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Psychologists' Attitudes on Capital Punishment and Interpretation of the American Psychological Association's Ethics Code

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Walden University

College of Psychology and Community Services

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Darya Baugh-Ruschman

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Walden University
2026

Abstract

Psychologists' Attitudes on Capital Punishment and Interpretation of the American

Psychological Association's Ethics Code

by

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MS, Walden University, 2020

BA, St. Mary's College of Maryland, 2014

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

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Forensic Psychology

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Abstract

When defendants are sentenced to death due to the nature of the crime, psychologists may be asked to participate in these cases, performing tasks such as conducting competency evaluations. Because the American Psychological Association (APA) Ethics Code states that psychologists cannot participate in activities that violate human rights, an ethical debate has emerged regarding whether they should participate in capital cases. The present study examined psychologists' opinions on capital punishment and their interpretation of the APA Ethics Code, which does not specifically define what constitutes a violation of human rights. The theoretical framework for the study is the ethical decision-making theory, which has two approaches: rationalist-based (which assumes that judgment is reached through reason) and non-rationalist-based (which assumes that judgment is reached through emotion and intuition). Opinions regarding capital punishment can develop due to many factors, such as religious affiliation, race, age, geographic location, fear of crime, and beliefs about alternative forms of punishment. The present study is a generic qualitative study. Six psychologists who participated in or have participated in capital cases were interviewed. The results indicated that most of the participants were opposed to the death penalty, and most were unsure if participating in capital cases is a violation of human rights, and believed the APA Ethics Code is often insufficiently detailed in its instructions. The findings of this study could help policymakers and the authors of the APA Ethics Code determine what information would be the most beneficial to include in instructions for psychologists.

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Chapter 1: Introduction to the Study

The death penalty has been used as a punishment in the United States since the early 17th century, with the first recorded execution in 1603. In the United States, there have been 1,584 executions, with the highest number occurring in the Southern region of the country. The death penalty is legal in 27 states, five of which have a governor-imposed moratorium. It has been abolished in 23 states and Washington, D.C. Currently, the only crimes punishable by death are crimes that result in the death of a victim; however, some states have proposed new legislation that would add new crimes punishable by death. As of 2024, Arizona, Hawaii, Idaho, Missouri, New Mexico, South Carolina, South Dakota, and Tennessee have proposed bills that would also make crimes against a minor punishable by death (Death Penalty Information Center [DPIC], n.d.-a).

Psychologists often participate in capital cases, which has raised ethical questions because of flaws in legal procedures, including evidence of deficiencies in the death penalty process (Fisher, 2013). Understanding how psychologists feel about the death penalty and how they interpret the American Psychological Association (APA) Ethics Code may assist in policy changes. Chapter 1 details the background of this study in which psychologists' beliefs about the death penalty and the APA Ethics Code are examined, the problem statement, the purpose of the study, research questions, theoretical framework, nature of the study, definitions, assumptions, scope and delimitations, limitations, and social implications.

Background

Capital punishment has always been a controversial topic. Despite capital punishment being the primary punishment for violent crimes for a long time, public support has generally declined in recent years (McLeod, 2018; Nellis, 2013; Norris & Mullinix, 2020). Many researchers have studied public opinion about capital punishment. Several factors that have been found to influence public opinion are age, time period, political climate, political affiliation (Anderson et al., 2017), race (Anderson et al., 2017; Gross, 2018), beliefs about wrongful convictions (Norris & Mullinix, 2020); religious beliefs and affiliations (Rade et al., 2017; Sabriseilabi et al., 2022); fear of crime, trust in the criminal justice system (Singer et al., 2019); beliefs about deterrence (Waldo & Myers, 2019); and perceptions of prison (Wozniak, 2017). Researchers such as Gross (2018), Steiker (2005), and Sunstein and Vermeule (2005) have examined why people increasingly believe that capital punishment should be abolished, including concerns about arbitrariness. Alternative forms of punishment have begun to be used with increasing public support, such as restorative justice (González, 2019; Hansen & Umbreit, 2018; Weimann-Saks et al., 2022) and life without parole (Nellis, 2013).

Psychologists are called to work on capital cases for several reasons, such as conducting competency evaluations and assessing a defendant's mental state (Brodsky et al., 2013; Fisher, 2013). According to Fisher (2013), when an assessment is conducted by a well-trained psychologist, better mental health-based legal decisions can be made. However, the APA Ethics Code states that psychologists cannot engage in activities that violate human rights (APA, 2017). The APA Ethics Code is up for interpretation because

it does not mention specific situations in which a psychologist cannot be involved. It is up to each psychologist called to work on capital cases to determine whether their involvement would violate the APA Ethics Code.

Gap in the Literature

While thorough research has been conducted regarding public opinion about the death penalty, the scholarly community does not fully understand psychologists' attitudes toward the death penalty or how they interpret the APA Ethics Code and how they define human rights violations. The scholarly community also does not know how psychologists reconcile their interpretation of the APA Ethics Code with the tasks they are asked to complete when participating in capital cases. Research on psychologists' attitudes is needed because the APA Ethics Code is vague in its requirement that psychologists not be involved in any activities that violate human rights (APA, 2017). Just as public opinion can lead to policy changes, so might understanding psychologists' opinions (Sorensen et al., 1998).

Problem Statement

As of 2023, capital punishment is still legal in 27 states (DPIC, n.d.-1). Psychologists are asked to participate in capital cases in which the death penalty is an option in various capacities, such as conducting competency evaluations. Every psychologist who receives this request must use their judgment about whether participating is ethical. They must consider whether the death penalty violates human rights and determine whether they can be objective because participation that is not objective would be unethical (Knoll & Chhablani, 2017). The courts also provide

ambiguous instructions to psychologists who participate in the criminal justice system (Pirelli & Zapf, 2008). Additionally, while a competency-to-be-executed evaluation is not a guarantee that a defendant will be sentenced to be executed (Fisher, 2013), there is always a possibility of a wrongful conviction, which can then lead to a wrongful execution (Cassell, 2018; Niven & Cover, 2018).

Purpose of the Study

The APA Ethics Code is open to interpretation, and no definition is provided for what constitutes a human rights violation. This qualitative study was conducted to explore psychologists' attitudes about capital punishment and their interpretation of the APA Ethics Code. This study also aimed to explore how psychologists define a violation of human rights.

Research Questions

The research questions being explored in this study were:

1. What are psychologists' attitudes regarding capital punishment?
2. How do psychologists interpret the APA Ethics Code?

Theoretical Framework

According to Schwartz (2016), ethical decision-making theory has two approaches: rationalist-based and non-rationalist-based. The rationalist-based approach assumes that moral judgment is reached primarily through reason, while the non-rationalist-based approach assumes that moral judgment is reached primarily through emotion and intuition. The integrated ethical decision-making model was proposed because of the nuances of ethical decision-making. This model examines how ethical

decisions are made and assumes that they are contingent on the individual and situational contexts. It assumes that different individuals may behave differently when faced with a particular dilemma, and the same individual's behavior may change depending on the situation. This theory of ethical decision-making is relevant to the present study because one of the areas being examined is how psychologists arrive at ethical choices. Chapter 2 discusses this framework in greater detail.

Nature of the Study

This study used a generic qualitative approach. Generic qualitative research is not meant to formulate theories or demonstrate causation. It is the most appropriate approach when none of the traditional qualitative approaches (i.e., phenomenology, ethnography, grounded theory, case studies, narrative) are suitable (Burkholder et al., 2020; Merriam & Tisdell, 2016; Percy et al., 2015). The goal of generic qualitative research is to gather information about how people interpret their experiences, with no specific focus (Merriam & Tisdell, 2016). Because the goal of generic qualitative research is to explore a topic without focusing on other qualitative approaches, it was the most appropriate approach for examining psychologists' opinions on capital punishment and the APA Ethics Code.

The phenomenon studied was capital punishment, and the key concept explored was the involvement of psychologists in capital cases and the ethics of this practice. Psychologists who have worked on or currently work on capital cases were interviewed using standardized open-ended interviews. Each interview was transcribed (including all

notes on nonverbal communication), and the data analysis involved searching for patterns and themes.

Definitions

APA Ethics Code: The APA Ethics Code provides guidance for psychologists to aspire to the highest ethical standards possible. The APA Ethics Code's general principles are beneficence, responsibility, integrity, justice, and respect for people's rights and dignity (APA, 2017).

Specialty Guidelines for Forensic Psychologists: The APA's *Specialty Guidelines for Forensic Psychologists* is a set of guidelines specifically for forensic psychologists. It contains instructions regarding their responsibility, competence, relationships, conflicts, and assessments. The *Specialty Guidelines* also state that forensic psychologists must recognize their biases, values, beliefs, and relationships and understand that these factors may prevent competent practice (APA, 2011).

Psychologist: A psychologist is a professional who uses the methods and theories of psychology. There are many types of psychologists, such as clinical, educational, organizational, child, and forensic (Roe, 2002). In the criminal justice system, psychologists are called upon to conduct competency evaluations, assess mental state, and provide risk assessments (Fabian, 2003; Knoll & Chhablani, 2017; Miley et al., 2020).

Competency: Competency refers to a defendant's state of mind and ability to understand the criminal proceedings. Evaluations are conducted to determine the presence of a potential mental illness (Miley et al., 2020).

Competency to stand trial: Competency to stand trial refers to a defendant's ability to understand the criminal proceedings and what they are being charge with, consult with their lawyer, and make rational decisions (Murrie et al., 2020).

Competency to be executed: Competency to be executed refers to a defendant's ability to understand why the death penalty is being imposed on them. If a defendant is found not competent to be executed, imposing the death penalty is unconstitutional (Miley et al., 2020; Updegrave & Vaughn, 2020).

Competency to waive rights: Competency to waive rights means the defendant waived their constitutional rights voluntarily, knowingly, and intelligently (Boch, 1994).

Eighth Amendment: According to the Eighth Amendment, punishments must be proportional (i.e., the punishment fits the crime), and cruel and unusual punishments are prohibited (Florio, 2008; Pontier, 2020; Steiker & Steiker, 2017). In *Gregg v. Georgia*, the Supreme Court ruled that punishments cannot be excessive because they either inflict pain unnecessarily and wantonly or grossly out of proportion with the crime committed (Pontier, 2020).

Due Process Clause of the 14th Amendment: According to the Due Process Clause of the 14th Amendment, a person cannot be convicted and deprived of liberty without due process of law (Pontier, 2020). For example, they must be allowed a trial by jury, and offenders are considered innocent until proven guilty (Florio, 2008). A person also has the right to receive notice and be heard before deprivation of liberty is imposed by the state (Pontier, 2020).

Equal Protection Clause of the 14th Amendment: According to the Equal Protection Clause of the 14th Amendment, no person within a state's jurisdiction may be denied equal protection. This clause aims to protect against discrimination and ensure equal treatment for all (Pontier, 2020).

Restorative justice: Restorative justice is an alternative form of justice to capital punishment that has gained more public support in recent years. The goal of restorative justice is to address the harm caused by the offender, allow them to accept responsibility, and come to a resolution that allows reconciliation between the parties. Restorative justice also aims to allow the victim(s) of the crime to heal, rehabilitate, and reintegrate the offender (González, 2019; Hansen & Umbreit, 2018; Weimann-Saks et al., 2022). Restorative justice is intended to restore balance through less punitive means (González, 2019).

Regenerative justice: Regenerative justice combines restorative justice with generative justice. This form of justice involves identifying and building life meanings, restoring relationships, and generating peaceful and healing meanings. The goal is to allow the offender and victim(s) to find something to work towards, make sense of the suffering caused by the offender, and move forward with purpose (Hansen & Umbreit, 2018).

Assumptions

The assumptions for this study were as follows: All participants were licensed psychologists. All participants have had experience (past or present) working on capital cases in which the death penalty was an option. All participants had knowledge of the

criminal justice system. All participants had a thorough knowledge of the APA Ethics Code. All participants understood the court system's code of conduct. All participants were open and honest about their beliefs about the death penalty and their interpretations of the APA Ethics Code.

Scope and Delimitations

The participants in this study were licensed psychologists who had experience working on capital cases in which the death penalty was an option. This study focused on psychologists' beliefs about the death penalty and the APA Ethics Code, as well as how they reconcile these beliefs. Psychologists who lacked knowledge of the criminal justice system or were inexperienced in capital cases were excluded. Transferability has been established by providing the interview guide and by thoroughly describing the steps taken in the study, the participants, and the findings.

Limitations

One limitation of transferability in qualitative research is that qualitative studies cannot be exactly replicated. In the written report of this study, the interviews, participants, and findings have been thoroughly described to help establish transferability. However, even if researchers use the exact same methodology, their findings could be drastically different (Stahl & King, 2020). Another limitation of this study was that capital punishment is a controversial and sensitive topic, and participants may have found it uncomfortable to be completely honest about their opinions. They were encouraged to be open and honest without fear of judgment. I reduced any potential biases on my own part by keeping a reflective journal throughout the process. Despite my potential biases, I

documented all information received and ensured its accuracy by using member checking and triangulation.

Significance

Public opinion can have an impact on policymaking. According to Sorensen et al. (1998), understanding the opinions of psychologists can serve the same function of influencing policy. If there is a greater understanding of how psychologists feel about the death penalty and how they interpret the APA Ethics Code, especially what they believe to be violations of human rights, it could lead to policy changes or changes to the APA Ethics Code to make it more specific, which would be helpful for psychologists when certain decisions are needed. They would be provided with better guidance on how to proceed, instead of needing to make a decision based on their understanding and interpretation of ethics. Additionally, psychologists who work in the criminal justice system are given ambiguous instructions (Pirelli & Zapf, 2008). Understanding psychologists' beliefs about the death penalty and ethics may also lead to changes in the instructions they are given.

Summary

Researchers have thoroughly explored public opinion on capital punishment and how these opinions develop (e.g., political party, race, age). However, there is a lack of research regarding psychologists' opinions on capital punishment and how they interpret the APA Ethics Code. The instructions psychologists are given could be more precise (APA, 2017; Pirelli & Zapf, 2008). It is vital to understand psychologists' opinions because of their potential impact on policy. This chapter detailed background information

for the study, the problem statement, the purpose of the study, the research questions, the theoretical framework, the nature of the study, definitions, assumptions, the scope and delimitations, limitations, and social implications. Chapter 2 will provide more detailed information regarding the theoretical framework, as well as the history of capital punishment, international policy, ethical and legal implications, death row volunteering, disparities within the legal system, public opinion, and the factors that influence it, alternative forms of punishment, and the role of psychologists in capital cases.

Chapter 2: Literature Review

Capital punishment has a long history, and it has been controversial. While capital punishment was the primary method of punishment for violent crimes for many years, there has been a general decline in public support more recently (McLeod, 2018; Nellis, 2013; Norris & Mullinix, 2020). Researchers such as Gross (2018), Steiker (2005), and Sunstein and Vermeule (2005) studied reasons people believe the death penalty should be abolished, such as its arbitrariness. Some factors that have been found to influence beliefs regarding capital punishment are age, time period, political climate, political affiliation (Anderson et al., 2017), religious beliefs/affiliation (Rade et al., 2017; Sabriseilabi et al., 2022), race (Anderson et al., 2017; Gross, 2018), beliefs about wrongful convictions (Norris & Mullinix, 2020), perceptions of prison (Wozniak, 2017), beliefs about deterrence (Waldo & Myers, 2019), fear of crime, and level of trust in the justice system (Singer et al., 2019). Because of decreasing support for capital punishment (DPIC, n.d.-g), alternative forms of punishment have begun to be used with increasing popularity, such as restorative justice (González, 2019; Hansen & Umbreit, 2018; Weimann-Saks et al., 2022) and life without parole (Nellis, 2013). Solitary confinement has also been used as a non-lethal alternative to capital punishment despite its criticisms and negative consequences (McLeod, 2018).

Capital punishment is legal in 27 states, while 23 states and the District of Columbia have abolished it. Since 1976, there have been 1,584 executions in the United States, with the highest number being 98 in 1999. Executions are primarily in the Southern region of the United States, with 1,293. In the Midwest, there have been 198

executions; in the West, there have been 89 executions; and in the Northeast, there have been four executions. In Texas alone, there have been 587 executions. Almost every year since 1976, Texas has led the nation in the number of executions, with the highest number being 37 in 1997 (DPIC, n.d.-d).

Psychologists are involved in court cases for various reasons, one of which is to conduct evaluations of a defendant's mental state and competency. A psychologist might evaluate a defendant's competency to stand trial at one stage. However, during capital cases, a psychologist might evaluate a defendant's competency to be executed (Brodsky et al., 2013). With this role, ethics come into question. According to the APA Ethics Code, psychologists cannot engage in any activity that violates human rights (APA, 2017). However, the APA Ethics Code is not specific, leaving it open for interpretation whether engaging in capital cases and evaluating a defendant's competency to be executed are ethical.

The purpose of this study was to examine licensed psychologists' views regarding capital punishment and the APA Ethics Code, and how psychologists reconcile the APA Ethics Code with their work on capital cases when they may be required to perform a competency-to-be-executed evaluation and advise the court on a defendant's mental state and whether they may be executed. Just as public opinion affects policy changes, so might the opinions of psychologists (Sorensen et al., 1998). Chapter 2 details the literature search strategy, theoretical background, and literature review.

Literature Search Strategy

Information for this literature review was gathered from scholarly articles published within the past 5 years; however, the search was extended beyond that timeframe to locate seminal works and the origins of the research. I primarily used the Walden Library and Google Scholar to search for literature. Specifically, in the Walden Library, I conducted searches from the library home page and used APA PsychArticles and Psychology Databases Combined Search. The search terms and phrases I used were *capital punishment, death penalty, beliefs, attitudes, public opinion, religion, race, politics, wrongful convictions, exonerations, political affiliation, policies, policymakers, history, capital punishment Europe, death penalty Europe, capital punishment international, death penalty international, alternative punishment, restorative justice, life imprisonment, forensic psychology, mental health, European policies, competency evaluations, psychologists, forensic psychologists, clinical psychologists, and APA Ethics Code*. Additionally, I used the Google search engine to search for information that may not be found in scholarly literature. I used the Death Penalty Information Center and Innocence Project websites for statistics and some case studies.

Theoretical Framework

Ethical decision-making theory is the theoretical framework utilized in this study. There are two approaches: rationalist-based and non-rationalist-based. The rationalist-based approach assumes that moral judgment is reached primarily through reason. In contrast, the non-rationalist-based approach assumes that moral judgment is reached primarily through emotion and intuition, with moral reasoning playing a secondary role

(Schwartz, 2016). When considering how people make ethical decisions, it is essential to understand the variables that influence decisions and the process through which decisions are reached. Some individual factors identified as influencing ethical decision-making include age, religious beliefs, gender, and moral maturity. Locus of control is essential in understanding how people respond to ethical dilemmas. When an individual has an internal locus of control—having the belief that they are in control of things around them and take responsibility—they are more likely to choose what they believe to be the ethical path than individuals with an external locus of control—having the belief that things are beyond their control and therefore more likely to succumb to external ethical pressure (McDevitt et al., 2007).

Situational factors have also been found to influence ethical decision-making. For example, external environmental factors are the societal norms, values, and expectations that individuals may consider when facing an ethical dilemma. Ethical decision-making is complex, and individual and situational factors interact. In addition to the listed factors, unique factors may influence ethical decision-making, such as events in their personal lives. These specific situations may impact a person's decision-making process and could lead them to make a more or less ethical decision than they might ordinarily (McDevitt et al., 2007).

Schwartz (2016) also recognized the nuances of ethical decision-making and proposed the integrated ethical decision-making model. This model involves the ethical decision-making process and the factors that influence it. Included in how an individual makes decisions are their awareness, judgment, intention, and action/behavior. The

factors that influence decision-making are both individual and situational. The integrated ethical decision-making model assumes that ethical decisions are contingent on the particular individual and situational context. That is, different individuals may behave differently when faced with the same dilemma, and the same individual may behave differently depending on the situation.

The issue of capital punishment presents an ethical dilemma. From one perspective, many people believe that capital punishment is unethical and should be abolished. They consider it cruel and barbaric and argue that it is arbitrary and that there is a risk of executing innocent people. Alternatively, supporters of capital punishment argue that because it is a punishment for the worst of crimes, it is ethically justifiable and may even be necessary for both retributive purposes and the prevention of the further killing of innocent people. Those who support capital punishment believe that it is ethically acceptable because the defendant committed the moral wrong of killing another person. Those who oppose capital punishment believe that killing a person as punishment is a moral wrong (Sunstein & Vermeule, 2005). Many factors, such as those described by Anderson et al. (2017), McDevitt et al. (2007), Rade et al. (2017), and Sabriseilabi et al. (2022), determine what people believe about capital punishment from an ethical standpoint. In addition to demographic variables such as age, religious affiliation, race, and political affiliation, an individual's consideration of capital punishment as ethical may be influenced by beliefs about deterrence (Waldo & Myers, 2019) or wrongful convictions (Norris & Mullinix, 2020).

Literature Review Related to Key Concepts

A History of Capital Punishment

The history of capital punishment is long and controversial, with the United States being in the minority of countries where capital punishment is legal (Anderson et al., 2017). However, most inmates on death row do not get executed (Phillips & Marceau, 2020). Capital punishment has been a long-standing part of societal norms and is a way to punish the worst criminal offenders. In the United States, capital punishment was inherited from the British by the colonists, and the list of capital-punishment-worthy offenses was expansive (Malik & Holdsworth, 2015). Crimes that were considered capital offenses were murder (which is still considered a capital offense today), theft, and adultery. According to the Death Penalty Information Center (n.d.), currently, the only crimes that are punishable by death are crimes in which a victim is killed; however, several states have proposed new legislation regarding crimes punishable by death as of 2024. Arizona, Hawaii, Idaho, Missouri, New Mexico, South Carolina, South Dakota, and Tennessee have proposed bills that would add sex crimes against a minor to the list of crimes that are punishable by death. Not all crimes that are punishable by the death penalty are death-eligible, depending on the specific circumstances. According to Malik and Holdsworth (2015), capital punishment was also once common for recidivists (e.g., a third theft offense). The methods of execution have also varied (Bessler, 2018; Malik & Holdsworth, 2015).

Post-American Revolution, the list of crimes that warranted capital punishment decreased. Almost all crimes committed must result in death to be eligible for capital

punishment as of 2023 (DPIC, n.d.-a), and public sentiment about capital punishment has begun to shift, as has the understanding of whether capital punishment is a deterrent (Malik & Holdsworth, 2015; Waldo & Myers, 2019). As of 2023, capital punishment is still legal in 27 states, with a governor-imposed moratorium in five, and 23 states and the District of Columbia have abolished it (DPIC, n.d.-1). Malik and Holdsworth (2015) explained that some states have even abolished and reinstated capital punishment, while other states did not abolish capital punishment but allowed for reform regarding methods of execution. Capital punishment was banned across the United States for a time following *Furman v. Georgia* in 1972. However, states began reforming their statutes and reinstating capital punishment, starting with Florida. For example, public hangings were very common, but when public sentiment began to shift against the death penalty, the proportionality and humanity of hangings began to be reevaluated. In an attempt to abolish hangings, states began to introduce other methods, such as the electric chair, gas chambers, firing squad, and lethal injection. With the introduction of each new method of execution, the goal was to be more humane toward prisoners and less disturbing to onlookers.

Until a few centuries ago, the death penalty was the primary option for punishing violent offenders, with the offenders occasionally being exiled; as support for the death penalty has decreased, non-lethal alternatives have been promoted more. According to critics of capital punishment, life imprisonment is a more practical and moral punishment and is sufficient punishment. Even solitary confinement has been considered an acceptable alternative (McLeod, 2018). Those who have advocated for alternatives to the

death penalty have also used the argument that life imprisonment is more cost-effective than capital punishment. However, this argument has reinforced the values underlying the death penalty because the costs that are saved are the result of inmates serving life in prison without parole, not receiving the same level of legal protection (Albert et al., 2021).

Shifts in public opinion regarding capital punishment (from widely accepted and executions being relatively uncontroversial to being against the death penalty) come from a variety of sources, such as methods of execution being considered barbaric and cruel, practices considered discriminatory and arbitrary, and wrongful convictions/executions (Bessler, 2018; Malik & Holdsworth, 2015; Phillips & Marceau, 2020). The law is meant to prevent discrimination, arbitrariness, cruel and unusual punishment, and miscarriages of justice; however, some do not believe that practices necessarily reflect the law, and capital punishment has become increasingly controversial (Bessler, 2018). Additionally, although capital punishment was previously believed to be a crime deterrent, polls indicate that public belief in its deterrent effect has decreased (Waldo & Myers, 2019). There have also been conflicting findings on whether capital punishment is a deterrent to crime. For example, some studies have indicated that capital punishment does have a deterrent effect if “carried out in sufficient numbers” (Waldo & Myers, 2019, p. 18), while other studies have indicated that capital punishment has no deterrent effect, and still others have indicated that capital punishment could have a brutalization effect.

International Policy

As of Amnesty International's report from 2022, more than 70% of countries have abolished the death penalty, putting the United States in the minority of countries—and the only Western country—where capital punishment is still legal (DPIC, n.d.-c; Lee, 2016). As of 2022, China led the world in death sentences as well as executions. Iran had the second-highest number of executions, and Saudi Arabia came in third. Egypt had the second-highest number of death sentences, and Bangladesh came in third (DPIC, n.d.-c). China continues to lead the world in death sentences and executions (Miao, 2023).

The Council of Europe is a human rights organization created in 1949 to provide a framework of shared norms and values for European countries (Sithole, 2016). Amnesty International was integral to the shift away from the death penalty in Europe, and as of 2022, Belarus is the only European country where the death penalty is legal (DPIC, n.d.-c; Sithole, 2016). Instead of capital punishment, some countries, such as England and Wales, have adopted a law that mandates a life sentence for capital cases. This reduces the ability to exercise discretion in the judicial system. Mandatory sentences were implemented to achieve consistency, deterrence, and protect the community (Fitz-Gibbon, 2013).

In addition to most countries abolishing the death penalty, the United Nations General Assembly adopted rules on solitary confinement, known as the Mandela Rules. According to the Mandela Rules, prolonged or indefinite solitary confinement—defined as being alone, with no human contact, in a cell for 22 hours or more per day for more than 15 consecutive days—is prohibited. The Mandela Rules also state that solitary

confinement may be used only in extreme cases and must be as short as possible. Despite the international consensus regarding solitary confinement, in the United States, many states automatically place inmates in solitary confinement when they are sentenced to death. They spend 22 or 23 hours alone in a cell without human contact (Pontier, 2020). The inmates on death row can spend decades in solitary confinement while they wait for either execution or exoneration (Johnson & Lantsman, 2021).

Ethical Implications

Retribution

The idea of retribution is that wrongs should be punished, and retribution aims to show the offender that their crime is wrong and restore balance in society. According to the theory of retribution, the punishment is proportional to the wrong committed. In short, the punishment should fit the crime (Spencer, 2021). Society has an emotional need for retribution. Especially for the most severe crimes, there is a desire for vengeance, and even if one punishment (e.g., imprisonment) is the logical and practical choice, a harsher punishment (e.g., the death penalty) may be imposed because society's emotional needs outweigh objectivity and rationality (Jupiter, 1996).

On one side of the morality debate, capital punishment is appropriate for the worst offenders. It is just deserts for those who kill others (Unnever & Cullen, 2005). Supporters of capital punishment also believe in its deterrent effect and consider it significant; therefore, capital punishment is justified (Sunstein & Vermeule, 2005). In an opposing morality debate, researchers report how capital punishment is seen as barbaric and cruel, going against the Eighth Amendment that bans cruel and unusual punishments

and is a disproportionate punishment (Steiker & Steiker, 2017; Sunstein & Vermeule, 2005). Additionally, there is a concern that innocent people are convicted and executed (Steiker & Steiker, 2017; Unnever & Cullen, 2005).

Retribution and revenge are very similar in their purposes. The idea behind both is that an offender is punished; however, retribution involves state-sanctioned punishment, while revenge is personal. Retribution is limited according to the law; ideally, the state is objective. However, policymakers are subject to emotions, such as a desire for revenge, and no laws prevent them from pursuing legislation based on an emotional reaction (Spencer, 2021). A lot of discretion is permitted in interpreting the law, and there are concerns about the arbitrariness of capital punishment (Jupiter, 1996; Steiker, 2005; Steiker & Steiker, 2017; Sunstein & Vermuele, 2005).

Human Dignity

One argument from supporters of the death penalty is that it is carried out in the name of justice (Mathias, 2013). Additionally, there is an argument that the death penalty saves lives because of the belief that there is a deterrent effect. Sunstein and Vermuele (2005) called this a life-life tradeoff and explained that more lives are saved than are taken with capital punishment, and the failure to impose the death penalty potentially fails to protect life. On the opposite side, abolitionists argue that the Eighth Amendment of the United States Constitution guarantees human dignity because it bans punishments that degrade people's humanity (Florio, 2008; Jupiter, 1996). Despite this guarantee, they argue that capital punishment violates human dignity (Steiker, 2005; Steiker & Steiker, 2017). Abolitionists also believe that capital punishment violates the explicit ban on cruel

and unusual punishment put down by the Eighth Amendment (Gross, 2018). According to their argument, the death penalty is inherently cruel (Sunstein & Vermuele, 2005).

There have been many methods of execution since the beginning of capital punishment, such as public hangings (the most common method in early America), the electric chair, the firing squad, the gas chamber, and lethal injection. Each time a new method of execution was adopted, it was because the previous method was viewed as more barbaric (Malik & Holdsworth, 2015). Lethal injection is the current preferred method of execution because it is viewed as the most humane. However, because of instances of botched executions, many argue that lethal injection is not humane. Death, especially death that involves pain, is seen as unusually severe and degrading to human dignity (Harrison & Melville, 2007).

Morality Debate

Supporters of the death penalty argue that not only is it morally justified when a life has been deliberately taken, but it is morally required (Steiker, 2005). When an offender chooses to break the law, they should be held morally culpable and punished accordingly. When they are punished, they are punished on society's behalf by the state (Florio, 2008). Killing is inherently immoral; however, many view the death penalty as moral because it is state-sanctioned (Kandola & Egan, 2014). Supporters of the death penalty also argue that the death penalty is morally required to prevent the death of innocent people, and it is the government's responsibility to protect people (Sunstein & Vermuele, 2005). The death penalty can also help victims' families feel vindicated and as if justice has been done. It may also reduce their fear of the offender and make them feel

relieved after their execution. Family members may also want the offender to suffer the way their victim suffered (Barrile, 2015).

On the other hand, abolitionists maintain that capital punishment is “morally impermissible” (Sunstein & Vermeule, 2005, p. 704). Part of this argument is the possibility of an innocent person being executed (Gross, 2018; Nellis, 2013; Unnever & Cullen, 2005). The death penalty is the most definitive punishment in the United States because executions cannot be undone (Unnever & Cullen, 2005). When someone is sentenced to death, the state runs the risk of executing an innocent person. There have been many instances of an innocent person being sent to death row before they were exonerated due to new evidence (Nellis, 2013). There is also the risk of innocent people being executed. According to the Death Penalty Information Center (n.d.), almost 200 people have been exonerated from death row. However, they also provide a list of individuals who were executed but may have been innocent.

Those in favor of abolishing the death penalty also argue that the criminal justice system—and, by extension, the death penalty—is arbitrary (Gross, 2018; Steiker, 2005). According to Gross (2018), the death penalty is discriminatory, and people who are the unluckiest are executed. According to Phillips and Marceau (2020), the race of both a defendant and a victim may influence whether a defendant is executed. They analyzed execution data and found that a defendant was more likely to be executed if they had killed a White victim than if they had killed a Black victim. They also noted that Black defendants have been at a higher risk of execution, particularly if they killed a White victim. These results highlight the racial disparities in the criminal justice system.

Legal Implications

Capital punishment, banned at the federal level in 1972 because it was deemed too arbitrary, is a punishment left to each state (Gross, 2018; Unnever & Cullen, 2005). The United States is the only Western country where capital punishment is legal (DPIC, n.d.-c; Harrison & Melville, 2007; Lee, 2016). According to Harrison and Melville (2007), the United States' response to criticism is to change how offenders are executed. Methods that have been used for executions were the electric chair, the gas chamber, the firing squad, and hanging. Since the 1980s, the preferred method of execution has been lethal injection because of the claim that it is less barbaric than other methods.

Eighth Amendment

The Eighth Amendment has two critical points: punishments must be proportional, and cruel and unusual punishments are prohibited (Florio, 2008; Pontier, 2020; Steiker & Steiker, 2017). In the Supreme Court case *Gregg v. Georgia*, the Supreme Court ruled that punishments cannot be excessive because they involve the “the unnecessary and wonton infliction of pain” or they are “grossly out of proportion to the severity of the crime” (p. 143). The Eighth Amendment can be claimed for several reasons, such as prison conditions not being humane, being placed in solitary confinement for too long, or the death penalty being an inappropriate punishment. Suppose an inmate claims that prison conditions or solitary confinement violate the Eighth Amendment. In that case, they need to prove that the claim is objectively and sufficiently serious and that the prison officials who allegedly abused the inmates knew the risks to the inmates' health and disregarded them (Pontier, 2020).

Fourteenth Amendment

Due Process. The Due Process Clause of the 14th Amendment states that a person cannot be convicted and deprived of liberty without due process of law (Pontier, 2020). Examples of due process are the right to a trial by jury and the notion that the offender is innocent until proven guilty (Florio, 2008). Under the Due Process Clause, people also have a right to receive notice and be heard before the state imposes deprivation of liberty. If someone wishes to claim Due Process, they must identify a protected liberty or property interest and prove that they were deprived of it without due process. Theoretically, death row inmates are entitled to the same rights as other inmates, but time and time again, they are denied that right because of their death sentence (Pontier, 2020).

Equal Protection. The Equal Protection Clause of the 14th Amendment states that no person within a state's jurisdiction may be denied equal protection. The purpose of this clause is to protect people against discrimination and ensure equal treatment for all. However, the unequal treatment of death row inmates and other inmates indicates a possible violation of the Equal Protection Clause. For example, solitary confinement is unequally applied to death row inmates as opposed to other inmates (Pontier, 2020). Additionally, prejudice is sometimes shown towards certain suspects based on their race or national origin, despite these factors being irrelevant (Vázquez, 2020).

Members of protected classes are vulnerable groups most likely to face discrimination based on race, gender, or national origin (Juneau, 2009). These individuals are most likely to bring claims alleging violation of the Equal Protection Clause. Claims

based on membership in a protected class or on fundamental Constitutional rights are given the most scrutiny. An inmate seeking to claim an Equal Protection violation must show that they are being treated differently from others in a similar situation and that the difference in treatment lacks a rational basis. However, there are situations in which an inmate faces the least likelihood of success. For example, if an inmate was automatically placed in solitary confinement, their claim of an Equal Protection violation would be least likely to succeed because the lowest level of scrutiny applies to decisions about automatic placement in solitary confinement (Pontier, 2020).

Death Row Volunteering

Psychological Implications

Death row volunteering, also known as state-assisted suicide, is a process through which death row inmates can waive their rights to post-conviction appeals and expedite their executions (Blume, 2005; Harrington, 2004; Nelan, 2008; Rountree, 2018; Schildkraut, 2013; Shapiro, 2008). Volunteering for execution calls into question issues regarding inmates' psychological state. There are several reasons why a death row inmate may waive their right to a post-conviction appeal and volunteer for expedited execution. Inmates may be suicidal, or they may want to maintain their autonomy and die on their terms. Another factor that may lead to an inmate volunteering to expedite their execution is prison conditions. Death row is socially isolating, and inmates spend a lot of time in legal limbo, wondering if their appeal was successful or when they will be executed. These factors and prison conditions may contribute to inmates losing the will to live

(Rountree, 2018). Additionally, death row inmates may want to die with dignity, and they believe they can do so if they volunteer for execution (Schildkraut, 2013).

Nelan (2008), Rountree (2018), and Skinner (2012) referred to a condition called death row syndrome, which is caused by stress from prolonged isolation, confinement, and uncertainty about their future, all of which can lead to anxiety, panic, hopelessness, depression, and suicidal ideation. There are also many suicide attempts, which evidence has shown to be correlated with life on death row (Skinner, 2012). When a death row inmate volunteers for execution, it is likely because they prefer death to life in prison (Schildkraut, 2013). Volunteering for execution also raises questions about inmates' competency. Gary Gilmore, the first inmate to be executed after the 1976 *Gregg v. Georgia* ruling that capital punishment is constitutional, waived his right to an appeal and opposed anyone who tried to intervene on his behalf. Gilmore's case went to the Utah Supreme Court, as well as the United States Supreme Court, and it became clear that he was suicidal. He attempted suicide a few days after telling the Utah Supreme Court that he had not consented to an appeal filed on his behalf and wished that the appeal be withdrawn. Despite his suicide attempts, Gilmore was considered competent. Most Supreme Court Justices found Gilmore's waiver of his rights to be knowing, intelligent, and voluntary (Blume, 2005).

Legal Implications

In 1972, the Supreme Court considered the death penalty unconstitutional and banned it across the country as part of the *Furman v. Georgia* decision (Malik & Holdsworth, 2015). However, in 1976, the Supreme Court upheld capital punishment in

Gregg v. Georgia. Despite this ruling, many have continued to consider capital punishment unconstitutional and have argued against volunteering for execution. For example, when Gary Gilmore's case reached the Supreme Court, one Justice argued that a volunteer consenting to be executed would make an unconstitutional punishment constitutional and, therefore, cannot consent to execution (Shapiro, 2008). He and another Justice argued that defendants are protected from cruel and unusual punishment under the Eighth Amendment, and that capital punishment falls within that category. Therefore, an inmate should be able to consent to execution because it would subject them to a punishment that has been otherwise prohibited by the Eighth Amendment (Blume, 2005).

Volunteering for execution is also problematic from a legal standpoint for many reasons. There is the assumption that a defendant does not want to die and will fight to live using the procedures put in place for this purpose (Harrington, 2004). Another concern is that a death row inmate's lawyer may not be able to present mitigating evidence because of the inmate's decision. This also provides an ethical dilemma for lawyers. A lawyer representing a capital defendant does not want their client to be executed. However, if a lawyer does not believe that their client is mentally incompetent, they have a responsibility to abide by their wishes to volunteer for execution. Additionally, it is the state's responsibility to preserve life and prevent suicide, though if a death row inmate volunteers for execution, they will die by state-assisted suicide (Schildkraut, 2013).

A death row inmate may be allowed to waive their rights to appeals if they are found to be mentally competent and their decision is knowing, intelligent, and voluntary. An inmate is assessed for competency to ensure they understand the consequences of giving up their constitutional rights and have not been coerced into doing so. When faced with the case of a death row inmate wanting to waive their right to appeal, courts typically look to the guidance provided by *Rees v. Peyton* in 1966. The court is to determine whether the inmate can make a rational decision and appreciate their position or whether the inmate's ability to make a rational decision is affected by a mental illness (Blume, 2005; Rountree, 2018). However, the specific *how* to assess competency is not well-defined (Schildkraut, 2013).

Disparities within the Legal System

Socioeconomic Status

Defendants with lower socioeconomic status have faced discrimination when receiving life sentences, which have been associated with the ability to retain private attorneys. Therefore, a defendant of lower socioeconomic status is more likely to face a life sentence (Stauffer et al., 2006). There is a disproportionate number of poor and minority offenders among those who are incarcerated. To critics, this is indicative of a dysfunctional criminal justice system (McLeod, 2020). Defendants who are a racial minority and of a lower socioeconomic status are also more likely to receive a death sentence than White, middle-class defendants (Fisher, 2013).

The wealth of a country also has an impact on punishment. The criminological Kuznets curve measures national income and the prison population rate. According to

this curve, from 2000 to 2015, incarceration rates were lowest in the poorest and wealthiest countries and highest in middle-income countries, indicating fluctuations in prison rates as countries progress through different stages of economic development. Incarceration rates have also been associated with human rights conditions. For example, incarceration rates have been found to be higher when countries have better human rights conditions (which are thought to be positively associated with countries' income levels), indicating a shift away from punishments such as the death penalty (Clark & Herbolsheimer, 2021).

Gender

Studies have indicated that the legal system treats women differently from men. In some cases, women may receive more lenient treatment if their crimes are considered to be an aberration from what is typical for women. In other cases, however, women may receive a harsher punishment than men for familial homicide or crimes against children (Robertson & Bell, 2022). Women are also less likely than men to be given a death penalty sentence (Ramirez, 2021). According to Cobb et al. (2024), women make up 10% of capital defendants and 2% of death row inmates. Women often do not progress to sentencing during capital cases because their charges are often reduced or dismissed, or they enter a plea deal that is accepted.

There are several reasons women may be less likely to receive death sentences than men. For example, people may be more empathetic toward women than men. People may also find women less threatening or more vulnerable than men (Ramirez, 2021). Cobb et al. (2024) also noted that women are stereotyped as weak, and they are often not

considered dangerous. There is also a belief that women commit crimes because of situational factors like domestic violence and are, therefore, less deserving of the death penalty (Ramirez, 2021). Women are also less likely to support the death penalty (Schmuhl et al., 2023).

The gender of victims also has an impact on how crimes are perceived. Crimes against women are seen as more serious than crimes against men. Ramirez (2021) reported that White Americans have been found to believe that crimes against White women are especially serious and most deserving of the death penalty, as opposed to crimes against minority men, which are considered less deserving of the death penalty. This is known as the White female victim effect (Robertson & Bell, 2022; Stauffer et al., 2006). A difference in sentencing decisions has also been found between male and female judges. Studies have indicated that female judges are more likely to impose harsher sentences—especially for repeat Black offenders—and are more likely than male judges to sentence female offenders to jail time (Robertson & Bell, 2022).

Intellectual Disability/Mental Illness

According to Lee (2016), a survey of American inmates indicated that over 64% of inmates were mentally ill. Correctional facilities are often poorly equipped to treat mental illness because of high cost and low efficacy, so mental illnesses often go untreated. As a result, these inmates may experience more severe symptoms and may behave more erratically. Additionally, individuals with mental illnesses that go untreated have been found to be more likely to be arrested. There are also fewer alternatives to incarceration for those with mental illness or substance abuse problems.

Generally, less public support for the death penalty has been found when it involves a mentally ill offender. Offenders with a history of mental illness are believed to be less deserving of the death penalty because they are not as responsible for their crimes, and treatment is a more appropriate punishment (Ramirez, 2021). The Supreme Court agreed with this sentiment when it ruled that executing an offender who has such severe mental illness that they cannot understand why they are being executed is unconstitutional. In addition to their statement that it was inhumane, they also stated that there is no retributive value to the death penalty when the offender cannot appreciate the punishment (McLeod, 2020). The Supreme Court ruled in *Ford v. Wainwright* that it was unconstitutional to execute an offender who is found to be incompetent, and it ruled that it was unconstitutional to execute intellectually disabled offenders in *Atkins v. Virginia* (Stanziani et al., 2020). Despite the Supreme Court rulings, mentally ill offenders continue to be executed. For example, in 2015, Cecil Clayton was executed despite his attorney's argument that he could not understand the punishment due to his dementia, low IQ, and missing part of his brain. There were concerns about his competence, but he never had a competency hearing. Daniel Lee Bedford's attorneys also argued that his dementia caused him to be incompetent, but he was executed in 2011 in Ohio. Andrew Brannan was executed in Georgia in 2015 despite his attorneys' requests for clemency due to his PTSD and bipolar disorder. John Ferguson, who had a mental illness for over 40 years, was executed in 2013. He experienced delusions and aggression, and initially indicated that he did not rationally understand the reason for his execution. However, the

state later declared him competent when he expressed awareness of being executed because he committed murder (DPIC, n.d.-h).

Understanding Public Opinion

According to Anderson et al. (2017), understanding public opinion regarding capital punishment is essential because opinion may influence policymakers and judges. Factors that may influence opinions regarding capital punishment are age, cohort (generation), political affiliation (Anderson et al., 2017), religious beliefs and affiliations (Rade et al., 2017; Sabriseilabi et al., 2022), and race (Anderson et al., 2017; Gross, 2018). Beliefs about the criminal justice system, such as trust in the criminal justice system (Singer et al., 2019), belief in deterrence (Waldo & Myers, 2019), perceptions of prison (Wozniak, 2017), and wrongful convictions (Norris & Mullinix, 2020) may also influence public opinion. Additionally, crime rate, political climate (Anderson et al., 2017), and fear of victimization/crime (Singer et al., 2019) impact opinions regarding capital punishment.

According to Singer et al. (2019), Wozniak (2017), and King and Roberts (2017), fear of crime and prior victimization are essential factors in assessing the perceived fairness of court systems and levels of trust in police and the criminal justice system as a whole. Singer et al. (2019) researched public opinion on the death penalty in the United States, Mexico, Argentina, and Brazil. They found a trend that prior victimization had either a direct or indirect effect (mediated by fear of crime) on the perceived fairness of courts and trust in police and the criminal justice system, specifically with the trend being a negative correlation between higher fear of crime and trust in the courts, police, and the

criminal justice system. Wozniak (2017) found that increased fear of crime was positively correlated with support for the death penalty. King and Roberts (2017) found that fear of violent crime was positively correlated with punitive attitudes.

Public opinion is a significant factor in American politics, and policies reflect shifts in public opinion. The slow shift in public opinion is the most important to American politics because it is more noticeable than quick responses, such as during an election year or as a result of a national crisis (Stimson, 2004). Public support for capital punishment has fluctuated since its inception. For example, when a United States President expressed support for capital punishment, public opinion also tended to sway more favorably. Respondents' birthdates also had some impact on whether they supported capital punishment (Anderson et al., 2017).

To better understand the fluctuation of public support for the death penalty, numerous polls have been taken over the decades. According to polls, support was lower in the 1960s, increased in the 1970s (after the Supreme Court ruled the death penalty unconstitutional then it started to reappear in individual states with new rules), increased again in the 1980s (when national fear of crime was high), then decreased in the 1990s (when there were several exonerations as a result of new DNA evidence). Between 1953 and 2006, support for the death penalty fluctuated between 47% and 79% in any given year, not including respondents who indicated having no opinion. These fluctuations occur for several reasons, not all of which are clear. For example, Black respondents have indicated a rapid decrease in support for the death penalty compared with non-Black respondents, with support declining even more rapidly among Black men than Black

women. However, polls also indicated increased support for the death penalty across groups, which may be explained by increased national support. On the other hand, support has been found to increase more rapidly in states that support Republican presidential candidates (Shirley & Gelman, 2015).

More recently, polls have indicated relatively low support for the death penalty despite a record-high belief in the increase in crime. According to a Gallup poll in October 2022, support for capital punishment was 54%. Another Gallup poll in October 2022 indicated that 56% of Americans believed the crime rate had increased. In particular, Republicans went from 38% believing in an increase in crime during Trump's final year to 73% believing that crime had increased during the midterm elections. Another poll, a Rasmussen poll taken in mid-October 2022, found that 46% of respondents indicated a lack of support, and 26% did not know. Sixty-four percent of death penalty supporters responded that executions should be carried out in a more timely fashion on the sentence given (DPIC, n.d.-g).

Demographic Factors

Age and Cohort

Several demographic factors have been found to have a relationship with public opinion regarding the death penalty. Anderson et al. (2017) conducted a study in which they found that age, cohort/generation, period (political climate), gender, political affiliation, race, geographic location, and crime rate all play a role in public opinion toward capital punishment. Younger and older Americans (compared with middle-aged Americans) were less likely to support the death penalty. Younger Americans might be

less likely to support the death penalty because they become more protective of and concerned for others when they get married. Older Americans may be less likely to support the death penalty because of their knowledge of the criminal justice system and its flaws. Regarding cohort/generation, support was least likely among those in the 1970s cohort and most likely among those in the 1990s cohort. There was also lower support among those in the 1930s and Great Depression cohorts, possibly due to what participants witnessed and experienced during those periods, and a possibly higher tolerance toward offenders.

Political Climate

Political climate is another factor that has been found to affect attitudes toward capital punishment. For example, Anderson et al. (2017) found that public opinion toward capital punishment swayed more in favor than against when the President publicly supported executions, despite the authors' expectation that capital punishment support would decline during the time of a Democratic President. Exonerations did not affect support (or lack thereof) for capital punishment. Despite the authors' predictions, issues such as economic insecurity and unemployment did not increase support for capital punishment. This indicates that concern about violent crime may be more critical than other societal concerns.

Political Affiliation

A partisan political affiliation is a significant indicator of support for capital punishment. Historically, research has shown that Republicans are more in favor of capital punishment than Democrats. Conservatives are also consistently shown to be

more in favor of capital punishment than liberals and moderates (Rancourt et al., 2020). The President can also influence how the public feels about capital punishment. As previously mentioned, how the President handles crime and punishment can affect public opinion regardless of his political affiliation (Anderson et al., 2017).

Anderson et al. (2017) and Rancourt et al. (2020) found that those who identified as Republican were more likely to support capital punishment than those who identified as Democrat or Independent. This may be partly due to conservative politicians' increasingly "tough-on-crime" rhetoric (Anderson et al., 2017, p. 839). There is also an attitude that citizens must respect the law, which increases the likelihood of support for capital punishment (Rancourt et al., 2020). Additionally, Democrats and Independents have shown a sharp decrease in support for capital punishment. Republicans, on the other hand, have shown a much smaller decline (Anderson et al., 2017).

Religious Affiliation and Beliefs

Several researchers have found that religion is a factor in opinions regarding capital punishment. Anderson et al. (2017) found that Catholics were less likely than non-Catholics to support capital punishment, and mainline Protestants were less likely than evangelical Protestants to support it. Rade et al. (2017) conducted a systematic review examining religious affiliation, religious beliefs, and scripture interpretation as they relate to levels of support for capital punishment. Rade et al. (2017) discussed the distinction between religious beliefs and affiliations. Religious beliefs refer to someone's worldview as related to their religion. Religious affiliation, however, refers to someone's affiliation with a particular religion or denomination.

Rade et al. (2017) found that those with Evangelical affiliations were far more likely than those without a religious affiliation to support capital punishment (though the opposite was found when controlling for factors such as education, ideology, fear of crime, and political affiliation, and Evangelical affiliation was not found to be associated with capital punishment support at all when including the factors of geographic location, gender, age, and income). However, Evangelicals who interpreted the Bible more literally were less likely to support capital punishment than those who did not interpret the Bible literally. The finding that literal interpretation of scripture was correlated with less support for capital punishment was inconsistent. Generally, those who interpreted it more literally were more likely to support capital punishment than those who interpreted it less literally. The authors also found that those with Protestant affiliations were more likely to support capital punishment than those with non-Protestant affiliations; however, they acknowledged that the type of Protestantism may lead to differences in levels of support. Results were also varied for those affiliated with Catholicism, with some results indicating more support for capital punishment and other results indicating less support for capital punishment than other religious affiliations. Even though the Catholic Church's stance towards capital punishment has changed, the results are still somewhat inconsistent.

Also examined, as part of religious beliefs rather than affiliations, were religious service attendance, the image of God, evangelism, Christian fundamentalism, forgiveness, and compassion. Mixed results were found for religious service attendance. Mostly, no relationship was found between religious service attendance and capital

punishment attitudes, though some studies revealed that increased religious service attendance was correlated with less support for capital punishment. Additionally, those who reported a harsher and more punitive image of God were more likely to support capital punishment. In contrast, those who reported having a more positive image of God tended to be less likely to support capital punishment. A minimal association between evangelism (i.e., sharing religious beliefs with others) and capital punishment was found. There were inconsistent findings regarding the association between Christian fundamentalism and support for capital punishment. Finally, while forgiveness was found to have a significant relationship with levels of support for capital punishment, those who reported greater compassion consistently had less support for capital punishment (Rade et al., 2017).

Race

Throughout capital punishment's tenure in the United States, there has been evidence of racial discrimination in the criminal justice system—whether intentional or not—indicating a certain inadequacy of the criminal justice system (Lee, 2016; Steiker & Steiker, 2017). Specifically, racial disparities are most often present in policing/arrests, incarceration, and jury participation (Hetey & Eberhardt, 2018; Kovera, 2019). Studies have also indicated that minorities are more likely to be misidentified by eyewitnesses, convicted, and receive a harsher sentence (Flevaris & Chapman, 2015). Racial disparities may be explained by racial inequalities in legal procedures and plea processes, as well as the discretion with which legal guidelines are applied to individual cases (Johnson et al., 2021).

According to the Death Penalty Information Center (n.d.), minorities make up more than half the inmate population currently on death row. According to their statistics, 41% are Black, 14% are Latinx, 42% are White, and 3% are classified as Other (DPIC, n.d.-j). According to Kovera (2019), studies have indicated that in capital cases in which the defendant is Black and the victim is White, juries with five or more White men are more likely to sentence the defendant to death. Studies have also indicated that juries were more likely to sentence a defendant to death if they had a more phenotypical African appearance than a phenotypical European appearance. Additionally, it has been found that judges are more likely to sentence Black juvenile offenders to a discipline-based program and White juvenile offenders to a therapeutic program.

There are many instances when someone—several of the defendants were minorities—was executed, but there was substantial evidence of innocence. For example, Carlos DeLuna was executed in 1989 after stabbing a convenience store clerk. However, in 2006, evidence was discovered that pointed to another man with a history of similar violent crimes and who had also confessed to the crime, Carlos Hernandez. The police did not conduct a proper investigation, and DeLuna and Hernandez looked similar, so eyewitness testimony was unreliable (DPIC, n.d.-b; Weisberg, 2015). Another example of the execution of someone now believed to be innocent is Larry Griffin, who was executed in 1995 after a drive-by shooting for which he was convicted in 1981. Not only did Griffin maintain his innocence, but eyewitnesses—except one—said he was not involved in the crime. A third example is that of Leo Jones, who was executed in 1998 for the murder of a police officer. Jones confessed, then claimed that the confession was

coerced. Later, the officer who arrested Jones was pointed to as having used torture. Additionally, many eyewitnesses identified another suspect (DPIC, n.d.-b). Of those identified as executed but possibly innocent by the Death Penalty Information Center, half were minorities; however, this list is not exhaustive.

Because of the racial disparities in the criminal justice system, White individuals are generally more likely than other races to support capital punishment. Black defendants often receive harsher sentences than other groups, leading Black Americans to be less likely to support the death penalty (Sabriseilabi et al., 2022). Anderson et al. (2017) found that Black respondents were less likely than White respondents to support capital punishment across time periods and cohorts. However, they also found that the differences in support have decreased in more recent decades. Rade et al. (2017) found similar results that Black evangelists and fundamentalists were less likely to support capital punishment than White evangelists and fundamentalists.

Sabriseilabi et al. (2022) found results similar to those of Anderson et al. (2017). According to their results, White Americans were more likely to support capital punishment than Black Americans, likely because of a difference in how capital punishment is conceptualized. White Americans believe in a “criminals vs. environment” notion (p. 2), while Black Americans focus on the inequalities that are so prevalent in the criminal justice system. The authors also pointed out that racial disparities in support for capital punishment may be due to the perceived interests of different groups. For example, White Americans perceiving others as a social threat and Black Americans

feeling racial injustices in the criminal justice system influence their beliefs about capital punishment.

Norris and Mullinix (2020) and Wozniak (2017) found similar results. White respondents were more likely than non-White respondents to support capital punishment. This was also the case when respondents were provided with information regarding innocent people who had been released from death row. While support for capital punishment decreased across the board, the decrease for Black respondents was far more significant than for White respondents (Norris & Mullinix, 2020). Wozniak (2017) studied symbolic racism, which is the concept that Black Americans are at more of a disadvantage than other groups because of their poor work ethic and rejection of mainstream values. The author found that agreement with these beliefs was positively correlated with support for the death penalty.

Perceptions of Prison

Perceptions of prison refer to how the public views prison, how inmates spend their time (e.g., whether they are idle or productive), and prison punitiveness (i.e., how harsh prison is/should be). People who believe that prison is too harsh are less likely to support the death penalty than those who believe that prison is not harsh enough. If prison is viewed as enjoyable or safe and there is a belief that inmates are idle instead of productive, support for capital punishment is more likely. Additionally, people who believe in dispositional attribution of blame (i.e., blaming behavior on personality) instead of situational attribution of blame (i.e., blaming behavior on the situation) tend to agree with the tenets of symbolic racism. The belief that the criminal justice system is

unbiased and fair, and recently fearing being victimized by violent crime, are also positively associated with support for capital punishment (Wozniak, 2017).

Fear of Crime

Trust in the Criminal Justice System

Trust in the criminal justice system is also an essential factor to consider when examining public opinion. Fear of crime and prior victimization can impact how much people trust both the police and the criminal justice system as a whole. Perceived court fairness is also impacted by fear of crime and prior victimization. Singer et al. (2019) studied these factors in several countries: the United States, Mexico, Argentina, and Brazil. The authors found that prior victimization had an indirect effect on fear of crime in the United States. Additionally, prior victimization was correlated with more trust in the fairness of the court system, which was mediated by higher fear of crime. However, prior victimization was correlated with lower trust in both the police and the criminal justice system as a whole. There was also an indirect effect of victimization on these attitudes that operated through fear of crime.

In Mexico, prior victimization was significantly negatively correlated with the perceived fairness of the court system, trust in the police, and trust in the criminal justice system as a whole. Fear of crime, both directly and indirectly, contributed to this decrease in trust in the courts, police, and criminal justice system. In Argentina, prior victimization was negatively correlated with the perceived fairness of the court system; however, there was no direct effect of prior victimization on trust in police and the criminal justice system. Instead, prior victimization operated through fear of crime, which was

significantly negatively correlated with trust in the police and criminal justice system. In Brazil, prior victimization did not directly affect the perceived fairness of the courts, trust in police, or trust in the criminal justice system. However, prior victimization had an indirect effect on all three through fear of crime (Singer et al., 2019).

Support for Capital Punishment

Wozniak (2017) discussed the variables of fear of crime and trust in the criminal justice system, specifically whether the criminal justice system is perceived as fair or biased against racial minorities. From one angle, increased fear of crime has been shown to have a positive relationship with support for capital punishment. Conversely, the belief that the criminal justice system is unfair and biased correlates with people being less likely to support capital punishment. However, this contrasts with Rancourt et al.'s (2020) findings, which show that distrust in government is associated with a greater likelihood of support for capital punishment. King and Roberts (2017) also found that a fear of violent crime is correlated with a more punitive attitude. Also correlated with a more punitive attitude are offense type (i.e., severe sex crimes), offender age (older), offender gender (male), and victim age (younger).

Wrongful Convictions

Wrongful convictions—the conviction of innocent individuals who did not commit the crime for which they are being accused—are a severe injustice that causes long-lasting harm. Not only do wrongful convictions harm the innocent individual who has been incarcerated, possibly for a very long time, but they also harm victims and their families because the actual offender was not caught and convicted (Cassell, 2018).

Wrongful convictions and wrongful executions have called into question the constitutionality of the death penalty (Niven & Cover, 2018), as well as how sound the criminal justice system is (Ryan, 2012). A wrongful conviction may lead to the execution of an innocent person. Some risk factors contributing to wrongful convictions are false confessions, withheld evidence, inconclusive evidence, and—most commonly—eyewitness misidentification (Cassell, 2018). As previously stated, minorities are more likely to be misidentified by eyewitnesses, arrested, and convicted (Flevaris & Chapman, 2015). Therefore, they are more likely to be wrongfully convicted. According to Gross et al. (2017), about half of those wrongfully convicted and exonerated are Black defendants. Black defendants are especially likely to be convicted if there is a White victim (Gross et al., 2017; West & Meterko, 2015). Beyond wrongful convictions, eyewitness misidentification contributes to inequalities in the criminal justice system (Flevaris & Chapman, 2015).

According to the Innocent Project, there have been many defendants who were wrongfully convicted and sentenced to death, spent years on death row, and were later exonerated. Sometimes, defendants who are wrongfully convicted spend decades on death row before exoneration. For example, Damon Thibodeaux was convicted of murder and sexual assault in 1997. He confessed to the crime on tape, but less than an hour of the nine-hour interview was recorded, and his confession was inconsistent with the crime. It was also discovered that eyewitnesses who identified him had already seen his photo on the news. DNA evidence cleared Thibodeaux, and he was exonerated in 2012 after spending 15 years on death row (Innocence Project, n.d.).

Dennis Williams was convicted in 1978 of murdering a young couple after abducting them and sexually assaulting the woman. The couple was found in an abandoned house, and Williams and two co-defendants had been seen on the street in the neighborhood where the couple was found. An eyewitness claimed to have been at the crime scene, but her account contained timing inconsistencies that Williams' attorney did not challenge. There was microscopic hair that was "matched" to Williams, which the attorney also did not challenge, despite the microscopic hair comparison failing to be conclusive. Almost 20 years later, journalism students found a witness who had given the police a tip about the real offenders' identities, but the police never investigated. Between the eventual confession and DNA evidence, Williams was exonerated in 1996 after spending over 17 years in prison and on death row (Innocence Project, n.d.-a).

Earl Washington was convicted in 1984 of sexual assault and murder. He had the IQ of a 10-year-old child, which would prove crucial regarding his confession, and the victim could only say that the offender was a Black man. After his arrest (Washington was arrested for alleged burglary), he confessed to five different crimes, including the murder in question. During questioning, it was revealed that Washington knew nothing about the crime or the victim. However, after several attempts at rehearsed confessions, authorities accepted his confession in writing. Psychological analyses revealed that he deferred to any authority with whom he came into contact due to his intellectual disability, so when authorities asked him leading questions, he complied in order to gain their approval. He was sentenced to death, and at one time, he came within days of execution. He was finally exonerated due to DNA evidence in 2000 after spending 17

years in prison. Several years after he was released, another man who was already serving life in prison for another crime confessed to the crime for which Washington had been falsely convicted (Innocence Project, n.d.-b).

There have also been cases in which defendants were executed and posthumously pardoned. In 1949, seven Black men (known as the Martinsville Seven) were accused of the sexual assault of a White woman. The police threatened to release them to a lynch mob if the seven denied their involvement in the crime, so they all confessed. The seven were Francis DeSales Grayson, Frank Hairston, Jr., Howard Hairston, James Luther Hairston, Joe Henry Hampton, Booker T. Millner, and John Clabon. They were tried by all-white, all-male juries and sentenced to death. Seventy years after the mass execution in 1951, the governor of Virginia announced a posthumous pardon because the Martinsville Seven were tried without due process, and the jury was racially biased (DPIC, n.d.-b).

In 1949, another group of Black men in Florida (known as the Groveland Four) was falsely accused of the sexual assault of a White teenager. The men were Charles Greenlee, Ernest Thomas, Walter Irvin, and Samuel Shepherd. After escaping from custody, Thomas was killed by an angry mob. The other men were forced through violent means to confess to the crime. Irvin and Shepherd were both sentenced to death, and Greenlee—a teenager at the time—was sentenced to life in prison. In 1951, Irvin and Shepherd's convictions were overturned, and they were arrested, and a police officer shot them both. Shepherd died, Irvin was retried, and an all-white jury sentenced him to death, though the prosecutor expressed doubt, and he received a reprieve and was sentenced to

life in prison. Irvin and Greenlee were paroled, but they spent most of their lives in prison. Seventy years later, the Groveland Four were posthumously pardoned by the Florida Clemency Board (DPIC, n.d.-b).

Thomas Griffin and Meeks Griffin, two Black men in South Carolina, were executed in 1915 after they were accused of the murder of a White Confederate war veteran. Another man pled guilty and was sentenced to life in prison in exchange for implicating the Griffins. As a result, the Griffins were executed. It was later revealed that he implicated them because he believed they had enough money to pay a lawyer and would be acquitted. Ninety-four years later, the Griffins were exonerated (DPIC, n.d.-b).

Knowledge about wrongful convictions (e.g., the number of wrongful convictions and narratives about wrongful convictions) has been found to affect levels of support for capital punishment. Norris and Mullinix (2020) found that White respondents and conservatives were more likely to support capital punishment, similar to other studies and reviews. However, they also found that both numbers and narratives about wrongful convictions impacted support for capital punishment when individual characteristics were controlled. There was an increase in support for life without parole and police reform, and an increase in concern that someone the respondents knew may be wrongfully convicted. Unnever and Cullen (2005) found that death penalty support has also been shown to decline if respondents believed that innocent people had been executed.

Deterrence Theory

The basic assumption of deterrence theory is that negative consequences deter future crime. Therefore, capital punishment should, in theory, deter future serious crimes

such as murder. Deterrence theory has several models: the individual considers the advantages and disadvantages of committing a crime; the community collectively condemns a crime, as reflected in how criminals are sentenced; and systemic deterrence, which is deterrence driven by knowledge of the criminal justice system (Crump, 2018). It has always been unclear whether capital punishment has a deterrence effect on violent crime. According to Cheatwood (1993), deterrence rests on the belief that people's behavior can change, though no evidence supports this theory. Not only has little evidence been found, but public opinion indicating the belief that capital punishment is a deterrent has decreased significantly between 1985 and 2011. In 1985, 62% of respondents believed capital punishment deterred murder; in 1991, the number decreased to 51%; in 2004, to 35%; and in 2011, to 32% (Waldo & Myers, 2019). Crump (2018) explained that while there are intended deterrents to crime, it needs to be clarified if violent crime is not occurring because of deterrents or because of incapacitation (i.e., preventing an individual from continuing to commit crimes through methods such as imprisonment).

Alternative Forms of Justice

Solitary Confinement

Solitary confinement, despite criticisms and negative consequences, is a non-lethal form of punishment that has been used as an alternative to the death penalty (McLeod, 2018). Solitary confinement is when an inmate is kept alone in a cell for 23 hours a day (Wright et al., 2023). In solitary confinement, inmates are deprived of human contact and sensory stimulation, and their cell is “no larger than a typical parking spot”

(Karplus, 2023, p.102). In 2023, an estimated 60,000 inmates were in solitary confinement in the United States (Wright et al., 2023). Karplus (2023) stated that approximately 41,000 to 48,000 inmates are in solitary confinement on any given day.

The original purpose of solitary confinement was to encourage inmates to reflect. Through silence and solitude, inmates were meant to repent and be motivated to live a better, more socially responsible life (Cloud et al., 2015). While that may have been the original intention, solitary confinement is now used for disciplinary and security reasons. Sometimes, an inmate can even request to be put in solitary confinement if they do not feel safe in the prison's general population (Karplus, 2023). However, most inmates in solitary confinement do not need to be separated from the general population (Cloud et al., 2015).

Additionally, there is a disparity between inmates in solitary confinement who have mental health issues and those who do not. According to Karplus (2023), about 29% of inmates with mental health issues end up in solitary confinement. Alternatively, 15% of inmates who do not report having mental health issues are sent to solitary confinement. Simes et al. (2022) explained that inmates with mental health issues are often placed in solitary confinement because of behavioral problems and an inability to stick to the prison's rigid rules. These problems disrupt routines and affect other inmates, so solitary confinement is used as a form of discipline.

Solitary confinement has been shown to have many adverse effects on inmates. There may be significant damage to inmates' mental well-being that extends beyond being in solitary confinement. While in solitary confinement, it can lead to delusions,

hallucinations, and paranoia due to the lack of social interaction (Karplus, 2023; Wright et al., 2023). Long-term effects can be depression, apathy, post-traumatic stress disorder, and psychotic breaks (Karplus, 2023; McLeod, 2018; Wright et al., 2023). In addition to the severe impact on inmates' mental health, they are also five times more likely to commit suicide than other inmates (Cloud et al., 2015; McLeod, 2018).

Life Without Parole

Life imprisonment (i.e., serving a certain number of years before being eligible for parole; Dagan & Roberts, 2019; Nellis, 2013) and life without parole have been presented as alternative forms of justice to the death penalty. Just as the United States is in the minority of countries that still use capital punishment, it is also in the minority of countries that use life without parole as a punishment (Lerner, 2015). Because of the rise in mass incarceration, there are more than two million people incarcerated in the United States (Mauer, 2018; McGhee, 2021). As of 2021, more than 200,000 inmates (approximately one in seven) are serving life sentences (McGhee, 2021). According to federal law, certain crimes require a sentence of life without parole, such as kidnapping and serious drug offenses. Specific recidivism statutes require a life-without-parole sentence (Dagan & Roberts, 2019). The most common federal crimes that lead to a sentence of life imprisonment are drug trafficking, murder, extortion, racketeering, and firearms offenses (Johnson et al., 2021).

According to Dagan and Roberts (2019), public support for these alternatives varies. For some, life without parole is considered “death by incarceration” (p. 2). Life without parole is also considered by many to be a disproportionate response, especially if

the offense was nonviolent, and they argue that another look is needed for inmates who have been sentenced to life without parole. Wozniak (2017) researched how the perception of prisons impacted what people believed about life without parole versus the death penalty. The author found that respondents who believed that the prison environment was not harsh enough were more likely to express support for the death penalty. In contrast, respondents who perceived prison to be harsher were more likely to favor life without parole.

In recent years, general support for life without parole has increased as support for the death penalty has decreased (Nellis, 2013). Life without parole has been offered to many defendants as an incentive to plead guilty and, in exchange, have their lives spared by the state. However, despite the growing support for life without parole, there are still problems with this alternative to the death penalty. Life without parole sentences do not receive the same levels of review as death penalty sentences, and, as is the case with the death penalty, there are concerns about its arbitrariness because of racial disparity (Johnson et al., 2021; Nellis, 2013). Nellis (2013) reported that almost half of the inmates serving life without parole sentences are minorities. According to Johnson et al. (2021), while there is far less research on life without parole than capital punishment, there are potential direct and indirect effects of race and ethnicity on whether defendants are given a life sentence. The authors found that not only are racial minorities more likely to be eligible for life imprisonment than White offenders, but Black offenders specifically are more likely than White offenders to receive a life sentence.

Restorative Justice

Restorative justice is a process that repairs harm (Weimann-Saks et al., 2022). While there is no specific program or consensual definition of restorative justice, the goal of restorative justice is to address the harm caused by an offender and allow them to accept responsibility, identify the needs of the injured party through guided dialogue, and come to a resolution that allows the parties to reconcile, as well as allows the victim(s) to heal and offender to be rehabilitated and reintegrated (González, 2019; Hansen & Umbreit, 2018; Weimann-Saks et al., 2022). Essentially, restorative justice aims to restore balance through less punitive, more restorative means (González, 2019). Some studies indicate that restorative justice decreases the risk of recidivism, with some research indicating a decrease of more than 30% in a year, possibly because restorative justice programs lead offenders to feel empathy and genuine remorse for their actions (Stefanovska, 2014). This has been indicated to be the case for both violent and nonviolent chronic offenders. Restorative justice is more cost-effective than punitive punishments (Yeager & Chappelle, 2022). Another benefit that has been found to come out of restorative justice is the long-term effect of victims of violent crime being less likely to experience PTSD or other emotional symptoms. On the other hand, if improperly implemented, restorative justice can be counterproductive (Lanterman, 2020).

While restorative justice is becoming increasingly common (González, 2019), public support for this criminal justice method is mixed (Weimann-Saks et al., 2022). While advocates of restorative justice assert that conventional punishment is insufficient and that restorative justice is more effective at promoting the healing of victims (Paul &

Swan, 2018), some studies indicate that the public generally desires punishment to fit the crime (Weimann-Saks et al., 2022). Wozniak (2017) found similar results: Americans support rehabilitation and second chances, but only after they have received sufficiently punitive punishment for the crime(s) committed. If the punishment is not perceived as fitting the crime, support for capital punishment tends to increase. Additionally, Weimann-Saks et al. (2022) found that a fear of crime decreases support for restorative justice and increases the belief that offenders must be punished.

Another alternative form of justice is what Hansen and Umbreit (2018) called regenerative justice. Regenerative justice combines restorative justice with generative justice. It involves identifying and building life meanings, as well as restoring relationships. Regenerative justice also involves generating peaceful, healing meanings, with the goal of restoration and helping the offender and injured party find something to work towards. It helps both parties make sense of the suffering that the offender caused and move forward with purpose.

Mental Health and the Criminal Justice System

In the early 1970s, there was a widespread closure of psychiatric hospitals. As a result, mental health problems started to be criminalized, and people who were believed to be too dangerous for the community due to their mental illness started to be sent to prison (Simes et al., 2022). According to Miley et al. (2020), there are more mentally ill individuals in the criminal justice system than in mental wards and hospitals. By 2014, there were ten times as many people with mental health problems in prisons as in hospitals. Mentally ill inmates are also treated differently from other inmates. Mental

illness continues to be criminalized, and there is a stigma that follows these inmates. Mentally ill inmates may spend as much as three times as long in solitary confinement as a form of punishment as other inmates because severe mental illness can make it difficult for inmates to conform to rigid prison rules (Simes et al., 2022).

According to Miley et al. (2020), the prevalence of mental illness is not only high among the general population of inmates, but it is also high among those sentenced to death. According to Walton (2023), there are approximately 2,500 mentally ill inmates on death row. Many who have a severe mental illness are even executed. Estimates indicate that as many as half of the inmates who are executed nationwide have either been diagnosed with or demonstrated symptoms of a severe mental illness. Although mentally ill defendants can be executed, it has been ruled unconstitutional to execute a mentally ill defendant who is considered mentally incompetent because executing a defendant who does not understand why is considered cruel and unusual punishment (Stanziani et al., 2020). According to Walton (2023), some measures have been taken to protect mentally ill offenders from being executed. For example, in Ohio, House Bill 136 states that an offender cannot be executed if they have a diagnosable mental illness that makes them incapable of full culpability at the time of the crime.

When offenders are sentenced to death, they are automatically placed in indefinite solitary confinement in many states. Inmates who are automatically placed in solitary confinement are placed there because of the seriousness of their crime, despite solitary confinement not being part of the sentence (Pontier, 2020). In solitary confinement, inmates spend 22 or 23 hours alone in a cell that is roughly the size of a parking space

with no human interaction, which can severely impact their mental health (Karplus, 2023; Pontier, 2020; Wright et al., 2023). Solitary confinement has also been reported to negatively impact inmates' physical health because of the harsh conditions (Pontier, 2020). The environment is controlling, confining, and often dehumanizing, and inmates sentenced to death can spend decades in solitary confinement while on death row (Johnson & Lantsman, 2021).

Johnson and Lantsman (2021) reported that even if a defendant was mentally healthy when they were sentenced to death, they could start displaying psychological symptoms due to their time on death row. In addition to experiencing symptoms such as depression and anxiety, there is also a feeling of powerlessness. They also experience psychological trauma waiting for their stay of execution to be granted. The justice system is arbitrary and flawed, and this knowledge adds to the stress that a death row inmate feels just living on death row. If they are not granted a stay of execution, inmates are then moved to what is sometimes called a death house, where there is even more of a loss of autonomy and identity.

The question of mental health comes up several times throughout the criminal justice process. Psychologists are called upon to determine a defendant's state of mind when the crime was committed ("insanity") and their ability to understand the criminal proceedings, from trial to sentencing ("competency"). Mental health is used as part of the defense, which uses the insanity defense if the defendant cannot be held criminally responsible due to their mental state at the time of the crime, after which the state administers a test to determine insanity. Very few defendants are found not guilty by

reason of insanity because the threshold for insanity is high. Mental health is also used by jurors, who observe the defendant and make decisions based on how the defendant behaves in the courtroom (Miley et al., 2020).

The Role of Psychologists

Because of the risk of unfair sentencing and the Supreme Court ruling regarding insanity, due process requires that when a defendant's mental health at the time of the offense is questioned or when evidence is presented regarding a defendant's future dangerousness, the defendant has a right for a psychologist or psychiatrist to conduct competency evaluations (Judges, 2004). These evaluations are for competency to stand trial and competency to be executed (Fabian, 2003; Knoll & Chhablani, 2017; Miley et al., 2020). Additionally, if there are any rights a defendant wishes to waive, and their mental health is in doubt, a psychologist or psychiatrist would evaluate for competency to waive rights (Judges, 2004). Psychologists also provide risk assessments and evaluate sentencing in non-capital cases. Additionally, they testify to the possible mental status of defendants when they committed the offense in question, factors that may have come into play that led to the offense, and the likelihood that they will commit crimes in the future (Fabian, 2003).

Competency refers to the defendant's state of mind and ability to understand the criminal proceedings and includes an evaluation to determine potential mental illness (Miley et al., 2020). It is not an assessment to determine a diagnosis. Instead, a competency assessment aims to determine the defendant's ability to understand the criminal nature of their actions—and whether they can be held criminally responsible—

and why the death penalty is being imposed. If a defendant is not found competent to be executed, it is unconstitutional to impose the death penalty (Miley et al., 2020; Updegrave & Vaughn, 2020). Psychologists also evaluate the mental state of defendants at the time of the alleged offense and during interrogation (Brodsky et al., 2013). The need for insanity and competency assessments has been amplified since the Supreme Court ruled the execution of incompetent mentally ill defendants to be unconstitutional. When a psychologist deems a defendant accused of murder to be severely mentally ill, prosecutors cannot bring a capital case against the defendant (Fisher, 2013).

Ethics of Psychologists' Involvement in Capital Cases

As flaws in the process for capital cases are revealed, the ethics of psychologists' involvement in these cases have been called into question. The APA Ethics Code provides guidance for psychologists to aspire to the highest ethical standards possible and is meant to assist in ethical decision-making. The APA Ethics Code has several general principles: beneficence, responsibility, integrity, justice, and respect for people's rights and dignity. However, different psychologists may interpret many of the specific standards differently (APA, 2017). The *Specialty Guidelines for Forensic Psychologists* is another set of guidelines the APA provides. Several sections contain instructions regarding forensic psychologists' responsibility, competence, relationships, conflicts, and assessments. It also states that forensic psychologists must recognize that their personal biases, values, beliefs, and relationships may prevent them from practicing competently (APA, 2011).

Neither the APA Ethics Code nor the *Specialty Guidelines for Forensic Psychologists* specifically mentions capital cases or the death penalty. However, specific rules can be applied to these cases (APA, 2011; APA, 2017). For example, according to the APA Ethics Code, psychologists cannot engage in activities that violate human rights (APA, 2017). However, the APA Ethics Code is not specific and does not mention capital punishment as an activity in which psychologists cannot be engaged, and the courts also provide ambiguous guidelines to psychologists (Pirelli & Zapf, 2008). According to the *Specialty Guidelines for Forensic Psychologists*, forensic psychologists must recognize their personal biases and must decline or limit participation if they cannot practice objectively and without bias. This applies to involvement in capital cases as well. Forensic psychologists must also strive to use the scientific method when evaluating (APA, 2011).

There is no consensus on whether capital punishment is considered a human rights violation or whether psychologists' participation in capital cases is ethical. From one perspective, many argue that it does violate the human rights of the offender who has been sentenced to death (Brodsky et al., 2013). There is also the argument that psychological assessments are inherently fallible. The assessment scores are based on the likelihood that a defendant has a mental illness, comparing their scores to those of others who were diagnosed with the same disorder for which the defendant is being evaluated. There is also a certain amount of cultural bias in psychological assessments; most of the tests cater to White, English-speaking, U.S.-born, middle-class defendants (Fisher, 2013). Conversely, others argue that the offender violated their victim's human rights and must

be held accountable for their actions (Brodsky et al., 2013). An argument for psychologists working on capital cases is that they can participate without being involved in the punishment. For example, a psychologist can conduct competency evaluations, but their participation must end there. Alternatively, psychologists must consider their beliefs about capital punishment and whether they can participate objectively in a capital case. Their participation would be unethical if they cannot be objective (Knoll & Chhablani, 2017). Additionally, there is an argument that psychological assessments are not biased and do not determine whether a defendant will be given the death penalty. The participation of well-trained psychologists is also argued to be ethical and even beneficial because it increases the likelihood that the assessment will be accurate (Fisher, 2013).

Unethical Practices

The importance of following the APA Ethics Code and the *Specialty Guidelines for Forensic Psychologists* is highlighted in the case of Dr. George Denkowski. Dr. Denkowski evaluated 16 inmates for competency to be executed. Despite the inmates' lawyers arguing that they were not competent enough to face the death penalty, Dr. Denkowski found all 16 inmates competent, and two were later executed (Grissom, 2011). Several of the inmates appealed, arguing incompetence and that Dr. Denkowski did not use an accepted psychological methodology, and their cases were re-examined (Shapiro et al., 2019).

In an article he wrote in 2008, Dr. Denkowski described his technique for scoring intelligence tests. He noted that traditional assessments did not account for social and cultural factors, and that defendants from low-income backgrounds may not have learned

basic skills. Therefore, he inflated IQ scores, placing defendants within a range that allowed them to be executed because not learning basic skills did not necessarily indicate that they had limited intellectual functioning. He called this practice ethnic adjustments. He stated that he used his own clinical judgments when making these adjustments based on a defendant's background (Shapiro et al., 2019).

Dr. Denkowski was disciplined by the Texas Board of Psychology. Complaints against him included using unscientific methods to make defendants eligible for the death penalty. The Fifth Circuit Court of Appeals stated that Dr. Denkowski's assessments were more indicative of lack of opportunity, underachievement, and poor life choices than they were of lower intellectual functioning. Additionally, he was relying on his own clinical judgment rather than empirical evidence. There was no evidence that Dr. Denkowski had the cultural knowledge to adjust IQ scores (Shapiro et al., 2019).

Every psychologist who is asked to participate in a capital case must use their own judgment about whether they can do so ethically. When they choose to become involved in a capital case, they must use an established, standardized methodology, not their own judgment or attitude. Otherwise, bias may color the results of their evaluations. Transparency is vital for the review of attorneys and other psychologists and for holding them accountable for their work. Psychologists should also limit the results of their evaluations strictly to defendants' intellectual functioning, as defined by the legal standards for competency and mental illness (APA, 2011; APA, 2017; Brodsky et al., 2013).

Summary

Capital punishment has a long and complicated history. The United States is the only Western country where capital punishment is still legal (DPIC, n.d.-d; Lee, 2016). Public opinion regarding capital punishment has fluctuated, and in recent years, support for the death penalty has continued to wane as support for other methods of punishment, such as life without parole (Nellis, 2013) and restorative justice (Weimann-Saks et al., 2022), has started to increase. Many factors influence public opinion, such as age, race, political affiliation (Anderson et al., 2017), religion (Rade et al., 2017; Sabriseilabi et al., 2022), and belief about deterrence (Waldo & Myers, 2019). Beliefs about the criminal justice system also impact public opinion (Norris & Mullinix, 2020; Singer et al., 2019; Wozniak, 2017).

Results regarding some factors have been consistent, such as race and political affiliation. Anderson et al. (2017), Norris and Mullinix (2020), Sabriseilabi et al. (2022), and Wozniak (2017) all found that Black Americans were less likely than White Americans to support the death penalty, though for different reasons. For example, Sabriseilabi et al. (2022) found that the differences in levels of support were due to the interests of groups, such as White Americans perceiving others as a social threat and Black Americans seeing and experiencing racial inequalities in the criminal justice system. Wozniak (2017) found that agreement with the tenets of symbolic racism was positively associated with support for capital punishment. Anderson et al. (2017) and Rancourt et al. (2020) found that being Republican increased the likelihood of supporting the death penalty more than being a Democrat or Independent.

Several concerns and laws have questioned the constitutionality of the death penalty, and laws have been amended several times. The death penalty was banned at the federal level in 1972, but it is now up to each state (Gross, 2018; Malik & Holdsworth, 2015; Unnever & Cullen, 2005). Some laws are meant to protect against executions that are arbitrary and unconstitutional. The Eighth Amendment states that punishments must be proportional and that cruel and unusual punishments are prohibited. The 14th Amendment states that offenders are innocent until proven guilty, have the right to a trial by jury, and may not be denied equal protection (Florio, 2008; Pontier, 2020).

Wrongful convictions are a growing concern and raise questions about how constitutional the death penalty is because of the risk that someone innocent will be executed (Niven & Cover, 2018; Ryan, 2012). According to the Death Penalty Information Center (n.d.) and the Innocence Project (n.d.), many defendants have been wrongfully convicted. Some defendants who are wrongfully convicted are exonerated, while others have been executed. Norris and Mullinix (2020) found that knowledge about wrongful convictions was associated with an increase in support for life without parole and police reform. Unnever and Cullen (2005) found that death penalty support declined when there was a belief that innocent people had been executed.

Psychologists are asked to participate in capital cases when there is doubt about a defendant's mental state. They examine defendants' mental state at the time of the crime and their competency during the criminal proceedings (Miley et al., 2020). Psychologists have lists of guidelines they must follow when participating in these cases (APA, 2011; APA, 2017). They must use their own judgment and consider the ethical guidelines when

determining if they can participate ethically in capital cases. They must be unbiased and transparent in their work and use established methods for conducting assessments (APA, 2011; APA, 2017; Brodsky et al., 2013). Chapter 3 will detail the methodology for this qualitative study.

Chapter 3: Research Method

This qualitative study was conducted to explore psychologists' attitudes and beliefs regarding capital punishment and their beliefs in relation to the APA Ethics Code. According to the APA Ethics Code (2017), psychologists cannot engage in activities that violate human rights. However, the APA Ethics Code does not explicitly mention capital cases. Psychologists must consider their beliefs about capital punishment and whether they can work on a capital case without bias (Knoll & Chhablani, 2017). They must use their best judgment to ensure they can participate in capital cases ethically (Brodsky et al., 2013). Chapter 3 details the methodology and rationale, the researcher's role, issues of trustworthiness, and potential ethical issues.

Research Design and Rationale

In this qualitative study, the following research questions were addressed:

1. What are psychologists' attitudes regarding capital punishment?
2. How do psychologists interpret the APA Ethics Code?

Qualitative research is used when a researcher wishes to understand how people interpret experiences and make sense of their lives (Merriam & Tisdell, 2016). Burkholder et al. (2020) described qualitative research as exploratory, focusing on a complex social phenomenon to understand it through people's descriptions. Several approaches are under the umbrella of qualitative research, such as phenomenology, ethnography, grounded theory, case studies, and narrative (Burkholder et al., 2020; Merriam & Tisdell, 2016; Percy et al., 2015). Generic qualitative research, also known as basic qualitative research, is used when none of these approaches are suitable (Percy et al., 2015).

The goal of generic qualitative research is to gather information about how people interpret their experiences and make sense of their lives, without a specific focus as in other qualitative approaches (Merriam & Tisdell, 2016). Generic qualitative research is not meant to formulate theories or demonstrate causation. It was the most appropriate approach given the study's focus, the information's content, and the type of data (Percy et al., 2015). In this study, the phenomenon was capital punishment. Because this study did not fit with any of the traditional qualitative approaches, it was a generic qualitative study. A quantitative research approach was also inappropriate because it relies on numerical data and statistical analysis and cannot be used to understand the nuances of people's experiences and interpretations (Burkholder et al., 2020). This study facilitated an exploration of psychologists' opinions on capital punishment and their interpretations of the APA Ethics Code, capturing the nuances of their beliefs.

Role of the Researcher

As a researcher, my role was to ask study participants about their subjective opinions regarding capital punishment and the APA Ethics Code. Capital punishment is a sensitive and controversial topic; however, participants were open when discussing their beliefs about it. I recorded the audio of the interviews for study participants and took notes on their nonverbal language, such as pauses. I recognized my biases and documented all the information I received, even though it might go against my beliefs. I acknowledged that I would not allow my biases to prevent me from fully gathering data. The goal was only to explore how the participants felt and what they thought about this complex and controversial topic.

My role as a researcher was to learn more about how psychologists interpret the APA Ethics Code (because its clause about not violating human rights is vague), what they believe about capital punishment, and whether they believe that working on capital cases is a violation of human rights or is an acceptable task to undertake (particularly if they had to conduct an evaluation of competency to be executed, and determined the defendant to be competent). I explained my role to the participants. I requested that the participants be open and honest and explained that all their responses would remain confidential, and that if any quotes were used, no personal identifiers would be included. I also explained that they could stop the interview at any time if they no longer wished to participate. I asked all participants to sign a consent form. The interviews were conducted via Zoom.

Qualitative Methodology

Participant Selection Logic

Purposive sampling is used in qualitative research; the sample does not need to be representative of a population. Instead, the sample in a qualitative study should meet specific criteria, and participants are selected based on their ability to provide data (Burkholder et al., 2020; Patton, 2015). One purposive sampling method is snowball sampling, which involves the researcher using existing participants to recruit other participants. It is a convenience sampling method that can be used when access to participants who meet the study's criteria is difficult (Burkholder et al., 2020). For this study, snowball sampling was attempted but ultimately unsuccessful due to participants'

and their colleagues' busy schedules. All participants were recruited via social media postings. Data saturation was reached with six participants.

Inclusion and Exclusion Criteria

The participants in this study were licensed psychologists in the United States who have worked on or currently work on capital cases. Participants were able to conduct competency evaluations and understood the underlying psycholegal concepts and the criminal justice process (Varela & Conroy, 2012). Psychologists were excluded if they were inexperienced in the criminal justice system and capital cases.

Instrumentation

I used an interview guide I developed to conduct interviews with the participants. I conducted all interviews via Zoom. The interview guide was developed to obtain psychologists' opinions on capital punishment, their interpretations of the APA Ethics Code, and how they reconcile working capital cases with their beliefs about the ethical definition of human rights violations. A mock interview was completed with a mock participant.

The interview was a standardized open-ended interview. During standardized open-ended interviews, all participants are presented with the same questions, though the researcher may ask probing questions when appropriate. The interview questions were open-ended to encourage thoughtful, detailed responses. Close-ended questions were not used because they only require "yes" or "no" answers. These types of questions do not capture the complexities of participants' experiences, interpretations, and beliefs (Patton, 2015).

Procedures for Recruitment, Participation, and Data Collection

I posted a recruitment flyer on various social media websites. The flyer included a request to participate, the qualifications required to participate, details about the study, and my contact information. I requested that potential participants contact me directly to maintain confidentiality. I asked participants if they could think of anyone else who might qualify and be willing to participate, and I requested that they refer other potential participants to me to discuss participation, rather than providing me with their contact information.

To maintain confidentiality, each participant was assigned a number (e.g., Participant 1, Participant 2). I explained to each participant that this would be the only way they would be identified, and I reiterated it during the debriefing. During the interviews, I recorded the audio and took notes. I notated nonverbal language (i.e., pauses). As the interviews progressed, I highlighted high-level patterns emerging. After the interviews, the participants were debriefed. I reiterated the study's details, how the data would be used, and how confidentiality would be maintained. I also explained that I would send their transcribed interviews to them for accuracy checks before beginning data analysis.

Data Analysis Plan

After each interview, I transcribed it verbatim. I inserted my notes on nonverbal communication where relevant, then sent the transcripts to the participants for member checking. Once the interviews were transcribed and the participants confirmed accuracy,

I coded the responses, looking for patterns and themes. According to Braun and Clark (2006), there are six steps of thematic analysis:

1. Familiarizing myself with my data, which involves transcribing, reading, and re-reading, and making notes.
2. Generating initial codes, which involves systematically coding features across the data set.
3. Searching for themes, which involves assembling the codes and organizing them into themes.
4. Reviewing themes, which involves determining if the themes work in relation to the codes and the data set.
5. Defining and naming themes, which involves refining specifics and clearly defining each theme.
6. Producing the report, which involves writing the report of the final analysis of the themes.

I used a data analysis table in Microsoft Word to organize my initial codes and identify emerging themes.

Issues of Trustworthiness

Qualitative research is not necessarily intended to be replicated and cannot be replicated exactly because people's experiences and interpretations of experiences and phenomena differ. Researchers may ask participants from the same population the same questions, but may receive very different responses because the participants are different and therefore had different experiences. However, qualitative researchers still need to

establish trustworthiness. Readers should have confidence in the researcher's written report. Several criteria determine the trustworthiness of a qualitative study: credibility, transferability, dependability, and confirmability (Stahl & King, 2020).

Credibility

In qualitative research, credibility is the equivalent of internal validity in quantitative research and refers to the believability of the findings based on the data. Member checking is one of the strategies used to establish credibility. This means that the researcher will send participants a copy of the written report to obtain feedback (Burkholder et al., 2020; Stahl & King, 2020). This strategy was used for this study. After transcribing the interviews, I sent the transcripts to the participants to check for accuracy and requested that they email me any feedback.

Transferability

Burkholder et al. (2020) likened transferability in qualitative research to external validity in quantitative research. It refers to the ability to apply the findings to other situations and participants. Though a qualitative study cannot be exactly replicated as in a quantitative study, patterns and descriptions may apply across multiple contexts (Stahl & King, 2020). To establish transferability in this study, I provided thick descriptions. I provided the interview guide and thoroughly described the interviews (while maintaining participant confidentiality). I also described the sample of participants (i.e., inclusion criteria) and a detailed report of the results.

Dependability

Dependability is the consistency in data collection and analysis and can be established through triangulation and audits (Burkholder et al., 2020). Stahl and King (2020) referred to this process as creating trust in the study. For this study, I established dependability by using various types of data documentation (i.e., recordings, notes, transcriptions, and code charts). I ensured the data were consistent across documents. The interviews were transcribed exactly, and I included information from my notes in the transcriptions.

Confirmability

Though there is a certain level of subjectivity in qualitative research (e.g., obtaining participants' feelings or opinions about an experience), there should also be some objectivity. Confirmability is defined by Stahl and King (2020) as getting as close as possible to objective reality. This means that if other researchers were to examine the same data, they would arrive at the same conclusions. Confirmability can be established using an audit trail (Burkholder et al., 2020). I ensured confirmability by detailing the steps in this study and being transparent about each step, from recruiting participants to the interviews to data analysis to the reporting of the findings.

Ethical Procedures

This study addresses a controversial and sensitive topic. It was conducted in accordance with Walden University's IRB regulations, and data collection began after I received IRB approval (the assigned study number was 12-05-24-1010404). I ensured the

confidentiality of all the participants. The participants were required to provide informed consent to participate in the study.

Treatment of Human Participants

Each participant received a description of the study and an informed consent form by email before beginning the interviews. The informed consent form explained participants' rights to decline participation and end the interview at any time, how confidentiality would be maintained, and their right to request a copy of their interview transcript. The informed consent form also explained the study purpose, procedures, and inclusion criteria, and included sample questions and my contact information. A participant could not participate until they returned the informed consent form with the message "I consent" in the body of their email. After the interviews, the participants were debriefed. How confidentiality would be maintained, and the participants' rights regarding the data were reiterated.

Treatment of Data

Participants' responses were kept completely confidential. To maintain confidentiality, participants were only identified by a number. I noted which transcript matched each participant by name for member checking, but at no point in writing the data analysis and findings did I share any personal information. The transcripts and notes were saved on a password-protected private computer.

Summary

This study was a generic qualitative research design. The participants were asked open-ended questions about their beliefs regarding capital punishment, their

interpretation of the APA Ethics Code, how they defined violations of human rights, and how they reconciled this definition with performing their duties during capital cases. Participants needed to be psychologists who currently work on or have previously worked on capital cases. They needed to understand the criminal justice system and how to conduct competency evaluations. After the psychologists' interviews were transcribed, they were emailed back to them for member checking; once accuracy was confirmed, they were coded. I used different strategies to ensure credibility, transferability, dependability, and confirmability, and I ensured that participants' responses remained confidential. Chapter 4 will include demographic information, data analysis, and findings.

Chapter 4: Results

The purpose of this generic qualitative study was to explore psychologists' attitudes about capital punishment and their interpretation of the APA Ethics Code. The research questions were:

- RQ1: What are psychologists' attitudes regarding capital punishment?
- RQ2: How do psychologists interpret the APA Ethics Code?

Standardized open-ended interviews were conducted with psychologists located throughout the United States. Chapter 4 includes the interview setting, participant demographics, data collection methods, data analysis, evidence of trustworthiness, data analysis results, and a summary of the findings.

Interview Setting

The setting for the data collection was standardized open-ended interviews, conducted via Zoom. The interviews were conducted between March and July 2025. A recruitment flyer was posted on social media websites, which included a description of the study, the inclusion criteria, and my contact information. Potential participants contacted me via email, expressing their interest and stating that they believed they were qualified to participate. I sent each potential participant an informed consent form via email, requesting that they respond with "I consent." I scheduled their Zoom interviews after I received their informed consent via email. Participants received a \$10 Amazon gift card upon completion of their interview. Participants were also asked if any of their colleagues might be interested in participating in the study, and I requested that the study information be shared with any colleagues who may be interested and qualified.

Demographics

Six participants were interviewed to reach data saturation. The study required participants to be at least 18 years old, practicing psychologists, and experienced in conducting competency evaluations in capital cases. The psychologists were located throughout the United States. During their interview, they were asked about their specialty within psychology, how long they had been working as a psychologist, how long they had been conducting competency evaluations, how long they had been participating in capital cases, and in which state(s) they practiced.

Table 1 presents the demographic information for each participant. Table 2 illustrates participants' experience in psychology, specifically in working with capital cases and conducting competency evaluations.

Table 1

Participant Demographics

Participant	Gender	State(s) of practice	Specialty
P1	Male	Missouri and New Mexico	Forensic psychology
P2	Female	Virginia	Forensic psychology
P3	Male	Florida	Forensic psychology
P4	Male	Arizona and Texas	Forensic psychology
P5	Female	Ohio	Forensic psychology
P6	Male	Oklahoma and Kansas	Forensic and clinical psychology

Table 2*Participant Experience in Capital Cases*

Participant	Years as a psychologist	Capital cases (years)	Competency evaluations (years)
P1	31	14	31
P2	7	2	6
P3	10	5	4
P4	12	9	9
P5	4	3	3
P6	37	20	34

Data Collection

After receiving approval from Walden University's IRB, I began data collection. Participants were interviewed after they responded to the posted recruitment flyer and provided informed consent. Data saturation was reached after six participants were interviewed. The interviews consisted of 11 open-ended questions, five of which included subquestions. The interviews ranged from 15 to 40 minutes. At the conclusion of each interview, I advised the participants that they could receive a copy of their transcript for member checking, if desired. Four participants requested a copy of their transcripts, while the other two preferred not to receive one. The audio of each interview was recorded.

Data Analysis

As previously described in Chapter 3, Braun and Clark's (2006) method of thematic analysis was used. Braun and Clark list six steps of thematic analysis: (a) familiarizing with the data, (b) generating initial codes, (c) searching for themes, (d) reviewing themes, (e) defining and naming themes, and (f) producing the report. To

maintain confidentiality, participants were labeled P1 through P6. Otter.ai was used for the initial transcriptions, then each transcription was checked against the audio recording to ensure accuracy. After completing the transcriptions, I proceeded with the data analysis.

During data analysis, a Microsoft Word data analysis table was used. The data analysis table had six columns: participant number, participant gender, transcribed responses to interview questions and subquestions, first cycle of coding, second cycle of coding, and categories. The emergent themes were then listed in a separate Microsoft Word document. During the first coding cycle, I identified 321 codes. During the second round of coding, I identified 240 codes. The codes were then grouped into 183 categories. Through Braun and Clark's (2006) thematic analysis method, I then identified three emergent themes and five subthemes.

Evidence of Trustworthiness

Qualitative research is not necessarily intended to be replicated, nor can it be replicated exactly, because of the differences in people's experiences and interpretations of experiences. Researchers can ask the same set of questions to different participants in the same population, but they may receive responses that differ greatly from those in previous studies because of their different experiences. However, establishing trustworthiness is vital in qualitative research, and this includes credibility, transferability, dependability, and confirmability (Stahl & King, 2020).

Credibility

Credibility in qualitative research is equivalent to internal validity in quantitative research (Burkholder et al., 2020). To establish credibility, I advised participants that they could receive a copy of their transcript via email for member checking. The participants who requested a copy of their transcript returned it with their feedback via email.

Transferability

Transferability in qualitative research is the equivalent of external validity in quantitative research (Burkholder et al., 2020). Although qualitative research cannot be exactly replicated, patterns and descriptions may apply in multiple contexts (Stahl & King, 2020). To establish transferability, I collected pertinent demographic information from the participants and documented how long they had worked in their field and how many capital cases they had participated in. I have also provided the interview guide used and quoted some participants' responses verbatim, while maintaining participant confidentiality.

Dependability

Dependability refers to the consistency in data collection and analysis (Burkholder et al., 2020). To establish dependability, I used multiple types of data documentation. I recorded the audio of the Zoom interviews, took notes, and used Otter.ai to assist with transcribing them. Additionally, I checked the transcriptions against the audio recordings and edited them to ensure they were accurate and transcribed exactly.

Confirmability

Confirmability is getting as close as possible to objective reality, meaning that if other researchers examined the same data, they would arrive at the same conclusions (Burkholder et al., 2020; Stahl & King, 2020). To establish confirmability, I maintained an audit trail. All participants were asked the same open-ended questions and encouraged to include as much information as they wished when discussing their experiences.

Results

Three emergent themes and five subthemes were identified during the data analysis. Table 3 illustrates these themes. Six participants were asked 11 open-ended questions, five of which included subquestions, to examine their perceptions of capital punishment and the APA Ethics Code.

Table 3

Emergent Themes and Subthemes

Themes	Subthemes
1. All participants reported that the APA Ethics Code is open to interpretation.	1A. Most participants reported that the APA Ethics Code is not sufficiently detailed in its instructions.
2. Most participants reported being opposed to the death penalty.	2A. Most participants emphasized the importance of having a competent evaluator. 2B. Most participants emphasized the importance of honesty during an evaluation. 2C. Most participants reported always agreeing when asked to work on a capital case.
3. Most participants reported that the definition of a human rights violation is unclear.	3A. Most participants reported uncertainty about whether involvement in capital cases constitutes a human rights violation.

Theme 1: The APA Ethics Code is Open to Interpretation

Table 4 shows how many participants believe the APA Ethics Code is open to interpretation and how many believe it is insufficient in its instructions. All six

participants reported that the APA Ethics Code is open to interpretation. For example, P1 referred to the APA Ethics Code as having “a lot of potential interpretations.” P2 reported thinking that “the Ethics Code could be better with its instructions” and that “there isn’t crystal clear language in the either the APA Ethics Code or the, um, specialty guidelines [for forensic psychologists],” in particular, regarding documentation and turning over materials. P3 referred to the APA Ethics Code as “really tricky when I was first licensed,” and made a similar statement to P2 that the APA Ethics Code “could be better.” P5 stated that they interpret the APA Ethics Code “pretty freely” and there is “a lot of leeway to do things at our own discretion.” P6 described the APA Ethics Code as “too open for interpretation” and “complicated,” and expressed a wish for “more specificity” and stated that “sometimes I want to just be told what to do.”

Subtheme 1A: The APA Ethics Code is Not Sufficiently Detailed in Its Instructions

Most participants reported that the APA Ethics Code is not sufficiently detailed in its instructions. For example, P1, while expressing the belief that the APA Ethics Code can have many interpretations, stated that “some degree of vagueness is appropriate because you can’t, or the authors of those guidelines can’t anticipate every situation,” but “if it’s, you know, vague or unclear, I’m just going to make my own decision.” P2 stated, “There are things that continue to come up that, I don’t think there are enough guidelines about.” Similar to P1, P4 stated that that “you don’t really want it to be super specific because then you’ll be more limited... you want to be able to come up with your own, um, your own ideas, and your own decisions,” but also stated that “the answers aren’t always as accessible as you need them to be.”

P3 expressed frustration when the APA Ethics Code does not have a straight answer to an ethical question, and stated,

You need to be able to do what they're telling you if you don't know the process already. What if you're new to evaluations and the court's instructions make no sense? Then you get to an ethics question and you look in the Ethics Code, but that makes no sense too?

P5, after stating that they use their own discretion, also stated that "sometimes I'm left with more questions than answers... I often worry that I'm wrong."

Table 4

APA Ethics Code Open to Interpretation

Theme/Subtheme	Number	Percentage
The APA Ethics Code is open to interpretation.	6	100%
The APA Ethics Code is not sufficiently detailed in its instructions.	4	66.67%

Theme 2: Opposition to the Death Penalty

Table 5 illustrates how many participants reported opposition to the death penalty, how many emphasized honesty and competency, and how many reported always agreeing when asked to work on a capital case. Most participants reported being opposed to the death penalty. Participants who were opposed to the death penalty made their view explicitly clear.

For example, P1 stated, "I don't think there should be a death penalty," then re-emphasized this later in their interview and elaborated,

I think there are a lot of good policy reasons not to have it. It can become a very emotional topic. I think some of the very best reasons not to have the death

penalty are really non-emotional... to be convicted in a capital case, to get the death penalty, that means you had to have a death qualified jury and death qualified juries – the research has shown very clearly – convict at a higher rate than non-death qualified juries, and so, I don't see how you can make that fair, and if we're not gonna have a fair system... if it's not gonna be administered fairly, then you shouldn't have it at all.

P2 stated that they would not accept a case if asked by the prosecution because they “have no interest in being part of forces that, um, have somebody put to death.” P3 stated, “I personally don't agree, um, with the death penalty” and described the death penalty as “a violation of human rights.” P6 stated that they are “very against the death penalty” and described it as “a human rights violation.” They later re-stated their opposition to the death penalty, adding,

I think they need to get rid of the death penalty, but as long as that's around, we need people to do competency evaluations... we need judges and juries to make informed decisions. The justice system isn't always fair, but, um, it's our job to make it as fair as possible.

P4 did not express opposition to the death penalty, stating, “I think the death penalty makes from, like, a practical standpoint... but I've never actually met anyone who I was like, okay, this person deserves to die.” P4 also stated, “I've never found anyone to be competent to be executed... I honestly hope it stays that way.”

Subtheme 2A: The Importance of Having a Competent Evaluator

Most participants emphasized the importance of having a competent evaluator. For example, while P1 expressed not believing there should be a death penalty, they stated,

As long as there is a death penalty, the legal system needs defensible opinions about psycholegal questions about functional abilities of people... if people who are competent to render those don't do it, out of principle, the nature abhors the vacuum, and people who aren't qualified will step in and maybe do some things that are not ethical or certainly provide bad work product.

P2 stated that, while they do not want to work on cases that "directly led to somebody's death," the question needs to be asked, "if you're not doing it, like, who is?" P2 also explained,

If you have non-experts making Atkins-type judgements about who's intellectually disabled and who's not, you're probably gonna get a lot worse, um, information than if you have, like, highly qualified forensic psychologists making those kind of judgments.

P2 also stated, "In capital cases, the stakes are higher, obviously, so any mistake becomes more of an issue." P3 stated that someone needs to conduct competency evaluations and "it should be someone who actually knows what they're doing." Despite being against the death penalty and not wanting to risk deeming a defendant competent to be executed, P6 posed the question, "What if the person they choose instead of me isn't qualified to do the evaluation, and it's wrong?" then followed up with the statement, "I honestly can't

think of a greater injustice than executing someone who shouldn't have been executed.”

P6 also admitted their bias because of their opposition to the death penalty, but stated, “I worry that someone who isn't competent is going to claim they are, then they're going to do the evaluation, and it's either going to be dishonest or it's going to be wrong.”

Subtheme 2B: The Importance of Honesty During Evaluations

Most participants emphasized the importance of honesty during an evaluation. For example, P1 stated, “I'm not an advocate for one side or the other, I'm an advocate for the truth.” P3 stated,

I really do my best to not appear biased... and record everything totally honestly, and I tell them that, you know, the assessment will be honest. It's a fine line to walk, you know, trying to make them feel comfortable to talk to you and feel like you're there to help, but also you have to report honestly and possibly deem them competent for execution.

P4 stated that “even the worst of the worst of the worst... still need to have an honest evaluation” and “I'm there to make sure the opinion I give is an honest one... I'm not going to say they're competent if they're not, or vice versa.” P4 emphasized the need to be neutral and honest, and that is the best way they can serve defendants and attorneys.

P6 explained that “you can't misrepresent yourself and you can't misrepresent the data.”

Subtheme 2C: Always Agreeing When Asked to Work on a Capital Case

Most participants reported always agreeing when asked to work on a capital case. For example, P1 stated, “I don't think I have turned one down,” however, they would turn a case down “if I had had a bad experience with an attorney” or “if there was some

type of conflict.” P2 stated that they “have always agreed so far,” but made a similar statement to P1 about turning down a case “if I got a weird vibe from an attorney” or “if I just really didn’t like the case for whatever reason.” P2 also stated,

I would only accept cases in which I’m on the defense side... I would not work for the prosecution in a capital case because I have no interest in being part of forces that, um, have somebody put to death.

P3 stated that they always agree to work on capital cases, but stated they would not agree if they did not get along with an attorney, stating, “I wouldn’t work with them again unless there was literally no other choice.” P3 included that they would also not accept a case “if there was some kind of conflict of interest... or someone I knew on, like, a personal level.” P5 also reported agreeing to work on capital cases whenever asked; however, they would not conduct a competency evaluation if there was a conflict of interest. Specifically, P5 stated, “I wouldn’t do a competency evaluation for one of patients.” P6 also reported always agreeing to work on capital cases, but, like many other participants, would not agree “if there was a conflict of interest.”

P4 was the only participant who reported not always agreeing to work on a capital case. P4 stated they were unable to agree due to their schedule; however, they think “capital cases are more interesting” and do not want to turn them down. However, like other participants’ responses, P4 stated that, “if I saw some issue or something, um, I’d be hesitant.”

Table 5*Beliefs About Capital Punishment*

Theme/Subtheme	Number	Percentage
Opposition to the death penalty	4	66.67%
Importance of having a competent evaluator	5	83.3%
Importance of honesty during evaluations	5	83.3%
Always agreeing when asked to work on a capital case	5	83.3%

Theme 3: The Definition of a Violation of Human Rights is Unclear

Table 6 illustrates how many participants reported that the definition of a human rights violation is unclear and how many participants reported uncertainty about whether involvement in capital cases is considered a human rights violation. Most participants reported that the definition of a human rights violation is unclear. For example, P3 expressed the belief that the death penalty is a human rights violation; however, they stated, “It’s hard to say what’s a real violation when it comes to capital punishment,” and that “ethically, it’s a gray area.” P5 referred to human rights as being a “large umbrella,” stating that “there are the obvious things... but then there are the choices you have to make.” P6 stated,

[It] definitely falls in the category of things we have to decide that the Ethics Code isn’t going to tell us. We have to not cause harm, either directly or indirectly, of course, but when it comes to indirect harm, we have to decide what that means. We have to decide what a human rights violation is.

Subtheme 3A: Uncertainty about Whether Involvement in Capital Cases Constitutes a Human Rights Violation

Most participants reported uncertainty about whether involvement in capital cases constitutes a human rights violation. For example, P2 stated that they “would personally not work on a case that, um, directly led to somebody’s death,” however, they stated that “I personally don’t know if I would say it is violating human rights to participate.” P3, while expressing uncertainty about what constitutes a human rights violation, stated,

Psychologists aren’t the ones killing anyone, and even if a psychologist says to the court, yeah, this person is competent, and the person gets the death penalty, someone has to do that and it should be someone who actually knows what they’re doing... I still do those evaluations and I hope that I never have to say someone is competent.

P4 stated,

You can’t violate human rights, but, like, what does that even mean? Obviously, you as the psychologist cannot directly do anything like that, but how far are you allowed to go, and it’s still ethical?

P5 stated, “It gets a little complicated... The Ethics Code says don’t violate human rights, but we have to decide what that means.” They later followed up by saying “there are no easy answers... There are a lot of gray areas, and we, as psychologists, have to be really careful.” P6 stated, in addition to needing to decide about what constitutes a human rights violation, “We also have to decide what we’re willing to do.”

P6 further explained,

In my mind, [the death penalty is] a human rights violation. The thing is, though, it's legal, so it's not a violation from a legal standpoint, meaning we can get involved if we want. I never really want to because I never want to risk having to say someone is competent... because I really don't want to make it more likely for them to be executed.

Table 6

Beliefs About Human Rights Violations

Theme/Subtheme	Number	Percentage
The definition of a violation of human rights is unclear	4	66.67%
Uncertainty about whether involvement in capital cases constitutes a human rights violation	5	83.3%

Summary

The results of this qualitative study provide insight into psychologists' beliefs about capital punishment and their interpretations of the APA Ethics Code and human rights violations. All participants reported believing that the APA Ethics Code is open to interpretation. Most participants reported believing that the APA Ethics Code is too vague. Most participants explicitly expressed opposition to the death penalty but emphasized the need for competent evaluators and/or honest evaluations. Additionally, most participants were uncertain about what constitutes a human rights violation and whether involvement in capital cases is a human rights violation. Chapter 5 will include the interpretation of the findings, study limitations, implications for social justice, and the study's conclusion.

Chapter 5: Discussion, Conclusions, and Recommendations

The purpose of this generic qualitative study was to explore psychologists' attitudes about capital punishment and the APA Ethics Code. Exploring these topics could further understanding of how psychologists interpret the APA Ethics Code, how they define human rights, and what constitutes a violation. Additionally, the findings could lead to changes in psychologists' guidelines and instructions to be more specific, rather than having them make decisions based on their own interpretation of ethics. Six participants were interviewed for this qualitative study. Participants were required to be at least 18 years of age, practicing psychologists, and experienced in conducting competency evaluations during capital cases. Chapter 5 includes the interpretation of the findings, limitations, implications for social change, and the study's conclusion.

Three emergent themes and five subthemes were identified through the data analysis. The findings indicated that participants believed the APA Ethics Code is not sufficiently detailed and that most were unsure what constitutes a violation of human rights. The findings also indicated that most participants were opposed to the death penalty, but that they perform competency evaluations for a variety of reasons, including the need for honesty and competency. The themes and subthemes that were identified are as follows:

- Theme 1: The APA Ethics Code is open to interpretation
 - Subtheme 1A: The APA Ethics Code is not sufficiently detailed in its instructions
- Theme 2: Opposition to the death penalty

- Subtheme 2A: The importance of having a competent evaluator
- Subtheme 2B: The importance of honesty during evaluations
- Subtheme 2C: Always agreeing when asked to work on a capital case
- Theme 3: The definition of a violation of human rights is unclear
 - Subtheme 3A: Uncertainty about whether involvement in capital cases constitutes a human rights violation

Interpretation of the Findings

Previous research has found that psychologists are given ambiguous instructions by the courts when they are called on to participate in cases (Pirelli & Zapf, 2008). It has also been found that while psychologists cannot participate in activities that violate human rights, instructions could be more precise (APA, 2017; Pirelli & Zapf, 2008). Previous research has also found that public opinion can influence policy, a phenomenon Sorensen (1998) argued could also apply to psychologists' opinions. The findings of the current study indicated that it would be beneficial for the APA Ethics Code to be more detailed in its instructions, specifically, about what constitutes a violation of human rights and when a psychologist cannot be involved in a case. The themes and subthemes emerged from the open-ended interviews with participants.

Theme 1: The APA Ethics Code is Open to Interpretation

The first theme that emerged is that the APA Ethics Code is open to interpretation. All six participants reported this, and four specifically stated that the APA Ethics Code is not sufficiently detailed in its instructions. P1 stated that the APA Ethics Code has “a lot of potential interpretations,” and P2 and P3 both stated that the APA

Ethics Code “could be better.” P3 also described the APA Ethics Code as “tricky.” However, P1 and P4 also stated that, while agreeing that the APA Ethics Code is vague, less specificity in instructions can be beneficial. P1 stated that not every situation can be foreseen by the authors of the APA Ethics Code, and P4 cited more limitations as the reason vague instructions can be beneficial. P3 specifically mentioned the court’s instructions as being vague, as well as the APA Ethics Code’s instructions. P5 mentioned that they worry about making the wrong decision. The subtheme that most participants do not believe the APA Ethics Code is sufficiently detailed supports previous researchers’ findings that instructions given to psychologists could be more specific (Pirelli & Zapf, 2008).

Theme 2: Opposition to the Death Penalty

The next theme that emerged was psychologists’ opinions regarding the death penalty itself. Four participants reported being opposed to the death penalty (one other participant reported understanding the need for it practically, but never meeting someone they believed was deserving of that punishment). However, most participants also emphasized the need for honesty and competency; therefore, they always agree when asked to work on a capital case. Only P6 explicitly reported being biased, but they agreed with P1 and P2 in expressing concern about a less-qualified psychologist conducting competency evaluations and about the possible outcomes. P4 emphasized the need for neutrality in addition to honesty. While five participants reported always agreeing when asked to work on capital cases, four reported they would not agree if there were a conflict of interest.

The APA Ethics Code includes beneficence, responsibility, integrity, justice, and respect for people's rights and dignity in the general guidelines (APA, 2017), and the *Specialty Guidelines for Forensic Psychologists* includes instructions regarding responsibility, competence, relationships, conflicts, and assessments, as well as the importance of recognizing biases, values, and beliefs (APA, 2011). Despite the APA Ethics Code's vagueness, most participants emphasized the importance of multiple guidelines.

Theme 3: The Definition of a Violation of Human Rights is Unclear

The third theme that emerged concerned human rights violations. Four participants reported that the definition of a human rights violation is unclear, and five expressed uncertainty about whether involvement in capital cases constitutes a human rights violation. P3 and P5 referred to it as an ethically gray area. P5 also referred to this question as "complicated." P3 and P6 both reported believing that the death penalty is a human rights violation, but P3 then expressed not knowing what a true human rights violation is when it pertains to the death penalty, and P6 acknowledged that the death penalty is legal, so psychologists can participate in capital cases.

Psychologists are often called upon to conduct competency evaluations, assess a defendant's mental state, and provide risk assessments (Fabian, 2003; Knoll & Chhablani, 2017; Miley et al., 2020). One APA Ethics Code guideline states that psychologists cannot participate in activities that violate human rights (APA, 2017). However, there is no consensus on whether the death penalty is a human rights violation or whether psychologists' involvement in capital cases is unethical or constitutes a human

rights violation (Brodsky et al., 2013). Arguments for psychologists' involvement being ethical include that they are not involved in punishment but only conduct an evaluation (Knoll & Chhablani, 2017). These findings are consistent with the findings of the current study, with none of the participants being completely certain about whether their involvement in capital cases is a human rights violation, despite multiple participants reporting the belief that the death penalty is a violation. Additionally, P4 and P6 both stated that they would not cause direct harm, but then needed to decide what constitutes indirect harm.

Theoretical Framework

Ethical decision-making theory was selected as the theoretical framework for this study. According to Schwartz (2016), there are two approaches to ethical decision-making theory: rationalist-based and non-rationalist-based. The rationalist-based approach assumes judgment through reason, while the non-rationalist-based approach assumes judgment through emotion and intuition. Because of the nuances of ethical decision-making theory, integrated ethical decision-making theory was proposed. This assumes that decisions are contingent on the individual and the situational context.

Participants in this study appeared to combine both logic and emotion when deciding whether to be involved in a capital case. On one hand, multiple participants reported opposition to the death penalty and belief that it is a human rights violation. On the other hand, multiple participants recognized and emphasized the need for competency, as outlined in the *Specialty Guidelines for Forensic Psychologists* (APA, 2011), and honesty. However, following the APA Ethics Code and the *Specialty*

Guidelines for Forensic Psychologists is not strictly logical, as multiple participants also expressed concern regarding the results of an unqualified individual conducting a competency evaluation.

Limitations of the Study

Participants were asked open-ended questions and encouraged to be honest, providing as much detail as they wished. I emphasized that the goal of the study was strictly to understand their perspectives, and there would be no judgment. Capital punishment is a controversial and emotional topic, so while I operated under the assumption that participants were being honest in their responses, they may not have been completely honest due to the nature of the topic. However, all participants seemed enthusiastic to participate. Additionally, recruiting participants was difficult for numerous potential reasons. For example, the topic of this study is controversial and emotional, which may have led some people to wish to avoid participating. When snowball sampling was attempted, I was advised by multiple participants that their colleagues were busy and might not be available to participate in the study. Another limitation was that six participants were interviewed, which was sufficient to reach data saturation for this qualitative study. However, while most participants reported similar perspectives, their opinions do not reflect those of all psychologists involved in capital cases.

Recommendations

The existing literature discusses psychologists' roles in capital cases, including ethical guidelines, instructions provided, and arguments for and against psychologists participating in these cases (APA, 2011, 2017; Brodsky et al., 2013; Fabian, 2003; Knoll

& Chhablani, 2017; Miley et al., 2020). The findings of this study expand on the existing literature and confirm other researchers' findings. Future research could explore the opinions of psychologists in other states or those with a broader range of specialties. In this study, forensic psychology was the specialty of all participants, except one participant, who also specialized in clinical psychology. Future researchers could also explore the perspectives of psychologists who hold a broader range of roles in death penalty cases. This study only included participants who conducted competency to stand trial and/or competency to be executed evaluations; however, psychologists also perform evaluations for competency to waive rights (Judges, 2004), and they evaluate the mental state of defendants at the time of the alleged offense (Brodsky et al., 2013). Additionally, future research could explore more deeply how psychologists reconcile their beliefs about the death penalty with the tasks they must complete when participating in capital cases if they report being opposed to the death penalty, as many of the participants in this study did. Future researchers could also explore the opinions of psychologists in states where the legality of the death penalty has shifted during their careers.

Implications

The findings of this study have implications for social change in that they offer insight into psychologists' opinions about the death penalty and how they interpret the APA Ethics Code and the definition of human rights violations. Psychologists cannot participate in activities that violate human rights (APA, 2017); however, this guideline does not specify what constitutes such a violation or the situations in which participation may constitute one. Sorensen (1998) explains that, as public opinion can impact policy,

so can psychologists' opinions. The findings of this study could help policymakers and the authors of the APA Ethics Code and the *Specialty Guidelines for Forensic Psychologists* understand psychologists' views on the APA Ethics Code's vagueness, as well as their uncertainty about the definition of human rights violations and their participation in capital cases. Most participants in this study believed the APA Ethics Code is too vague and expressed uncertainty about human rights violations. While the death penalty is legal, and psychologists are not directly causing harm, the question remains how far they are ethically allowed to go. The findings of this study may help the authors of the APA Ethics Code and the *Specialty Guidelines for Forensic Psychologists* determine what information would be most beneficial to include in the guidelines.

Conclusion

This generic qualitative study explored psychologists' attitudes about capital punishment and their interpretation of the APA Ethics Code (including the definition of human rights violations). Six participants were interviewed using open-ended questions to reach saturation, and three themes and five subthemes emerged from the data analysis. The first emergent theme was that the APA Ethics Code is open to interpretation, with the subtheme that it is not sufficiently detailed in its instructions. The second emergent theme was opposition to the death penalty. The first subtheme associated with the second emergent theme was the importance of having a competent evaluator, the second subtheme was the importance of honesty during evaluations, and the third subtheme was always agreeing when asked to work on capital cases. The third emergent theme was that

the definition of human rights violations is unclear, with the subtheme being uncertainty about whether involvement in capital cases constitutes a human rights violation.

In conclusion, most participants in this study shared similar perspectives, expressing that the APA Ethics Code is too vague and that there is uncertainty about the definition of human rights violations. Additionally, most participants reported being opposed to the death penalty but participating out of necessity. The findings of this study confirmed the need for more specific guidelines for psychologists working on capital punishment cases.

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Appendix: Interview Guide

Thank you very much for participating in this study. As a psychologist who works on capital cases, this may be a sensitive topic. All of your information will remain confidential, and the answers will only be used for research purposes. For your participation, you will receive a \$10 Amazon gift card.

1. How long have you worked as a psychologist?
 - a. Do you practice in one or multiple states? Which states?
 - b. What is your specialty within the field of psychology?
2. How long have you been working on capital cases?
 - a. What is your usual role when working on capital cases?
3. How long have been conducting competency evaluations? Are you still conducting them?
4. How many competency evaluations have you conducted?
5. Why did you choose to begin working on capital cases?
6. Can you explain the process when you are selected to work on a capital case?
7. Do you always agree when asked to work on a capital case?
 - a. Are there any scenarios in which you would not work on a capital case when requested?
8. What is your interpretation of the APA Ethics Code?
 - a. Do you believe the APA Ethics Code is sufficiently detailed in its instructions to psychologists?
 - b. What do you believe constitutes a violation of human rights?

9. In reference to capital punishment, what are your attitudes regarding the APA Ethics Code and the protection of clients?
10. Do you understand the process of ethical violations in capital cases?
 - a. Can you provide information on that process?
11. Is there any other information you would like to provide on the APA Ethics Code and capital cases?