

was briefly suspended nationwide during part of 2007 and 2008, while the Supreme Court considered whether lethal injection was cruel and unusual punishment (*Batz v. Rees*). The case was based on a death row inmate in Kentucky whose lawyers argued that lethal injection was contrary to the Eighth Amendment. In April 2008, in a 7-to-2 decision, the court decided that as long as lethal injection was implemented properly, it was not cruel and unusual. The decision lifted the temporary nationwide ban on the death penalty. However, the ban may be revisited soon because of an execution that took place on January 16, 2014. On that day in Ohio, Dennis McGuire was put to death for the 1989 murder of Ioy Stewart, 22. Due to a nation-wide shortage of the painkillers and sedatives normally used for lethal injection, Ohio authorities used a new combination of available drugs. Dennis gasped and snorted while it took 26 minutes for him to die. The lethal injection drug shortage in America is due to the fact that European companies manufacture the lethal injection drugs, and most of these companies have stopped making them because of widespread disapproval of the death penalty in Europe (Graczyk, 2014). The lethal injection chemical shortage and overturned convictions have contributed to a downward trend in the use of the death penalty in recent years.

In Illinois, a moratorium on the death penalty was imposed because more people on death row had been exonerated (13) than executed (12) since 1976 (Cole, 2000). DNA evidence was increasingly being used to acquit many death row inmates, and the governor, who favored the use of the death penalty, wanted to "be sure with moral certainty" that no more innocent people were headed for execution. Before he left office in 2003, Governor Ryan commuted the sentences of everyone (167 people) on Illinois's death row to life in prison. In 2001, New Jersey, Indiana, Kentucky, and Pennsylvania instituted studies on whether to place a moratorium on the death penalty. New Jersey has not executed anyone since 1963; and in 2007, Governor John Corzine abolished the death penalty.

Pennsylvania has executed only three people since 1978 (all three asked to be executed). The results of the Pennsylvania study were similar to findings in the other states. Pennsylvania must work to reduce the likelihood of false confessions, crime-lab errors, witness misidentification, and racial disparities (Shiffman & Coudounakis, 2007). The death penalty remains legal in Pennsylvania. It is important to note that in June 2002, in a 6 to 3 Supreme Court decision (*Atkins v. Virginia*), the death penalty was deemed to be cruel and unusual punishment for a person with mental retardation (Kammet, 2002). In *Ring v. Arizona*, also in June 2002, the Supreme Court ruled that only judges, not juries, could impose the death penalty. *Ring v. Arizona* overturned more than 100 pending death penalty cases in Arizona alone. Finally, in 2005, the US Supreme Court abolished the use of the death penalty for persons who were under the age of 18 when the crime was committed.

Policy change to influence the ways we view and treat criminals can be daunting. Factors such as race and class play significant parts in our public response to crime. Box 13.8 asks you to consider how you might advocate for change in the criminal justice system.

Box 13.8 Becoming a Change Agent

Are some victims of crime more important than others? School shootings have become increasingly common events and many receive a great deal of media attention. Some incidents of violence become national news stories and are discussed nationwide for weeks or months after they occur. But shootings occur at schools on a regular basis that we rarely hear about. When low-income students of color are shot at school, the events often receive limited local coverage and no national coverage. For example, in the first two months of 2008, there were three school shootings in Memphis, Tennessee, at Mitchell High School, Memphis High School, and Hamilton High School. The victims in all three were African American, and none of the three received much media attention.

The victims in the vast majority of school homicides are African American, and most of these are not widely reported (Finkelhor & Ormrod, 2001). Looking at the situation another way, some argue that the intense attention to where children are shot, at school, poses a problem. School shootings garner media attention, but homicides of children that take place away from school do not receive the same attention. Between 1992 and 2002, 261 youth ages 5 to 19 were victims of homicide at school. During the same time period, 28,500 youth ages 5 to 19 were homicide victims away from school (DeVoe et al., 2004).

Similar concerns can be raised about media attention paid to cases of kidnapped children and victims of domestic violence. Many people around the country know the name Laci Peterson, a missing pregnant woman whose husband was later accused and convicted of the crime. It was difficult to watch the news after her disappearance and during her husband's trial without hearing about the case. Laci Peterson was white. Statistics tell us that most

pregnant homicide victims are young and African American (Goldwerth, 2008). Yet few if any of these cases receive any media attention, much less the massive media attention given to the Peterson case.

Analyzing the Situation

- Conduct research on youth homicides at school or kidnapped children. Have you heard about most of the cases where the victims were white? Have you heard about most of the cases where the victims were children of color? If you see a disparity, why do you think that disparity occurs?
- Does media coverage matter? Does broad coverage say something about the importance or worth of the victims, or does it shape how we see and understand crime and violence and our fears about crime and violence?
- What makes something worthy of news coverage? Is it the event, the types of people involved, the location, or something else?

What Can Social Workers Do?

Given your analysis, what might social workers do to influence what and who the media decides is newsworthy? Can you think of possible approaches to shape media coverage that involve the use of community practice or legislative advocacy?

What Can You Do?

What one step might you take now, alone or working with others, to influence media coverage about an issue that matters to you? What are the barriers that might keep you from taking this step? What could you do to reduce those barriers?

Victims' Rights

In 1982, Ronald Reagan established the President's Task Force on Victims of Crime. Tobolsky's (1999) evaluation of the impact of the Task Force's Final Report indicates there was a surge in federal and state legislative and judicial action on behalf of crime victims. As a result of the task force's recommendations, "the federal government and the majority of the states have constitutional or legislative provisions (or both) which require victim notification of important events and actions in the criminal justice process and allow, to varying degrees, crime victim presence and hearing at critical stages of the criminal justice process" (p. 25). The most recent federal legislation addressing