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## “A GOOD MURDER”

Leigh B. Bienen\*

A good murder, a genuine murder, a fine murder, as fine as you could hope to see, we haven't had one like it for a long time.”

Georg Büchner, *Woyzeck* (1836)<sup>1</sup>

### I

A sense of fairness and an outrage over injustice are emotions expressed strongly and clearly by young children in all cultures. People are profoundly interested in crimes because the law and legal punishments are supposed to address that fundamental human craving for justice. A legal system is set up to define prohibited behavior and punish criminals because we want to live in a society which is ruled by law and not by a mob, or so we say.

Courts, which hand down decisions in individual cases, are embedded in this system of law because we do not trust individuals alone or groups to judge fairly. As individuals we do not want to take that responsibility. We ask that far reaching judgments of others and the imposition of consequences be made according to universal principles which are objective, if not quantifiable. The criminal justice system is supposed to be unclouded by personal idiosyncracies, class bias, and racial prejudice. And it is supposed to work with reasonable efficiency and economy.

In short, because it is a system of law it is supposed to be just, for all of us. That is why we have created it, to judge us impersonally. And consequently we should all be willing to submit to its judgments. Of course we know it is imperfect, any institution managed by human beings is imperfect, but fairness is the standard. Behind all of the documents, the billions of words retrievable at a keystroke, is the idea that justice is the bedrock of our constitutional system: due process of law means among other things fundamental fairness.

Yet at the present time in America few would argue that the criminal justice system is effective. In our society, capital murder cases have become the most visible and dramatic example of the failure of

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1. GEORG BÜCHNER, *LEONCE AND LENA, LENZ, WOYZECK* 100 (Michael Hamburger trans., Univ. Chi. Press 1972) (1836).

the criminal justice system. Some would say segments of the criminal justice system are corrupt. Others would maintain the criminal justice system is dominated by the political and economic interests of the ruling class, as well as being racist, inefficient, and the opposite of cost effective. According to this view, some individual civil servants are overworked and underpaid, but they are outnumbered by the incompetent and the cynical, and overwhelmed by the bureaucratic morass. If there is any truth to these allegations, why do we tolerate this situation? If our society can send a spaceship to Mars and snake a missile through a doorway from hundreds of miles away, why can't we institutionalize a criminal justice system which is efficient and fair?

Or, perhaps the problem is one of image. If the public's impression of a criminal justice system in a state of collapse is a distortion put forward by demagogues or the media, why do we allow this false characterization to persist? This leads to another question: can we assess the operation of the criminal justice system on the basis of what we read in the newspapers and see on the television?

The live broadcast of urban violence in Los Angeles, coming after the Hill-Thomas hearings, blurred any remnants of the bright line which existed between the news and dramatizations of public events for a television audience. Both were cultural watersheds, bringing home a truth which is not entirely new: there is little distinction between reenactments or dramatizations and the reporting of actual events. Both appear on the same screen. Both are subject to immediate replay, commentary and speculation. And, as can also be seen in the reporting of sports events, a striking disjunction exists between the highly sophisticated technology of visual presentation and expression and the relatively archaic and simple-minded conceptual framework for commentary and reporting.

Those who complain the theatre is dead have not been to an urban criminal trial recently. The criminal courts are the popular theatre of our day. The public is strongly attached to the stock characters who are regularly featured on the stage of our criminal courts. Lawyers, judges and defendants on their way to jail all play to the crowd and expect to be watched by an audience far larger than the jurors selected to find the facts of the case, although the mood is rarely one of merriment.

Every culture has its own way of portraying death, of ritualizing murder. In America, representations of violent and ghoulish murders are pervasive in our entertainment and news. The reports of murders, especially capital murders, do not only tell us what is out there and what happened; they tell us what to think and how to feel. Portrayals

of murder cases communicate important messages about who is in charge and who is a threat.

Sometimes the message is that the people who are convicted of capital murder are beneath contempt, unworthy of anything more than summary justice. They are so threatening to our lives and property that they can be kept in prisons which are brutal and inhumane, or, better, executed. Sometimes the message is that the society needs to continue to spend large amounts of money on law enforcement and the establishment and maintenance of prisons. Another frequently heard theme is that it is unfair for police and prosecutors to be forced to go into battle using laws which give an unfair advantage to the accused, that the courts have been sentimental and foolish in restricting the police in the area of search and seizure and in the use of evidence from confessions.

If the news presented its message in terms of those kinds of abstractions, no copies of newspapers would be sold, and no one would watch dramatizations of the day's events on television. So the news carries its cultural burden the way societies have always transmitted their most important messages, through stories and drama. Some dramatizations may airbrush out those facts of the case which do not fit within the stock script. Yet the dramatization will retain enough details from the actual crime so that the viewer's pleasure is heightened by the illusion of verisimilitude. It is no longer even necessary to change the names of the principals of the crime which catches the fancy of the public before it becomes the subject of a television movie.

Murder, in other words, sells soap and beer and cars and newspapers. A good murder, that is, one the public wants to read about, will generate dozens of stories. The formerly prim Metropolitan section of the New York Times has become a daily reading of our cultural attitudes towards violence in general and murder in particular. New York City reports over a thousand homicides a year, the vast majority of which do not occur in Manhattan. Almost every day in the Manhattan daily newspapers, there is a story about murder. There are also many stories about capital murder prosecutions and detailed reports of executions in other states, since New York state has no capital punishment statute.

This fascination with murder and executions is not new or unique to us. Thousands of Londoners in Dickens's time attended public hangings. In this last decade of the twentieth century, public executions are attended by thousands in China, Iran, Nigeria and elsewhere. It was not until 1906 that all executions in New Jersey were

required to be conducted at the state prison, rather than in the court-yards of county jails.

In America today, the television news is the mechanism for making executions public and for sanitizing the execution process. Prior to an execution, the news is flooded with stories of the lawyers' last minute pleas and the defendant's final words and actions. The execution of Robert Harris in California was actually videotaped as part of a challenge to the method for the imposition of capital punishment. Since it exists, the film may be shown in the future to the public.

The prosecution of murder cases, especially the prosecution of capital cases, has much to do with cultural stereotypes and dreams of revenge. Capital prosecutions are supposed to be reserved for the worst people, people who have committed crimes so terrible that society does not think they deserve to live. The need for vengeance and cultural expiation are central to justifications for the death penalty. Dramatizations of murders and capital trials are very effective in feeding people's desire for revenge. The prospect of an impending execution, as was recently seen in the Wesley Dodd case in Washington state, gives the media an opportunity to focus again and again upon the repellent and horrifying details of a murder. The public response is one of outrage and frustration, and this sense of rage is fueled by the daily repetition of details of brutality as the execution draws closer. The murder occurred once, but the public is presented with it again and again to justify the execution.

Choices about how and what to report in a crime story anticipate and play against assumptions concerning the expectations of an audience conditioned by heavily stereotyped dramatizations of violence. One scenario of urban murder which is seen frequently includes a black male defendant, perhaps an illegal immigrant, possibly high on drugs or mentally unbalanced, or mentally deficient, or previously institutionalized, someone who is without a job, has a criminal record, possibly on parole or probation for another offense, who kills a middle class victim, male or female, but often white. In these murders, which may briefly become obsessions for a community, the victim not only works, but symbolizes the values of the meritocracy. Often the victim is an incarnation of the myth of self-made success, a model which is a cruel rebuke to many of our citizens. The message of such stories is clear: someone who is worthless killed someone who was of value.

Reports of murders in the tabloids tend to be the comic book version, complete with bubble quotes and illustrations. And the level of tolerance for details of brutality and violence in the news continues to rise. The accepted level of brutality in entertainment has escalated to

the point where two or three murders in a movie are considered trivial. The target audience of teenage boys pays to see graphic dismembering or explicit slashing of what is called in rape reform legislation the intimate parts. In a quiet evening at home the viewer can vicariously participate in a dozen homicides, identifying in turn with the victim, slayer, investigator, police or prosecutor. The young men who are the target audience for action movies are especially death-obsessed, and they account for an increasingly large proportion of all murders committed.

Granting that the criminal justice system may be misrepresented in high profile and high action news stories, what do these dramatizations of murders have to do with actual homicides, with what murder in the cities really looks like? A single sensational murder has been known to be the impetus for changing the penalty for murder, but aside from that kind of isolated impact, can it be said that whether stereotyped or not, media representations of murder have any effect upon the criminal justice system?

Aside from despairing over the degraded character of our entertainment industry, why should anyone — lawyers, academics, or citizens — care that reports of murder cases are often distorted, or glamorized, in the media and on the news, or are just described in a sensational manner which misleads the public both as to the nature of the crime and the response of the criminal justice system? We pay a high tech, multi-billion dollar international industry to scare us — how can this only have a negligible influence upon the criminal justice policies of legislators, members of the executive, or judges and jurors? The people who administer criminal justice institutions are part of the same society as the rest of us. If characterizations of violence and capital murder in the news are consistent with, or even tailored to mimic, the portrayal of murder in our mass market entertainment industry, so what?

## II

This essay will describe a pattern which emerged when researchers examined all homicide cases in the state of New Jersey during the years immediately after the reimposition of capital punishment in 1982.<sup>2</sup> Particularly relevant is the pattern of capital prosecution for

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2. For a detailed description of the legislative history of this reimposition, including an analysis of newspaper articles at that time, see THE WOODROW WILSON SCHOOL POLICY CONFERENCE FINAL REPORT, A DECADE OF CAPITAL PUNISHMENT IN NEW JERSEY (unpublished) (presented to the N.J. Assembly Judiciary Committee at the Public

urban and suburban murders, and how those cases were regarded by law enforcement, the media, and the public.

In 1982 the New Jersey legislature reinstated capital punishment with a statute which identified eight aggravating factors that could be used to elevate the crime of ordinary murder to a capital offense. The capital statute in New Jersey is similar to capital statutes in effect in a number of other jurisdictions; indeed, it is similar to the statute which was proposed to reenact the death penalty in New York in 1991.

Several aspects of the New Jersey situation, however, are unusual. First, the New Jersey Supreme Court has had a history of being a leader in the development of state constitutional doctrine. Second, the Office of the Public Defender in New Jersey is unusual in that it is administered by a single administrative agency at both the trial and appellate level. Immediately after reenactment, the Office of the Public Defender was able to commit itself to a coordinated statewide challenge to the reimposition of capital punishment at both the trial and appellate level. This challenge included a data collection and analysis project dedicated to tracking all homicide cases and capital prosecutions in the state after reenactment.<sup>3</sup> The atypical institutional structure of the Public Defender's Office at the time made such a comprehensive, statewide data collection effort possible. The Public Defender data base was eventually taken over by the Administrative Office of the New Jersey Supreme Court, and subsumed within the research of the New Jersey Supreme Court's Proportionality Review Project.<sup>4</sup>

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Hearing on ACR No. 20, Mar. 16, 1992 and to the N.J. Senate Judiciary Committee at the Public Hearing on S. 549, Mar. 23, 1992).

This Report also includes: research papers which discuss and analyze the New Jersey Supreme Court jurisprudence on proportionality review and capital punishment, a summary of national and state public opinion polls on capital punishment, a discussion of recent United States Supreme Court cases, the racial composition of the national death row population, and the status of proportionality review in other states.

3. Empirical research conducted by the Public Defender Homicide Study was presented to the New Jersey Supreme Court in two reports: Leigh B. Bienen et al., *The Reimposition of Capital Punishment in New Jersey: Preliminary Report* (1987) (unpublished); see *State v. Ramseur*, 524 A.2d 188, 212 (N.J. 1987) (first interpretation of the reenacted capital punishment statute); and Leigh B. Bienen et al., 1, 2 *The Reimposition of Capital Punishment in New Jersey: Interim Report* (1988) (unpublished); see *State v. Koedatich*, 548 A.2d 939, 953-55 (N.J. 1988); Leigh B. Bienen et al., *The Reimposition of Capital Punishment in New Jersey: Felony Murder Cases*, 54 ALB. L. REV. 709, 711 n.6 (1990) [hereinafter *Felony Murders*].

For principal findings of these reports, see Leigh B. Bienen et al., *The Reimposition of Capital Punishment in New Jersey: The Role of Prosecutorial Discretion*, 41 RUTGERS L. REV. 27 (1988) [hereinafter *Prosecutorial Discretion*]; *supra*, *Felony Murders* (analyzing subset of felony murders).

4. Partly in response to reports describing the research of the Public Defender

Data were collected on all final dispositions of homicide indictments at the trial court stage,<sup>5</sup> a process which takes about two years for most murders and longer for cases which are declared capital. The Proportionality Review Project presented an analysis of dispositions in over 1350 homicide cases<sup>6</sup> to the New Jersey Supreme Court in the

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Homicide Study, the New Jersey Supreme Court, in an order dated July 29, 1988, appointed Professor David C. Baldus as Special Master to collect a data base and establish an appropriate methodology for proportionality review in New Jersey. David C. Baldus is the Joseph B. Tye Professor of Law at the University of Iowa College of Law. With colleagues, he had conducted two empirical studies of the Georgia capital punishment system after *Furman v. Ga.*, 408 U.S. 238 (1972). These studies formed the factual basis for the statistical arguments presented in *McCleskey v. Kemp*, 481 U.S. 279 (1987). For description of this work and litigation, see DAVID C. BALDUS ET AL., *EQUAL JUSTICE AND THE DEATH PENALTY: LEGAL AND EMPIRICAL ANALYSIS* (1990).

The Order that created the Proportionality Review Project and appointed Professor Baldus as the Special Master is reprinted in *Prosecutorial Discretion*, *supra* note 3, at 371 app. E. The Order gave the Special Master the authority to collect and analyze data, produce a data base and files on individual homicide cases, invite the participation of interested parties, develop a public data file, including a record of dispositions of all relevant homicide cases, conduct hearings, procure expert technical advice, call witnesses, and request public records and any other relevant information. The work of the Proportionality Review Project is described in detail in *State v. Marshall (II)*, 613 A.2d 1059 (N.J. 1992).

For a technical description of this research, see David C. Baldus and George Woodworth, *Proportionality Review of Death Sentences: the New Jersey Experience*, in *CHANCE: NEW DIRECTIONS FOR STATISTICS AND COMPUTING* (forthcoming 1993).

5. For three years, the Proportionality Review Project met regularly with the interested parties to discuss the legal and factual issues raised by the search for all homicide cases in the jurisdiction since reenactment and the identification of those cases which were death eligible under the New Jersey capital statute, as that statute continued to be interpreted by the court. For a summary of all New Jersey Supreme Court reversals of death sentences through *State v. Moore*, 585 A.2d 864 (N.J. 1991), see *Felony Murders*, *supra* note 3, at 713 n.12. For a discussion of the history of the death penalty in New Jersey and at British common law, see *id.* at 722. For a history of capital punishment in New Jersey, see *Prosecutorial Discretion*, *supra* note 3, at 46-70.

6. The Project's Final Report is a major accomplishment of data collection and represents a significant advance in the research methodology for the study of capital punishment systems. First, and perhaps most importantly, the Project identified and screened every homicide case to reach final disposition in the jurisdiction from the reimposition of capital punishment on Aug. 6, 1982 through 1989. It began with the State Police (SBI) list of 2300 persons arrested for a homicide offense between 1982-1988, and supplemented that list with 500 more cases identified by the Administrative Office of the Courts, and another 200 cases identified by the Public Defender Homicide Study. This is the most complete and accurate data set on homicide dispositions and capital case processing assembled to date in a single U.S. jurisdiction. The Administrative Office of the Courts and the Public Defender together identified a total of 600 cases which were not recorded in the official files of the State Police. The State Police Reports, which were missing almost one-fifth of the cases, serve as the basis for the Federal Bureau of Investigations Uniform Crime Reports, the data set used by many homicide researchers and frequently referred to by journalists and other commentators. The 600 cases missing from the FBI crime



capital appeal of *State v. Marshall*.<sup>7</sup> This case involved the first person in New Jersey to have a death sentence upheld by the state supreme court. The Report presented to the *Marshall* court included a detailed analysis and description of over 260 death eligible murder cases which had resulted in thirty-five death sentences actually being imposed, during the period of 1982-1989.

In New Jersey and most other capital jurisdictions, capital murders are a small proportion of all murders and only a fractional proportion of all homicides. The proponents of reenactment in New Jersey repeatedly stated that they intended the capital punishment statute to

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reports all involved formally-charged homicide offenses which went to final disposition at the trial court stage.

The Project screened over 3,000 New Jersey homicide cases from 1982-1990, compiled basic information on over 1300 intentional homicides, and presented the New Jersey Supreme Court with a detailed factual and legal analysis of those cases which either went to the penalty phase of a capital trial or were sufficiently aggravated that there existed a factual basis for at least one statutory aggravating factor, although the death sentence was not imposed or, in some cases, not considered. The frequencies and percentages for homicide cases and capital prosecutions by county cited in this essay are from that database.

7. 613 A.2d 1059 (N.J. 1992). David C. Baldus, *Death Penalty Proportionality Review Project Final Report to the New Jersey Supreme Court*, (Sept. 24, 1991)[hereinafter *Final Report*]. This Report, including its technical appendices and descriptions of the data set, can be obtained upon written request from: John P. McCarthy, Jr., Assistant Director, Administrative Office of the Courts, CN 982, Justice Complex, Trenton, N.J. 08625.

In its statistical analysis, the *Final Report* found a significant race effect:

The Supreme Court did not request the Proportionality Review Project to undertake an analysis of arbitrariness and discrimination in New Jersey's capital charging and sentencing system. We were asked, however, to develop a reliable data base with which the parties could address those issues if they chose to do so . . . we included race variables in the culpability models to ensure that variables for legitimate case characteristics were not carrying any possible race effects . . . we consider these results to be strictly preliminary. . . . Our analysis of the penalty-trial sentencing decisions suggests that black offenders may be at greater risk of receiving a death sentence than similarly situated white and hispanic defendants. . . . The data in table 18 suggest that, on average, after controlling for the aggravation level of the cases, black defendants may have a 19-percentage point higher risk ( $p = .0001$ ) of receiving a death sentence than do other defendants. . . . The model we developed to explain which cases advanced to a penalty trial showed no race of defendant effects. It did suggest, however, that cases with white victims may be at greater risk of advancing to a penalty trial than cases involving black or hispanic victims.

*Final Report, supra*, at 100-03 (internal footnotes omitted). In *Marshall* (II), 613 A.2d 1059 (N.J. 1992), the court adopted the recommendations of the *Final Report* and is continuing data collection. The Governor of New Jersey governor has since signed legislation that restricts proportionality review in capital cases to cases in which the death sentence was imposed, 1992 N.J. Laws ch.5 ("Proportionality review under this section shall only consist of a comparison of similar cases in which a sentence of death has been imposed under subsection c. of this section.") Principles of *ex post facto* prevented this provision from having a retrospective effect upon the *Marshall* case.

apply to few cases, that is, to the exceptional case. Only a few defendants have been sentenced to death in New Jersey since reenactment in 1982, a total of thirty-nine; and of these thirty-nine who were sentenced to death, only one person, Robert Marshall, has had his death sentence upheld through all stages of the state appeals process. The New Jersey Supreme Court reversed twenty-six death sentences in a row, an unprecedented series of reversals by any state supreme court, before upholding Mr. Marshall's death sentence on direct appeal. The court then ordered a special and separate set of arguments to address the question of whether imposing the death sentence in this case was fair in comparison to the sentences imposed upon similar defendants for similar crimes.<sup>8</sup>

Although there were over 250 cases where the death penalty could have been sought, and over 120 cases which went to a capital penalty trial after a verdict of guilty of capital murder, less than a quarter of all aggravated murders and less than a third of the cases which reached the second stage of a penalty trial resulted in the jury imposing a death sentence. In spite of the high level of support for capital punishment in the opinion polls, and in spite of the fact that the cases which reached penalty phase were typically very aggravated murders, actual jurors were reluctant to impose the death sentence when faced with that option in sentencing a real defendant who had murdered a real victim. National opinion polls reported that about 80% of the people in the state were in favor of capital punishment during this period, yet the death sentence, in New Jersey at least, has been imposed in a very small number of actual cases.<sup>9</sup> Some take that as a

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8. The legal history of proportionality review in New Jersey can be found in *State v. Marshall (I)*, 586 A.2d 85 (N.J. 1991) (first death sentence to be upheld on direct appeal by the New Jersey Supreme Court).

9. As of Mar. 1, 1993, 37 death sentences have been imposed by New Jersey trial courts. *Prosecutorial Discretion*, *supra* note 3, at 363 app. C, lists all death sentences imposed, the county in which they were imposed, and the race of the defendant and victim, beginning on May 17, 1983. On that date, the first death sentence since reenactment was imposed on Thomas Ramseur. The listing continues through Jan. 25, 1988, when the death sentence was imposed on Anthony Difrisko.

This total counts separately: the two death sentences imposed in a case for two victims in the cases of Samuel Moore and Anthony McDougald; two sentences imposed on Richard Beigenwald (one of which was imposed upon retrial after a reversal); three sentences imposed on Marko Bey (the first of which was reversed because he was a juvenile when the offense was committed, the second of which was reversed and then reimposed at a penalty phase retrial, and then upheld by the New Jersey Supreme Court, but is now pending before that court on the issue of proportionality review).

In 32 cases the death sentences were reversed; Raymond Kise's death sentence was reversed by the Warren County trial court on Apr. 15, 1987; Dominick Schiavo died on death row. As a result, 34 of the 37 death sentences were set aside. Three people remain on death row in New Jersey: Robert Marshall, whose death sentence was upheld on di-

sign that the law is being applied justly.

The reason why there are few capital prosecutions in New Jersey and elsewhere is not because there are few killings which meet the legal criteria for capital prosecution. In New Jersey and elsewhere, the definition of death eligible murder is broad enough to encompass many more cases than will ever be prosecuted as capital murders. Local prosecutors have a great deal of discretion in the cases they select for capital prosecution. The decision to prosecute for capital murder is usually not determined by limitations on the statutory definition of death eligible murder. One statutory factor alone, the felony factor, which declares capital all murders associated with the commission of another felony, regularly presents a large number of death eligible homicides.

When capital murder prosecutions in New Jersey were examined over a seven year period immediately after reenactment, it became apparent that the number of potentially capital murders in urban areas is far larger than the number of such murders in rural and nonurban jurisdictions. Yet in New Jersey, prosecutions for capital murder are far less likely to occur in some urban jurisdictions.

Historically, in both the South and the North, racial disparities in the application of the death penalty have resulted in a disproportionate number of blacks being sentenced to death and executed. Recently there has been a widespread and well documented pattern of defendants being more likely to be sentenced to death if their victims are white, irrespective of the race of the defendant.<sup>10</sup> In addition to race, many believe that factors of class and social status are influential in determining who is prosecuted for capital murder and sentenced to death.

Those who argue for capital murder as a way of championing the victims of homicide overlook the fact that there are so many victims. During the period of the New Jersey Proportionality Review Project, there were thirty-five death sentences imposed. During that same period, from over 1300 homicides, 264 cases almost certainly could have been declared death eligible by the prosecutor, and 119 cases actually

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rect appeal on Jan. 24, 1991; the court later held that his death sentence was not disproportionate on July 28, 1992. John Martini's death sentence was upheld on Feb. 9, 1992. Marko Bey's death sentence was upheld on July 28, 1992. Both cases are before the New Jersey Supreme Court.

10. For a review of empirical studies of the imposition of the death penalty with regard to race, see *Prosecutorial Discretion*, *supra* note 3, at 100-58. For more recent data in regard to felony murders, see SAMUEL R. GROSS & ROBERT MAURO, *DEATH & DISCRIMINATION: RACIAL DISPARITIES IN CAPITAL SENTENCING* 44-45 (1989) (cited in *Felony Murders*, *supra* note 3, at 737 n.112).

resulted in a conviction at trial for capital murder. What was distinctive about the small number of cases where the death sentence was actually imposed? What characteristics did the capital cases have in common?

In New Jersey and most other states, the important unit is the county. The county defines the limits of trial court jurisdiction: prosecutors are county, not city, officials who may or may not be elected; and jurors are selected according to county vicinage. New Jersey is unusual in that a very large proportion of the state is classified by the U.S. Census Bureau as being within a metropolitan area, but New Jersey also has suburban and rural counties.

There are significant county-by-county disparities in income and economic vitality in New Jersey. Six counties have been identified by state urban planners as having large urban centers which are economically distressed: Essex, Camden, Hudson, Passaic, Mercer and Union. Not surprisingly, these counties also have a high proportion of blacks and Hispanics, a high unemployment rate, and a relatively low per capita income. Together these six counties accounted for over 68% of all homicides and over 60% of all aggravated, potentially capital murders in the state. Some rural counties are also relatively poor, however, and not all suburban counties are wealthy.

Murder is overwhelmingly a crime which involves people of the same race. As a result, more often than not, the greater proportion of murders in the cities consist of blacks and Hispanics killing one another. Specifically, murders in the cities typically consist of black and Hispanic men between the ages of eighteen and twenty-six killing one another.

Essex County, which reported the largest number of homicides in the state, had a large proportion, seven out of thirty-five, of all death sentences in the study period. But those seven cases in Essex county in which the death sentence was imposed represented less than 2% of all homicides in the county and only 13% of all of the homicides in the county where there was a clear factual basis for the imposition of the death penalty under the statute.

Essex County had over 20% of all of the death eligible cases in the state, yet the death sentence was imposed in only 13% of those cases. Over a fifth of all potentially capital homicides were disposed of in Essex County courts, yet capital prosecutions in Essex County accounted for less than 14% of all homicide dispositions. In other words, many serious highly aggravated murders occurred in Essex County, but a very small proportion of them were prosecuted as capital cases.

In contrast, the Ocean County courts, which adjudicated a total of twenty-seven homicides in the entire study period of over seven years, imposed *three* death sentences from a pool of seven death eligible cases. Ocean County, which accounted for 3% of all death eligible homicides, imposed the death penalty in 38% of those cases, in comparison to Essex County's 13%. Hudson County had the same number of penalty trials as Ocean County, seven, and no death sentences were imposed in Hudson County during the period. Yet Hudson County, which includes Jersey City, had 159 homicides during the period, of which nineteen were eligible for capital prosecution on their facts.

There is some evidence that this pattern of widely varying rates of prosecution from one prosecutorial jurisdiction to another is not atypical. A recent report on capital case prosecutions in adjoining rural and urban jurisdictions in Georgia found striking differences between the Chattahoochee and Atlanta judicial districts.<sup>11</sup> The rural district of Chattahoochee imposed 75% more death sentences than Atlanta, a city with nearly three times its population and many more homicides. In potentially capital cases in Chattahoochee, the prosecutor sought the death penalty in 34% of the cases when the victim was white, but only 6% of the time when the victim was black. Although black victim cases constituted 65% of all murder cases in the district, they accounted for only 15% of all cases which were prosecuted capitally in Chattahoochee.

Pennsylvania now has one of the larger death row populations. As elsewhere, race seems to be relevant to sentencing patterns. One Philadelphia judge has sentenced twenty-six men to death, twenty-four of them African-American. The sentences of this Philadelphia judge alone account for about a fifth of the death row population in the state. Yet, another type of pattern has been observed in Pennsylvania — one which suggests that race may be only one factor in creating large county-by-county disparities in patterns of capital sentencing.

Philadelphia, which does not allow public defenders to represent capital defendants, accounts for 14% of the state population and over 50% of all death sentences.<sup>12</sup> Allegheny County, which includes Pittsburgh and 12% of the state population, accounts for less than 5% of

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11. DEATH PENALTY INFORMATION CENTER, CHATTAHOOCHEE JUDICIAL DISTRICT: THE BUCKLE OF THE DEATH BELT (1991) (With the support of the Southern Christian Leadership Conference, this organization (based in Washington, DC) reports statistics on the imposition of the death penalty in Chattahoochee and Atlanta.).

12. MICHAEL KROLL, DEATH PENALTY INFORMATION CENTER, JUSTICE ON THE CHEAP: THE PHILADELPHIA STORY (1992) (reports statistics on the imposition of capital punishment in Philadelphia, Allegheny County and all Pennsylvania).

all the death sentences. Allegheny County does provide public defender representation in capital cases. In Philadelphia, capital cases are assigned at very low fees to the private bar.

The first case in which the New Jersey Supreme Court upheld a death sentence after reversing twenty six in a row was a case in which a white male insurance executive from Monmouth County, a high income suburban county, murdered his wife after taking out a million dollar insurance policy on her life. Mr. Marshall paid two accomplices to commit the murder, and there is little doubt either that he planned the murder, that he paid his accomplices to commit the murder, or that his motive was to kill his wife for the insurance. Mr. Marshall is now the only person in New Jersey who has a death sentence which has been upheld through all stages of state appellate review process, including proportionality review, and his appeal is now pending in the federal and state systems.

### III

The capital prosecution of Robert Marshall was portrayed in a series of widely popular retellings. A book about the case, Joseph McGinnis' *Blind Faith*,<sup>13</sup> remained high on the best seller list, and it then became the basis for a television mini-series watched by an audience which numbered in the millions. The television mini-series left the audience with the impression that justice was done because a bad man who killed an innocent person was sentenced to death and will be executed. And at some simple level that is true. On the other hand, if that were the standard for justifiable legal executions, there would have been at least a hundred executions in the state of New Jersey alone since reenactment in 1982.

The verdict appeared fair to many because Mr. Marshall was clearly guilty; and ambiguities, contradictions and complexities in the case were either lied about or omitted from the book and other versions retelling this story. A general audience would have no sense of how Mr. Marshall's culpability compared with that of others who may or may not have been sentenced to death. The popular audience was left with two misleading impressions: that every murder case is treated like Mr. Marshall's case, and that his case was especially and uniquely aggravated. The dramatizations and news reports led the public to believe that a white middle class person is as likely to be sentenced to death as a black person, or a poor person, because this

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13. JOSEPH MCGINNIS, *BLIND FAITH* (1989). The book remained on the N.Y TIMES Best Seller List for 19 weeks in 1989, hitting number one. NBC-TV also made the book into a television mini-series, also entitled *Blind Faith*.

particular capital trial did not fit the former stereotype of a poor black illiterate man being railroaded to the death sentence.

Partly because of the enormous media attention given to the *Marshall* case, the challenge to his death sentence became more than usually politically charged, especially since the New Jersey Supreme Court had already inspired the wrath of the legislature and some of the public by overturning twenty-six death sentences in a row before upholding the first one in the case of Mr. Marshall.

Mr. Marshall's murder was atypical of murders in New Jersey, and it would have been an unusual case in any jurisdiction. But, the *Marshall* case did bear some resemblance to other capital murders. It was a made-for-media murder, and those who had the wit to recognize its commercial potential made substantial profits. It was not by chance that the case became the subject of a best selling book, and a television mini-series. The circumstances of Mr. Marshall's case contained many standard features of Hollywood melodramas involving murder, and that made this murder especially appealing to the entertainment industry.

To imply that a murder must be Hollywood-worthy before it will be prosecuted capitally is only partially facetious. Cases will be selected for capital prosecution according to factors which demonstrate patterns of bias related to class and race and reflect the unchecked discretion of local prosecutors.

The *Marshall* case is an extreme example: the reasons why the circumstances of this case became the plot for a best selling book and a mini-series were not irrelevant to why and how Mr. Marshall was prosecuted for capital murder. The *Marshall* case had a recognizable villain who could have been a character in a melodrama from the fifties. He had a clearly discernible motive, which identified him as a bad guy, deserving of punishment. His victim could not have been more heroic or blameless, always a relevant factor for audience identification. Mrs. Marshall was a model mother and wife, and she devoted herself selflessly to her sons and her foolish and errant husband, who showed his gratitude by murdering her. There were circumstances in this case which made for a saga of injustice.

Not only did Mr. Marshall have a comprehensible motive for killing his wife, but he was killing her for an insurance policy he took out on her life, without her knowledge, because he had gambling debts and wanted to run away with his mistress, who became, after some prosecutorial maneuvering, the state's star witness. Mr. Marshall had a motive everyone could understand, and he articulated that motive to people who testified about it at trial. Ineptly he tried again and

again to persuade marginal and incompetent petty criminals to kill his wife for him. Finally, they did it, by shooting her at a turnpike rest stop where Mr. Marshall had pulled off the road and delivered her to be murdered, as prearranged.

The story aspects of the case were compelling. Interesting and colorful types were tangled up in the action, and this was capitalized upon in the various dramatizations and retellings of the murder. There were many ironic twists to the plot, and a dramatic ending, the imposition of the death sentence. The hit man, the person who allegedly fired the gun which killed the victim, was acquitted of murder at trial, and his partner at the killing was released pursuant to a plea bargain shortly after testifying for the prosecution at trial. By contrast, a marginal participant who had never set foot in New Jersey at the time of the murder, whose role was allegedly no more than passing on phone messages in Louisiana, was sentenced to thirty calendar years without parole. The mistress took the stand for the prosecution and testified at length about her clandestine love affair and that Mr. Marshall told her he wanted to get rid of his wife. Her own role in the case could have been the subject of a whole other movie. Mr. Marshall himself, the audience agreed, was villainous, cowardly, despicable, and stupid. He was sentenced to death by the jury after a very short penalty trial.

Is this an unjust result? Mr. Marshall certainly committed murder, and there was little in his character or actions to excuse him. But he is no worse than several dozen others who committed equally cold blooded murders, but who will not be executed for reasons which have nothing to do with the seriousness of their murders or the harm they caused to innocent victims or their threat to the public peace. Not only were there several cases which were very similar to the Marshall case in their circumstances, but there were other spousal murders in New Jersey which were at least as aggravated, where the death penalty was not imposed or even considered.

As reprehensible as Mr. Marshall's motives were, and as blameless as his victim was, his case probably would not have been prosecuted capitally if it had occurred in Newark, Jersey City or Camden. Wicked, foolish men kill their wives and get caught in those jurisdictions too, but rarely are they prosecuted for capital murder.

Consider a murder case that arose in Essex County, one which was also not typical but was somewhat akin to the *Marshall* case. Some of the circumstances of this case also might have been found in a dramatization. The murderer seems to have been a serial killer, although he lacked the glamour of the villain in "The Silence of the Lambs" or the



news worthiness of Mr. Beigenwald, New Jersey's "thrill killer" who was the first person in the jurisdiction to be sentenced to death.

Like Mr. Marshall, the defendant in this Essex County case was charged with murdering a woman with whom he was having a sexual relationship. As in *Marshall*, the man charged had other female sex partners, the body of one of them was found in a car, and several other women who had been seen in his company before disappearing also were later found dead. In fact, the defendant in this case was suspected of committing *eight* murders. He was charged for four of them and sentenced for two. He pled guilty to one count of murder and received a life term. He never was indicted for capital murder, although a conviction for any one prior murder would have served as an aggravating factor to make him eligible for capital prosecution on any of the subsequent murders.

Perhaps the difference was that all of these victims were marginal black women, women he picked up in bars, women the society does not much care about, women who might have been prostitutes, women who might have been using drugs. No one was likely to write a best selling book or a television movie about those victims, or about this defendant who never articulated any motive for his crimes. Nor did anyone, for example, a news reporter or a television commentator, fill in the background story. In fact, everyone involved in prosecuting these cases kept very quiet about the number of victims. This defendant did not resemble an easily recognized character in a melodrama, such as the traitorous, philandering country club husband. There was no one with whom the cable audience could identify. Perhaps this defendant was not scary enough to the people who decide which case merits the hundreds of thousands of dollars required for capital prosecution. Still, to be suspected of killing eight and actually convicted of two murders, and no capital prosecution?

The pattern in New Jersey is an inversion of an earlier stereotype. This pattern may or may not persist, although there is some evidence that parts of this pattern are repeated in other jurisdictions. The former stereotype was that if you were poor and black and male, and represented by a public defender or assigned counsel, you were likely to be railroaded into a death sentence by an all white prosecutorial system. And that may still be the case in some jurisdictions or in places where courts and legislatures refuse to allocate resources to the defense of capital cases, in spite of the constitutional requirement to provide indigents with adequate representation.

However, in New Jersey during the period studied, it was an advantage to be represented by the Public Defender, counter to the earlier

popular stereotype. In some jurisdictions it may still be the case that black defendants are significantly more likely to be sentenced to death than whites, other things being equal, although this effect is not seen in recent national studies. It is difficult to comprehend discrepancies such as those cited for Philadelphia and Chattahoochee outside of a racial context. The racial effect that recently has been documented independently in a number of states is a white victim effect: a person who kills a white victim is more likely to be prosecuted capitally and sentenced to death, other things being equal.

Since the reenactment of the death penalty in New Jersey the following pattern emerged: if you were poor and black and committed a murder, *and* if your victim was poor and black *and* your case was processed in an urban jurisdiction, *and* if you were represented by the Public Defender, you were less likely to be prosecuted and convicted for capital murder or to be sentenced to death, than if your crime was committed in a rural or suburban jurisdiction and your victim was white, especially if your victim was white and middle class. Having a private attorney was no advantage, and the presence of a white victim was statistically significant. In part, this pattern in New Jersey reflects the same "white victim effect" which has been independently documented and verified in many other states in the North and South. Partly it is the result of other factors, such as the differential economic resources available to the prosecutor's office in urban and suburban counties.

Certainly the resources available to the prosecutors is one explanation for county disparities in capital case processing. Even though Essex County regularly reported over 140 homicides a year, it had no new capital prosecution for over a year during the middle of the period studied. Part of the reason for the lack of such prosecutions was that the financial resources of the prosecutor's office were strained due to a county budgetary crisis. And a backlog in the county courts existed to the point where several judges in the Essex County court house only heard cases which had been indicted prior to 1982. Neither political nor institutional forces in Essex County at that time were pressing for expensive and lengthy capital trials.

Essex County juries are also different from the juries in Ocean County and Monmouth County: Essex County juries have more black people on them, more Hispanics, and the jurors are younger. We know that younger people, blacks and women and Hispanics, are less likely to be in favor of capital punishment than older white men, the group most likely to support capital punishment and to see it as in their interest. We also know that blacks have more skepticism about

the fairness of the criminal justice system generally, and the system for imposing capital punishment in particular. The polls consistently indicate that black men and women are significantly more likely than whites to believe that the imposition of the death penalty is racially biased.

These may be some of the reasons why relatively few death sentences come from Essex County, even though many of the aggravated murders come from Essex County. So when the prosecutors are not charging capital murder in Essex County, it may not only be that the county's prosecutors are overburdened and underfunded, although that is certainly not irrelevant in spite of the county prosecutor's official protestations to the contrary. The Essex County prosecutors may know that an Essex County jury is unlikely to return a death verdict against some defendants, even though the circumstances of the murder theoretically meet the objective, legal criteria for death eligibility. There is another intangible factor which should not be discounted. Murders in Newark do not even make the front pages of the major newspapers any more. There are so many of them.

What about Hudson County, a county which includes Jersey City and accounts for quite a few murders? During the entire first decade that capital punishment has been in effect in New Jersey, there has not been a death sentence imposed in Hudson County. Yet Hudson County had fifteen death eligible cases and seven penalty trials during the period studied, twice as many as Ocean County, and Hudson County accounted for a total of 159 homicide cases in the data base of over 1300 cases. There were rumors that the county prosecutor in that county did not much like the death penalty, and that he did not believe the death penalty should be imposed upon minorities.

Is it credible to suggest that there was no case as aggravated or as serious as the murder of Mrs. Marshall among those 159 Hudson County cases? In the state as a whole there were over a hundred cases that involved a man killing his wife or sex partner during the period. There must have been at least one other wife as blameless as Mrs. Marshall. Some of the cases documented involved dismembering, over fifty stab wounds, and tortuous homicidal incidents in which the victim suffered over a considerable period of time. Yet these cases did not result in the death sentence being imposed, or even sought.

The lesson here is that murder is ultimately a personal crime, in addition to being a crime against the person. A very particular person is the victim of murder. Of course the individual circumstances of the crime are important. A jury is going to be more likely to find an unsympathetic defendant guilty of capital murder if the victim is vir-

tuous, blameless, educated, good looking, and a parent, and everyone involved in prosecutorial decision-making along the way knows this and plays upon it.<sup>14</sup>

#### IV

The way crime is reported, where some stories are selected over others, some tales told and some not, and the way murders are prosecuted, reveals who and what society values. Characterizations of killers and how they are brought to justice is an important part of our national identity, the reflection we get back from the cultural mirror. As Americans, one of our most dearly held self images is that in the United States there is equality before the law, that the poor, racial minorities, the mentally retarded and the illiterate receive as fair a trial as the rich. Whether or not it is true in each individual case, it comforts us as a people to believe our criminal justice system treats everyone alike. There is certainly no other society where both the state and federal government devote so many resources to providing poor people with lawyers.

What is frequently expressed now both in news stories and their dramatizations is a portrait of the criminal justice system as an ineffective and overwhelmed parent, sometimes a parent who is corrupt, sometimes just a bumbling parent who is well-intentioned but cannot cope. Sometimes the message is that the system is so badly broken that no one should even care about fixing it. The criminal justice system in this portrayal begins to resemble the nuclear arms industry: it costs too much, it does not do what we want, but we cannot do anything about it.

This orchestrated view absolves the rest of us from responsibility, and lets us believe that justice has nothing to do with us. Law abiding citizens should stay away from the criminal courts and let the police and the prosecutors do the nasty job of protecting the hard working, taxpaying people, who bear little resemblance to those who end up in jail. It is us against the monsters out there. If the police have to be nasty, if prison conditions are inhuman, it is to protect the lives and property of the law abiding.

In this scenario, defense attorneys and civil libertarians are naive do-gooders, troublemakers, or cynics who take advantage of a system in disrepair or dishonestly manipulate the law to try to bring about an unjust result, the acquittal of a guilty person. And since jobs are in-

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14. *Payne v. Tenn.*, 111 S.Ct. 2597 (1991) (Eighth Amendment erects no per se bar prohibiting a capital sentencing jury from considering victim impact evidence).

volved, we had better just leave the system as it is. The threat from criminals on the loose is too large and important for the ordinary citizen to understand: better let the men in uniforms and dark suits make all the decisions. It is probably good if middle class people do not know too much about what goes on in our criminal courts and prisons. It is certainly better not to object when we suspect things are not as they ought to be, especially if we can tell ourselves that the experts are in charge.

If capital murder cases are no more than the good guys chasing down the bad guys, and homicidal maniacs are threatening my job, my house and my kids, and it's all a mess anyway, why not call in Clint Eastwood or Charles Bronson. The death penalty, after all, just catches and stops one of those bad guys; there are so many of them and so few of us. Sentencing a person to death acts as a catharsis for everyone's general sense of overwhelming frustration.

This is not to suggest that the dramatized representations of crime in the news do not respond to real public concerns about crime and violence. News reports of murder are real, and important. The question is, how do emotionally heightened representations of murder cases influence how actual murder cases, and especially capital murders, are handled in the real criminal justice system? How do reports of murders justify the maintenance of the criminal justice system in its present form? Dramatizations, and the way in which murders are reported, have a powerful effect upon the selection of actual cases for capital prosecution and upon public perception. The portrayal of murders in the media shapes what the society believes to be important.

The pattern which emerges from an analysis of homicides over a decade in New Jersey suggests that urban homicides, especially those in which young blacks kill other blacks, mostly men but women too, or Hispanics kill Hispanics, are likely to be plea bargained to relatively light sentences. Perhaps the likelihood of plea bargaining reflects the fact that the society does not care about these victims, perhaps it is because these cases are not newsworthy. Or, perhaps it is the other way around, the cases are not newsworthy because they are plea bargained. Or, the cases are downgraded, both literally and procedurally, because we have no framework for the stories of the defendant or victim. Or, is it because the urban counties have fewer resources, or more forgiving juries, or just because there are so many murders there?

Whatever the reason, this does not seem to be a random or isolated pattern. Rarely do urban homicides involving minorities result in a

capital prosecution, even though their circumstances may be highly aggravated, and in spite of the fact that minorities in the cities are legitimately worried about the threat of crime and are disturbed by the reality that entire groups of young men are being removed from the community by homicide and the imprisonment for it. The public minded citizens of the city do not think these murders among young men are trivial.

The media, both the commercialized entertainment industry and its cousin the news industry, continue to dramatize capital murder either as an old fashioned detective melodrama, as in the *Marshall* case, or as the hunting and banishment of monsters, because that is what a conditioned audience expects. The *Marshall* case was an atypical spouse murder. Most men who kill their wives do so in a fit of drunken rage, after a pattern of repeated, serious beatings. Audiences are pleasurably terrified by portrayals of murderers as Hollywood villains or lurking strangers. These scare tactics do not even serve a useful educational purpose. For self-protection women should receive the message that the man to fear is their abusive husband, or a familiar acquaintance, not the stranger in the alley.

By making monsters out of marginal or mentally ill murderers, by insisting that they are the threat, emotionally charged dramatizations of crime justify depriving many other people of their rights; they make brutal and inhumane conditions of imprisonment seem legitimate. Focusing on the high profile, talismanic urban or suburban murders in which a minority person kills a middle class white also justifies incarcerating large numbers of minorities for other types of offenses that are often relatively minor. The United States has more people absolutely, and more people per capita, in prison than any other country in the world, including Pakistan and South Africa. The Hollywood version of capital murder cases — which implies that the good guy cops are catching bad guy murderers, and that it all ends up all right when a bad person is executed — is reassuring, but inaccurate.

The media also often implies that murderers are routinely let out on the streets after serving only minimal sentences, and this justifies the imposition of the death sentence. In New Jersey people convicted of murder with no mention of a capital prosecution serve a mandatory minimum term of thirty calendar years without parole. It is also the fact in New Jersey, as it is in New York, that there are thousands of people sitting in prison for relatively minor crimes such as stealing television sets or cars, forging checks, or possessing and selling relatively small amounts of drugs.

The threat to property caused by the Savings and Loan debacle and the Wall Street scandals of the 1980s involved billions of dollars and have now resulted in a serious threat to our national economic security, yet few of those defendants spent any time in prison. As defendants, those white men were not perceived as personally threatening by the other white men who plea bargained them to noncustodial sentences, once a few high profile prosecutions had set out the parameters of such bargains. The older white men who are overwhelmingly in charge of decision-making in the criminal justice system see young minority men as very threatening and want to put them in jail, even for relatively minor offenses, although ironically if they only kill one another they will bypass the capital case processing system.

The entertainment industry does not want to market stories about motiveless murders involving inarticulate blacks, or dramatize stories about black victims whose incomprehensible murders are not vindicated. Yet, in order to retain target black audiences, dramatizations of murders in the city instead will switch around the expected racial stereotypes identifying police and murderers, so that there are some good guy black cops and some bad guy white murderers who are punished.

Dramatizations like those of the *Marshall* case portray a criminal justice system which is comprehensible and fair, even if harsh. This conforms to what many white suburbanites and some middle class blacks would like to believe. The death penalty is put in a context which both of these audiences find acceptable, and even desirable. Stories about murders which are not prosecuted, or murders where guilty defendants get off lightly, or where a retarded person, or a person who might not be guilty, is executed, imply that the system is unjust, is not working effectively. That does not make any one feel good. So capital murders continue to be presented as revenge dramas, as westerns, good guys versus bad guys shooting it out at the OK corral. This characterization of capital prosecutions tells us the criminal justice system is fine. It is effective. Justice is being done.

The death penalty is not about deterring murder. If law makers really wanted to prevent the deaths of innocent, helpless victims, lowering the speed limit to fifty-five miles per hour and vigorously prosecuting drunk drivers would result in a predictable reduction of highway fatalities. There is no reliable empirical evidence that reinstating capital punishment has any effect upon the homicide rate, or that it removes the worst murderers, although it is certain that reintroducing the death penalty will push up the costs of prosecuting murders.

There is something fundamentally wrong with a capital punishment system which selects people for execution on a random basis, or on the basis of whether the circumstances of their murders tell a story which will sell newspapers or television advertising. There is something very wrong with a society which allows its criminal justice system to seek vengeance for only a few who are murdered, especially if those few also happen to be the privileged in the society.

Our system for prosecuting murders is not working. We do not do ourselves a favor by lying to ourselves about this. The death penalty solves nothing, is nothing but a ghoulish entertainment, a distraction which keeps us from addressing the more serious structural problems of the entire criminal justice system. As law students, lawyers, judges, and most importantly citizens, we have been taken in, and we know better.



1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and government operations. The text notes that without reliable records, it becomes difficult to track expenditures, assess performance, and ensure that resources are used efficiently and effectively.

2. The second part of the document addresses the challenges associated with data collection and analysis. It highlights that gathering comprehensive data from various sources can be a complex and time-consuming process. However, the benefits of having a robust data set are significant, as it allows for more informed decision-making and the identification of trends and patterns. The document suggests that investing in data management systems and training personnel can help overcome these challenges.

3. The third part of the document focuses on the role of technology in modernizing operations. It discusses how digital tools and platforms can streamline processes, reduce errors, and improve communication. For example, the use of cloud-based systems can facilitate data sharing and collaboration across different departments. The text also mentions the importance of ensuring that technology is secure and that data is protected from unauthorized access.

4. The fourth part of the document discusses the need for continuous improvement and innovation. It suggests that organizations should regularly evaluate their processes and look for opportunities to optimize them. This can involve seeking input from employees and stakeholders, as well as staying up-to-date with the latest industry practices and technologies. The document encourages a culture of learning and growth, where mistakes are seen as opportunities for improvement rather than failures.

5. The fifth part of the document concludes by summarizing the key points and reiterating the importance of a proactive and data-driven approach. It emphasizes that by focusing on record-keeping, data management, technology adoption, and continuous improvement, organizations can enhance their operational efficiency and better serve their stakeholders. The document ends with a call to action, urging all involved parties to work together to achieve these goals.