

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/news/will-reforming-death-penalty-become-controversial-death-penalty-itself>

Public Facing Advocacy Writing

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This is the third in a series of posts focusing on issues we will be tackling at the 2014 ACLU of Ohio biennial conference, [Resist. Reclaim. Restore Your Rights!](#)

Recently the Ohio Supreme Court Death Penalty Task Force released [recommendations](#) for improving Ohios oft-criticized death penalty system.

[Proposed solutions](#) include requiring interrogations and confessions in death penalty cases to be videotaped, coroners offices and crime labs be accredited; enactment of a Racial Justice Act; and taking the death penalty off the table for those who are deemed seriously mentally ill at the time of the crime or execution.

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Now, making sure accredited professionals analyze evidence used to sentence a person to death doesnt seem that ridiculous to me. Nor does ending the practice of our government killing people who have a serious mental illness.

However *unsurprisingly* the Task Force report was quickly followed by a [Minority Report](#) which disparaged the recommendations I mentioned above (and more.)

The Minority Report, drafted by county prosecutors and staff from the Ohio Attorney Generals Office, calls these recommendations anti-death penalty, and claims that they will [render Ohios death penalty inoperable](#).

The Minority Report includes several shocking assertions, including a claim that the recommendations addressing racial bias are a solution in search of a problem. This assertion seems to ignore the fact that various reports by the American Bar Association, Associated Press and League of Women Voters found stark racial disparities in Ohios death penalty system.

However, the one I find most troubling is the comment on the exclusion of those with serious mental illness from execution. Essentially, the authors argue that nearly all defendants could fit the description of mental illness, and, therefore, implementation of this recommendation would effectively eliminate capital punishment.

Thats right. Never mind that its morally reprehensible to kill someone with severe mental illness. We have to, because not doing so could lead to a de-facto abolition of the death penalty. Secondly, its just plain untrue. There are specific guidelines a person must meet to be considered seriously mentally ill, and not even a majority of Ohios death row falls under those qualifications. Lastly, if we are executing so many people with severe mental illnesses, isnt that a problem in and of itself?

We'll discuss these recommendations at our [2014 Biennial Conference](#) in Columbus this summer. Join us to learn about work being done in Ohio, and how you can get involved in these efforts. Check out the full conference agenda and register to join us at www.acluohio.org/conference.

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