

# Good example of capital punishment essay

[Law](#), [Criminal Justice](#)



## **Historical Roots**

The adoption of the Constitution and enactment of the Bill of Rights was also the same period when death penalty became an accepted form of punishment in the United States. During such period, the correctional officers use the method of hanging the convicted criminal to carry out death sentences. This traditional method continued to be used until the mid 19th century. In the year 1890, The New York Legislature formed a commission and ordered them to discover the “ most humane and practical method known to modern science of carrying into effect the sentence of death in capital cases.” (Justia Supreme Court)

The commission then passed their recommendation stating that execution through electricity proves to be a more practical and more humane means of carrying out death sentences. They also backed up their recommendation with a state bill which was ultimately included in 1888 Laws and tagged as chapter 489. Additionally, the New York Legislature also amended section 505 of the present Code of Criminal Procedure. The section 505 was revised as “ The punishment of death must, in every case, be inflicted by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application of such current must be continued.” (Justia Supreme Court, n. d.)

Through advancement of science, new methods of execution were discovered. In 1921, Nevada introduced a new means of execution- the use of lethal gas. The state’s Legislature argued that lethal gas is the most humanistic method offered by contemporary science. The Supreme Court of Nevada denied the validity of the argument that using lethal gas is a

violation of the Constitution. Soon, other states adopted Nevada's execution method. These states include Arizona, Colorado, Maryland, and Missouri. Despite the discovery of newer methods, other states continued to use traditional measure such as firing squad and hanging. Delaware and Kansas retained their hanging method, while Utah used either hanging or firing squad. However, electrocution remained the most prevalent way of executing criminals in most states. " By the start of the 1990s, the United States incarcerated more persons per capita than any other nation in the modern world, and it has retained that dubious distinction for nearly every year since." (Haney, 2001)

### **Newer Methods of Execution.**

Because of ethical issues surrounding the harshness of electrifying, hanging or firing at convicts, some States endeavored to find newer methods that are more humane to carry out death penalty. Lethal injection was then adopted which eventually became the most prevalent measure of death penalty in modern America. Oklahoma was the first to adopt lethal injection during the year 1977. The lethal injection is composed of three drugs- sodium thiopental, paralytic agent and potassium chloride. Sodium thiopental is a barbiturate sedative that has rapid effect and induces deep sleep or state of consciousness that is like a comatose. The second drug paralyzes the convict's diaphragm, stopping his respiration. It also inhibits all skeletal and muscular movements. The third drug which is the potassium chloride causes cardiac arrest by interfering with electrical signals that are responsible for the contractions of the human heart. In the year 2008, 30 out of 36 states have included these three drugs in their lethal injection.

The methods of capital punishment undergo major changes as new discoveries were introduced. However, the Court remained firm on their prohibition of cruel punishment. Over the years new drugs have been formulated, but their effects seemed to be a violation of the Court's order. Oklahoma for instance adopted a new sedative that resulted to troubling executions. This drug is called midazolam and several news stories revealed that when this sedative is included in the injection, it takes hours before the person dies. Thus, convicts endure the agonizing feeling of writhing pain which is deemed as inhumane form of execution.

When administering lethal injection, it is required that the first drug works as an anesthetic that would immediately induce unconsciousness. This is a qualifying factor for the legality and constitutionality of a specific type of execution. " Without a proper dose from an effective first drug, to quote the Supreme Court, there is " a substantial, unconstitutionally unacceptable risk" that the prisoner will suffer extraordinary pain from administration of the second drug, which causes paralysis, and third drug--known as " liquid fire"-- which causes cardiac arrest." (Early and Petro, 2015)

In the case of midazolam, the inmate endures a long duration of pain before he turns unconscious. Proponents of lethal injection argues that pain is an inevitable part of any method of capital punishment. Furthermore, the Court does not state that all and every risk of pain must be avoided. While it is true that all humans would wish for a painless death, it is quite impossible to achieve.

## **Psychological Impact of Capital Punishment to Inmates**

The ethical dilemma and legality of capital punishment has long been debated. But whether it is legal or not, whether it is moral or unethical, the disheartening truth remains: execution is an extremely painful experience. Sitting on a death row and waiting for one's turn is an agonizing process. It delivers mixed feelings of uncertainty, the prolonged anticipation caused by the sudden changes in the dates of execution, and the misery brought by isolation. The process induces insanity. " People lose their minds, they commit suicide, and most importantly, they stop using the legal system to appeal their executions. It's called death row syndrome." (Inglis-Arkell, 2014)

Death row syndrome describes the " resulting psychological harms of that experience, or the set of psychological effects for inmates that can result from extended periods of time spent on death row, in harsh conditions, coupled with the unique stresses of living under [a] sentence of death." (Harrison and Tamony, 2010)

Mock executions and procedures that urge prisoners to over think about their certain execution is the correctional institution's method of inducing psychological torture to criminals They are blindfolded and they are asked to kneel but the real execution is not performed. This type of preparation only horrifies prisoners and give them the feeling of hopelessness and lack of control. Unlike mock executions, capital punishment of death row inmates are always fulfilled and carried out. Death row inmates are instructed to hope for sure death, but when they are ready for the execution, they will be shortly informed that their execution was delayed.

Other than the psychological torture caused by delays in execution, the situation inside death row cells is also a contributing factor in death row syndrome. Death row cells are isolated and are usually small like the size of a parking space. In other instances, once cell would contain multiple inmates. Depending on the country, some cells are open and allow inmates to hear and see each other, while other death row cells are steel containers. Their isolation have caused them to lose their drive for social contact that they would stay in their assigned cells for most part of the day. Most US prisons do not have mental health care that would properly address the psychological problems of the inmates who are seriously ill. As a result, such inmates are segregated from the rest which only makes their mental condition worse. Not to mention that some of these ill inmates in death row lack the capability to understand their psychological state. In most cases, prisoners do not follow the medication that is recommended by health professionals. Escaping medication triggers their aggressive and hostile character. They unintentionally break correctional rules and the jail guards has no choice but to transfer them to punitive housing. While in segregation, their mental health is not broadly monitored and their behavior remains undetected.

This miserable conditions in prison affect the psychological stability of inmates. Prisoners in the death row are vulnerable to illusions and delusions. Some of them develops suicidal tendencies and because of lack of social contact, other inmates talk to themselves while others prefer to sleep the whole day. In Louisiana alone, " Many of the 5000 inmates required continued mental health services, and their lack of availability prompted a "

high incidence of suicide and attempts or gestures.” (Tokarski, p. 2002)

Waiting in isolation is one of the deepest and most difficult struggles of death row prisoners. In 2014, the Court reveals that the average waiting time in carrying out a death penalty is 18 years. Those who can no longer stand waiting for such long period attempt to get killed through legal measures. The long waiting forces the inmate to give up and end his appeals and instead hasten the execution process through cooperation. Prisoners view execution as an escape, a way out that would save them from suffering the dark world of isolation and the seemingly endless cycle of appeals.

Furthermore, the number of prisoners who became vulnerable subjects of the destructive experience of extreme isolation are rapidly increasing. This type of isolation is called as super max facilities where prisoners receive the highest degree of social deprivation over a long period of time. This utter confinement takes a toll on the psychological state of inmates and gives them unbearable pressures. This situation prohibits death row inmates from freely reintegrating themselves to the social scene.

Haney cites that the negative psychological effects of solitary confinement are long-term. Among these are “ impaired sense of identity; hypersensitivity to stimuli; cognitive dysfunction (confusion, memory loss, ruminations); irritability, anger, aggression, and/or rage; other-directed violence, such as stabbings, attacks on staff, property destruction, and collective violence; lethargy, helplessness and hopelessness; chronic depression; self-mutilation and/or suicidal ideation, impulses, and behavior; anxiety and panic attacks; emotional breakdowns; and/or loss of control; hallucinations, psychosis and/or paranoia; overall deterioration of mental and physical health.”

(Haney, 2001)

According to the Human Rights Watch, there is an approximate 20, 000 prisoners in the United States who are confined in supermax-type cells. This number is still increasing and poses the danger of psychological trauma to prisoners. Experts agree that the number of such units is still increasing. Majority of inmates in the United States are serving solitary confinement under indeterminate terms. This means that the prisoner will stay in such confinement for indefinite duration.

The impact of long solitary confinement is as lethal as the execution itself. A death row inmate is exposed to different unfavorable circumstances that can be classified into three main categories:

- 1.) the dehumanizing and brutal condition of prison life, the very long duration of living under these miserable conditions, and ) the psychological trauma caused by the thought of being executed.

The presence of these elements gives rise to the death row syndrome. One Supreme Court Justice discovers that “ A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community.”

(Harrison and Tamony, 2001)

Several studies and researches had been conducted in an effort to thoroughly look into the major impact of solitary confinement on death row inmates. Most of these studies reveal that the primary impact of living in a



super max unit are paranoia, fantasy of revenge, self mutilation, impaired concentration, visual and auditory hallucinations, stress, suicidal tendencies, loss of grasp of reality, debilitating depression and bitterness. The researchers Gendreau and Scott coined the term confinement psychosis- a condition where the inmate experiences delusions and hallucinations. This psychological condition is caused by the prisoner's prolonged inactivity and isolation since death row inmates are living in extremely segregated units. Inactivity and confinement are the main reasons for the inmates' lack of social contact which deprives him from using his sensory faculties. In addition, this deprivation may make him feel that he had lost his self-worth and dignity. Worst, most prisoners are overpowered by such negative ideals that they find it very difficult to do the simplest of tasks because they lack the slightest motivation.

A living example is the inmate named Gareth Lindeman who stayed in one of the super max facilities of Florence Colorado. He states that the cruelty of prolonged isolation destroys his human spirit and deteriorates his psyche. Other prisoners who became used to the feeling of being isolated are overwhelmingly uncomfortable when they are given short period of freedom. Thus, they manifest aggressive behavior so that they can start feeling comfortable again. In some instances they attack correctional officers and prison guards. This episodes prove that solitary confinement of death row inmates is more dangerous than to have them live under the roof of ordinary prison.

## **The Psychological Impact of Death Penalty on the Families of Death Row Inmates and Families of Victims**

Death penalty hurts the victim's families instead of helping them recover. Execution process include a cycle of trials where families of victims are forced to recall a dark episode of their lives. " They endured multiple trials, as well as the additional trauma each one created in their fractured lives, leaving them feeling revictimized by the very system they once trusted to give them some sense of justice." (Garcia, 2010) By spending too much time, effort and funds in carrying out execution, the government forgets what homicide survivors really need. These immediate and long term needs include peer support and specialized counseling that are often ignored. The relatives of the executed, particularly their wives, husbands and children are also victims of a traumatizing experience. The experience becomes even more traumatic when the families honestly knew that their family member was innocent and does not deserve a death sentence. These realities raise the question " Can the ultimate punishment for the most horrendous acts be equitably and humanely applied and confined to the truly guilty?" (Barnes, 2015) Having an executed family member is a life-changing experience where the family suffer financially, emotionally and socially for the execution of their loved ones.

## **The Psychological Impact of Death Penalty in the Correctional Staff**

The continuing debate regarding the moral and legal status of capital punishment have given birth to issues of attention such as the method of execution, its effects on the prisoners and their families and the elaborate

interpretation of the Cruel and Unusual Punishments Clause. However, the government and the public overlooked an equally important concern- the psychological impact of capital punishment to the officials who participated in carrying out the death sentence.

Contrary to other professions that deal with death like military and police officers, many correctional officials do not expect that their job description is to kill another person. Their perception of their job is to protect the victims of heinous crimes. One retired cell warden claims that their duty as correctional personnel is to take care of the people who will eventually be forgotten by the public. The questions of what is it like to watch a dying person is a crucial inquiry that would force the correctional officer to recall moments of sympathy and emotional torture.

This concern is also the subject of a 2-year study conducted by Howard J. Osofsky, the Chairman of the Department of Psychiatry in Louisiana State University and Michael Osofsky, his son who is a junior studying at Stanford University. Results of the research reveal “ that prison work is “ entirely rough,” with respondents reporting exposure to higher-than-normal rates of serious accidents, physical assaults, and assaults with a weapon.” (Tokarski, 2002) Furthermore, Osofsky’s study shows that correctional officers treat death row inmates as fellow humans and they are psychologically hurt by the execution process that they perform. Osofsky states that “ the officers we interviewed did not display hostility toward the inmates, but were concerned with maximizing humanity and dignity.” (Osofsky, 2002)

## Conclusion

The issue regarding the morality and legality of capital punishment in the United States had received several conflicting opinions. However, several studies show that there must be another significant issue that both the public and the government should look into- the psychological impact of capital punishment. Death penalty brings negative psychological impact to the inmate, to his families, to the victims' families and to the correctional officers who carry out the execution. The execution process and trials are traumatizing experiences for both the survivors and the families of the executed. Lastly, executing death row inmates causes a lifelong psychological effect on prison officers who are tasked to kill a fellow human who have not done them any wrong.

## References

- Tokarski C. (2002) The Psychological Impact of Death Row on Correctional Officers. Retrieved from <http://www.medscape.com/viewarticle/434055>
- Barnes, R. (2015, Jun 30). Supreme court narrowly allows execution drug. Washington Post Retrieved from <http://sks.sirs.com>
- Earley, M., and Jim Petro. (2015, Apr 16). What have we learned from oklahoma's lethal injection debacle? McClatchy - Tribune News Service Retrieved from <http://sks.sirs.com>
- Inglis-Arkell, E. (2014) The Rare Psychological Disorder That Only Affects Death Row Inmates. Retrieved from <http://io9.com/the-rare-psychological-disorder-that-only-affects-death-1650893993>
- Haney, C. (2001) The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment
- <https://assignbuster.com/good-example-of-capital-punishment-essay/>

Retrieved from <http://aspe.hhs.gov/hsp/prison2home02/haney.htm#III>

Osofsky, M. (2002) The Psychological Experience of Security Officers Who Work With Executions. Retrieved from [http://web.stanford.edu/group/journal/cgi-bin/wordpress/wp-content/uploads/2012/09/Osofsky\\_SocSci\\_2002.pdf](http://web.stanford.edu/group/journal/cgi-bin/wordpress/wp-content/uploads/2012/09/Osofsky_SocSci_2002.pdf)

Garcia, K. (2010) Retrieved from <http://www.nashuatelegraph.com/opinion/perspectives/687551-263/death-penalty-hurts--not-helps-.html>

Harrison, K. and Anouska Tamony. (2010) Retrieved from [http://www.internetjournalofcriminology.com/Harrison\\_Tamony\\_%20Death\\_Row\\_Syndrome%20\\_IJC\\_Nov\\_2010.pdf](http://www.internetjournalofcriminology.com/Harrison_Tamony_%20Death_Row_Syndrome%20_IJC_Nov_2010.pdf)

Harrison, K. and Anouska Tamony. (2010) Retrieved from [http://www.internetjournalofcriminology.com/Harrison\\_Tamony\\_%20Death\\_Row\\_Syndrome%20\\_IJC\\_Nov\\_2010.pdf](http://www.internetjournalofcriminology.com/Harrison_Tamony_%20Death_Row_Syndrome%20_IJC_Nov_2010.pdf)

<https://assignbuster.com/good-example-of-capital-punishment-essay/>