

# **New study shows race significant factor in death penalty cases**

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New research by Scott Phillips, associate professor of sociology and criminology at the University of Denver, finds that in Harris County, TX the District Attorney (DA) was more likely to pursue the death penalty when the defendant was African American and less likely to pursue the death penalty when the victim was African American. The study, “Racial Disparities in the Capital of Capital Punishment,” will be published in the Houston Law Review this fall.

“Conventional wisdom holds that the race of the victim is pivotal,” Phillips says. “But, current research suggests that the race of the defendant and victim are both pivotal.”

Phillips studied whether race influenced the DA’s decision to pursue a death trial or the jury’s decision to impose a death sentence against defendants indicted for capital murder in Harris County, located in the Houston area. He spent several years looking at more than 500 capital murder cases that occurred between 1992-1999. Although Texas has a reputation for executing a large number of people, Harris County executed more people than any other state but Texas.

“Harris County is the capital of capital punishment,” Phillips says. “The county has executed more offenders than all other major urban counties in Texas combined.”

While Phillips’ research shows a clear racial disparity in the DA’s decision to seek the death penalty, the professor is not accusing the DA

at the time, John Holmes Jr., of being racist.

The office has a long-standing practice of removing the race of parties from the memo that the DA uses to decide whether to seek death.

“Discrimination implies purposeful action,” Phillips says. “I am certain that the Harris County DA does not intend for race to influence the process.”

In fact, the percentage distribution suggests that the DA sought the death penalty against African American and Caucasian defendants at the same rate. However, the racial disparity is found when looking at the nature of the crime. African American defendants committed murders that were less serious, according to objective measures, yet the odds of the DA pursuing a death penalty trial were 1.75 times higher against African American defendants than Caucasian defendants.

“To impose equal punishment against unequal crimes is to impose unequal punishment,” Philips says.

Source: University of Denver

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