

The Myth of Prison Murder

Lifers and the Death Penalty

Some say that we need the death penalty to punish those who kill while serving a life sentence. But this assumes both that lifers are prison troublemakers undeterred by other sanctions, and that the death penalty for lifers acts as a deterrent to prison murder. Not only are both assumptions false, but using the death penalty to secure a life sentence risks executing the innocent and draws resources from cheaper, proven methods of preventing prison murder.

Lifers are model prisoners

- Virtually all studies and accounts of lifers in prison indicate that they are model prisoners. This is true even when studies control for factors like age, race, and intelligence. **Though homicides do occur in prisons, most are committed by people serving shorter sentences for lesser crimes.**¹
- In a survey of correctional workers from across the country, 89% reported that lifers presented fewer disciplinary problems than the general population, and 92% said lifers were more cooperative.²
- The rate of murder in prison is lower than the murder rate on the outside. Prison staff are a full 82 times less likely to be murdered by an inmate than the average person outside.³

Even lifers can be executed for crimes they did not commit

The death penalty risks executing the innocent. That risk does not go away simply because the murder happened in a prison. Consider some of the real life examples:

- In July 2003, Joe Amrine became the 111th person in the country sentenced to death and later exonerated. Amrine, serving a short sentence for check kiting in MISSOURI, was convicted of a 1985 prison stabbing solely on the testimony of three other inmates. His trial attorney conducted no independent investigation. All three inmates said prison officials pressured them to finger Amrine. A prison guard consistently said he saw one of the three prison “witnesses” fleeing the crime scene. After 17 years on death row, state courts concluded Amrine was actually innocent and he was freed.
- David Wong was serving time in NEW YORK for robbery when he was convicted of murdering a fellow inmate. The medical examiner testified that the assailant’s clothes would have been soaked with blood, yet Wong’s clothes were clean. The key witness stated the murderer was white and only later changed

“I have been in contact with hundreds of [lifers] during my years in penal work. They are industrious, as a rule, and give wardens the least trouble. Many of them are first offenders. Some committed murder during a moment of blind fury and have never ceased repenting their misdeeds.”

— LOUIS F. LAWES, FORMER WARDEN
AT SING SING PRISON, NY

(over)

his mind and decided the killer was Asian. The second witness was an inmate who received several perks for his testimony. He later stated that the sergeant who questioned him fed him his testimony. The prosecutor hid evidence that another man committed the crime, and 21 witnesses swore that Wong was innocent. Finally, in December 2004, Wong was exonerated and released.

- Roy Roberts was convicted in 1979 of robbing a restaurant. He was a model prisoner, earning two degrees while incarcerated. But in 1983, he took part in a drunken prison riot that led to the death of a guard. Blood stains easily implicated two other inmates and no physical evidence tied Roberts to the crime. One guard specifically said Roberts was elsewhere during the stabbing. At 337 pounds, Roberts stood out “like a red rose in the Sahara Desert,” as one guard put it, yet initial eyewitness and DOC reports made no mention of him. Only later did a guard with a grudge suddenly finger him. A month before he was executed, despite compelling doubts about his guilt, another man confessed to the restaurant robbery that put Roberts in jail in the first place.

Wrongful convictions are just as likely in prison as on the outside. Prisoners may be more easily persuaded to give false testimony in exchange for better treatment, increasing the risk of wrongful convictions.

The death penalty for lifers is not a deterrent

- If the death penalty deterred prison murders, one would expect that there would be more prison murders in non-death penalty states, where lifers had “nothing to lose.” **YET OVER 90% OF PRISON MURDERS OCCUR IN JURISDICTIONS WITH THE DEATH PENALTY.**⁴
- The percentage of people convicted of murder who then murder again is only one fifth of one percent — *regardless of whether the state does or does not have the death penalty*. The threat of death in those states where it is available does not have even an *incremental* effect on that rate.⁵
- Lifers have more to lose if they kill in prison, because prison is their home forever and they must make the most of it. They are more invested than other prisoners in being on the good side of guards, securing the maximum number of privileges, and avoiding the harshness of prison sanctions, because they have no chance of getting out and enjoying the privileges of freedom. Many exonerated death row inmates who have lived through prison contend that a lifetime of solitary confinement is a much better deterrent — and a much harsher punishment — than an execution that relieves them of the misery of prison.

“A flagrant weakness of the deterrence argument is that it assumes that imprisoned murderers will be deterred from killing by the same threat that, before prison, was insufficient to deter...”

— HUGO BEDAU,
THE DEATH PENALTY IN AMERICA

The use of resources: preventing prison murder

The death penalty is shown to cost millions more than a system of life in prison. Rather than uphold an extremely expensive system to target the one-quarter of one percent of lifers who might kill in prison,⁶ such resources would be better spent preventing prison murders at a fraction of the cost. **One CALIFORNIA prison lowered fatal stabbings by 94% simply by removing the sheet metal shop from its prison industry.**⁷ Other prisons have removed blind spots, increased security in high-risk areas, and placed more vulnerable inmates in special units to maximize staff protection. Recent prison murders in **MARYLAND** have prompted the union representing correctional officers to demand increased staffing and better facilities to keep them safe — not the death penalty.

¹ “The Deterrent Effect of the Death Penalty upon Prison Murder,” W. Wolfson in Bedau, *The Death Penalty in America*, 1982.

² “A Report: Life Term Prisoners in the United States,” Arizona State Prison, 1974.

³ As of 1997. The inmate-on-staff homicide rate in 1997 was 1 per 1,000,000 inmates, compared to the U.S. murder rate of 82 murders per 1,000,000 population. Bureau of Justice Statistics, cited by Death Penalty Information Center, *Understanding Capital Punishment: A Guide Through the Death Penalty Debate*, March 2003, p. 33.

⁴ *The Death Penalty in America*

⁵ *The Death Penalty in America*

⁶ Many significant studies of prison homicide use a 1973 database. One found that less than 0.2 percent of lifers killed again in prison during the study period. Another noted that of the 2-3% of inmates considered chronically violent, only one in ten was likely to kill in prison.

⁷ *The Death Penalty in America*