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#### Recommended Citation

Crews, Gordon A., et al. "Life on Death Row." *Routledge Handbook on American Prisons*, edited by Laurie A. Gould and John J. Brent, Routledge, 2020, pp. 219–40, doi:10.4324/9780429397899-17.

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## **Life on Death Row**

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### **Abstract**

The purpose of this chapter is to examine the general conditions for those living on death row in the United States. This examination involves the various restrictions of freedom outside of cell, size and conditions in cells, allowances on personal property, and limits on food and recreation. Special attention is given to discussing the unique relationships that often develop between correctional officers and death row inmates. These relationships are explored through the phenomena of “Hustling” (*i.e.*, any actions taken by an inmate to generate revenue, power, or control over their environment). This type of behavior often is used as a coping mechanism for death row inmates as they deal with their living environment and potential fate. An interesting aspect of this behavior is that it can also serve as a coping mechanism for correctional officers working through the unique demands placed on those working with condemned inmates.

### **Introduction**

Death row is a special section of a prison or correctional institution in the United States that houses inmates who are awaiting execution after being sentenced to death for the conviction of a capital crime (Montgomery & Crews, 1998; Crews, Montgomery, & Garris, 1996; Stanko, Gillespie, & Crews, 2004). Currently 31 of the 50 states and the federal government authorize this penalty. Generally, each state will have a designated institution which will house the state’s “death row”. Although, "death row" is a term also used figuratively to describe the state of awaiting execution, even in places where no special facility or separate unit for condemned inmates exists.

Most states hold people on death row in solitary confinement and extreme isolation in windowless cells 23 hours a day. There is virtually no human contact except with correctional officers or volunteers who occasionally bring food or treats. Such prisoners are not allowed to

take part in any educational or work programs at their institution (National conference of state legislatures, 2017).

Opponents of capital punishment claim that a prisoner's extreme social isolation on death row and uncertainty over his or her fate constitute a form of mental cruelty. Long-time death row inmates are more liable to become mentally ill, if they are not already. In extreme cases some inmates may attempt to commit suicide. This is referred to by some as the "death row phenomenon" (Smith, 2008; Harrison & Tamony, 2010).

In the United States, prisoners may wait many years as they appeal their convictions or sentences. The time between sentencing and execution (Death penalty information center, 2017) has increased relatively steadily from 1977, when some states reinstated their death penalties through new legislation, to 2010. The time to execution increased between 2008 and 2009, as the U.S. Supreme Court had suspended all executions from 2007 to 2008, when it was studying the constitutionality of lethal injection as a method of execution.

Another factor has been the rise of non-profit law firms, the *Innocence Project*, and pro bono lawyers, often in association with centers at university law schools, who have provided counsel to death row inmates (The innocence project, 2017). In some cases, they have gained full exoneration; in others they have gained new trials or resentencing, including commutation of death sentences to life in prison or time served. In 2010 (Death penalty information center, 2017), a death row inmate waited an average of 178 months (roughly 15 years) between sentencing and execution. Nearly a quarter of inmates on death row in the U.S. die of natural causes while awaiting execution or appealing their cases.

U.S. Supreme Court Justices opposing the death penalty have argued in their dissents that the delays and waiting on death row was a factor making capital punishment unconstitutional as a cruel and unusual punishment. Their views were rejected by concurring opinions from more conservative justices who said that these long delays were caused by the convicts themselves and by "justices opposed to the death penalty" (Montgomery & Crews, 1998; Crews, Montgomery, & Garris, 1996; Stanko, Gillespie, & Crews, 2004).

### **General Conditions for Those Living on Death Row in the United States**

The following is a general overview of the general conditions of life on death row.

**restrictions.** Given their eventual punishment (S. Stanko, personal communication, October 14, 2017), death row inmates are subject to many more restrictions than inmates sentenced to life without parole or lower levels of sentences. They are held in single cells while other inmates are double celled, quadrupled celled, or in very large housing units. Death row inmates generally have one to two hours of recreation outside of their cells six days a week and are always caged by themselves while other inmates are usually outside their cells six to seven hours a day and can be with other inmates.

Unless placed on super maximum security or other punitive status (L. Cottrell, personal communication, October 15, 2017), all inmates have access to the commissary/canteen, but death row inmates face more restrictions on the types of property they can have and purchases they can make. Death row inmates eat meals alone in their cells while other inmates eat in their cells or in a chow hall or day room. All types of inmates have access to programs and services, but much fewer programs are available to death row inmates.

Most death row inmates are allowed up to three non-contact visits per week that are limited to one to two hours each while other inmates may qualify for contact visits and are usually allowed at least two visits per week of at least one hour (S. Stanko, personal communication, October 14, 2017). In addition, most prison policies require death row inmates to be escorted by at least three staff persons and are placed in full-body restraints when moving outside their cell. These extreme directives do not exist for most other inmates.

**cells.** In general, prison policies across the United States require special conditions for the housing of death row inmates (L. Cottrell, personal communication, October 15, 2017). It could be argued that the growing number of inmate led class action lawsuits against states each year appears to be evidence that many conditions are not being met. Death row housing areas are to be well-ventilated, adequately lighted, appropriately heated, and sanitary. Cells are normally equipped with a bed and furnished consistent with general population cells. Many prisons require staff to search each death row cells at least three times a week, but this very seldom occurs due to lack of correctional staff. Moreover (S. Stanko, personal communication, October 14, 2017), the general guidelines for a death row housing unit is that it must be visited by staff at least every 15 minutes on an irregular schedule and a more frequent basis for problem inmates. In theory, it should be visited by a custody supervisor or unit manager each shift and inspected at least twice a week by the unit administrator. Also, inmates who are violent, have a mental disorder, or demonstrate unusual or bizarre behavior are observed more frequently and suicidal inmates are under continuing supervision.

**property.** Under most prison policies (L. Cottrell, personal communication, October 15, 2017), death row inmates are provided appropriate clothing that is not degrading and should be the

same as general population clothing unless an adjustment is needed for self-protection such as removing a belt to prevent a suicide attempt. Many states to cut costs are simply requiring all death row inmates to wear coveralls displaying death row status and institution. These inmates (S. Stanko, personal communication, October 14, 2017) can have basic personal items for use in their cells and reading materials. They can access the commissary/canteen and have the same opportunities for writing and receiving letters as general population inmates. Although, property can be removed when an inmate is under certain restrictions such as behavior management status, when the inmate retains only a safety gown and safety blanket.

**movement outside cell.** For most death rows (L. Cottrell, personal communication, October 15, 2017), the prison policies require a minimum of two to three staff persons to escort each death row inmate. They also require the use of full body restraints when moving inmates outside of their cells. Death row inmates are generally handcuffed behind their back for routine out-of-cell movement including showers, recreation, social visits, social phone calls, using dayrooms (restraints are removed once the inmate is secured in the area and the process is reversed to return the inmate to their cell). Death row inmates (S. Stanko, personal communication, October 14, 2017) are fully restrained in front (handcuffs, leg irons, and tether chain) for professional visits including attorney, medical, mental health, and related visits and video conferencing which require staff being secured in an area with the inmate (restraints remain on at all times); and fully restrained behind the back (handcuffs, leg irons, and tether chain) for out-of-unit movement within the facility except when a medical or dental procedure requires full restraints in the front (restraints remain on at all times).

**recreation.** Under most prison policies (L. Cottrell, personal communication, October 15, 2017), death row inmates have recreation outside of their cells for a minimum of one hour daily, five to six days a week, but a supervisor may deny recreation when the inmate presents a threat to the unit's safety and security. The inmates receive an opportunity for meaningful recreation, using restraints commensurate with classification reviews of the inmate's current level of disruptive behavior.

**food.** Death row inmates (S. Stanko, personal communication, October 14, 2017) receive all meals in their cells. Food is of the same quality and quantity as for the general inmate population. Staff use alternative meal service if the inmate uses the food or food service equipment in a manner hazardous to the inmate, staff, or other inmates.

**programs and services.** For most states (L. Cottrell, personal communication, October 15, 2017), death row inmates have access to available programs and services according to applicable court decrees and reportedly sound correctional management principles. This includes educational, social, and counseling services and religious guidance. They may access educational and library programs consistent with security needs. While most on death row would argue to the contrary (S. Stanko, personal communication, October 14, 2017), a member of the health services unit is supposed to visit the death row housing unit at least once per shift, a counselor visits death row inmates at least daily, and facility chaplains schedule visits to death row inmates at least weekly.

**visits and phone calls.** In general, prison policies (L. Cottrell, personal communication, October 15, 2017) allow visits to death row inmates unless there are substantial reasons for withholding the privilege. Visits may be cancelled if the inmate's behavior or actions are a threat

to facility or staff security or safety. Legal visits are permitted as needed and approved by the unit manager or his or her designee. For most on death row, their visits are non-contact and all visitors are separated by a glass partition and communicate through a screen or by a phone which may be monitored. All social visits are scheduled through the unit manager's office and death row inmates are allowed up to three visits per week lasting 2 to 3 hours.

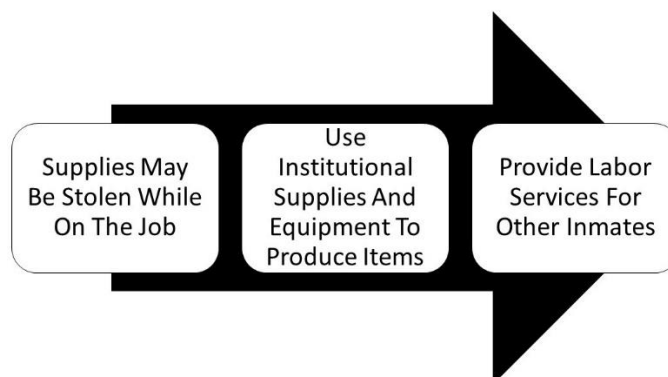
### **“Hustling” on Death Row**

For many on death row, there is only one way they can generate income ~ that is to develop a “hustle”. Hustling (S. Stanko, personal communication, December 2, 2017) consists of selling “illegal” or “contraband” goods and services wanted by inmates in order to obtain items that they would otherwise not have access. It is basically to acquire goods and services not normally available on death row. It also serves as a media of exchange to buy the goods and services wanted by inmates. These desires are often simply the providing of amenities of life inside to make things just a little more comfortable. For many there is also the inherent benefit of the satisfaction of “beating the man”. For death row inmates (L. Cottrell, personal communication, December 3, 2017), steady and regular “production of a product” produces a semi-dependable monthly income. Ultimately, this “illegal” economic activity co-exists with and actually complements the legal channels of exchange (*i.e.*, proper use and procurement of canteen items).

### **The Requirements for the “Hustle”**

Many hustles do not require purchased items to make them possible (S. Stanko, personal communication, December 2, 2017). There are other ways that required “inputs” can be obtained. There are essentially three (3) ways that materials and items can be obtained.





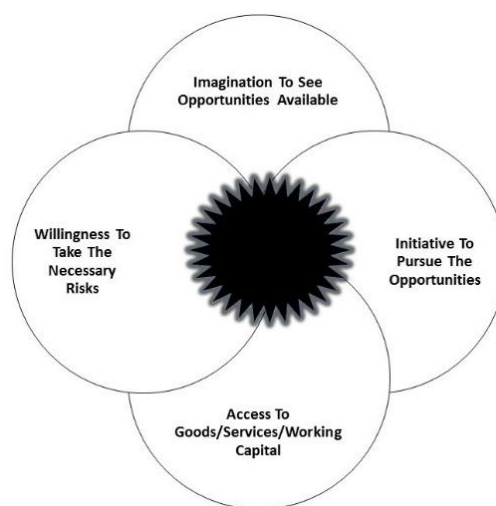
**supplies may be stolen while on the job.** Some items or supplies (L. Cottrell, personal communication, December 3, 2017) can simply be stolen or acquired while an inmate is on their job or work assignment. Given the level of security under which an inmate finds themselves they will have different opportunities to work while incarcerated. Based on their “job” they may have access to food, tools, pens, paper, and even medical supplies. It is relatively easy for an inmate to obtain these items and, based on other activities discussed in this chapter, transport them back to their living areas and to other inmates.

**use institutional supplies and equipment to produce items.** Also, based on their job and the areas that they have access to in the prison (S. Stanko, personal communication, December 2, 2017), they may be able to use institutional supplies and equipment to produce items that other inmate’s desire. This could be the preparation of a special meal, constructing of a special tool, or even washing a particular inmate’s clothes separate from all others.

**provide labor services for other inmates.** Even those who do not have actual work assignments can still provide labor services for other inmates (L. Cottrell, personal communication, December 3, 2017). Some may offer to clean another’s room or wash their dishes for payment. Some may offer “protection” to another for payment or special favors.

## The Requirements for the “Hustler”

For any hustler to be effective at hustling, they must have four (4) things (S. Stanko, personal communication, December 2, 2017):



**imagination.** The very first thing the inmate must have in order to begin hustling is a strong and very keen imagination (S. Stanko, personal communication, December 2, 2017). The inmate must have the imagination to see what opportunities may be available to them that others, especially the security staff, cannot see. One must remember that most inmates sit in a cell many hours each day for years. Often the only thing to relieve boredom is to watch others. Watch what time the correctional officers come through the wing, watch what times meals are served, watch what times officers change shifts, and watch who talks to who.

**initiative.** Once they have evaluated what they see and experience every day, they must then develop the initiative to begin figuring out the world of hustling (L. Cottrell, personal communication, December 3, 2017). Given their particular type of secured environment (*i.e.*, general population, maximum security, or death row), they must have the initiative to pursue what

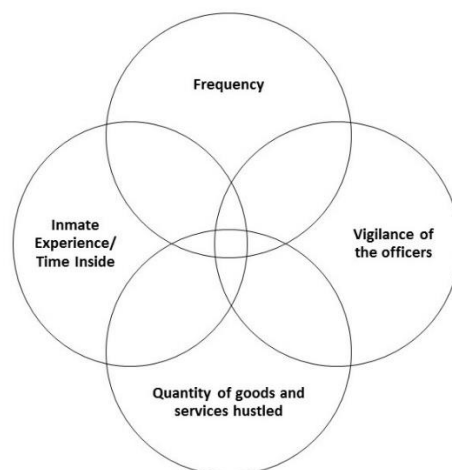
opportunities they have available. This may involve actual procurement of items or simply being a middle person in the transportation of items.

**willingness.** They must also have the willingness to take the necessary risks inherent in such activities (S. Stanko, personal communication, December 2, 2017). In addition to facing potential disciplinary charges, they also begin potentially dangerous relationships with other inmates.

**access.** Finally, the inmate must have access to goods services and working “capital” in order to make any hustle work (L. Cottrell, personal communication, December 3, 2017). This is where all of the inmate’s imagination, initiative, and willingness come together.

### **The Probability of Getting Caught**

Every inmate involved in a hustle knows that there is a risk of loss in what he is doing (S. Stanko, personal communication, December 2, 2017). It is a game of chess with the inmate pitted against the administrative and security staff. It is the “cat and mouse game” of criminal activity at its peak. The security staff is constantly looking to catch the inmates doing anything wrong, and the inmates are doing everything possible to keep from being caught. Thus, there are generally 4 factors which impact the likelihood of an inmate getting caught.



**frequency.** Frequency of activity is a double edge sword in hustling (L. Cottrell, personal communication, December 3, 2017). The more an inmate hustles, the better they get at hustling. But at the same time, they also increase their exposure to being caught. Essentially, for the inmate, the more they are involved in hustling the more opportunities they must establish contacts and set routes to continue future hustles.

**quantity of goods and services hustled.** As with business in the free world, the quality of goods and service provided will have a significant impact on the success, and continued success, of a hustler (S. Stanko, personal communication, December 2, 2017). Inmates develop a reputation based on their word; their word is often based on what they can provide to others.

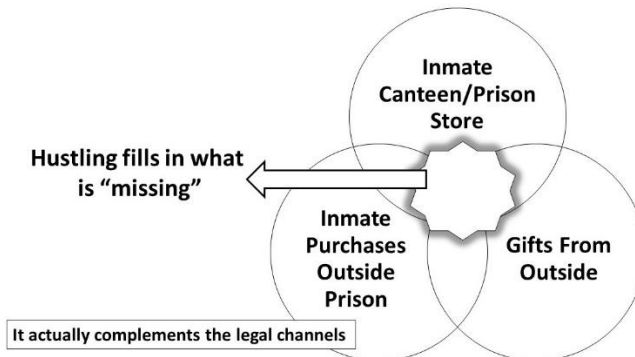
**inmate experience/time inside.** As is always the case, practice makes perfect. The more an individual has been incarcerated the more they have learned about how the system functions (L. Cottrell, personal communication, December 3, 2017). The more institutions they have been in the more they understand how the prison system works. For most death row inmates, their sitting on death row is not the first time they have been in prison. Therefore, they have already gained a great deal of experience on how a prison system functions from the view of those outside

of death row. They then have an intimate understanding of what it will take to those on lower levels of security to get them the things they want on a higher level of security.

**vigilance of the officers.** As should be expected, the vigilance of the correctional officers in doing their duties will impact how successful hustles are for, and by, death row inmates (S. Stanko, personal communication, December 2, 2017). Every death row has strict regulations on what is required of all correctional staff when it comes to handling inmates. The difference becomes in how well they carry out their duties.

### Acquiring Goods and Services in Prison

There are generally 3 channels for lawfully acquiring goods and services in the prison (L. Cottrell, personal communication, December 3, 2017).



Available to all inmates (including death row inmates), unless on special restrictions, is access to the inmate canteen and/or prison store. The “canteen” (S. Stanko, personal communication, December 2, 2017) is the prison version of a mini-mart or corner grocery store. Canteens are state/federal operated units which offer food and drinks, hygiene, writing supplies and miscellaneous desk products (*i.e.*, pens, pencils, tape, paper, and notebooks), and an

assortment of other miscellaneous, approved items. They also offer a select supply of canned and sealed-package products (*i.e.*, roast beef, chicken, chili, beef stew, tuna, salmon, Jack Mack, corn, veg-all, tomato, and okra), soups, pastas, soda, instant coffee, chips, snacks, vitamins, shampoo, condiments, and batteries. Inmates that are not restricted due to unemployment and/or disciplinary considerations are able to use their individual financial accounts (with money deposited by family, friends, loved ones, and/or personal funds) to purchase items on a weekly basis.

The stores are less about luxury and comforts and more about existence and survival (L. Cottrell, personal communication, December 3, 2017). They also have over-the-counter medications (*i.e.*, cold and flu products), hygiene products (*i.e.*, toothpaste, toothbrushes, razors, shave creams, shampoos, conditioners, deodorants, and soaps), under-garments (*i.e.*, socks, boxers, and t-shirts), footwear (*i.e.*, shoes, boots, tennis shoes, and flip-flops), wash cloths, towels, paper, pens, notebooks and other supplies.

All inmates (S. Stanko, personal communication, December 2, 2017), even death row inmates, must be treated with a certain level of decency and therefore, be provided certain items. That said, they can be provided at the cost of the taxpayers via institutional inventories, or inmates can be given the opportunity to purchase these items using their own funds provided by any savings or family and friend contributions.

### **Ordering “Take Out”**

The idea of “take out” is that inmates make requests and “pay” others to obtain things they normally cannot (L. Cottrell, personal communication, December 3, 2017). It must be remembered that the vast majority of American correctional facilities are “cashless systems”. That is, cash money is contraband and not allowed in the prison setting. Therefore, what gets stolen or

acquired depends on those demands and the movement of “funds” between inmates. Said demand also impacts the pricing of items. This is quite normal in capitalism, but in the death row environment it can become very tricky. The ultimate pricing of an “item” will also depend on how risky its acquiring is for the seller and how risky its possession is for the buyer. While the price and risk depend on supply and demand, there are basic elements to the concept of ordering items on death row. Also, depending on the product and packaging, the means of procurement can change.

**“mules” and transporting.** The prison slang (S. Stanko, personal communication, December 2, 2017) for those who move such items are called “mules”. Inmates will need to find a mule to bring their item(s) to them if they cannot obtain the item(s) in any other fashion.

**getting the items and packaging for transport.** The first problem for the inmate is to obtain the requested item (L. Cottrell, personal communication, December 3, 2017). Once acquired, they then must figure out how to “package” it for transport to either the next inmate “transporter” or to the buyer themselves.

**storage/risk/contraband.** In between the time the item(s) are acquired, and they get to the buyer they must be “stored” (S. Stanko, personal communication, December 2, 2017). This involves substantial risk in that even if the item is not a dangerous item per se (*e.g.*, a knife) it is still considered contraband in that it should not be in position of the inmate at the time they have it.

**occupying security/distraction.** Many times, the acquiring of an item and its transport will involve the distraction of correctional staff (L. Cottrell, personal communication, December

3, 2017). Inmates will often help each other distract a correctional officer or security staff while other inmates remove an item or package it up for transportation.

**crossing the yard/pairs/teams.** Many times (S. Stanko, personal communication, December 2, 2017) the occupying of security staff must occur as inmate transporters cross a prison yard or enter other cell areas in order to deliver an item. This movement can be through a team of inmates or just a few pair.

**hand-offs/distribution/unloading.** Inmate transporters (L. Cottrell, personal communication, December 3, 2017) must develop ways to move items from one to another and then to the buyer. This involves a great deal of ingenuity many times as inmates distribute and unload various types of contraband.

**intended use by consumer.** A final, but extremely important, aspect of this is the intended use of the ordered item by the buyer (S. Stanko, personal communication, December 2, 2017). While all of these items are classified as contraband, some have more serious ramifications than others. As discussed in this chapter, an inmate involved in any type of movement of contraband can receive a disciplinary charge. But, if what they are caught being involved in the transportation of an item used in an assault or murder of another, they can be criminally charged as an accessory to that crime. Therefore, if an inmate is ordering a “blade” for self-protection, if it is used in a death, the one providing it can be criminally charged as well. This means that the inmate acquiring and transporting an item of contraband has the right to ask what it will be used for by the one ordering it.

### **Disciplinary Charges for “Hustling”**



Most department of corrections (Montgomery & Crews, 1998; Crews, Montgomery, & Garris, 1996; Stanko, Gillespie, & Crews, 2004) provide certain charges specifically designed around the offenses and prosecutions of hustles. The descriptions of these charges are as usually stated in the “Inmate Disciplinary System” policy of an institution. Some of these are as follows:

**the use or possession of narcotics, marijuana, or unauthorized drugs, including prescription drugs.** The actual or constructive possession of any item which was not issued to the inmate officially or which cannot be purchased by him or her in the prison canteen or has not been authorized by the Warden. Drugs of any description (except those prescribed by an authorized physician and within authorized amounts) are contraband. Any inmate testing positive for any unauthorized drug, refusing to submit to a drug test, or failing to produce a specimen within three (3) hours.

**the use, possession, or distilling and/or brewing of any alcoholic beverage.** Any inmate acting under the influence, or in possession of alcohol or alcoholic beverage or other substance which, when ingested, creates altered states of physical or mental activity.

**trafficking and trading.** The buying or selling or unauthorized exchange of any commodity from any individual within the institution, other than authorized purchases from the canteen (evidence may include an excessive inventory of marketable items).

**gambling and loan sharking.** Any inmate who bets, lends, offers to lend, borrows, or attempts to borrow anything of value from another person, or organizes the outcome of any event, including sporting contests. The possession of gambling paraphernalia may be sufficient evidence.

**sexual misconduct.** Engaging in sexual acts with other or willful exposure of private parts in public, or soliciting sexual acts from others, or homosexual conduct involving physical contact.

**assisting in the corruption of or entering into an improper relationship with an employee.** The act of any inmate who willfully gives, offers, or promises anything of value with the intent to influence any official act or action within the official responsibility of any employee; the act of any inmate who enters into an improper relationship with an employee.

**use or possession of tattooing paraphernalia.** The actual or constructive possession by an inmate of tattooing device which may be used for the purpose of tattooing.

**unauthorized services/piddling (handicrafts).** No inmate shall attempt to provide professional services or handicrafts for any person for any reason whether it is for profit or not.

As can be seen, the policies specifically disallow almost any act, service, or supply of any service, product, or supply of same. Inmates are immediately subject to disciplinary offenses the second that they take it upon themselves to beginning any hustle.

### **Why is Food so Important on Death Row?**

There are several reasons why food is so important to those on death row. Food and water are needed for humans to survive, but to many it can mean so much more. Food and over-eating are often a way people cope with various emotions such as loneliness or depression. “Comfort food” has become a common term for items such as ice cream and candy by those who use them to “self-mediate”. This, combined with the lack of access to other activities, may be the reason that food is so central to a death row inmate.

### **An Overview**

**to eat.** There are countless numbers of prisoners who receive little to no support from loved ones (S. Stanko, personal communication, September 23, 2017). Many career-criminals have lost support due to the obvious “time-and-time-again” of things such as repeated periods of

being incarcerated. Many first-time offenders have family that feel they need to be “taught-a-lesson”, as if prison was not enough in and of itself. No matter what the circumstances of the individual in question, a hunger pain has no socio-economic pain-grade. Hunger can bring many people to do things that they otherwise may not.

**bartering.** In the same case of non-support, the convict sometimes obtains more food than he can or needs to consume (L. Cottrell, personal communication, September 24, 2017). Remaining (untouched) parts/portions are often traded and/or bartered for other goods/services.

**friendship/fear.** Prison offers very few friendships (S. Stanko, personal communication, September 23, 2017). In fact, it is an absolute rarity to have a true “friend” in the prison system, especially on death row. Every prisoner has acquaintances, associates, accomplices, etc. however, many of the weaker prisoners will do many things in order to befriend the stronger inmates. One way of getting close to other convicts is to provide things via hustle and other abilities. Food products are high on the list of both wants and needs. Therefore, the individuals that can source products from the kitchen tend to gain many convicts who treat them friendly.

**dope, drugs, and countless addictions.** Many on death row (L. Cottrell, personal communication, September 24, 2017) still try to feed any addictions they may have brought into prison with them or develop new ones to deal with their situation. Therefore, as it is in the free world, drug dealers dictate the method of payment they are willing to receive. Like every other inmate, they are trying to make their prison existence more comfortable. Therefore, a large percentage of their payment/profits will come to them in the form of food. Therefore, any of their clients that work in the kitchen/cafeteria will be given the ability to pay in that fashion.

**canteen/supplies.** With stockrooms and freezers full of all sorts of supplies (S. Stanko, personal communication, September 23, 2017), a convict can simply take his opportunities as they come and take what is available with the least amount of risk. Once products safely reach their unit, the inmate can put the product (whatever it is) on the “open market”. In this particular mode, the inmate has the least measure of threat in neither being bound to a debt nor having any specific order to fill. Likewise, the inmate can have greater control of when and how he makes his move.

**some just want to cheat the system.** Given the past lifestyles of many inmates, there are some inmates that steal solely for the purpose of robbing the system (L. Cottrell, personal communication, September 24, 2017). These are customarily the career-criminal, multi-offender troublemakers. While not attempting to “glamorize” these individuals, but in the correctional world of “we versus them”, these are seen by many inmates as the soldiers or warriors that miss very few opportunities to take or destroy a part of the system just for general purposes.

### **Ingenuity of Death Row Inmates**

Given the security measures taken on death rows across the country, these inmates do not have the opportunity to demonstrate their ingenuity as much as others (S. Stanko, personal communication, September 23, 2017). While some hobby-craft type items are allowed for inmates on death row to build or create things, food is the one thing that they all have access to ~ in one way or another.

### **Food Preparation in the Cell**

On death row (L. Cottrell, personal communication, September 24, 2017) there are no ovens, no stores, no steel pots, no whisks, no chef’s knives or anything else that could remotely

qualify as real cooking materials and/or utensils. From plastic bowls to “Cool-Whip” containers obtained from staff parties to medical foot-soaking tubs, inmates can and will cook in just about anything that can be properly cleaned and sanitized. Interestingly, it could be argued that even with the use of such items, inmates who cook are the cleanest and most sanitary. Otherwise, nobody would eat their meals much less pay for them. Keeping in mind that there is no privacy on death row, an individual’s bad habits are more on display. Therefore, inmates create the many ingenious tools used in the cells as they start to prepare meals.

**procured via time/bowls and items.** The more time an individual serves, the more the opportunity to collect “things” (S. Stanko, personal communication, September 23, 2017). Because officers and staff members bring in their own lunches, microwave bowls of various sizes and shapes and other items can often be accumulated by means of their just being left behind or thrown away in places that inmates have access. Inmates will generally not steal a bowl or item, instead they collect those that are almost always simply left in a place to be cleaned and are “forgotten”.

**utensils/the spork.** Most prison canteens offer the most minimal of cooking supplies and equipment (L. Cottrell, personal communication, September 24, 2017). For approximately 20 cents, one can purchase a “spork” (a spoon-fork). The Spork is the equivalent of a tablespoon with 4 1/2-inch handle and a set of 4 tines that look like a set of piranha teeth at the end. They are made of a strong durable plastic as compared to the standard sporks in those packs normally provided at fast food stops or delis. They do offer a measure of stirring ability for food products up to a better-than-average thickness.

**cutting tools.** Obviously, some foods need to be cut. Yet, knives are, quite obviously, not allowed (S. Stanko, personal communication, September 23, 2017). For death row inmate's ingenuity comes in once again. Some staff/security members bring in meals that have the small, fast-food or deli-style utensil packs in them. These packs have a plastic knife, plastic fork or spoon, a napkin, and salt and pepper. These plastic knives are not allowed and will be taken during routine inspections and searches; however, they are not the subject of intense shakedowns. Death row inmates (L. Cottrell, personal communication, September 24, 2017) also have access to canned items that they can purchase from the canteen. Many of these have removable pull off metal lids. Such a lid can be bent at  $\frac{1}{4}$  and flattened to make one of the sharpest cutting tools available.

**spoons/ladles/measuring cups.** Spoons and ladles can be made in the carpentry shops of most prisons (S. Stanko, personal communication, September 23, 2017). Inmates find that paint stirrers make great mixing utensils and medical "dose" cups are excellent measuring cups.

**Cook pots/hot pots.** There was once cook pots (primarily for heating liquids and have the shape and appearance of a coffee pot) and hot pots (or slow cookers) available to all inmates in most states (L. Cottrell, personal communication, September 24, 2017). Some still exist in various correctional systems that belong to the inmates that were in during those periods. Again, many items allowed in the past are "grandfathered" in after new correctional policy limits them. These items can often be sold/traded between inmates as well, even with death row inmates.

**microwaves.** Most dorms have microwaves bought through inmate fund raising (L. Cottrell, personal communication, September 24, 2017). On most death row areas there will be one or two microwaves mounted to a table with wheels so it can be rolled from cell to cell.

Without microwaves, it is a certainty that canteen food sales would be drastically lower. Microwaves (S. Stanko, personal communication, September 23, 2017) are definitely the hub of inmate-made meals, and while there are other means to bringing heat to food, they all fall short to what is prepared in the microwaves.

**irons.** For those death row inmates who still have irons that are “grandfathered” in after new institutional policies have been implemented, they have a unique cooking item (L. Cottrell, personal communication, September 24, 2017). They will place the iron on its back with the flat metal plate area facing up. This will allow the inmate access to a makeshift griddle of sorts.

**wires from socket to liquid.** One method of heating liquids in a prison cell has been used for decades. Inmates (S. Stanko, personal communication, September 23, 2017) will run from electrical sockets to containers (with liquids) cut extension cords which will heat the liquid to boiling temperature. The electrical current from the wires will use thermal energy to heat the liquids. Of course, it only takes one slip or one mishap connection to throw a circuit breaker of any cell, and if it is a cell whose breaker is connected, for example, to the cell next to it and the two above or below, it will most likely lead to a host of angry convicts that now have no power.

### **Relationships between Correctional Officers and Death Row Inmates**

A very important factor (L. Cottrell, personal communication, September 24, 2017) in the lives of those living and working in a death row environment is the relationships they develop between each other. The relationship between correctional officers and death row inmates focuses on the impact of mutual stress. This extreme stress involves the conditions capable of endangering the individual's psychological comfort or social abilities (Durand, Chevignard, Ruet, & Dereix,

2017). While this is a major issue in free society, it can have devastating impacts on those in a prison environment.

### **Symbiotic Type of Relationship and the Cycle**

The authors argue that inmates and correctional officers co-exist in a symbiotic type of relationship within the death row environment. Moreover, the effectiveness of inmate and corrections officer coping strategies likely results in an interactive cycle. Thus, adjustment of one group inherently affects the amount of stress, and therefore coping and adjustment of the other group.



The inherent acting out (Walker, Illingworth, Canning, Garner, Woolley, Taylor, & Amos, 2014) of a death row inmate against the environment they find themselves in or the real/perceived mistreatment of them by the court will result in increased correctional officer stress. The natural coping mechanism (Schaufeli & Peeters, 2000; Steiner & Wooldredge, 2016) of a correctional officer when faced with a situation such as this is to become more authoritarian and correctional

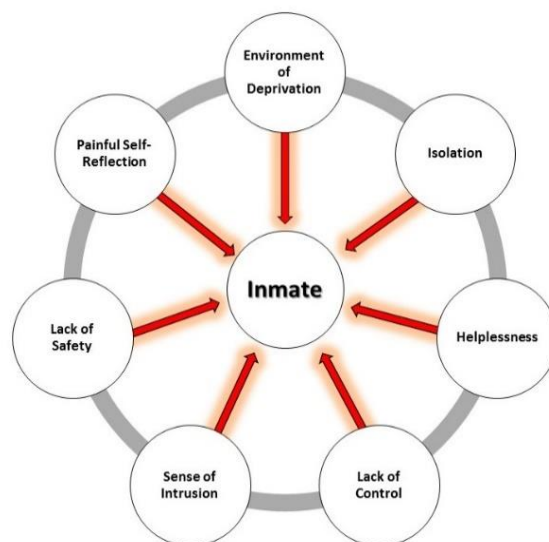


policy will probably dictate the tightening up of restrictions against the troublesome inmate as well.

The inmate (Cunningham, Reidy, & Sorensen, 2016) will naturally view the correctional officer and prison as being overly harsh and punitive. This will obviously increase the stress experienced by the inmate and may result in more violent behavior by the inmate. Said increases in negative behavior by the inmate will result in harsher and more punitive treatment of them by the correctional officer and the institution. Thus, a repeating cycle (Schaufeli & Peeters, 2000; Steiner & Wooldredge, 2016) begins which is extremely negative and dangerous for all concerned.

### **Causes of Death Row Inmate Stress**

In addition to the inherent fear of waiting to have one's life taken away, there are many causes of stress for death row inmates (Walker, Illingworth, Canning, Garner, Woolley, Taylor, & Amos, 2014).



**environment of deprivation.** In all areas of a prison (Walker, Illingworth, Canning, Garner, Woolley, Taylor, & Amos, 2014) there is a sense of deprivation, but this is exacerbated on death row due to security systems in place. As discussed earlier, the security measures taken with death row inmates are extreme and places the inmate in an environment which deprives them of many of the normal comforts individuals desire.

**isolation.** Given that these inmates are locked down generally 23 out of 24 hours a day, the impact of isolation becomes a major factor (Johnson, 2016). While they may be able to communicate through phone calls and letters with those on the outside, the person(s) they will have the most contact with are the correctional officers. If this is a positive interaction it can help both cope with the situation, they find themselves in. If it is negative, then it can cause a very dangerous situation for all.

**helplessness/lack of control.** Given the security measures on almost all death rows (Johnson, 2016), these inmates will inherently have a feeling of helplessness in that they will be totally under the control of the correctional officers. They will not be able to use the phone unless it is brought to them, they will not be able to take a shower unless escorted to it, and they will not be able to mail a letter unless a correctional staff member takes it to the prison mail room.

**sense of intrusion.** While all inmates lose the protections of the 4<sup>th</sup> Amendment (Cunningham, Reidy, & Sorensen, 2016) and it's guaranteed right against unreasonable search and seizure, this is even truer for death row inmates. These inmates do maintain the right of privileged communication between themselves and their legal assistance, their mail in and out is searched carefully. All mail which is not designated as "legal mail" is read by correctional staff. Their visitation list is heavily scrutinized as well.

**painful self-reflection.** With 23 out of 24 hours of each day spent in a small prison cell, there is an enormous amount of time for death row inmates to reflect on their past behavior (Johnson, 2016). Prior to the current moratorium (Hood & Hoyle, 2015) (*i.e.*, a temporary suspension of executions and, more rarely, of death sentences) that many death penalty states are currently under, the average death row inmates could expect to serve 7-14 years at a minimum prior even being in danger of being put to death. In December 2014, the United Nations' General Assembly voted on a new resolution for a moratorium on the use of the death penalty. Therefore, in many states, those on death row have absolutely no idea on when, and even if, they will face their execution.

### **Causes of Correctional Officer Stress**

As with inmates (Schaufeli & Peeters, 2000; Steiner & Wooldredge, 2016), correctional officers experience enormous levels of stress in the daily activities of their jobs. This stress can also come from many different personal areas in their lives.

**organizational sources of stress.** The competing public demands (Hood & Hoyle, 2015) placed on corrections will ultimately impact the daily work lives of correctional staff. These competing demands are very the conflicting views of the reason for incarceration ~ the concepts of punishment versus rehabilitation. Correctional officers, as the front-line staff, are the ones to face this more directly than others. As state and federal correctional policies change and their demands increase (Schaufeli & Peeters, 2000; Steiner & Wooldredge, 2016), correctional officers are the ones to implement the proposed changes.

**work related sources of stress.** The daily demands (Finney, Stergiopoulos, Hensel, Bonato, & Dewa, 2013) placed on a correctional officer are enormous. This combined with the potential for them to be injured or even killed, their work-related sources of stress are incredible.

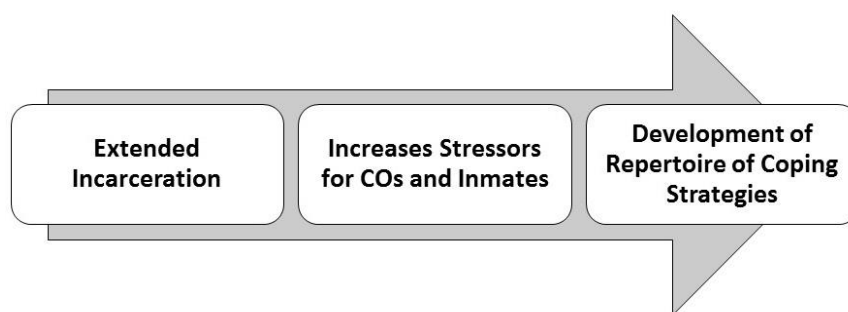
**stress from outside the prison.** As with all people, correctional officers (Finney, Stergiopoulos, Hensel, Bonato, & Dewa, 2013) have personal demands in their lives which will impact their mental and physical health. They will often bring these issues to work with them and could have them made worse by the stress they experience at work.



### **Impact of Stress on Correctional Officers and Death Row Inmates**

Research (Schaufeli & Peeters, 2000; Steiner & Wooldredge, 2016) supports the obvious assumptions that job-related stress affects correctional officers' attitudes and behaviors toward their work environment, coworkers, supervisors, and inmates, as well as their own physical and mental health. Some factors which will impact this is supervisory support, job characteristics, and attitudes toward inmates. Studies (Finney, Stergiopoulos, Hensel, Bonato, & Dewa, 2013) have found that lower supervisory support and perceptions of the job being dangerous are associated with higher levels of job stress. Also, correctional officers who see inmates as being intimidated

by them experience lower levels of job stress. In turn, correctional officers who see inmates as being unfriendly, antisocial, and distant experience higher levels of stress. All these factors are exacerbated for correctional officers who work on death row with inmates who are facing being put to death.



**extended incarceration.** The longer a person is in prison they more they will be required to cope with their situation (Johnson, 2016). This will also provide time for relationships to develop between death row inmates and correctional officers.

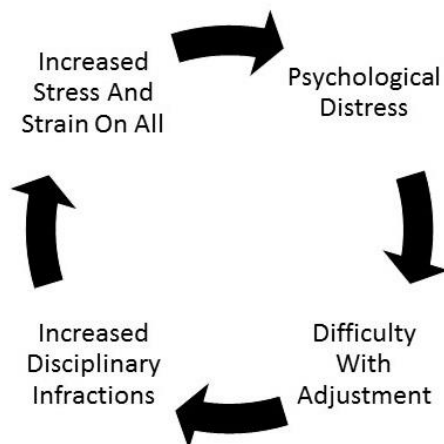
**increases stressors for correctional officers and inmates.** Many studies (Finney, Stergiopoulos, Hensel, Bonato, & Dewa, 2013) support the idea that many times these relationships become “positive” in a way, which is, the two begin to know each other personally. Many prisons in the United States actually rotate officers on and off the death row block to protect officers from becoming too close to the inmates. It is many times difficult for a correctional officer to watch a person they may have “known” for 10-15 years be executed. Much less, if they must participate in the execution.

**development of repertoire of coping strategies.** All of this is going to consciously or subconsciously because the correctional officer and death row inmate develop various coping

strategies to deal with the inherent stressors in this situation (Finney, Stergiopoulos, Hensel, Bonato, & Dewa, 2013). It is hoped that these adaptations to their behavior will be positive, but many times they are not.

### **Impact of Maladaptive Coping Mechanisms**

If the coping strategies developed (Walker, Illingworth, Canning, Garner, Woolley, Taylor, & Amos, 2014) by the correctional officer and death row inmates are maladaptive, they will likely result in a very destructive cycle.



**psychological distress.** As with many inmates in general population (Durand, Chevignard, Ruet, & Dereix, 2017), death row inmates bring many psychological issues with them into prison. Given the restrictive and isolated environment of death row, these issues will often become worse causing a great deal of stress between the inmate and the correctional staff.

**difficulty with adjustment.** Adjusting to living in prison (Walker, Illingworth, Canning, Garner, Woolley, Taylor, & Amos, 2014) is extremely difficult for any inmate, but for death row inmates it is often worse given the punishment they are facing. In turn, adjusting to working in a

prison is difficult for anyone, working on death row offers an entirely new level of issues to deal with.

**increased disciplinary infractions.** The strict security (Durand, Chevignard, Ruet, & Dereix, 2017) for those living on death row, combined with any personal psychological issues, will have these inmates facing the potential for more disciplinary infractions than other inmates. The more infractions committed by an inmate the more punitive measure that will be taken against them by correctional staff. The more discipline that is administered the more strained the inmate and correctional officer relationship will become.

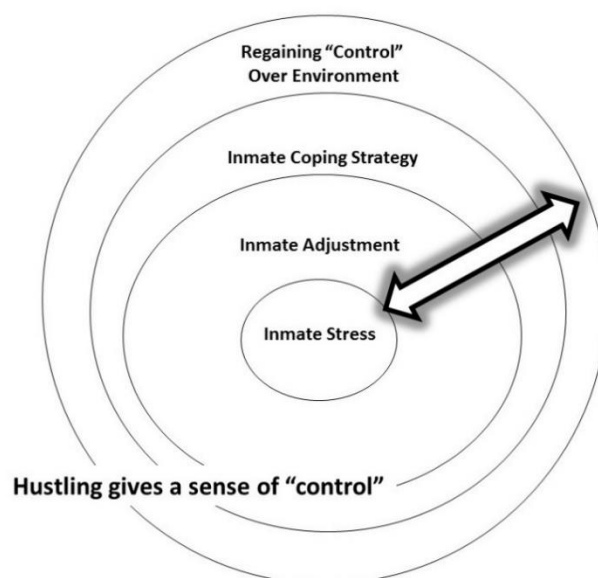
**increased stress and strain on all.** This cycle will develop often into a cycle where the negative behavior of one causes the negative behavior of another to increase (Walker, Illingworth, Canning, Garner, Woolley, Taylor, & Amos, 2014). As the negative behavior increases and changes in one person so will it in the other. In a prison setting this is extremely dangerous cycle. Given that many on death row are facing the ultimate punishment, they may have very little concern whether they initiate any new violence on anyone else.

### **Hustling and Positive Inmate Adjustment**

While the activity of hustling (L. Cottrell, personal communication, August 20, 2017) is illegal for an inmate and potentially dangerous to them and the security staff, it can be argued to have a positive aspect as well.

#### **Hustling as a “Positive” Coping Mechanism**

The reason for so much attention to hustling when discussing death row and death row inmates is that it fills such an enormous part of their daily life. The authors argue that hustling is ultimately a positive coping mechanism for both inmates and correctional staff.



For inmates hustling provides a sense of efficacy (S. Stanko, personal communication, August 19, 2017). That is, the belief, whether founded or not, that they can still get things accomplished. It gives them a feeling of internal locus of control and the feeling of some sort of control of their environment. Most on death row do not see events as random or attributable to fate or chance. They believe their behavior will result in desired outcomes if carried out correctly. Thus, through hustling, they find ways to maximize their choices, exert control over outcomes, and seek information to enhance that predictably of personally relevant future events. This results (L. Cottrell, personal communication, August 20, 2017) in the inmate developing stronger skills in working towards desired ends, which is for most, improved living conditions.

It is argued (S. Stanko, personal communication, August 19, 2017) that this allows the death row prisoner to deal better with stresses of imprisonment and then function better in the prison. The better they can cope the less conflict with both correctional officers and other inmates.



This also allows better emotional and psychological adjustments which can lead inmates to be less susceptible to anxiety and depression.

This (S. Stanko, personal communication, August 19, 2017) may lead to greater participation in institutionally sanctioned activities and obedience to prison policy. Through hustling the inmate can create a “niche” to cope. Coping is the ability to create or locate situations in the prison setting which makes them more comfortable. This also allows the inmate to fashion a life of sorts that will enhance their ability to negotiate the stresses of prison that the greatest concern to them. While safety for the public, correctional staff, and fellow inmates, the actions of inmates on death row ultimately is all about survival while waiting to die.

### **Conclusion**

Many high-profile cases keep the discussions of America’s complex relationship with the death penalty very active. These cases either involve extremely technical legal issues or seemingly botched executions. These cases continue to fuel the national capital punishment debate. Given the varying trends in all aspects of crime and punishment across the country, the death penalty will definitely be an ongoing and colorful discussion.

This debate will probably continue to involve strong feelings on both sides of the issue. Many believe that death is the appropriate punishment for those who have committed atrociously violent acts against their fellow man. Others believe that regardless of what an individual does, no one has the right, including the state, to take a life. As the controversy continues, many who may actually support this punishment in certain cases, worry about its applied and whether the actual guilty individual is the one being put to death. Regardless of one’s position, death penalty

opponents are increasing successful in making it more and more difficult in state's securing and imposing a death sentence.

Barriers to one being put to death for a crime are numerous. There are many layers of appellate review and intense scrutiny through state courts. This finds many death penalty cases being reversed and returned to lower courts for new trials or sentencing proceedings. Even if a death penalty conviction is successful there is the issue of it being imposed. Abolitionists around the world have made it very difficult for companies to supply the chemicals needed for an execution. Many states have declared a moratorium on executions in their states for this reason and the increasing number of long-term death row inmates who have been found to be innocent through modern DNA testing. Also, there is the growing cost for jurisdictions that try to keep this penalty in place.

As with many social issues in the United States, the use of the death penalty, when successful, comes from a great deal of political will in a jurisdiction. Statistics demonstrate that the vast majority of executions are concentrated in only a few states. These states have legislators and prosecutors who are believe strongly in the death sentence. More importantly, those who vote to put and keep them in office do as well.

Given these issues and the constantly changing American social climate, the future of the death penalty is uncertain. Most believe it is doubtful that the U.S. Supreme Court will declare capital punishment categorically unconstitutional any time in the near future. Therefore, citizens should expect that capital punishment will remain constitutionally permissible, and that those states with steadfast support will continue imposing it.

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