

The Waiting Period of Death Row Inmates

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ABSTRACT

The death penalty is the highest form of capital sentencing and punishment in the United States. Since 1973, a little less than half of U.S. states are responsible for passing death sentences and executions. Nevertheless, the growing number of death row inmates is at an all-time high since the late 70s (DPIC, 2022). Although academia and scholarly research has advanced the general understanding of death penalty sentencing, racial disparities resulting in a death sentence and execution has not been studied as comprehensively. Despite the strides in progress made by academia and scholarly research on the death penalty, there are areas in need of examination. The growing rate of death row inmates awaiting execution is cause for concern for families of the offenders and victims. Delaying the execution of death row inmates further impedes justice for the victims and their families. It is crucial to understand the importance of certain descriptive statistics that were present and influenced death row inmate retention. The study presented findings that illustrated a waiting period for death row inmates. These correlations expanded the assertion that the waiting period has increased since 1973 and the relationship between race and death row intersects. The waiting period of death row inmates was examined carefully but further research is needed to expand upon the assertions of this study. Ultimately, further research can be used to reform the administration of capital sentencing and punishment.

Keywords: capital punishment, death penalty, death row, race

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LIST OF ABBREVIATIONS

Death Penalty Information Center (DPIC)

Federal Bureau of Prisons (FBP)

Research question (RQ)

United States (U.S.)

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Chapter One

PURPOSE AND SIGNIFICANCE

The study aims to identify and assess the increased length of time from conviction to execution, and the relationship between race and time between conviction and execution. In this study, the waiting period refers to the time between a perpetrator's death sentence and eventual execution. The death penalty is the highest degree of punishment in the United States criminal justice system (Costikyan, 2020). The death penalty is often associated with serious criminal acts such as murder and treason. There are variables in minority cases such as perpetrator race, victim race, and crime that lead to death sentences which is the number one leading sentences for minorities (DPIC, 2022). Furthermore, it is hypothesized that these variables contribute to the waiting period of an inmate on death row before execution is rendered.

An offender standing trial is offered a variety of rights to ensure a judicially correct trial proceeding. These rights include how an offender is treated, access to legal representation, requests for appeals, etc. Ultimately, the main priority for all criminal justice proceedings is to follow legal guidelines to ensure a fair and adequate verdict, sentence, and punishment. Despite these procedures setting precedence for how a trial should be handled; most trials illustrate varying degrees of racial disparity (Baumann, 2018). The factors that contribute to racial disparity during and after a sentence include perpetrator race and crimes. For example, approximately 73.2% of individuals of color are sentenced and executed (DPIC, 2022). Black Americans across all U.S. prisons make up 34.1% of the execution rate, the highest amongst all minorities (DPIC, 2022). Academia woefully supports the rhetoric that the judicial system when faced with certain variables such as perpetrator race and crime will likely demonstrate racial

disparity when sentencing an individual with death. Minorities are faced with harsher sentences often linked to racial discrimination (Amidon, 2018).

Death row is associated with the unusually long waiting period after sentencing and execution. Therefore, an offender can wait for years before an execution is rendered despite being found guilty. Analyzing the historical context and data can provide a clear picture of the waiting period issue, emphasizing the time it takes for a perpetrator to be punished for their crimes under the death penalty. Moreover, understanding the literary gaps on the waiting period of death row inmates, race, and time spent between conviction and execution is critical. Thus, demonstrating the severity of the situation from a criminal justice perspective concerning incarceration and punishment.

Racial disparity in the U.S. criminal justice system has existed for years. Unfortunately, the system still suffers from racial disparity regarding conviction, sentencing, and capital punishment (Ramirez, 2021). There is a racial disparity between minorities and White Americans in the court system. A direct racial disparity has been studied, evaluated, and presented regarding its influence on the U.S. criminal justice system. Additionally, the racial demographic accurately represents previous studies examining race and the criminal justice system. According to the Federal Bureau of Prisons (FBP), among minorities, Black Americans total 61,151 individuals across all U.S. prisons compared to Asian Americans who total 2,272 (FBP, 2023). Across all U.S. prisons, minorities are the majority of the inmate population totaling 115,550 individuals combined (FBP, 2023). White Americans represent a small portion of the inmate population totaling 91,302 individuals, which is a 24,248-gap difference compared to the minority inmates. Academic studies have proven the extensive role racial discrimination and prejudice play in the U.S. criminal justice system. Each study represents a piece of the puzzle regarding racial

complexities and issues. Despite, the extensive awareness, studies, and academia surrounding race in the criminal justice system specifically directed toward conviction and sentencing. There is a gap in literature coverage examining the waiting period of death row inmates that has not been presented. The study will provide further context on the racial disparity faced by death row inmates. The study will focus on the relationships between the waiting period, the time between conviction to execution, and race to provide context as to why death row is growing at an alarming rate.

Although racial disparity will be a factor analyzed while conducting the study, another important facet to consider is resource strain across the U.S. criminal justice system. Mass incarceration of inmates continues to be a problem by limiting resources provided by the state for the facility's needs. The demand to continue operations has diminished the quality of humane life for inmates. There are staff and food shortages, as well as issues with facility infrastructure which has lowered significantly due to the pressures of a continuously growing inmate population. For instance, the incarcerated population has increased by approximately 500% over the past 40 years (LeMasters et al., 2022). The growing population of inmates essentially outpace the number of fully staffed correctional, maintenance, hospitality, and other personnel. As a direct result of the inmate population, there is a definite high-turnover rate of prison personnel. A recommendation highly encouraged to be followed indicates ample personnel coverage to maintain order within incarceration facilities (LeMasters et al., 2022). Correctional staff, facility personnel, and other resource units are needed to meet inmate needs such as safety, food, clothing, cleanliness, and general maintenance of facility infrastructure. Additionally, there is a resource strain within the court system itself. Due to the number of appeals at any given time for a death penalty conviction. The high volume of death penalty appeals can cause strain because of

the limited availability of judicial staff and lawyers. This includes courtroom availability as various court proceedings are addressing other court cases.

Resource strain would not be an issue faced by the criminal justice system if punishment were delivered swiftly and fairly. The mass incarceration of inmates and the ever-growing inmate population is cause for grave concern. Additionally, many have questioned why the U.S. criminal justice system has not adjusted correctional processes to accommodate the growing number of inmates across all U.S. prison facilities. Another interesting facet of this study is punishment duration. Why does it take an unusually long time for death row inmates to receive an execution? One potential reason is resource strain as many facilities may not have the appropriate staff to administer an execution. Another potential reason is because of the appeals process if a death row inmate initiated an appeal for their death sentence it can delay any execution proceedings from taking place. Appeals for death sentences are broken down into two different categories automatic and optional appeals. Automatic appeals are typically submitted for the defendant (Costikyan, 2020). Optional appeals as the name suggests is when the defendant has the choice to file an appeal for their sentence (Costikyan, 2020). Furthermore, causing a disruption in all execution proceedings limiting the number of inmates who are executed per year. If a perpetrator is found guilty beyond a reasonable doubt of the crime, they are accused of resulting in a death sentence. The perpetrator should be put to death as soon as possible to administer swift and judicial justice for the victims and their families, reduce resource strain, and overall limit the growing population of death row inmates. The average time spent on death row is more than a decade prior to any sort of appeals process or execution, which has increased over time with reportedly some inmates spending 20 years or more on death row (DPIC, 2022). Appeals can prolong executions of death row inmates as it takes years for a case

to be reviewed and later determined if the original sentence is upheld. However, some cases exist where perpetrators accused of a crime and convicted with a death sentence ultimately were not the perpetrators involved. Special cases like the one stated above deserve a second re-examination for the accused. Between special cases, automatic and optional appeals death row inmates will prolong time spent on death row until a re-investigation and court decision is made to either overturn or uphold a death sentence.

In addition to the death penalty appeal process, executions take an unusually long time to happen. Many have inquired if the waiting period for death row inmates is a cruel and unusual punishment. Since the magnitude of execution is so severe there already exists a high-level concern regarding an inmate's psychological and mental well-being. One might infer the prolonged wait before an inmate on death row is executed is a cruel and unusual punishment, therefore, violating the 8th amendment. Sentencing resulting in a death sentence is the most severe form of punishment the U.S. criminal justice system imposes on members of society who violate U.S. laws. Depending on the severity of the crime a perpetrator can get a death sentence if determined guilty by a judge and juror. Despite, a potentially extreme form of capital punishment imposed on a perpetrator, the current state of death row illustrates a different picture. A death row inmate can wait years or decades for their execution. This can create an environment of anxiety and unease as the inmate is unaware of their execution until approximately one month out. Even once the inmate is aware there is still a waiting period in addition to what the death row inmate has already waited. Therefore, creating a heightened sense of unease as the punishment an inmate received years ago is just around the corner. The delay in execution can have a psychological impact on the inmate as the inmate knows their days alive are numbered (Knoll-Frey et al., 2022). Since there has been an increase in the waiting period of

death row inmates it can create a false standard of complacency while living under a death sentence. Many may believe they will never be executed due to the waiting period on death row. In addition to complacency, many death row inmates may have adverse mental health effects such as depression and anxiety (Knoll-Frey et al., 2022). The overall waiting period of death row inmates is a concern as it can potentially negatively impact an inmate which can be considered in violation of the 8th Amendment regarding cruel and unusual punishment. Many view the death penalty as a form of cruel and unusual punishment due to the nature of the penalty itself (Knoll-Frey et al., 2022). This in combination with the waiting period can re-invigorate the stance of the death penalty as a cruel and unusual punishment on top of the sentence. Since prolonged waiting can have a negative impact on the inmate.

The study and analysis of the waiting period of death row inmates including an examination between time and race is important. It can provide the U.S. criminal justice community with information that can shed light on the mass influx of death row inmates across all U.S. prison facilities. The prolonged delay in execution can exhaust state resources maintaining the death row population on top of general population inmates. Additionally, there may be a link to racial disparities between minorities and White Americans regarding execution. Some death row inmates could potentially be executed first despite the waiting period of other racial demographics. Therefore, a study is crucial in understanding the waiting period of death row inmates and the relationship between time from conviction to execution and race provided by the DPIC since 1973. The study brings awareness to a present issue while providing information regarding the time spent on death row before an execution is rendered. The analysis and information collected can help fill in the academic gaps within this field of study. Additionally, potential solutions will be provided for U.S. criminal justice policy and decision-

makers to consider reforming the execution times of death row inmates. While amending the general practices of inmates sentenced to death.

Chapter Two

LITERATURE REVIEW

History of Capital Punishment

The use of capital punishment is historically universal and has been practiced in various societies (Schmuhl et al., 2023). However, the use, form, function, and meaning of execution has differed greatly across different societies (Schmuhl et al., 2023). The ideology of capital punishment pertains to the thorough punishment of the individual that could introduce chaos and potentially jeopardize society. Therefore, the use of execution was a means to punish individuals found guilty of a grave crime. Depending on the severity of the crime, a punishment would be rendered to the individual involved. This process set the foundation that influenced not only the United States criminal justice system, but the rest of the world. Although the practice of capital punishment was common in medieval society, it was hardly exercised. For instance, during the medieval period in England, capital punishment executions were very low (Schmuhl et al., 2023). Only thirteen people were hung due to felony charges between 1377 to 1397 (Schmuhl et al., 2023). The frequency in capital punishment executions during the span of 20 years is low. Furthermore, this situation is indicative of a pattern concerning England's use of execution as a form of capital punishment (Schmuhl et al., 2023). This was due to England's rate of conviction for capital punishments being at an all-time low (Schmuhl et al., 2023). The pattern was also observed in France, where the use of execution as a form of capital punishment was less frequent, even with the rise of executions (Schmuhl et al., 2023). Ultimately, the rapid decline in the frequent use of capital punishment illustrated a critical detail in the understanding of executions in society. Furthermore, it offers a different perspective considering what capital punishment was used for and what aspects of society it protects.

During the eighteenth-century, levels of execution were at historic lows compared to previous centuries (Schmuhl et al., 2023). However, execution and capital punishment levels saw a resurgence throughout both the eighteenth and nineteenth centuries (Schmuhl et al., 2023). Especially during times of social unrest, disorder, political and social insurgency, and criminality (Schmuhl et al., 2023). Levels of execution significantly increased during the post-war era in the 1750s, 1780s, 1810s (Schmuhl et al., 2023). For instance, executions in Nuremberg increased in the second quarter of the eighteenth century and the severity in punishments enacted also rose (Schmuhl et al., 2023). Additionally, the manner of execution saw changes from aggravations to hangings and later beheadings. These changes in execution style reflect the period of its usage during times of change. According to research, executions in the Netherlands saw a dramatic increase in the number of executions rendered earlier years (Schmuhl et al., 2023).

Approximately twice as many executions were rendered in the Netherlands compared to the country's previous fifty years (Schmuhl et al., 2023). Capital punishment executions were utilized in different countries in the world. Executions became an increasingly popular method to exercise complete authority over a country's citizens. Furthermore, executions were and still are a form of punishment against criminality. By utilizing capital punishment on offenders, it ensures perpetrators of any crime type are punished. Therefore, capital punishment protects the guiding principles of society and deterring any criminal actions. Ultimately, capital punishment has and is a current practice in most societies in the world. Its uses are critical in maintaining public order and enforcing productive behavior from all citizens, including the protection of society from any actions deemed criminal by a legal governing body and ensuring the use of capital punishment as a method to reduce disorder.

Race and Capital Punishment

Capital punishment is utilized as the highest form of criminal penalty under the United States legal system. The history of the death penalty in the United States is wrought with political and social issues. The United States criminal justice system and the death penalty system were heavily influenced and derived from England (DPIC, 2022). The practice of capital punishment was first recorded in the new colonies of the United States in 1608 (DPIC, 2022). During the early years of death penalty usage, the extent of what crimes or offenses were covered was changed. Minor offenses such as stealing, killing livestock, and trading with Indians were grounds for being sentenced to death during the 1600s (DPIC, 2022). The first execution of the death penalty solidified the use of capital punishment going forward, as well as differed by the state regarding offenses that were punishable by death. Despite having a dedicated system in place to exercise authority over citizens regarding acts of criminality, race, social status, and crime type played a role in death penalty sentencing and execution. Ultimately, the processes of the death penalty were influenced by aforementioned factors that jeopardize neutrality when sentencing and executing an individual.

It was during colonial times abolitionist movements found their way into the writings of European theorists Montesquieu, Bentham, Voltaire, and English Quakers John Bellers and John Howard (DPIC, 2022). One of the most notable writings of this period was Cesare Beccaria's essay titled, "On Crimes and Punishment", released in 1767 (DPIC, 2022). Beccaria's essay had an extraordinary impact throughout the world, especially in the United States. The essay served as the principles of penal parsimony (DPIC, 2022). Punishment was seen as a necessary evil that was devoid of any intrinsic virtue (DPIC, 2022). Additionally, the application itself should be recognized by any government willing to incorporate this practice. American policymakers were

influenced by Beccaria's essay and decided to implement various death penalty reforms (DPIC, 2022). The first attempt at reform was introduced through a bill proposed by Thomas Jefferson with the sole aim of revising Virginia's death penalty laws (DPIC, 2022). The bill proposed capital punishment should only be used for murder or treason crimes (DPIC, 2022). The decision on the proposed bill fell through and was defeated by one vote (DPIC, 2022). Another attempt spurred by the influence of Beccaria was the challenge of Dr. Benjamin Rush. Rush, who signed the Declaration of Independence and founder of the Pennsylvania Prison Society, believed the death penalty should serve as a deterrent (DPIC, 2022). Some of these examples demonstrate the ever-changing opinions surrounding death penalty laws and policies (DPIC, 2022). Amongst the changes in the death penalty, there were outside factors that drove the use of the death penalty to an all-time high.

One of the outside factors that influenced the use of capital punishment is related to racial disparities (Rigby & Seguin, 2021). According to scholars, capital punishment can be linked to slavery and lynching (Rigby & Seguin, 2021). The historical regimes of racial control potentially shaped local culture in a variety of ways (Rigby & Seguin, 2021). Therefore, extending its influence on the state to exercise violence (Rigby & Seguin, 2021). For instance, during slavery a notable punishment carried out was lynchings. This form of punishment was readily used to exact authority over slaves and to deter any challenges that could jeopardize orderly control. Additionally, the historical use of lynching has similarities to contemporary executions used in capital punishment (Rigby & Seguin, 2021). Victims of lynching and people executed by the state were disproportionately Black Americans (Rigby & Seguin, 2021). Today, modern executions also demonstrate the same disparity with minorities who are executed the most. Additionally, most of the states where lynching was commonplace are also the same states where

capital punishment is still used (Rigby & Seguin, 2021). Furthermore, lynching is mostly thought to have a direct link to capital punishment because of the enduring impact of racial prejudice and discrimination (Rigby & Seguin, 2021).

Racial disparities are witnessed in modern-day capital punishment. For example, minorities are convicted of homicide are more likely to face execution as opposed to White Americans (Rigby & Seguin, 2021). This is just one facet of racial inequalities faced by minorities in the U.S. criminal justice system. Racial violence is also noted to influence capital punishment, especially in states where racial divisions are deepest. The violence experienced by certain races continues to exist today even after Jim Crow laws, colorist preferences, and overtly racist ideologies were disintegrated. Despite moving forward in a positive direction concerning racial equality, the issues surrounding race in the U.S. criminal justice system persist. For instance, according to public opinion polls, many people in the U.S. support the use of capital punishment and the majority is made up of White Americans' support (Foglia & Connell, 2018). On the opposite side of the decision from various polls, minorities consistently support capital punishment less (Foglia & Connell, 2018). This is due to the fact minorities are more likely to distrust the U.S. criminal justice system because of the historical use of racially motivated convictions and executions of minorities (Foglia & Connell, 2018). Race is a factor in the sentencing and execution of perpetrators in death penalty states. The data surrounding slavery provided crucial information on the historical analysis of racial discrimination with a focus on capital punishment in the form of lynching. The data collected from the span of 1883-1941 illustrate a high degree of racially motivated executions (Rigby & Seguin, 2021). Ultimately, the history regarding race and capital punishment is forever linked because of the data observed on minorities and the U.S. criminal justice system. Capital punishment in modern times reflects the

legacy of racial violence and authoritative control in the U.S. (Rigby & Seguin, 2021). This has also influenced the judicial processes within the U.S. criminal justice system as many minorities are sentenced to death and executed. This implies past structures and events continue to exert power in racial oppression and representation that undermine due process and equal protection under U.S. law (Rigby & Seguin, 2021).

Capital Punishment Model Evolution

The Supreme Court has identified deterrence and retribution as social purposes served by the death penalty (McLeod, 2018). The goal and mission of the death penalty omit incapacitation as a purpose for capital punishment (McLeod, 2018). Any penalty under death is found to exceed deterrence and retribution without any focus on the incapacitation of all inmates (McLeod, 2018). For example, the justification of capital punishment has usually been aligned with deterrence and retribution values regarding executions as proclaimed by the Connecticut Supreme Court (McLeod, 2018). Additionally, academia tends to lump deterrence and retribution with the death penalty as a means of furthering theories regarding crime and punishment. For instance, well-received and recognized criminal law casebooks offer foundational knowledge concerning the law, often identifying the death penalty as a deterrence and retribution resort (McLeod, 2018). However, the growing influence of incapacitation as a rationale contrast greatly with the overall purpose of capital punishment (McLeod, 2018). Therefore, putting a risk to the mission of deterrence and retribution regarding capital punishment as an actual practice (McLeod, 2018).

The growing popularity of death and incapacitation has a dangerous impact with arbitrariness and inconsistency with Supreme Court-mandated clauses on capital sentencing and punishment (McLeod, 2018). Therefore, allowing changes to be made to invalidate capital

punishment because of prioritizing incapacitation. The one Supreme Court case that changed the outlook of capital punishment and its usage was *Furman v. Georgia*. In 1972, *Furman v. Georgia* invalidated capital punishment in the form of the death penalty in all but one state (McLeod, 2018). The majority decision resulted from an objection concerning the death penalty as not being imposed fairly (McLeod, 2018). The decision did leave an option for states to reimpose capital punishment so long as reformation was made in the sentencing process to prevent arbitrary or discriminatory sentencing (McLeod, 2018). However, this new reformation process only slowed abolition movements concerning racial equality and representation. Ironically, there still exists racial discrimination regarding the sentencing and execution of minorities in America. Despite the setback, forty states in collaboration with the federal government approved the use of the death penalty (McLeod, 2018). As all forty states amended capital punishment procedures, however, there was a re-focus on the mission of the death penalty which was now infused with incapacitation rationale. Many states believed capital punishment in the form of execution should be intended to incapacitate perpetrators completely instead of the death penalty being solely focused on deterrence and retribution. Therefore, the incapacitation rationale expressed is a deciding factor in capital sentencing and execution (McLeod, 2018). Resulting in the inclusion of various factors from an incapacitation standpoint that dominates grounds for capital punishment sentencing. Ultimately, changing the main purpose of capital punishment from a deterrence and retribution mission to one that encompasses judicial acceptance based on incapacitation.

The Failures of Capital Punishment

The use of capital punishment has been on a steady decline in America. Death penalty sentencing is at record lows and executions are becoming a rare occurrence (Desai & Garrett, 2019). Although nineteen states have abolished the practice of capital punishment in the form of

execution, the states that actively impose the death penalty are waning in usage. According to scholarly research, the death penalty decline can be linked to legal changes in death sentences (Desai & Garrett, 2019). For instance, there is a strong connection and impact from changes related to the sixth amendment concerning the right to counsel, the 8th amendment regarding arbitrariness claims, and criminal justice reforms (Desai & Garrett, 2019). The reformatations in certain correctional procedures directly produced fewer death sentences seen in three decades (Desai & Garrett, 2019). For example, in 2016, thirty-one perpetrators were sentenced to death compared to the 1990s as hundreds of perpetrators were sentenced to death each year (Desai & Garrett, 2019). Even death penalty-imposed states were sentencing and executing inmates on death row. Despite being the highest degree of capital punishment in the U.S. criminal justice system, it is seldom used to enact legal justice.

The rapid decline of death penalty sentences and executions is a stark contrast to another capital punishment sentence; life without the possibility of parole (Desai & Garrett, 2019). This sentence and punishment take after the incapacitation process that has gained popularity and moved away from deterrence and retribution punishment. Straying away from capital punishment adds another layer of failure to the U.S. criminal justice system as the punishment itself is not used in the manner it was intended for. Another failure of the criminal justice system is the prejudice witnessed when sentencing and executing inmates based on race, victim race, and crime type. As mentioned previously, racial disparities may have an impact in the sentencing and eventual execution of a death row inmate. For instance, minorities are twice as likely to be executed first compared to White Americans (DPIC, 2022). Victim race and crime type potentially influence the waiting period of an inmate until an execution is rendered. Additionally, capital punishment and capital defense have a negative adverse impact on judicial action (Desai

& Garrett, 2019). For example, in *Strickland v. Washington*, a Supreme Court case set out to perform a highly deferential standard of review concerning ineffective counsel (Desai & Garrett, 2019). The Supreme Court had to identify whether the attorney in the case in question provided ineffective counsel and whether the ineffective counsel contributed to the overall sentence and punishment (Desai & Garrett, 2019). In most cases, the Supreme Court reviews capital defense ineffectiveness, and the outcome of relief is usually granted (Desai & Garrett, 2019). Therefore, capital defense ineffectiveness can become a liability when conducting a trial with a potential death sentence. This also impacts the legal representation of perpetrators as they are participating in the trial. Lastly, capital punishment is failing to render a proper execution humanely and judicially.

The Death Penalty Waiting Period Today

Capital punishment concerning the death penalty is often viewed with mixed feelings. Some believe it protects the nation from criminals and has a positive influence on crime rates. While others believe execution to be a crude form of punishment and do not focus on the core of the issues of a perpetrator. Additionally, academia and scholars identified systematic patterns related to racial dynamics and violence (Baumgartner et al., 2020). Furthermore, issues and concerns surrounding the death penalty are continuous and remain a source of debate in the nation. The division on the death penalty was further ignited when the Supreme Court ruled the system unconstitutional because of the events, experience, and reputation of the correctional system. The landmark case (*Furman v. Georgia*) highlighted the importance of reforming the system to sentence perpetrators legally and equally to death without prejudice or bias (Baumgartner et al., 2020). However, the death penalty was reinstated on the grounds the system was reformed to change the systematic patterns negatively associated with capital punishment.

Despite the changes made to the death penalty, many of the issues first noted continue to play a role in the system overall. The public opinions and investigations surrounding the death penalty continue to inform the nation on critical problems surrounding the sentence itself, as well as execution. However, academia has failed to realize the waiting period of death row inmates based on existing factors is potentially correlated. Therefore, contributing to the negative conditions associated with legal processes for a trial including sentencing and punishment.

The states that currently utilize the death penalty understand its purpose. Although the use of the death penalty is declining, in certain states it still is employed and enacted. Based on the crime, the prosecution may opt to pursue a death sentence or life without the possibility of parole (Garrett et al., 2017). The death sentence itself has gradually shifted downward and is evident throughout the years. For instance, from 2011-2013 80 death sentences were rendered compared to 2021 with only 18 death sentences (Garrett et al., 2017). The downward spiral in death sentences is negatively impacting the justification for imposing a death sentence during a trial. Furthermore, the perpetrators turned inmates who receive a death sentence are still waiting until their execution is rendered. Additionally, it is becoming increasingly associated with a penalty that is rarely utilized. Therefore, prompting a renewed discussion on the effectiveness of the death penalty and permanently discontinuing its use (Garrett et al., 2017). Despite the criticisms faced by the U.S. criminal justice system, the push to enact capital punishment fairly is still worth implementing. Identifying the existing issues associated with capital punishment executions can usher in an era of complete impartiality based on the law and carrying out swift executions for inmates who were tried and found guilty of crimes.

Race plays an interesting part during a death row inmate's waiting period before an execution is rendered. For instance, minorities represent most of the U.S. inmate population and

are held on death row for the least amount of time compared to White Americans. Additionally, minorities who commit homicide are usually faced with two sentencing options: life in prison or death. This fact is demonstrated due to similar crime factors. For instance, if a White and Black American perpetrator committed homicide against a White American victim the chances are higher, the Black American perpetrator will face a death sentence compared to the White American perpetrator (DPIC, 2022). Racial disparity is demonstrated inside and outside courtrooms and ultimately impacts when a death row inmate will be executed. The data collected for this study will include sentencing date including year, date of execution including year, race, and years spent on death row before the execution was rendered. The data itself represents critical information to determine how long a death row inmate spends waiting for an execution. Furthermore, the data will inform the criminal justice community, academics, and scholars regarding the extreme waiting period of all death row inmates, execution times, and the relationship between time and race on death row. While finalizing the data to accurately represent findings based on the study's parameters. Ultimately, providing information to inform the public on the growing issues surrounding death row, executions, and race.

Race is a prevalent issue known amongst the entire U.S. criminal justice community and is inherently portrayed in the system. Its widespread reach has nestled its way into the execution system for all death row inmates. One of the main points that generated this study was why were so many inmates kept on death row for years and even decades. A factor worth noting is the relationship between race and execution. Racial disparity, prejudice, and discrimination play a role throughout various stages within the procedures of criminal justice. Another ideation when developing this study was to determine if there was a relationship between race and the time between the conviction and execution of a death row inmate. Minorities currently represent most

of all inmates across U.S. prisons. This point helped refine the study's parameters to determine if race was in any way correlated to the waiting period of death row inmates. Additionally, examining if race is a factor in the expedited execution of death row inmates despite many inmates spending years or decades on death row. For instance, is a minority death row inmate such as Black, Latinx, Asian, and Indigenous people more likely to be executed compared to White Americans. This facet and line of questioning helped set the parameters of this study regarding the examination of race and the time between conviction and execution. For example, Black American death row inmates sentenced in 1980 spent an average of 13.72 years on death row compared to White Americans in 1980 with an average time of 15.67 years on death row. Therefore, this illustrates one instance out of many regarding the relationship between race and time spent on death row. Ultimately, determining if race is a conduit and is related to expedited executions on death row. Completely disregarding the historical waiting period of death row inmates.

The significance of this topic is crucial in understanding the current state of executions across all U.S. prisons. Additionally, the relationship between time from conviction to execution and race. Analyzing these components together can provide a better comprehension of death row. Moreover, if the relationship between race and execution are positively correlated with one another it can present another point of interest for key stakeholders within the criminal justice system to investigate. Traditionally, various facets within this study drew inspiration from the issues associated between criminal justice and race. Given the historical context provided earlier, racial tensions, discrimination, and prejudice were used as a method to condemn those who were deemed racially inferior. The racial dynamics and politics associated with punishment were specifically between White Americans and minorities such as Black Americans, Latinx

Americans, Asian Americans, and Indigenous people. Particularly between White and Black Americans as demonstrated by racist systems in places such as slavery, lynching, and segregation. Despite all systems not currently in practice today, there still exists racist ideologies, discrimination, and prejudice. This sentiment has also found its way into U.S. criminal justice procedures, sentencing, and capital punishment in the form of execution. Given the historical nature of racism tied to execution in the form of lynching, and the current state of death row. One can only infer there is a potential relationship between two critical periods of a death sentence which are conviction and execution. Additionally, capital punishment in the form of death has historical significance because of the racial discrimination and systematic killings of minorities to enact justice. The study will analyze the relationship between conviction and execution, race, and its association with the waiting period of all death row inmates. Ultimately, considering the historic conception and utilization of capital punishment via execution and death row's current state as well as the implications of race and its relationship with the waiting period of death row inmates. An examination of these implications and their relationship with one another is valuable in understanding the issue and potential solutions the U.S. criminal justice stakeholders can implement to gradually lower and improve fairness and impartialness as a system.

Chapter Three

METHODS

The study is broken down into three major categories: design, methodology, and research questions. The design will cover the reasoning behind the research and the main objective being investigated. Second, the methodology will provide context as to the components used to refine the design including data. Last, the research questions will provide direction as to what was examined. The design involves a secondary analysis of public records utilizing quantitative data collected from the DPIC. The methodology of the design utilizes quantitative data collected from the database supplied by DPIC which includes all death penalty executions in death penalty states since 1973. Additionally, the database contains critical information such as the perpetrator race, date of conviction, pending execution, and execution date. Moreover, DPIC also contains a thorough breakdown of sentencing demographics such as year of sentence, region, jurisdiction type, and current case status (DPIC, 2022). This data and information are crucial in understanding the research questions posed. The following research questions were developed, RQ1: Has the time from conviction to execution increased for capital punishment cases since 1973? RQ2: Are there racial variabilities from the time of conviction to execution in capital punishment cases since 1973?

The information overall will investigate two key components. The first is an increase or decrease in time since 1973 between conviction to execution. The second is the waiting period of death row inmates based on race. The examination of these two components will analyze the growing issue of the waiting period for death row inmates. The data collected will focus on the two components from various angles. To completely grasp the waiting period of death row inmates an analysis of time will be made from point of conviction to execution. To measure if

there is an increase or decrease from conviction to execution on death row. Additionally, the parameters for time will cover from 1973 to the present. By taking the collective average of all inmates since 1973 based on the year of execution. This will provide a different perspective in understanding the gravity of how long death row inmates wait for executions. The second point of focus will collect data based on racial groups on death row. Analyzing the potential correlation between race and the waiting period of death row inmates. An additional examination will be conducted into which race has the longest waiting period and which race is executed the most despite the waiting period. This facet adds another layer of historical context since the U.S. criminal justice system has had issues with racism in the past and present across sentencing and punishment.

All data components in this study will utilize descriptive statistics to view the correlation between two data points. The data points are the time between conviction and execution (the waiting period of death row inmates overall) and race. At a granular level, the waiting period is viewed as time spent from conviction to execution on death row. The first data point will examine if there has been an increase or decrease in time spent on death row. The second data point will analyze the correlation between the waiting period and race. If the waiting period is impacted by race determining if the inmate will have a longer or shorter waiting period on death row. The course of action this study involves compiling data to fit the study's parameters. Once the data points have been collected calculations will be completed to gather the average amount of years spent on death row, as well as which racial groups have the longest and shortest waiting period. This study will provide insight into the growing population issue on death row, as well as establish correlations between time spent between conviction and execution on death row, race, and its potential impact to increase or decrease a waiting period for each identified racial group.

Examining the two data points will provide an accurate picture of the waiting period of death row inmates. Therefore, understanding the disconnect between the time it takes for capital punishment to be rendered to death row inmates.

The database size of this study is 1,564 inmates provided by DPIC. Out of all death row inmates, an analysis of perpetrator race and its relationship with conviction and execution will be examined and annotated. Additionally, the study inspected the amount of time each inmate spent on death row before the execution was rendered. The sampling demographics contained the perpetrator's race and an analysis of the relationship between race and time between conviction and execution. The study analyzed the waiting period of perpetrators sentenced to death and if certain factors correlate with their eventual execution. Exploring this facet of the U.S. criminal justice system can impart useful knowledge on the gaps associated with death executions. Furthermore, demonstrating racial disparity in the decision-making regarding a death row inmate's execution. The data will provide a clear picture regarding the waiting period for death row inmates. To achieve this level of clarity, the data collection strategy is tied to the verified information published in within DPIC. This information combined with the purpose of this study will be translated into visual mediums that help explain the scope overall. Throughout this entire process, the sole purpose of the researcher's role is to determine if the factors identified have any relationship with the waiting period associated with death row inmates.

Chapter Four

FINDINGS

Academia and literature have not addressed in detail the potential influence certain factors have on the waiting period of death row inmates. Despite an extensive coverage on certain factors' influence on death penalty sentencing it does not address its influence on the waiting time for execution. For instance, death penalty sentencing has been found to be influenced by a perpetrator's race (DPIC, 2022). Black Americans more likely to be sentenced to death than White Americans (Ramirez, 2021). The impact of race in the U.S. criminal justice system is seen through the data. A major portion of the incarceration population is made up of minorities, specifically Black Americans (Ramirez, 2021). Perpetrators that commit homicide only face two sentencing options: death or life in prison. If a minority is standing trial for homicide, the sentence will most likely be death (Ramirez, 2021). Compared to White Americans who stand trial for homicide (Ramirez, 2021). Additionally, a Black American with White American victims also contribute to a death sentence for the perpetrator (Ramirez, 2021). These factors are recognized by academia to have an impact on death penalty sentencing of perpetrators. However, the same intensity of research has not been conducted for the waiting period of death row inmates. Although death row remains a source of moral, political, and social contention within American society, there exists a gap that jeopardizes due process within the U.S. execution system. For reforming the U.S. criminal justice system, sentencing and punishments must be analyzed. Linking of factors, such as perpetrator race to length of time spent from conviction to execution is a part of this analysis. Another critical point to comprehend the issue at hand is how the waiting period of death row inmates is continuously getting longer. Despite all death row inmates receiving the same punishment penalty, some inmates can wait

years before an execution is rendered while others are potentially executed more quickly based on race. Therefore, illustrating a systematic problem with the correctional system, jeopardizing impartiality when an execution is supposed to happen.

The information presented in this section are the findings from research conducted utilizing descriptive statistics. After a thorough examination was performed, the findings illustrate a connection between length of time from conviction to execution, since 1973, has increased. Additionally, there is a relationship between race and time between conviction and execution. The information provided presents an in-depth look at the state of death row and its inmates solely focused on the waiting period. This includes the relationship between time and race and how it may increase or decrease an inmate's time on death row. The evidence represents the existence of a perpetually overlooked facet of criminal justice in the form of capital punishment. The data collected from DPIC contained the precise parameters needed for this study including perpetrator race, date of conviction, length of time on death row, and date of execution. The results of the study indicate a connection between all the areas of examination and its impact on the waiting period of death row inmates.

Figure 1 demonstrates a significant increase in the length of time from conviction to execution since 1973. The line graph represents the average years an inmate spent on death row per year. Since 1973-1991 there was an average of 9-15 years spent on death row without any significant increase. The first notable increase occurred in 1974 with an average of 15.92 years spent on death row for all inmates compared to 8 years in 1973. Since 1995 there is a consistent pattern of upward and downward projection demonstrating the volatile nature of death row average wait times. The largest increase documented on the chart occurred between 2012-2013 with an average of 7.3 years in 2012 and 15.62 years in 2013. The data depicts the average time

spent on death row between 2012-2023 has increased compared to previous years. The highest peak demonstrated by the data was in 2019 with an average of 22.19 years spent on death row. Despite capital punishment, in the form of execution, being readily utilized by the U.S. criminal justice system, the study illustrates a different sentence and punishment altogether. Death row in the context of the data is nearing a life in prison sentence as inmates spent, on average, 13.7 years waiting for an execution. Since the minimum in 2011, there was a drastic increase in the number of years spent on death row. 2021-2023 represent the highest averages between a three-year period for total time spent on death row. 2021 recorded a 22-year average time spent on death row with a slight decrease in 2022-2023. This is significant because the average number of years are ranging from 19-21 years compared to previous years. The waiting period of death row inmates indicate a trend regarding capital punishment and its lack of enforcement. Consequently, prolonging and exacerbating state resources to retain death row inmates for unusually long periods of time.

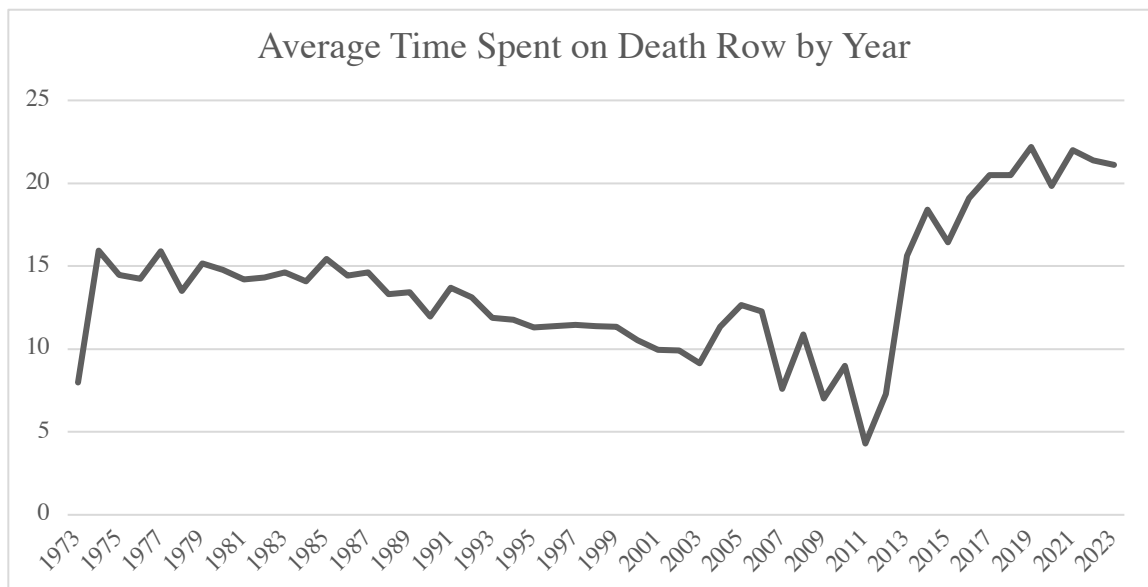


Figure 1: Average Time Spent on Death Row by Year

Covid-19 significantly derailed capital punishment resentencing by at least 30.1% (DPIC, 2020). Similarly, all appeals that would result in a re-trial and resentencing was delayed even more because of covid-19. The population of death row as it stood between 2019-2020 remained slightly the same with a 1–3-year increase in average. According to DPIC, the number of U.S. prisoners facing active death sentences decreased significantly in the third quarter of 2020 (DPIC, 2020). There were 227 inmates whose death sentences and convictions had either been reversed, resented, or had successful appeals (DPIC, 2020). Leaving 2,326 inmates with active death sentences which resulted in the 3.4% decrease mentioned previously (DPIC, 2020). Compared to the 2,407 death sentences active in 2019 (DPIC, 2020). Covid-19 had a major impact in the increased average time spent on death row. One inference to potentially explain the U.S. criminal justice system's slowed intake of new death sentences was to contain covid-19. As it decimated the death row population resulting in at least 40 deaths. Therefore, slowing execution processes causing longer waiting periods.

Analyzing the trends of the data presented in figure 1. Death row experienced an increase of inmates between 2011-2023. During a critical point in 2019-2020 there was a pandemic resulting in American deaths, resource exhaustion, and halting everyday life. According to DPIC, there were a total of 16 deaths on death row related to Covid-19 (DPIC, 2020). There were also record low death sentences resulting in 0 new death row inmates across all U.S. facilities. Throughout 2019-2020, the death row population had a 3.4% decrease therefore maintaining the current population (DPIC, 2020). Therefore, maintaining the current population and increasing the average number of years waiting for an execution.

Another trend that could possibly increase the average time spent on death row is botched executions. Botched executions are defined as executions that were performed negligently. In 2022, the U.S. criminal justice system was not performing at peak operation capacity. There was civil unrest causing record high reports of criminal activity (DPIC, 2022). Additionally, there was political ideations that spilt public opinion on the death penalty. This also hindered political reform geared toward death sentences and capital punishment. For example, in 2022 alone there were fewer than 30 consecutive executions and 50 new death sentences (DPIC, 2022).

Botched executions were at an all-time high in 2022. There were several states with failed executions (DPIC, 2022). For instance, 7 out of 20 executions in 2022 were problematic a staggering 35% as a combined result of executioner incompetence, failure to follow protocol, or protocol defects (DPIC, 2022). Any executions conducted in 2022 had a high malpractice rate that impeded successful executions. One example that capture a botched execution is that of Joe James Jr. a death row inmate in Alabama. In 2022, it took a few hours to administer an IV line before putting Joe to death (DPIC, 2022). Joe's case is known throughout U.S. history as the longest botched lethal injection (DPIC, 2022). In addition to Joe's case all executions were halted in Alabama, Tennessee, Idaho, and South Carolina (DPIC, 2022). All four states had to temporarily discontinue executions due to not following execution protocols. In 2022, botched executions resulted in fewer executions in select states. Therefore, prolonging the waiting period of death row inmates. Although the U.S. has little more than 50 years of a modern criminal justice system to include a death penalty system. A modern criminal justice system has advanced rules and regulations to outline criminal justice proceedings, compared to earlier years when criminal justice was simplified. Despite having laws and regulations to guide the executions process there are still botched executions. Botched executions have also fueled the ongoing

debate as to whether executions are cruel and unusual punishments. Botched executions are synonymous with critical points of failure within the death penalty system.

2022 not only witnessed an increase in botched executions but also legislation reform that changed the process of the death penalty. California enacted the Racial Justice Act for All that expanded upon previous legislation (DPIC, 2022). Effective in 2023, the law allows death row inmates to challenge death penalty sentences imposed on an ethnic or racial basis (DPIC, 2022). Racial variabilities in the U.S. criminal justice system are not new, however, California's law infers convictions and capital punishments can be influenced by race. Therefore, jeopardizing due process and passing correctional judgement without any interference from outside factors, including race. Another state to pass legislation was Kentucky. The law specifically covers mental health issues. The legislation covers exemption of death penalty sentences for people who are diagnosed mental ill (DPIC, 2022). For an inmate to qualify under this legislation they must have a documented active mental illness before and after time of offense. Similarly, Ohio passed a broader mental illness exemption (DPIC, 2022). Resulting in three exemptions since its installation in 2023. Other states that passed legislation, that directly impact the death penalty, include Alabama, Mississippi, Idaho, and Florida.

Some legislation in death penalty states, especially issued between 2020-2023, halted executions (DPIC, 2022). Whether the state enacted an exemption under mental illness or legislation dedicated to challenge death sentences imposed by racial or ethnic variables. Although legislation was reformed to include clauses to improve death sentences, it delayed executions. Prolonging the waiting period of death row inmates as they may have taken advantage the legislations in place throughout the country. Additionally, actions for reform also prompt discussions of abolishing the death penalty. For example, legislators in 15 states and U.S.

Congress proposed bills that would decommission the use of the death penalty. Moreover, repeal bills received significant consideration in Ohio and Utah (DPIC, 2022). Discussions around abolishment of the death penalty stem from failures of the system regarding executions and whether executions are cruel and unusual punishments. Given the residual COVID-19 impacts, botched executions, and active legislation in place contributed to the increase of time spent on death row during 2019-2023.

Figure 2 illustrates the data collected to analyze RQ2. The question aims to analyze the relationship of race and the waiting period of death row inmates. The data is presented in a horizontal bar graph to demonstrate and measure time in years and its relationship with race. The x-axis is comprised of the total average years spent on death row. The y-axis is the 5 racial groups: White, Black, Latinx, Asian, and Indigenous peoples. The data is presented starting with the least to greatest time spent on death row. The racial group that spent the least amount of time on death row was Asian Americans. The average time spent on death row for Asian Americans is 10.43 years from conviction to execution. The second racial group that spent the least amount of time on death row is Latinx Americans with an average of 11.78 years from conviction to execution. Black Americans spent an average of 13 years from conviction to execution on death row. White Americans spent an average of 13.03 years from conviction to execution on death row. The racial group that spent the most time on death row was Indigenous people with an average of 14.32 years. The racial groups with the highest and lowest time spent on death were both minorities. Asian Americans since 1973 spent an average of 10.43 years which is a 3.89-year difference compared to Indigenous people who spend 14.32 years on death row. All death row inmates since 1973 experienced a waiting period. Minorities made up the least to most time

on death row. Therefore, illustrating how slow the U.S. criminal justice system is at processing individuals for execution.

The population size of death row according to the DPIC database is 1,564 as of March 2023. The racial group with the least amount of representation is Asian Americans which make up 7 inmates on death row. The second racial group with the least amount of representation is Indigenous people with 19 inmates on death row. The third racial group with the least amount of representation is Latinx Americans with 131 inmates on death. The last two racial groups represent most of the death row population. Black Americans make up 535 inmates while White Americans make up 872 inmates. Out of 1,564 inmates as of March 2023, White Americans constitute the largest racial group on death row. Given the sheer population size seen on death row and the current state of correctional staff. Death row executions could face a backlog due to staff shortages, any appeals process initiated by the inmate, and resources available to conduct executions. Therefore, creating a backlog of death row inmates thus prolonging the waiting period.

Race is a critical component in the U.S. criminal justice system. Not only is race a demographic captured for statistics but also understanding what racial groups are involved in crime overall. Race is an element in recent years that has caused controversy. For instance, arrests and convictions tend to be carried out more in the minority demographic compared to White Americans (DPIC, 2022). Many have questioned the validity of the U.S. criminal justice system and whether impartiality exists. Especially in matters of legal representation as race could be used to portray racial disparities. The consideration of race in the U.S. criminal justice system is difficult to ascertain. There is a historical significance between race and the U.S. criminal justice system. There have been cases where racial variabilities such as discrimination or

prejudice influenced arrests, convictions, and punishments (DPIC, 2022). Given the tensions and ever-changing landscape within the world of U.S. criminal justice. Race remains a critical point in discussions for reformation and policy changes. The push for reformation is influenced by social and political ideations that can help implement improvements for the U.S. criminal justice system. Considerations for race can potentially resolve racial disparity and impartiality issues. Therefore, standardizing ways to create a uniform system where race is not a component of influence throughout the criminal justice process.

The data in figure 2 confirms a waiting period ranging from 10-14 years since 1973. It also acknowledges minorities such as Asians, Latinx, and Black Americans spend less time on death row. Therefore, inferencing minorities except Indigenous people are averaging less time spent on death row. Latinx Americans spent 1 year less on death row compared to both White and Black Americans. The main purpose of figure 2 is to analyze the relationship between race and time. Additionally, which racial group is kept on death row the longest compared to other groups. This is evidenced by the representation of minorities compared to White Americans to depict the overall inmate population.

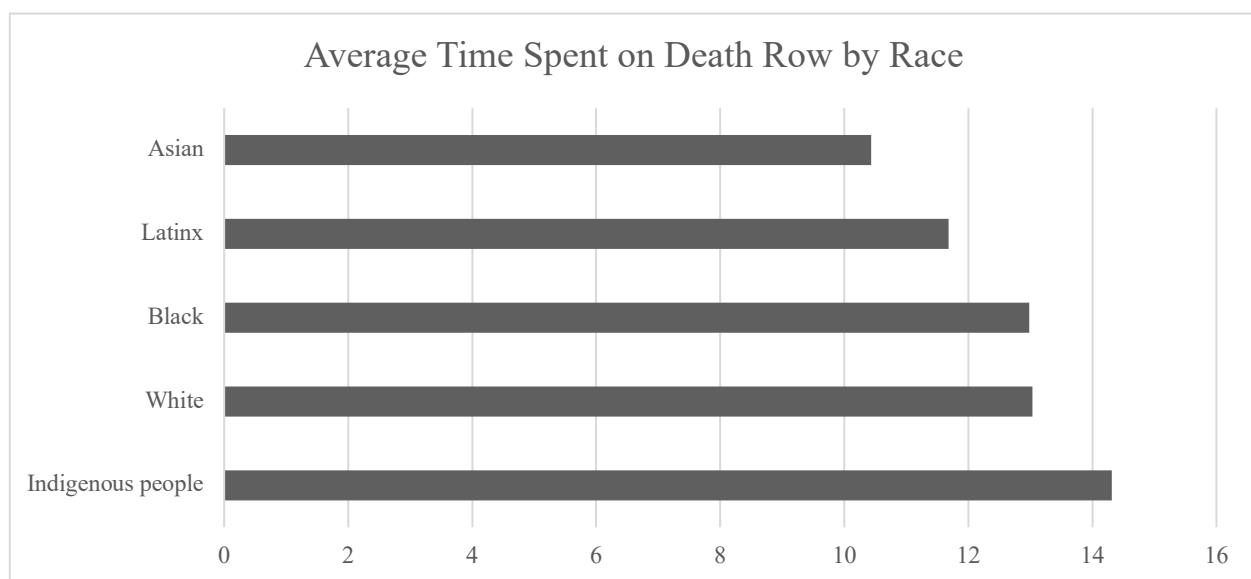


Figure 2: Average Time Spent on Death Row by Race

The purpose of this study is to investigate the alarming rate in which death row inmates are waiting for execution. Since 1973 there is a significant increase in the length of time inmates spend on death row. A dramatic comparison alongside earlier years in which capital punishment via execution was used consistently since 1973. Race plays a role in the sentencing of perpetrators as well as when a death row inmate is executed. The study examined if time and race are correlated to the waiting period of death row inmates. The findings supported the correlation between race and time spent on death row. This is evidenced by figure 2, which illustrate the existence of a relationship between the two variables listed above. Each factor has an impact on the prolonged wait times associated with death row. Therefore, impacting an inmate's selection for execution prior to others. For example, most minority death row inmates are most executed the most except for Indigenous people. Ultimately, the findings illustrate the gap in the U.S. criminal justice system pertaining to capital punishment and execution.

The racial variabilities presented during research analysis helped to refine the scope of research as it pertains to the waiting period of death row inmates. An interesting point noted during the initial phase of research was the ample use of capital punishment in the form of execution was widespread and fully utilized before 1973. Furthermore, there was no active concept of death row before 1973. Instead, there was a prime focus on executions which were carried out swiftly compared to present day (DPIC, 2022). The identification in this shift in focus became more apparent as the U.S. criminal justice evolved to what it is today. Since 1973, anyone sentenced to death will have a waiting period despite capital punishment being dedicated to the enforcement of the death penalty. Additionally, there are racial variabilities in the form of discrimination that influenced the amount of time spent on death row. For example, White Americans spent the longest amount of time on death row compared to minorities, except for

Indigenous people. The findings supported the observations and research questions posed throughout the study. The U.S. criminal justice system has evolved since 1973 but this has opened the door to detrimental gaps. Gaps pertaining to the waiting period of death row inmates, racial variabilities playing a role in the prolonged waiting periods of death row inmates, and the inaccurate enforcement of capital punishment in the form of execution. The U.S. criminal justice system has yet to address the current state of death row or plans to potential reduce the number of inmates on death row. The U.S. criminal justice needs to address the growing concern regarding U.S. capital punishment and its effectiveness as a practice. While, understanding the magnitude of the waiting period of all death row inmates and its connection with racial variabilities and factors that further jeopardize capital punishment.

The study yielded findings that provided a picture as to the current state of death across all U.S. prison facilities. Death row currently has roughly 2,400 inmates facing execution in the United States (DPIC, 2022). Although the national death row population has declined for 20 consecutive years due to sentence reversals, executions and deaths by other causes are surpassing new death sentences (DPIC, 2022). Despite outpacing new death sentences, the waiting period of death row inmates has grown. Even though death sentences were carried out throughout 1973 to present, the number of inmates currently awaiting execution is a concern. Not only is the population on death row a concern amongst the U.S. criminal justice system but this is especially true within U.S. prison facilities. The concern lies with prison staff shortages causing significant strain on the overall operations of U.S. prison facilities (LeMasters et al., 2022).

Despite facing an execution from a death sentence there were still inmates that are serving around 20 years on death row awaiting execution. The waiting period contradicts capital punishment and laws within the U.S. criminal justice system. Legal justice as mandated by the

U.S. criminal justice system should follow all rules, regulations, policies, and amendments when processing someone to stand trial for any criminal charges. Regardless of the rules, regulations, policies, and amendments in place there are some instances where the U.S. criminal justice system fails. In the case of death sentences and capital punishment in the form of execution, the gaps are apparent based on the findings presented such as increased population growth since 1973, racial variabilities that could influence an inmate's time on death row, and finally prolonging swift due process of an execution rendered.

Capital punishment has long been criticized for being a cruel and unusual punishment that directly violates the 8th amendment. Alongside the potential violation of the 8th amendment, many countered that it breaks guarantees of due process and protection under the law. Despite the division of whether capital punishment is legal it continues to be a widely used judicial practice regarding sentencing and punishment. Although, it is commonly used within a correctional setting, the growing number of inmates on death row poses another inquiry if punishment of this severity is cruel and unusual. Typically, death row inmates appeal their conviction and sentence which opens an appeals process. During the appeals process it can prolong an inmate's execution. Therefore, a prolonged waiting period for execution is increasingly likely according to the findings of the study. Although, there are mixed sentiments regarding the validity of capital punishment. It has not deterred the U.S. criminal justice system from utilizing it. Many have stated that the wait for execution is a cruel and unusual punishment in of itself. As all inmates are stuck in a limbo until the days leading up to a finalized execution date. Death row inmates have reported stress, anxiety, and depression taking a physical and mental toll on their overall health (LeMasters et al., 2022).

The waiting period of death row inmates is a reality that all face as soon as a death sentence is read in the courtroom. Considering all the circumstances that may lead to the waiting period of death row inmates. The delay in execution supports cruel and unusual punishment claims. If the court proceeding did not violate any rules, regulations, laws, or amendments and the defendant was found beyond a reasonable to have committed a felony crime (typically homicide) then the execution should be scheduled accordingly. Ensuring time is allotted for those that wish to appeal and overturn their sentences. By allotting time for correctional proceedings for each death row inmate a standard can be created and implemented to guarantee a swift continuity of operations regarding executions. Applying laws to regulate how long an inmate can be on death row would reduce constraints on staff, ease processing in courtrooms, and create a uniform legal practice of execution of all inmates regardless of race.

Recommendations for future research is to expand the scope of analysis to view how legislation impacts the waiting period of death row inmates. For instance, choosing 1-3 legislation policies that directly changed the execution process potentially impacting the waiting period of death row inmates. To further expand the reach of the study one can, include legislation reforms that may have directly impacted the execution process allotting for quicker executions. For example, examining the years the legislation is active and comparing it to the execution rate. Essentially the waiting period of death row inmates is a result of the execution process impacted by state resources, legislation, and the legal process. If legislation were to be enacted that prompted quicker executions the waiting period in theory should reduce. Potentially streamlining the death penalty process with sufficient allotment of time for judicial rebuttal but with a definitive date of execution. Therefore, reducing the waiting period significantly compared to the 10–14-year average commonly witnessed today. The creation of a streamlined process can

positively impact other areas of concern. Areas such as staffing, population density, and other concerns associated with racial variabilities. The installation of a standard practice of procedures can eliminate instances of treatment regarding death row inmates especially concerning race. Understandably, there are elements within the current U.S. criminal justice system that are flawed and unilaterally unequal. There are important and powerful cases that have happened to display the gaps in legal representation under the law for everyone in the system. Moreover, there is a single customary way to conduct operations within the entire system especially for capital punishment and death row. The current state of death row is not ideal as more and more inmates are faced with a waiting period and can stay on death row for decades. The implementation of a standardized system can optimize functionality and address the failures and gap in the U.S. criminal justice system.

Chapter Five

CONCLUSION

The U.S. criminal justice system is one of the guiding pillars in law and order in America. However, the system over the years has lacked the conviction needed to confront these systematic issues head on. These issues pertain to the rules, regulations, and ultimately laws that undermine the power of the system. Issues such as racial disparities, long judicial proceedings, and overrun facilities with lack of staff that puts a strain on the system overall. In addition to the problems the system has there is a spotlight on critical components in the process. One of the areas of concern is the death penalty and the concept of capital punishment. The concerns regard its effectiveness and legality as death row continues to be occupied by inmates sentenced to death. Based on the findings of this study all death row inmates experience a waiting period. Since 1973 time between conviction to execution has increased resulting in the population seen on death row today. Moreover, the findings indicate there are racial variabilities that impact the longevity of the inmate's waiting period before an execution is rendered. The death penalty system is failing and has reached a most critical state straining U.S. resources for all prisons in the country. Approximately, 2,400 inmates are waiting for execution and are serving their sentence on death row (DPIC, 2022). The U.S. death penalty system and capital punishment are experiencing an imbalance of operations. Therefore, causing a rift in the practicality and efficiencies of capital punishment in the form of executions. Due to the backlog of all inmates on death row there are fewer executions taking place. Not only prolonging the sentence of the individual but also a legally recognized punishment. Denying inmates, a swift judicial process while on death row is prolonging justice for the victim's families while illustrating the failures of capital punishment.

The system is continuing the suffering of everyone involved in the process. All members affected are the death row inmates, the victims and their families, and the public. A sense of doubt over the validity of the U.S. criminal justice system is what facilitates a growing concern for the law overall. There are various components within the system such as capital punishment, sentencing, and general rules of practice that have prolonged the ongoing conversations about reform. The U.S. criminal justice system needs reform to make policy changes to benefit all parties involved throughout each step of the correctional process. By taking the necessary steps to reform the correctional process ensures all gaps are being addressed and properly resolved to enhance and reinforce the foundation upon which criminal justice was founded. Law and order exist to protect and maintain humane equity for uniformity. Regardless of race, gender, or sex all individuals in the U.S. are entitled to equal protection under the law. Moreover, the law is one of many irrefutable stances to promote public order and demonstrate its correctional power on those that choose to break U.S. laws. This extends to trials, convictions, and ultimately punishments. Despite all the issues today surrounding the U.S. criminal justice system, the death penalty is one of the areas experiencing the worst correctional conditions right now.

The correctional conditions demonstrate the current failures of capital punishment. Based on the findings of the study, since 1973, time between conviction to execution has increased. Therefore, the population on death row is currently high due to the lack of executions. With so many inmates currently waiting to be executed across all U.S. prison facilities resources are being drained. Resources such as housing, food supply and staffing as well as critical infrastructure needed to keep prison operations functioning. The growing population of death row inmates is due to the rising trend of a waiting period. It is commonplace to see a death row inmate on average spend between 10-15 years on death row since 1973. Prolonging the

executions of death row inmates only increases the strain felt at every level within the U.S. criminal justice system. Especially the victims' families who have yet to receive any justice for their loved ones' death at the hands of the perpetrators on death row. The families are the biggest illustration of the failures in capital punishment. For every 2,400 inmates on death row are 2,400 families waiting for an execution to be rendered. The prolonged waiting period of death row inmates prolongs the grieving process for all the victim's families.

Based on the scope of this study the following parameters were analyzed; the average waiting period time between conviction to conviction and average waiting period between identified racial groups. Additional investigate yielded there was an increase in the average time spent on death row since 1973 specifically during 2011-2023. A granular analysis conducted demonstrated which racial groups (White, Black, Latinx, Asian, and Indigenous people) had the highest waiting period. Both parts of the research conducted formed RQ1 and RQ2 geared toward each area of analysis. The findings present a clear picture to illustrate the magnitude of the waiting period of death row inmates. Death row inmates in recent years specifically 2011-2023 has shown to have an average increase in time spent on death row. Therefore, demonstrating little to no execution activity is happening leading to longer wait times. Additionally, minorities experience less of a waiting period apart from Indigenous people. Meanwhile, White Americans experience the second highest waiting period behind Indigenous people. Moreover, further research analysis yielded results that contributed to the waiting period of death row inmates. During 2019-2023 there were a few critical events that impacted death row. The first big impact was covid-19 between 2019-2020. The second impact was botched executions occurring in 2022 halting executions in a couple of states entirely. The third and final impact was legislation actions resulting in exemptions or appeals of a death sentence based on

mental illness or racial or ethnic disparities. Based on some of the legislation changes enacted in 2023 there were additional calls to abolish the death penalty system citing incompetence and negligence. While also citing capital punishment in the form of execution is a violation of the 8th amendment protecting against cruel and unusual punishment. Despite all the recent events in the last few years. The waiting period of death row inmates remains a source of fact as evidenced by the data. To properly address the waiting period reform is needed to improve processes that impact executions across all U.S. prison facilities. Not only to change the current structure of the execution process but to streamline timely executions to reduce the waiting period and overall population present on death row.

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