

BOCR Model of the Death Penalty in The United States of America

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Capital Punishment

Overview and Importance

Capital punishment, also known as the death penalty, is legal in the majority of the United States of America. Since its founding, America has sanctioned this form of punishment. Over the years, the support for the death penalty has declined, leading many states to abolish the death penalty and replace with a sentence of life imprisonment with no parole. With the declining support, the states continue to debate the death penalty.

150 of the 193 Member States of the United Nations have abolished the death penalty or observe a legal or defacto moratorium on its use. Since 2007 a global moratorium on the death penalty has been called for by the General Assembly.¹ The UN and opponents see the application of the death penalty as unjust and incompatible with fundamental human rights values. The proponents of the death penalty see it as a suitable punishment for the crime. In a recent poll by Pew Research less than half of Americans (49%) favor the death penalty, while 42% oppose it.²

Since 2010, numerous motions have been approved that ask “States that still maintain the death penalty to progressively restrict its use, to reduce the number of offences for which it may be imposed, and to establish a moratorium on execution with a view to abolishing the death penalty. States which have abolished the death penalty are called upon not to reintroduce it.”²

With this background, the questions are raised to examine the human rights dimensions of the application of the death penalty. What are the potential benefits, opportunities, costs, and risks involved with abolishment? How does retaining legalization compare to abolishment? The BOCR model is applied to this issue to determine the best results.

¹ http://www.ohchr.org/Lists/MeetingsNY/Attachments/27/moving_away_from_death_penalty_web.pdf

² <http://www.pewresearch.org/fact-tank/2016/09/29/support-for-death-penalty-lowest-in-more-than-four-decades/>

MODEL EXAMINATION

Alternatives

There are two alternatives used in the model:

1. Retain Legality
2. Abolish

The first alternative maintains the legality of the death penalty. The second alternative changes the public policy and eradicates the death penalty.

Strategic Criteria

There are two strategic criteria:

1. Public Safety
2. Human Rights

Public safety, minimizing harm, and punishment are all important factors to both alternatives. Maintaining and improving public safety can be done whether it be by removing the threat of those convicted to the death penalty, convicting them to lifelong prison sentencing, or investing in law enforcement. Human rights are explicitly spelled out in the Bill of Rights and should not be overlooked for retribution.

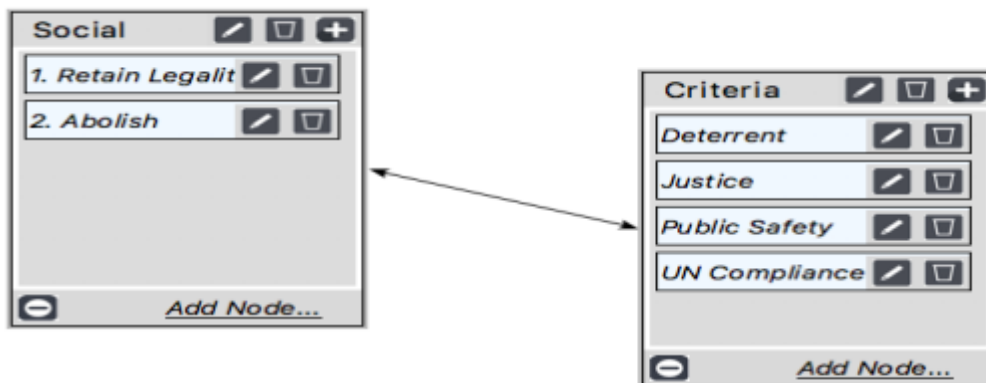
BOCR MODEL DETAIL

About the Model

Benefits

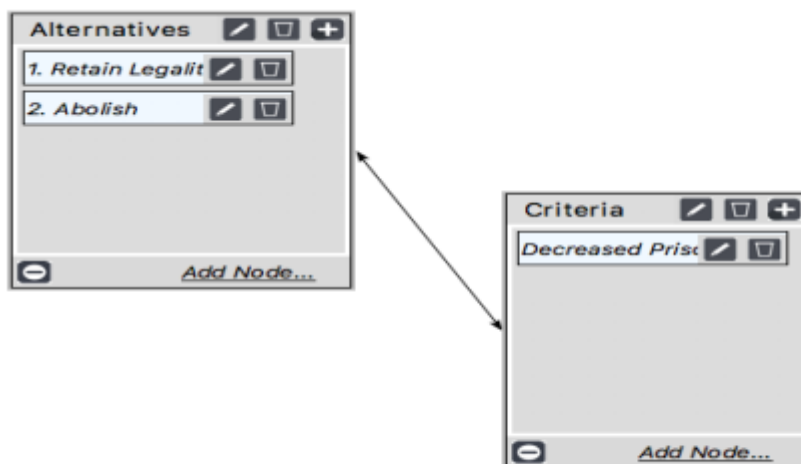
Social

The social benefits criteria are deterrence, justice, public safety, and UN compliance. The BOCR analysis examines the deterrence of future crime, justice for the victim(s) and families, public safety as to the removal of the threat/possibility of the threat remaining in society, and compliance with the UN to abolish capital punishment.



Financial

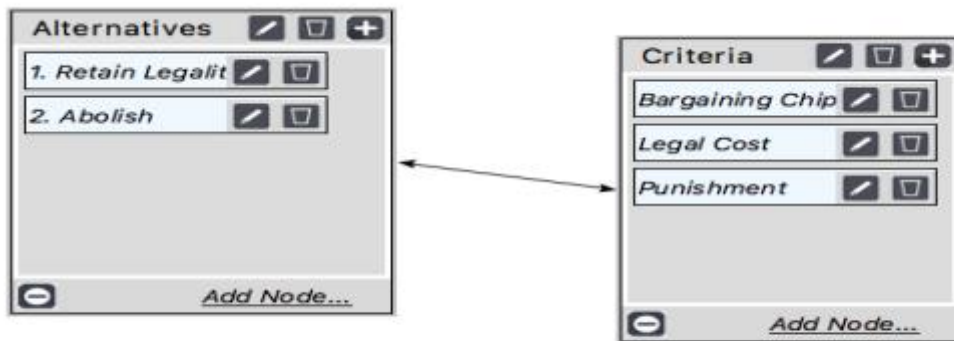
The financial benefit that remained is decreased prison population. Less tax payer dollars are necessary if the maintenance of the life of an inmate is no longer required.



BOCR MODEL DETAIL

Legal & Political

The political benefits criteria are bargaining chip, legal cost, and punishment. The death penalty is used often as a bargaining chip with criminals to give a lesser deal if something is provided in return such as information. There are excessive legal cost of the appeals process funded by the government. Punishment is less quantifiable as it is subjective to the crime and the estimation of the quality.

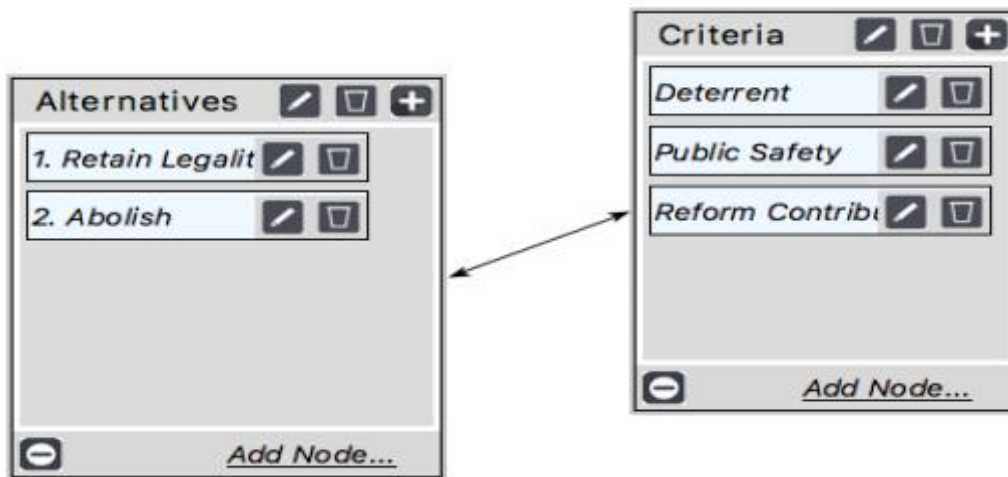


BOCR MODEL DETAIL

Opportunities

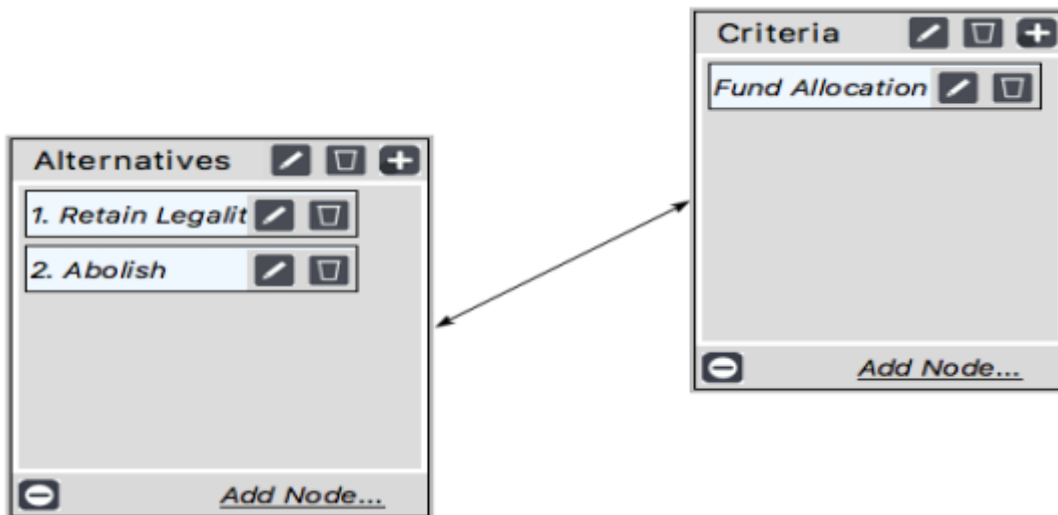
Social

Again, the BOCR analysis examines opportunity for the deterrence of future crime, public safety as to the removal of the threat/possibility of the threat remaining in society. It also looks to analyze the opportunity of reform contribution from criminals.



Financial

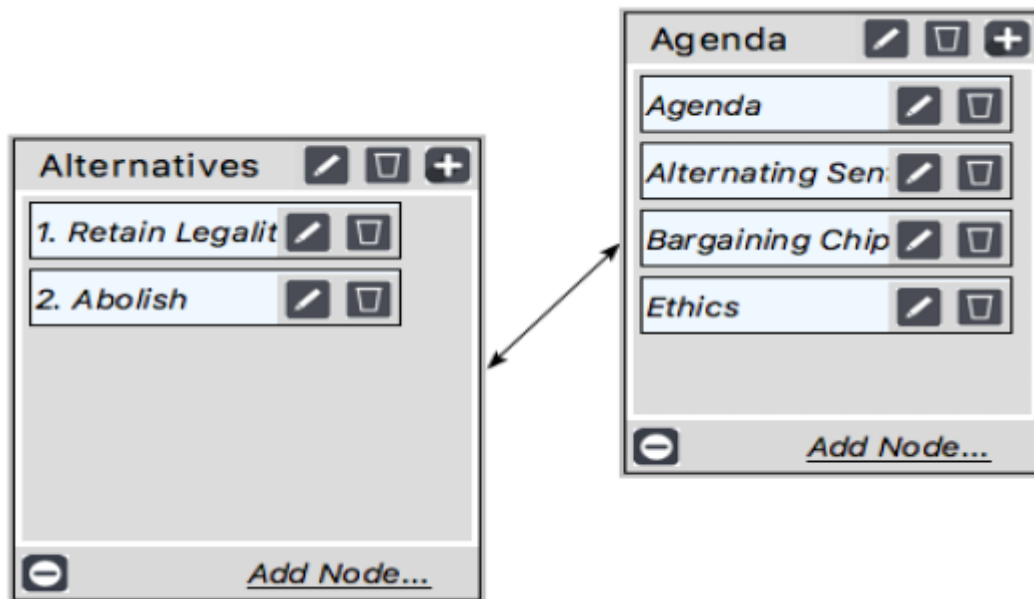
The financial benefit that remains is fund allocation. The money spent in the legal process of appeals associated with each death row case could be more efficiently allocated to public safety improvement and reform programs for criminals.



BOCR MODEL DETAIL

Legal & Political

The legal and political opportunities are agenda building for politicians, alternative sentencing options, bargaining chips for prosecutors, and ethical compliance.

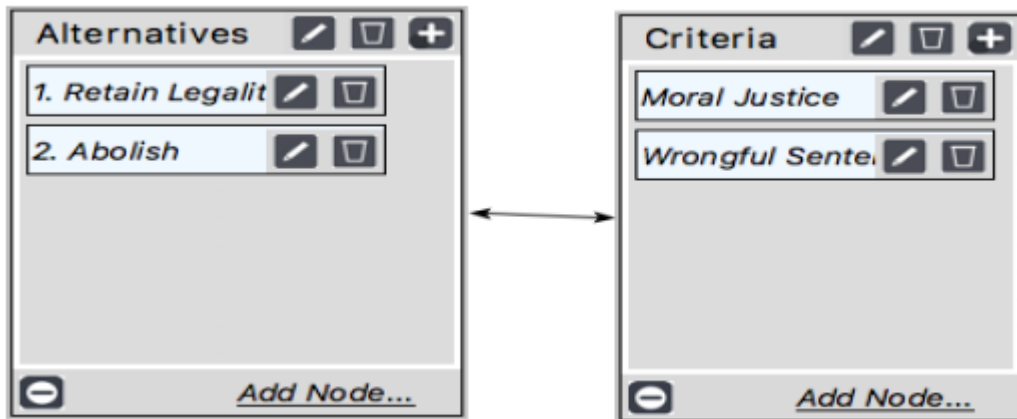


BOCR MODEL DETAIL

Costs

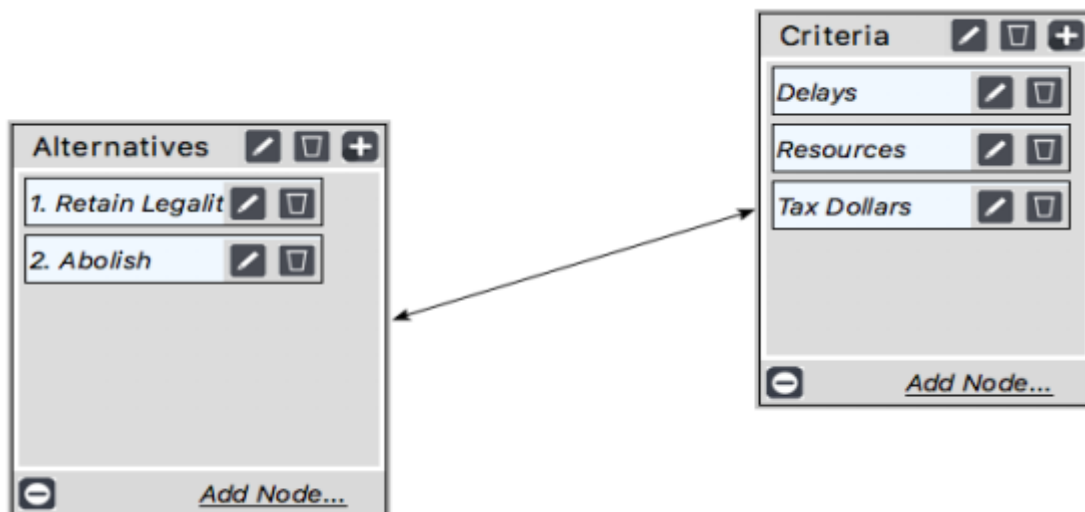
Social

The criteria under costs are moral justice and wrongful sentencing. It is imperative to consider the human rights aspects and determine whether another person, let alone the government, has the ability to sanction death even if it is in justice. It is also imperative to consider the possibility of wrongfully sentencing a person.



Financial

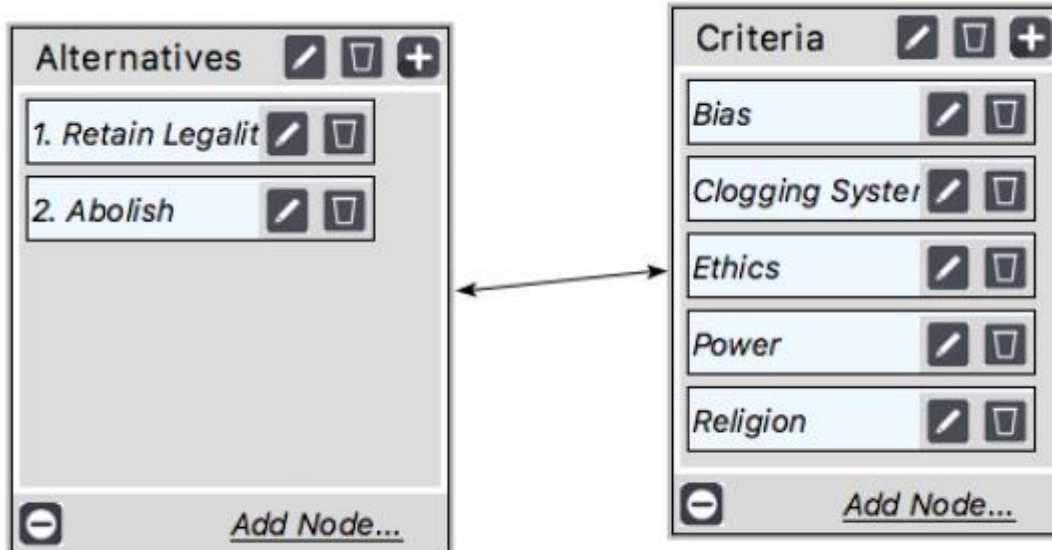
The costs associated with the death penalty are delays in the legal system with appeals which leads to the clogging of the system, excessive resource use for the appeals process, and tax dollars whether they are spent in the process of death row or maintaining the life of the criminal in prison.



BOCR MODEL DETAIL

Legal & Political

The legal and political aspects associated with the costs are bias, clogging of the system, ethics, power of the government, and religion.

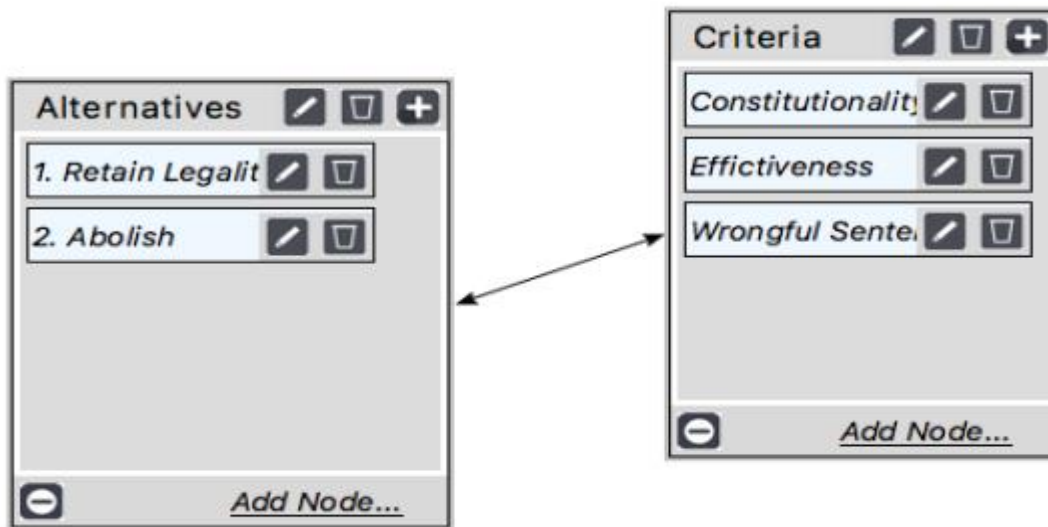


BOCR MODEL DETAIL

Risks

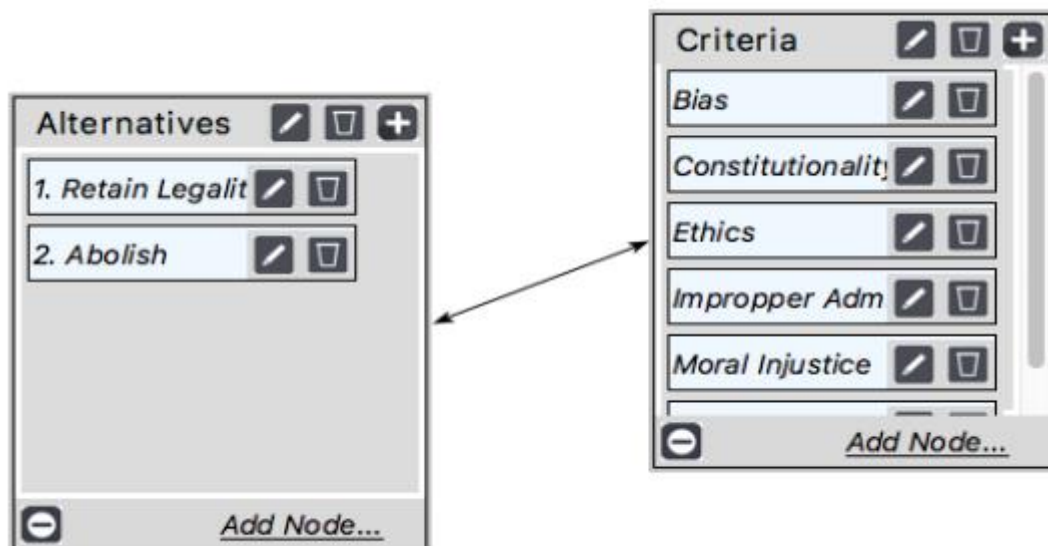
Social

The social risks associated with the death penalty are constitutionality, effectiveness of deterrence and public safety, and wrongful sentencing of innocent lives.



Political

The political risks are bias, constitutionality, ethics, improper administration which would violate cruel and unusual punishment, moral injustice, and religion.

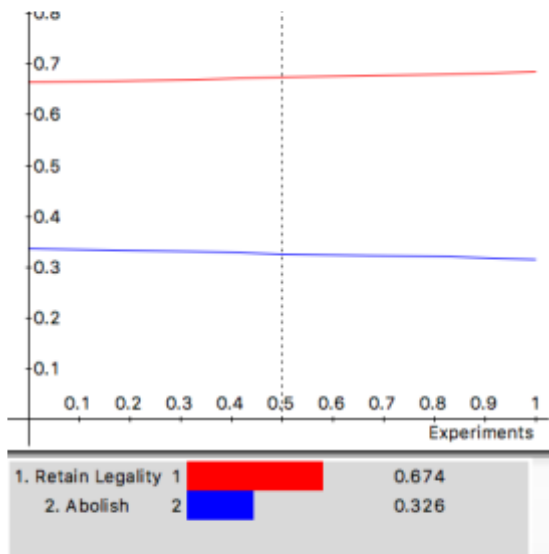


BOCR MODEL SENSITIVITY

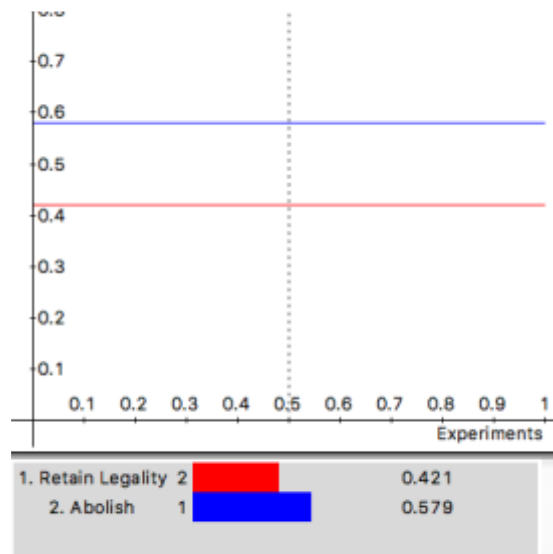
Sensitivity

Overall, the model demonstrates that abolishing the death penalty take priority.

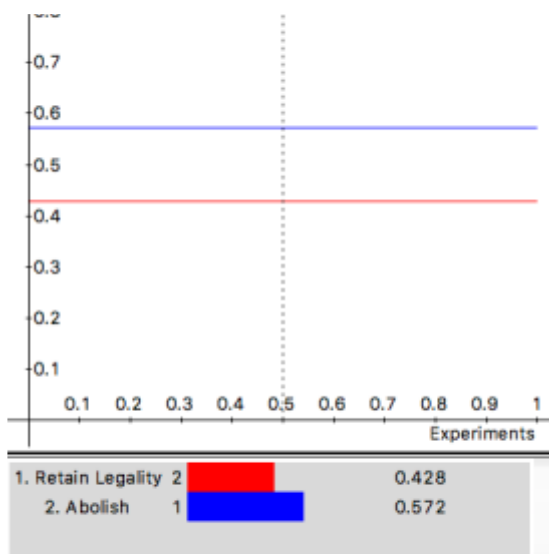
Benefits



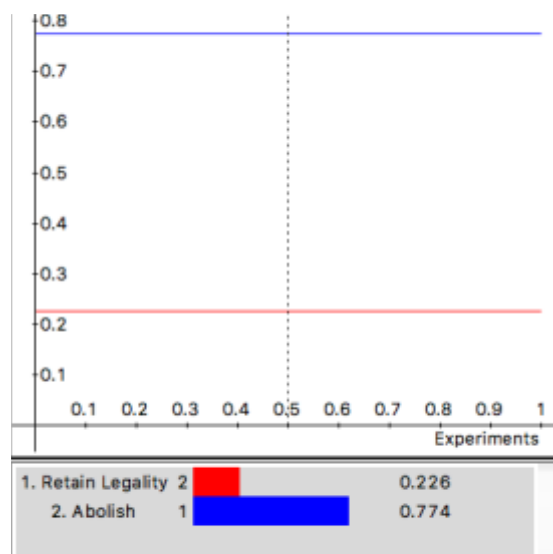
Opportunities



Costs



Risks





BOCR MODEL SYNTHESIS



Syntheses

BOCR



Here are the overall synthesized priorities for the alternatives. You synthesized from the network Subnet under 1.Benefits

Name	Graphic	Ideals	Normals	Raw
1. Retain Legality		1.000000	0.674795	0.967314
2. Abolish		0.481931	0.325205	0.466179



Here are the overall synthesized priorities for the alternatives. You synthesized from the network Subnet under 2.Opportunities

Name	Graphic	Ideals	Normals	Raw
1. Retain Legality		0.726268	0.420716	0.683898
2. Abolish		1.000000	0.579284	0.941660

Here are the overall synthesized priorities for the alternatives. You synthesized from the network Subnet under 3.Costs

Name	Graphic	Ideals	Normals	Raw
1. Retain Legality		0.748484	0.428076	0.748484
2. Abolish		1.000000	0.571924	1.000000

Here are the overall synthesized priorities for the alternatives. You synthesized from the network Subnet under 4.Risks

Name	Graphic	Ideals	Normals	Raw
1. Retain Legality		0.291765	0.225865	0.291765
2. Abolish		1.000000	0.774135	1.000000

Conclusion

The BOCR synthesis, shows that when evaluating public safety and human rights, abolition of the death penalty is the better alternative.