

Criminal Justice Issues and Prisoners' Rights

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CLEVELAND, OH Today, Ohio continued its march in the wrong direction with the execution of Dennis McGuire, who became the first inmate in history to be executed using an untested two-drug method developed after supplies of Ohio's former execution drug expired.

Unfortunately, Ohio continues to lead the way in finding new ways to put people to death, said ACLU of Ohio Director of Communications and Public Policy Mike Brickner. With each new execution, we continue to run from the fact that this is a fundamentally broken system.

Today's execution marks the third time in recent years Ohio has used untested execution drugs. Frequent changes in Ohio's execution protocols have been the result of three botched executions spanning from 2006-2009 and federal court orders declaring the states protocols unconstitutional.

Evidence continues to mount suggesting that death sentences have less to do with the actual offense committed, and more to do with factors such as race, socioeconomic class, and the location of the crime. Ohio Supreme Court Justice Paul Pfeiffer has turned against the system for this very reason, calling it a death lottery. Meanwhile, Chief Justice Maureen O'Connors death penalty taskforce has identified troubling issues, such as large racial and geographic disparities in capital convictions and the use of the death penalty on severely mentally ill people.

Beyond these questions, this system continues to run an ever-present risk of putting an innocent person to death, said Brickner. Since the return of the death penalty, six of the nation's 143 death row exonerations have come from Ohio. Under these circumstances, we should be reassessing the machinery of death, not speeding it up.

Prior to his execution, McGuire's attorneys made several appeals for clemency, arguing that the untested procedure was likely to cause him agony and terror. Ohio officials replied by declaring that McGuire was not entitled to a pain-free death.

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