

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/news/hopelessly-broken-end-capital-punishment>

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As part of our tough on crime mentality, many elected officials and members of the public have supported the belief that people convicted of serious violent crimes are deserving of death, yet few of us look beyond the crime to see how these sentences are handed down. Supporters of the death penalty believe the death sentence is the only way to carry out justice for society and for victims families. These sentences, however, are rarely fair or impartial.

Civil and Human Rights

Racial and ethnic minorities and individuals from less wealthy backgrounds are more likely to be executed than their wealthier, White counterparts for similar crimes. Instead, the death penalty has become a death lottery where it matters more who committed the crime, who the victim was, and where the crime was committed in determining whether one receives the death penalty not the severity of the crime itself. In addition, executions are costly, shrouded in secrecy, and, in several cases, painfully drawn out. In January 2014, [Dennis McGuire](#) received a two-drug mixture which resulted in him making loud, guttural noises, gasping for air and choking for nearly ten minutes before finally being pronounced dead by a coroner. His execution should have been expeditious but was instead prolonged by a combination of drugs that had [never been used before](#).

Instead of permitting McGuire to writhe on the execution table, the state of Ohio could have chosen a cheaper, safer and more humane option: life without parole. Studies have shown that increasing numbers of juries and the public support life without parole as an option, rather than the death penalty. Executions have failed to deter violent crime and extends the grieving period of victims families in the months and years of appeals. The resources used to complete executions could be redirected into counseling services for these families and to help provide viable defense attorneys for individuals suspected of murder.

An Unjust Execution Cannot Be Undone

Too often, the judicial system focuses on retribution over justice and severity over efficacy, resulting in the traditional support for capital punishment, despite regular exonerations of people sentenced to death. The convictions of [The Ford Heights Four](#), for example, who were accused of the murders of Lawrence Lionberg and Carol Schmal in Chicago, were based on false forensic testimony, coercion of a prosecution witness, and police misconduct, and led to two of the men being sentenced to death and the others receiving heavy life sentences. Without the help of three female students working under Professor David Protess of the Northwestern University Medill School of Journalism, Verneal Jimerson and Dennis Williams would have likely been executed for a crime they did not commit. So long as the American justice system focuses on exacting the death penalty, the risk of wrongfully executing individuals persists.

In Ohio, a two-year moratorium on executions prevented the Ohio Department of Rehabilitation and Corrections from using a two-drug mixture on other death row inmates, the same cocktail mixture that extended McGuire's death by several agonizing minutes. This moratorium was set to end next month despite Ohio's Bill of Rights forbidding the state from inflicting cruel and unusual punishment on its residents. This time, the state will use a three-drug mixture of midazolam, rocuronium bromide and potassium chloride on Ronald Phillips. Due to Ohio's 2014 shield law, we only know that the drug mixture has been FDA-approved, but the state will not disclose the sellers of the drugs, which suppliers are benefitting from these executions, and who is being protected by the bill's 20-year privacy protections rules. Luckily, a federal magistrate recently delayed the first three executions of 2017, meaning Ohio still has time to back away from its death penalty.

Resuming executions is not the answer for Ohio and should not be accepted. If we want to protect Ohio's Bill of Rights, we will not permit another botched execution or more people being killed by the government.

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