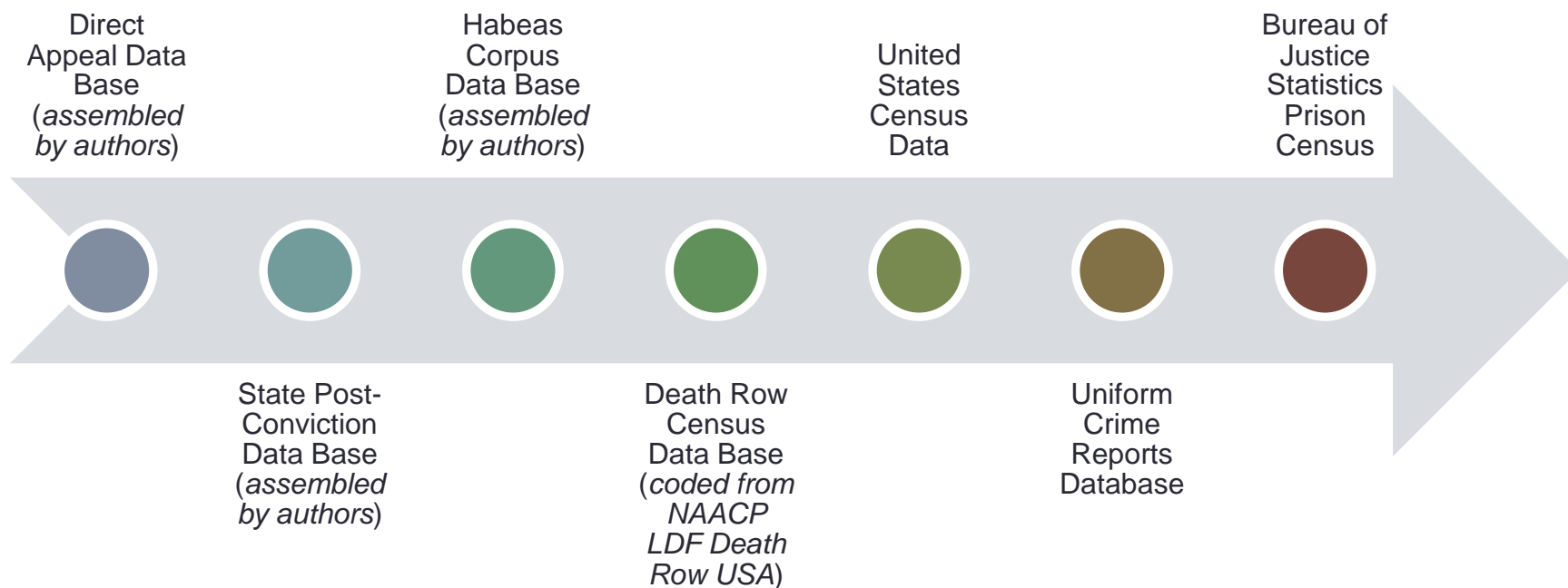
Defendant's Motives

Role of Co-Perpetrators

Defense to Charges

Strength and Type of Evidence

# Post-Conviction Analyses



Liebman, James, Jeffrey Fagan, and Valerie West. *A Broken System: Error Rates in Capital Cases, 1973-1995*. COLUMBIA LAW SCHOOL, PUBLIC LAW RESEARCH PAPER 15 (2000).

# Consequences

1. Expense,
2. Information biases &
3. Limitations in the available data:
  - A. Distort our findings,
  - B. Create gaps in our research &
  - C. Dictate research questions.









# Goals?

- Data retention and sharing norms and regulations as a start.
- Greater exploitation of alternative methodologies to find and generate data relevant to key remaining questions.

## NEW APPROACHES TO AN AGE-OLD PROBLEM

Mock Jury  
Decision-  
making  
Experiments  
(Lynch &  
Haney)

Linguistic  
Analyses of  
Voir Dire  
(Grosso &  
O'Brien)

Qualitative  
Interview  
Studies  
(Bowers, et  
al.)

Ethnography  
& Field  
Studies  
(Conley)

Artifacts/Doc  
uments  
analyses

Media  
Analyses  
(Phillips)

Other  
experimental  
approaches?