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Prison guards and the death penalty

Introduction

When we think about the people affected by the death penalty, we may not think about guards on death rows. But these officials, whether they oversee prisoners awaiting execution or participate in the execution itself, can be deeply affected by their role in helping to put a person to death.

Guards on death row

Persons sentenced to death are usually considered among the most dangerous prisoners and are placed in the highest security conditions. Prison guards are frequently suspicious of death row prisoners, are particularly vigilant around them,¹ and experience death row as a dangerous place.

Harsh prison conditions can make things worse not only for prisoners but also for guards. The mental health of death row prisoners frequently deteriorates and they may suffer from 'death row phenomenon', the 'condition of mental and emotional distress brought on by prolonged incarceration in the harsh conditions of death row, combined with the knowledge of forthcoming execution',² leading guards to fear for their own safety. Solitary confinement in particular degrades prisoners' mental health on death rows; it is common practice in countries including Japan, Jordan, South Korea, USA

and elsewhere.³ In Japan, in the latter stages before execution, all communication between prisoners or between guards and prisoners is forbidden.⁴

In 2014, the Texas prison guards union appealed for better death row prisoner conditions, because the guards faced daily danger from prisoners made mentally ill by solitary confinement and who had 'nothing to lose'.⁵ In this environment, routine safety practices were imposed that dehumanised prisoners and guards alike, such as every exit of a cell requiring a strip search. Guards protested that their own dignity was undermined by the obligation to look at 'one naked inmate after another'⁶ all day.

Interactions with prisoners

Despite the stark conditions, death rows are still places where human connections form. In all but the most extreme solitary settings, guards engage with prisoners regularly, bringing them food and accompanying them when they leave their cells (for example to exercise, receive visits or attend court hearings). Guards may spend more time with death row prisoners than with friends or family outside and can develop empathy towards the prisoners.⁷ Modern prison management actually encourages the development by staff of positive relationships with prisoners, in combination with an understanding of prisoners' personal situations and any risk posed by individual prisoners.⁸

1. Information from India, Japan and USA, 2014 and 2015.

2. Penal Reform International, *Death Penalty Information Pack*, London, 2014, p. 35.

3. *Death Penalty Worldwide database*, accessed 18 February 2015 at <http://www.deathpenaltyworldwide.org/country-search-post.cfm?89-0chk=on&90-0chk=on&99-0chk=on>.

4. Amnesty International, *Hanging by a Thread: Mental Health and the Death Penalty in Japan*, London, 2009, p. 31.

5. Joanna Walters, 'Prison Guards Working On Texas' Death Row Call For Softer Conditions For Condemned Inmates', *The Telegraph website*, 18 February 2014, accessed 25 January 2015 at <http://www.telegraph.co.uk/news/worldnews/northamerica/10647442/Prison-guards-working-on-Texas-Death-Row-call-for-softer-conditions-for-condemned-inmates.html>.

6. Alex Hannaford, 'Inmates Aren't the Only Victims of the Prison-Industrial Complex', *The Nation*, 16 September 2014, accessed 28 November 2014 at <http://www.thenation.com/article/181607/inmates-arent-only-victims-prison-industrial-complex> (*Inmates aren't the only victims*); Texas After Violence Project, *Interview with Edgar Fincher*, 17 April 2011, forthcoming at http://av.lib.utexas.edu/index.php?title=Category:Texas_After_Violence_Project (*Interview with Edgar Fincher*).

7. *Interview with Edgar Fincher*.

8. 'Dynamic security' is defined as 'the development by staff of positive relationships with prisoners ... in combination with an understanding of their personal situation and any risk posed by individual prisoners' (Council of Europe, Recommendation Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners, Adopted by the Committee of Ministers on 9 October 2003, para. 18(a)).

Managing visits from family members can be emotionally tough for guards, especially when prisoners are banned from touching their visitors and visits take place through glass partitions or nets.⁹ The ‘most difficult thing’ as an attending guard is ‘to see on the other side of the glass ... the families. Children. Never be able to touch. Never be able to hug.’¹⁰ Final visits by families prior to execution can be even harder, as can the time when guards see the prisoner for the last time. When prisoners leave for execution, guards may become tense and uneasy;¹¹ some have started crying after doing mundane tasks like taking a prisoner’s fingerprints.¹² A Tanzanian prison officer described how he would ‘spend sleepless nights for a week before regaining my composure’¹³ following an execution. One US guard reported at least a dozen occasions in which a prisoner about to go to the execution chamber would stick his hand out of the slot in the door to shake his hand, and say something like: ‘Good to know you ... Thanks for being a good officer’.¹⁴

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Guards at execution

Because death row guards can develop empathy towards prisoners, a separate team often conducts the execution. Giving small roles to different guards (such as walking the prisoner to the execution spot¹⁵ or putting a hood over the prisoner’s head¹⁶) aims to reduce the emotionally damaging effects of executions. Authorities can also try to disperse feelings of responsibility for the killing by having multiple guards involved (e.g. a shooting

squad) and by making it unclear who was responsible (e.g. by having blank bullets in some of the guns, so guards don’t know if they fired the fatal shot). The emphasis on working ‘efficiently’ and ‘professionally’ also aims to reduce feelings of culpability, with execution teams trained to focus not on ‘the meaning of their activity’, but on performing the sub-functions proficiently’.¹⁷ Some justify their participation to prisoners by saying ‘I’m sorry, I am just doing the job’.¹⁸ Perhaps surprisingly, moral disengagement has been found to have an inverse relationship to proximity to the killing of the prisoner. Guards sitting with the victim’s family found it harder to disengage than those actually touching the prisoner,¹⁹ and guards who handle prisoners have been reported to bear a heavier mental burden than those shooting them.²⁰

Despite such measures, guards can feel mentally tortured by their participation in executions,²¹ both before and after. Many guards’ experiences are consistent with acute stress disorder or post-traumatic stress disorder (PTSD). At the outset of his descent into PTSD, one US guard began crying and shaking uncontrollably when (years later) the eyes of all the inmates he had executed began flashing before him.²² Another who transported inmates to the execution chamber developed nightmares, cold sweats, and sleeplessness that led to a change in his whole persona.²³ A guard in Kazakhstan, initially chosen as an executioner because of his strong psychological coping capacity, reported frequent nightmares and deterioration into ‘a lonely and secluded life’.²⁴ A Tanzanian guard who had many times ‘pushed the knob in an execution chamber’ described coming to live ‘in hallucination’.²⁵ An Indian guard would become ill and unable to sleep in the days before an execution.²⁶ Other guards have reported depression, inability to sustain relationships and changes in personality.²⁷

9. Oliver Robertson and Rachel Brett, *Lightening the Load of the Parental Death Penalty on Children*, Quaker United Nations Office, Geneva, June 2013, p. 20.

10. Interview with Edgar Fincher.

11. Information from India, 2015.

12. *Inmates aren’t the only victims*.

13. Kiangiosekazi Wa-Nyoka, ‘Death penalty with its perceived deterrent effect’, *Daily News website*, 15 November 2014, accessed 27 November 2014 at <http://dailynews.co.tz/index.php/columnists/columnists/38290-death-penalty-with-its-perceived-deterrent-effect> (*Perceived deterrent effect*).

14. Interview with Edgar Fincher.

15. Kate Lamb, ‘Death penalty in Indonesia: an executioner’s story’, *The Guardian website*, 6 March 2015, accessed 9 March 2015 at <http://www.theguardian.com/world/2015/mar/06/death-penalty-in-indonesia-an-executioners-story> (*Indonesian executioner’s story*).

16. Confidential interview, November 2014.

17. Michael J. Osofsky, Albert Bandera and Philip G. Zimbardo, ‘The Role of Moral Disengagement in the Execution Process’, *Law and Human Behavior*, Vol. 29, No. 4, August 2005, p. 386.

18. *Indonesian executioner’s story*.

19. Tolly Moseley, ‘The Enforcers of the Death Penalty: How Does Capital Punishment Affect the Prison Guards and Wardens Tasked with Carrying It Out?’, *The Atlantic*, 1 October 2014.

20. *Indonesian executioner’s story*.

21. Confidential interview, November 2014.

22. Werner Herzog, *Into the Abyss* (documentary film), 2011.

23. Interview with Edgar Fincher.

24. Penal Reform International, *No To The Death Penalty: Kazakhstan*, 2008, accessed 17 March 2015 at <http://vimeo.com/36334610> (*No To The Death Penalty*).

25. *Perceived deterrent effect*.

26. Information from India, 2015.

27. Interview with Edgar Fincher; *Ira Craig Baxley v Robert Ward and Jon E. Ozmint*, C/A No. 3:07-cv-04067-CMC, U.S. Dist. Court, District of South Carolina, Columbia Division, Opinion and Order Granting Summary Judgment, March 15, 2010, at 3; *Terry W. Bracey v Robert Ward and Jon E. Ozmint*, C/A No. 3:07-4068-CMC, U.S. Dist. Court, District of South Carolina, Columbia Division, Opinion and Order Granting Summary Judgment, March 30, 2010.

The inner lives of guards who execute become like those of battlefield veterans who suppress memories from themselves and others.²⁸

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Some authorities recognise and respond to this: in Indonesia, guards are limited in the number of executions they can participate in and, following an execution, ‘undergo three days of classes that include spiritual guidance and psychological assistance’.²⁹ Sometimes, guards have not used available psychological help for fear of being labelled ‘weak’ by colleagues.³⁰ Two US guards who developed obsessive compulsive behaviour, nightmares and other emotional disturbances filed civil lawsuits in 2007 alleging that they were coerced into participating in the team and not given any debriefing or counselling to help them deal with the emotional effects of execution.³¹

Guards may choose or be required not to talk about their involvement in executions with members of their families.³² This secrecy protects guards from having to explain or defend their actions, but it also prevents them from obtaining the proven best tools for lessening the ill-effects of trauma: empathetic loving relationships³³ and opportunities to tell and comprehend their own story in a healing way.³⁴

“Like murder, execution inflicts emotional and psychological damage on those linked to it.”

Conclusion

Like murder, execution inflicts emotional and psychological damage on those linked to it. This can begin with anticipatory trauma when a court sets an execution date and the impact can remain even years after an execution. Prison guards, who most closely interact with condemned prisoners on a daily basis, are particularly affected, including and especially those acting as executioners.³⁵

The death penalty compounds the anxiety and depression to which prison guards are already especially vulnerable (over a quarter of all US prison employees suffer from depression³⁶ – three times the level in the general US population³⁷). Given such negative aspects to the work, executing nations use enticements and punishments to keep guards in execution service. They may provide high levels of status or pay: the Indian state of Kerala increased the lump sum paid to executioners 400-fold in 2014,³⁸ while both Kazakh and Indonesian guards are paid extra to participate in executions.³⁹ Alternatively, they may try to dissuade guards from quitting by using ridicule, bullying or demotion: one guard was given ‘weird duty, weird hours’⁴⁰ after asking to be removed from the execution team, while others reported being threatened with lower paying, lower status jobs.⁴¹

The exposure of guards to executions and anticipated executions should therefore be a matter of serious concern to prison administrations, which have a responsibility towards the wellbeing of their staff. The unacknowledged stress experienced by guards on death rows and execution teams risks dangerous mental health consequences for them and those around them. The simplest (and best) solution would be to remove the cause of the problem and abolish the death penalty.

28. Rachel M. MacNair, *Perpetration-Induced Traumatic Stress: The Psychological Consequences of Killing*, Authors Choice Press, New York, 2005, p. 37.

29. Indonesian executioner's story.

30. Confidential interview, November 2014.

31. *Baxley v. Ward, Bracey v. Ward*; see also Patty Dillon, *There Will Be No Stay* (documentary film), 2014.

32. Texas After Violence Project, *Interview with Jim Willett*, 2 March 2011. Available at: http://av.lib.utexas.edu/index.php?title=TAVP:J_Willett; and confidential interview, November 2014.

33. Susan Johnson, *Emotionally Focused Couple Therapy with Trauma Survivors: Strengthening Attachment Bonds*, Basic Books, New York, 2002, p. 44.

34. S. Allen and S. Bloom, ‘Group and family treatment of post-traumatic stress disorder’, *Psychiatric Clinics of North America*, Vol. 17, 1994, 425-437.

35. Robert M. Bohm, *Ultimate Sanction: Understanding the Death Penalty Through Its Many Voices and Many Sides*, Kaplan, New York, 2010, p. 189.

36. Michael D. Denhof and Caterina G. Spinaris, ‘Depression, PTSD, and Comorbidity in United States Corrections Professionals’, *Desert Waters Correctional Outreach website*, 2013.

37. Unnamed, ‘Facts and Statistics’, *Anxiety and Depression Association of America*, accessed 17 March 2015 at <http://www.adaa.org/about-adaa/press-room/facts-statistics>.

38. Shannon Greenwood, ‘To Escape Poverty, Hundreds Vie to Become Executioners in India’, *Think Progress website*, 28 July 2014, accessed 17 March 2015 at <http://thinkprogress.org/world/2014/07/28/3464716/hundreds-line-up-to-become-executioners-in-india/>.

39. *No To The Death Penalty; Indonesian executioner's story*.

40. Peter Gilbert and Steve James, *At the Death House Door* (documentary film), 2008 (quoting Carroll Pickett).

41. *Baxley v. Ward, Bracey v. Ward; There Will Be No Stay*.

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