Course: The Corrections Process

Chapter 13: Pages 296-319.

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Death Row Inmates

The Agenda

- Discuss the issues for correctional officers working on death row and interactions with the death row inmate.
- Examine the Supreme Court rulings in regard to the execution of the mentally ill and juvenile offenders.
- Evaluate whether the use of the death penalty lowers future homicide rates.
Death Row Inmates

- **Death Penalty Profile:** Of those under the sentence of death, fifty-five percent were white and forty-two percent were black (Pg. 300).
- The 388 Hispanic inmates under sentence of death accounted for fourteen percent of inmates with a known ethnicity.
- Ninety-eight percent of inmates under sentence of death were male, and two percent were female.
- The race and gender of those under sentence of death has remained relatively unchanged since 2000.
- Researchers find that an overwhelmingly large number of death row inmates are Southern males, frequently intellectually limited and academically deficient, with developmental histories of trauma, family disruption, and substance abuse.
- The rates of psychological disorders among death row inmates are high, with the conditions of confinement seeming to aggravate or increase these disorders.

International Opposition to the Death Penalty: The trend worldwide is to abolish the death penalty (Pg. 302).

- According to Amnesty International, over half the countries in the world have abolished the death penalty, either in law or practice.
- A total of thirty-one countries have abolished the death penalty in law or in practice during the last ten years, but China, Iran, Saudi Arabia, the United States, and Yemen remain among the most frequent executioners, some in direct contradiction of international human rights law.
- China is believed to have executed thousands, but continues to maintain secrecy over its use of the death penalty (Bodies Exhibition).
- Amnesty International notes while executions may be on the decline, a number of countries continue to pass death sentences for drug-related offences, economic crimes, sexual relations between consenting adults, and blasphemy (insulting religion).
- A significant proportion of the executions or death sentences recorded occur in China, Egypt, Indonesia, Iran, Laos, Libya, Malaysia, Thailand, the United Arab Emirates, Saudi Arabia, and Yemen were for drug-related offences.
Execution of Mentally Impaired: Amnesty International contends that humanitarian standards require that people with mental impairment not be subjected to the death penalty (Pg. 307).

- The United States Committee on Crime Prevention and Control that “persons suffering from mental retardation or extremely limited mental competence should not be executed for their acts.”
- Despite this, the mentally impaired continued to be executed in the United States.
- On August 16, 2000, John Satterwhite, a 53-year-old man who had been diagnosed as having both mental impairment and paranoid schizophrenia, died by lethal injection by the state of Texas.
- Satterwhite had been sentenced to death for the murder of Mary Francis Davis during an armed robbery in San Antonio, Texas in 1979.
- In 2002, the Supreme Court ruled in Atkins v. Virginia that execution of the mentally retarded was unconstitutional.

Death Row Inmates

- Daryl Atkins, who had an IQ (intelligence quotient) of 49, was sentenced to death for killing Eric Nesbitt in a 7-Eleven convenience store parking lot (Pg. 307).
- Note – not in the text: Nearly ninety-five percent of population will score between 70 and 130 on a standardized IQ test.
- The court noted a previous execution of a retarded person caused a national consensus toward the rejection of the execution.
- The court noted after the execution, a number of states prohibiting such executions had increased from two to eighteen.
- The Supreme Court found these arguments persuasive and ended the practice of executing the mentally challenged.
- Execution of Juveniles: International human rights treaties prohibit executing anyone under eighteen years of age (Pg. 308).
- Indeed, more than one hundred countries have laws specifically excluding the execution of juveniles or now exclude such executions as they are part an international treaty conditions.
- The United States is one of the few nations that have executed juvenile offenders.
• In Thompson v. Oklahoma (1998), Wayne Thompson was fifteen when he was arrested for the shooting and stabbing to death of Charles Keene (Pg. 308).

• The Court ruled by a 5 to 3 vote that “the Eighth and Fourteenth Amendments prohibit the execution of a person who was under sixteen years of age at the time of his or her offense.”

• In Stanford v. Kentucky (1989), the question had to do with the eligibility of a murderer for execution when the crime was committed while he was a minor.

• Stanford was seventeen years and four months old when he was sentenced to death.

• Writing for a divided court, Justice Antonin Scalia ruled that common law prescribed fourteen as the minimum age for execution, the sentence of a seventeen year old did not violate the Eighth Amendment prohibition against cruel and unusual punishment.

• However, Roper v. Simmons (2005) the Supreme Court held that executing those who committed crimes as juveniles is not consistent with the Constitution or within the standards of a civilized society (thus giving a death sentence to anyone under the age of eighteen is unconstitutional and violates the Eighth Amendment).

• Execution Teams: Death work culminates in the deathwatch, which is generally the period twenty-four to forty-eight hours before the execution (Pg. 311).

• It is usually supervised by a team of correctional officers who report to the prison warden; the warden or his or her representative is legally mandated to preside over the execution.

• Death-Watch Teams are likely to view the execution as a shared responsibility.

• The death-watch team officers feed inmates on the “row,” observes them, escorts them to the shower and exercise areas, prepares them for execution, escorts them to the death chamber, and secures them down for the execution.

• Members of death-watch team have the responsibility of explaining to condemned inmates the following:
  
  (1) What will happen to their personal property and belongings.
  
  (2) When and how long they can talk with family in the final hours before execution.
(3) How the warden has a phone line available to hear any stay of execution that might be forthcoming from the courts or the governor’s office (Pg. 311).

Those who carry out the execution are part of what is known as an execution team.

The officers who make up the execution team usually say that they cope with their jobs by focusing on the routine.

One warden noted of the Mississippi State Penitentiary who supervised two executions said the following (Pg. 312):

- Capital punishment exacts a toll on those who must carry it out.
- Working on death row is not an easy job for a correctional officer.
- Inmates have different ways of coping with their sentence of death, but it is difficult for a correctional officer not to be affected by this environment.
- Officers must deal with emotions of guilt because they administered death.

The Process of Death: In the final few hours before death, a prisoner receives his or her final visits from family and attorney (Pg. 312).

He or she is provided a final meal, usually whatever is requested (not in Texas – Execution of Suzanne Basso).

The inmate is permitted to shower and is connected to an electrocardiogram (EKG) machine, which will remain until the heart stops and death has taken place.

- When the straps are securely fastened, then it is up to the warden to give the signal to begin the execution.
- The warden usually stands at the head of the person strapped on the gurney, and the prison chaplain stands at their feet.
- When the medical technician injects the two lethal chemicals, death usually comes in a few minutes.
The first drug, sodium thiopental, ensures that the prisoner does not experience any pain associated with the paralysis and cardiac arrest caused by the second and third drugs, pancuronium bromide and potassium chloride (Pg. 312).

According to the United States Supreme Court, the actual insertion of the intravenous (IV) catheter must be made by a person who has at least one year’s professional experience.

The execution team has the responsibility to mix the drugs and load them into syringes, and the warden and deputy warden must remain in the execution chamber to observe the prisoner and watch for any IV problems while the execution team administers the drugs from another room.

If the prisoner is not unconscious within sixty seconds after the sodium thiopental is injected, a new dose must be given at a secondary injection site before the second and third drugs are administered.

Note – not in the text: Some inmates will attempt to dehydrate themselves so no vein can be used for the execution.

A physician examines the body and pronounces death.

The execution process is concluded when the strap-down team reenters the death chamber, unfastens the straps around the body, and transfers the body to another gurney (Pg. 312).

The body is loaded into a waiting hearse and taken to a local funeral home, where it is either claimed by the family or interred by the state.

The death certificate usually says “state-ordered homicide.”

Arguments for and Against the Death Penalty: Defenders of the death penalty make several arguments supporting their position and, at the same time, those who oppose the death penalty base their arguments on several positions (Pg. 313).

The following sections outline both the retentionist-arguments and the abolitionist arguments.

Retentionist Arguments – Retain the Death Penalty:

(1) Deterrence. Punishment has a deterrent value.

Crime is a rational-process, and therefore it only stands to reason that the possibility of a death-sentence will deter some of those who are contemplating murder.
• **(2) Fairness.** It is only fair that “cold-blooded” killers pay for their crimes with their own lives (Pg. 313).

• In Walter Berns’s eloquent essay, he draws on humanity’s anger against Nazi war criminals to justify capital punishment for retribution.

• Note – not in the text: Dachau was the first Nazi concentration camp opened to hold political prisoners. There were 32,000 documented deaths at the camp which was liberated by the US led invasion of Germany in 1945.

• **(3) Threat of recidivism.** Defenders of the death penalty charge that life imprisonment does not protect society, because prisoners who have committed murder are usually eligible for parole after a period of time, or if given a life sentence, they commit another murder while incarcerated.

• Abolitionist Arguments – Abolish the Death Penalty (Pg. 314):
  
  • **(1) The moral issue.** Moralists who reject the death penalty as a response to crime, or murder, hold that it is state-administered homicide.

  • **(2) The constitutional issue.** Challenges to the legitimacy of capital punishment are built against the death penalty by the ambiguous language of the Eighth and Fourteenth Amendments.

  • Note – not in the text: Cruel and unusual punishment is prohibited by the Eighth Amendment and the “due process clause” of the Fourteenth Amendment says the Constitution applies to everyone in the United States.

• **(3) The pragmatic issues.** The possibilities of errors, incompetent and inexperienced defense counsels, police officers who are not truthful, and prosecutors who conceal evidence of innocence, false confessions, are some reasons why the wrong individual is convicted and given the sentence of death (Pg. 314).

• The recent releases from death row because of wrongful convictions are a reminder of the conviction accuracy of the police, judges, and juries (False Confessions and False Memory Syndrome – Sociologist Richard Ofs).

• **Does the Death Penalty Deter Murder:** Although brutal and cruel, the death penalty could be justified if it proved to be an effective deterrent that would save innocent lives (Pg. 315).

• Those who favor the death penalty claim it has a real deterrent value and those who oppose it deny it has any deterrent value.

• The particular focus on the empirical research on the death penalty is whether the death penalty serves as a more effective deterrent than life imprisonment.
Three methods have been used to study the impact of the death penalty on reducing capital crimes such as homicide (Pg. 315).

Immediate Impact Studies: This approach attempts to calculate the effects a well-publicized execution has on the short-term murder rate: does the crime rate go down after an execution has occurred.

Time-Series Analysis: This approach compares long-term trends in capital punishment rates and murder: as the use of the death penalty increases overtime, does the overall crime rate go down (Pg. 316).

Contiguous-State Analysis. This approach compares murder rates in states with the death penalty to the murder rates of a similar state that has abolished the death penalty (50th State: Hawaii and 1st State: Delaware).

There is little evidence that murder rates rise when a state abolishes capital punishment any more so than murder rates decrease when the death penalty is adopted.

Note – not in the text: The average inmate on death row in California waits 17.5 years before being executed. Criminologists argue that “Punishment Theory” requires that “punishment” must be (1) swift and (2) certain to be a deterrent on others.

The murder rate is similar states that use capital punishment and neighboring states that have abolished the death penalty (Pg. 316).

Despite this lack of empirical verification, some recent studies have concluded that executing criminals may, in fact, bring down the murder rate.

Newer studies, using sophisticated data analysis, have been able to uncover a more significant association between the death penalty and violent crime reduction.

One study notes each execution leads to an average of eighteen fewer murders, and this effort contradicts the notion that capital punishment fails as a deterrent.

Note – not in the text: Basically, it’s about two percent of the population that commits about ninety percent of all violent crime in the United States – thus executing one career criminal or serial rapist would prevent future criminal acts – thus lowering the overall violent crime rate.
Glossary - Key Terms:

- **Abolitionist Arguments:**
  - Those who oppose the death penalty based upon issues of religious mortality and the constitutional law of the United States (Pg. 363).

- **Deathwatch:**
  - The period, generally 24-48 hours, before the execution; usually supervised by a team of correctional officers (Pg. 364).

- **General Deterrent Effect:**
  - The idea that punishing one criminal for previous criminal acts will discourage others from committing future similar acts (Pg. 364).