

Local View: Death penalty no longer good policy

September 23, 2016

By Allen Curtis

I spent my professional life in law enforcement and was fortunate to serve as the Lincoln police chief and director of the Nebraska Crime Commission. I believe I understand public safety.

For many years I supported the death penalty. There were times I felt I could inflict the death penalty on some of our murderers myself, but that's just an angry and emotional reaction. Such emotion is common, but it's neither thoughtful nor wise. Today it is clear to me the death penalty is no longer good policy.

In November we vote on the death penalty. I feel obligated to speak up about the ineffectiveness of the death penalty and its inability to keep us safe. The most effective punishments are those that are guaranteed. You may occasionally drive over the speed limit, but you don't when you see a police cruiser behind you. It's the certainty of punishment compelling us.

There's no certainty with the death penalty today. We've not

had an execution in this state in nearly 20 years. Essentially, it is not deterrence.

Perhaps an even greater reason the death penalty isn't a deterrent is that people who commit murder rarely think about consequences. Most murderers are acting out of anger, under the influence of drugs and/or alcohol, are mentally ill, emotionally out of control or a mix of these. There are many law enforcement professionals who agree there's no public safety benefit to the death penalty.

In 1995 and 2008, 500 police chiefs across the country were asked to rank the tools they found most effective in preventing violent crime. In these surveys the death penalty was ranked absolutely last. Chiefs recognized more officers on the street, reducing drug abuse or having effective programs for the mentally ill were much more likely to reduce crime than having or



increasing the use of the death penalty.

In a 2009 poll, 61 percent of chiefs said death penalty cases were hard to close and take up a lot of police time. This is another problem with the death penalty: It requires a great deal of time and resources not only for police but also for prosecutors and courts. Even if we are comforted by the symbolism of having a death penalty, it has unintended negative consequences for the resources available to protect society.

A recent study by Creighton economist Dr. Ernie Goss says Nebraska's death penalty costs an average of \$14.6 million every year because of the additional investigations, extra trials, decades of appeal and other mandated processes making death penalty cases different than life without parole.

Given the complexity of capital cases and the U.S Supreme Court's strict guidelines for how they must be handled, it's no surprise we have this enormous price tag.

I would prefer these resources be used more wisely to help law enforcement and other parts of the criminal justice and mental health systems. Nebraska has

quality men and women in law enforcement, as well as competent professionals throughout the system of justice.

I would like to see the \$14.6 million now spent on a symbolic, unused death penalty invested in programs professionals consider effective in preventing violent crime. An urgent and current example of this need is the struggling Department of Correctional Services with its understaffed and overcrowded correctional facilities.

It's a shame and dangerous that we are failing to provide our corrections' officers the support they need to do their jobs. With proper staffing and tools, our correctional facilities can be a

secure place for inmates, guards and the public.

Voters have an important opportunity in November to make a wise choice, not an emotional one, about where to put our resources. Choosing to retain the decision of the Legislature to end Nebraska's symbolic death penalty demonstrates Nebraskans aren't interested in emotional symbols, but want to invest in real solutions to violent crime and smart public safety policy.

Allen Curtis was Lincoln police chief from 1988 to 1993 and director of the Nebraska Crime Commission from 1994 to 2005. He is in the Nebraska Police Officers Association Hall of Fame.