

Capital Punishment & Social Rights Research Initiative

DEATH ROW AND MENTAL HEALTH.

SELECT BIBLIOGRAPHY BY

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Association, American Psychiatric. *Psychiatric Services in Correctional Facilities*. American Psychiatric Publishing, 2015.

The book *Psychiatric Services in Correctional Facilities* fills gaps in the literature pertaining to the efficacy of mental health evaluations and treatments, how pre-existing conditions are exacerbated in prison, and the effects of confinement. The book begins with an examination of the legal framework surrounding psychiatric services in correctional facilities in the first part and then provides a detailed account of what psychiatric services are provided from the moment they arrive and the protocols in place.

Baumann, Peter. "'Waiting on Death': Nathan Dunlap and the Cruel Effect of Uncertainty."

Georgetown Law Journal, vol. 106, no. 3, Mar. 2018, pp. 871+. Gale Academic OneFile, link.gale.com/apps/doc/A537719097/AONE?u=txshracd2548&sid=bookmark-AONE&xid=e2651c04. Accessed 7 Apr. 2022.

Baumann adopts an originalist perspective on the eighth amendment and asserts that examines how the current legal process of appeals and extended time on death row is cruel and unusual. He addresses the Stinneford test: the test that exhibits that original connotation of the Eight Amendment targeted cruel effects not cruel intentions. Baumann

uses Nathan Dunlap's case to exemplify how eighteen years on death row and the resulting uncertainty over his execution far outweighed the benefits of the legal safeguards in place.

Blume, John H., "Killing the Willing: "Volunteers," Suicide and Competency" (2004). *Cornell Law Faculty Publications*. Paper 16. https://scholarship.law.cornell.edu/l srp_papers/16

Blume furthers the literature on evaluating the competency of death row inmates who volunteer to be executed and underlying mental health conditions that influence this. He explores how a large proportion of volunteers grow to feel that their punishments are just and fall into a sense of hopelessness which correlates with mental illness. Blume proposes a better way to assess waivers for death row appeals that would only allow mentally healthy inmates to volunteer for execution.

Burton, Paul R., et al. "Mental Health Services in a U.S. Prison during the COVID-19 Pandemic." *American Psychiatric Association*, vol. 72, no. 4, 2021, pp. 458–460., <https://doi.org/10.1176/appi.ps.202000476>.

Burton adds to the conversation on mental health services in prison by discussing how COVID-19 changed these conditions. Building on the premise that there was a long-standing disparity in mental healthcare of incarcerated persons compared to the general population, Burton reports on the rates of COVID-19 cases in prisons and the efficacy of quarantine and other protocols in California's San Quentin State Prison (SQSP). He reveals that SQSP did adapt to the increased demand in mental health services while also ensuring that social distancing was maximized.

Cunningham, Mark D., et al. "Wasted Resources and Gratuitous Suffering: The Failure of a

Security Rationale for Death Row.” *Psychology, Public Policy, and Law*, vol. 22, no. 2, American Psychological Association, 2016, pp. 185–99,

<https://doi.org/10.1037/law0000072>.

Mark Cunningham explores the underlying assumption of isolating death row inmates—the notion that capital punishment inmates are violent. Cunningham dissects this claim and refutes this security rationale by weighing the psychological and monetary costs against the effectiveness of this practice in limiting prison assaults.

“Execution Volunteers.” Death Penalty Information Center,

<https://deathpenaltyinfo.org/executions/executions-overview/execution-volunteers>.

This article by the Death Penalty Information Center provides key statistics on those that volunteer to be executed on death row. It identifies that not only were a large portion of execution volunteers struggling with mental illnesses, almost 10 percent of all executions had been volunteers, which brings into question the competency of volunteers.

Gray, Emily. "Decades in Death's Twilight: Cruel and Unusual Punishment on Texas's Death

Row." *New Criminal Law Review*, vol. 22, no. 2, Spring 2019, pp. 140-163. HeinOnline,

<https://heinonline.org/HOL/P?h=hein.journals/bufcr22&i=145>.

Gray contributes to the existing literature on why death row conditions violate the Eighth Amendment with a specific focus on Texas death row. She examines the woeful state of solitary confinement in Texas prisons in comparison to others across the nation, with focus on the Polunsky Unit specifically, and how the conditions are conducive to death row syndrome and psychological damage.

Johnson, Robert, and Jacqueline Lantsman. “Death Row Narratives: A Qualitative Analysis of

Mental Health Issues Found in Death Row Inmate Blog Entries.” *The Prison Journal*, vol. 101, no. 2, Mar. 2021, pp. 147–165, doi:[10.1177/0032885521994212](https://doi.org/10.1177/0032885521994212).

Johnson assesses death row through the lens of social determinants of mental health and compiles online blog narratives to outline how the legal procedures and confinement conditions affect mental health. The assessment of firsthand narratives fortifies the literature by depicting the psychological realities of death row.

McDonnell, Melissa, and Robert T.M. Phillips. "Physicians Should Treat Mentally Ill Death Row

Inmates, Even If Treatment is Refused." *Journal of Law, Medicine & Ethics*, vol. 38, no. 4, winter 2010, pp. 774+. Gale Academic OneFile, link.gale.com/apps/doc/A244888003/AONE?u=txshracd2548&sid=bookmark-AONE&xid=f91483b4. Accessed 28 Mar. 2022.

McDonnell and Phillips explore the tension between the ethical duty of physicians and treating mentally ill patients on death row when treatment is refused. They assert that physicians are obligated to treat the mentally ill on death row by refuting legal and ethical arguments against treating inmates by citing points like the doctor-patient relationship in medical ethics and how it is widely defined and past legal precedents.

Rountree, Meredith Martin. “‘I’ll Make Them Shoot Me’: Accounts of Death Row Prisoners Advocating for Execution.” *Law & Society Review*, vol. 46, no. 3, Blackwell Publishing Ltd, 2012, pp. 589–622, <https://doi.org/10.1111/j.1540-5893.2012.00507.x>.

Rountree compiles first-hand accounts from death row volunteers and the reasons they gave for wanting to end their appeals process. The statements from inmates describing

how conditions were “subhuman,” “frightful,” and “hazardous” gives insight into the cruelty of death row and the mental health toll.

Sharkey, Kara. "Delay in Considering the Constitutionality of Inordinate Delay: The Death Row Phenomenon and the Eighth Amendment." *University of Pennsylvania Law Review*, vol. 161, no. 3, Feb. 2013, pp. 861+. Gale Academic OneFile, link.gale.com/apps/doc/A322780423/AONE?u=txshracd2548&sid=bookmark-AONE&xid=7004feb8. Accessed 7 Apr. 2022.

In this article, Kara Sharkey examines the case of Clarence Allen Lackey, a milestone case that led to the creation of the Lackey Claim—the claim that extended time on death row inflicts gratuitous psychological pain. Sharkey makes the assertion that prison conditions have not kept pace with the developments in the appeal process and the increase in inordinate delays. This article contributes to death row literature by assessing the legal implications of death row syndrome and undue suffering. Sharkey describes Lackey’s conditions like the 23-hour isolation and 6 by 9 feet cell, and she provides legal precedents that have acknowledged this as psychological torture.

Smith, Amy. "Not Waiving but Drowning: The Anatomy of Death Row Syndrome and Volunteering for Execution." *Boston University Public Interest Law Journal*, vol. 17, no. 2, Spring 2008, pp. 237-254. HeinOnline, <https://heinonline.org/HOL/P?h=hein.journals/bupi17&i=241>.

Amy Smith explores the high correlation between those with mental health issues on death row, or death row syndrome, and volunteering to be executed. Smith breaks down death row syndrome into temporal, physical, and experiential components and aims to

bridge the legal definition of death row syndrome with the actual lived condition of inmates through a review of photos and various accounts of death row experiences.

Toch, Hans, et al. *Living on Death Row: the Psychology of Waiting to Die*. Edited by Hans Toch et al., American Psychological Association, 2018.

In *Living on Death Row: The Psychology of Waiting to Die*, Hans Toch expands on the literature on the so called death row phenomenon by identifying what factors of life on death row led to death row syndrome. Koch begins with an examination of solitary confinement and current death row conditions across the U.S. Then, he examines the psychological impact of waiting alone to die, provides a detailed ethnographic analysis of confinement, and breaks down how the concept of time changes on death row.

Yanofski, Jason. "Setting up a Death Row Psychiatry Program." *Innovations in Clinical Neuroscience* vol. 8,2 (2011): 19-22.

Addresses the issue of how some people view treatment to death row inmates as unnecessary and asserts that they have the right to treatment until the moment of their execution. Yanofski then goes on to make suggestions regarding implementing a psychiatric program on death row such as creating proper evaluations, distinguishing various stages of depression, and how clinical ethics would translate to practical treatment. Yanofski furthers the literature on mental health services in prison with recommendations for psychiatric treatment grounded in concerns of practicality and implementation.