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THE EMOTIONAL EFFECTS OF WORKING WITHIN THE CAPITAL PUNISHMENT SYSTEM

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"IT TURNS YOU INSIDE OUT”:

THE EMOTIONAL EFFECTS OF WORKING WITHIN THE CAPITAL PUNISHMENT SYSTEM

A THESIS APPROVED FOR THE

DEPARTMENT OF SOCIOLOGY

BY THE COMMITTEE CONSISTING OF

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A ʋm tikba,

Hʋchi haloka kʋllo aiena Hattak Upi Homma chʊkʋsh aiʋtta nittak hlopulli ʋno. Yʋkohmi ʋm nukshopa holpukunna, aiena ʋno abaiya hʋchimmi. Yakoke a hʋchi ó^{n}ba zhí^{n}ga.

Translation:

To my ancestors,

Your sacred strength and Native American spirit live on alongside me. This is my wildest dream, and I, yours. Thank you from your little sun rising.

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Table of Contents

DEDICATION ..... **IV**

ACKNOWLEDGEMENTS ..... **V**

LIST OF TABLES ..... **VII**

ABSTRACT ..... **VIII**

INTRODUCTION **1**

BACKGROUND **3**

Brief History of Capital Punishment 3
Effects on Family Members and Jurors Involved in Capital Punishment Cases 6
Family Members of Victims of Capital Crimes *6*
Family Members of Capital Defendants and the Condemned *7*
Jurors in Capital Cases *9*
Emotions and Stress Within Criminal Justice 11

THE CURRENT STUDY **13**

Data and Method 13
Sample *13*
Interview Method *16*
Analytical Strategy *17*

RESULTS AND DISCUSSION **18**

Emotional Labor and Emotional Management in the Capital Punishment Sector 19
Harnessing Emotions 23
Emotional Outcomes in the Capital Punishment Sector 28
Limitations 40
Conclusion and Future Directions 42

REFERENCES **45**

APPENDICES **53**

Appendix A: Interview Cover Sheet 53
Appendix B: Interview Schedule 54

LIST OF TABLES

Table 1. Descriptive Characteristics of Interview Participants 14

ABSTRACT

While previous literature on the emotional effects of capital punishment has examined the experiences of the family members of victims and the family members of accused or convicted capital murderers, little research has been done on the specific experiences of those who are required to interact with the capital punishment system via their professions. The literature has not adequately addressed how the structure of their professional working life and job requirements affect their emotional reactions. This research begins to explore portions of the gap in the research and attempts to open a pathway for a more in-depth investigation into their experiences and how they are affected emotionally by their work in the capital punishment sector within the United States. Using original qualitative interview data (N=10), this research examines different ways professionals in the sector experience emotions related to the capital punishment process. Findings show that the professionals perform emotional labor and emotional management, which can result in long-term emotional exhaustion and burnout. Findings also indicate that these professionals harness their emotions for internal motivation.

Keywords: *emotional effects, emotional exhaustion, burnout, capital punishment, death penalty*

INTRODUCTION

Capital punishment, otherwise known as the death penalty, has always been a fascinating discussion topic within the United States. Stories of capital crimes and the punishment of those who committed them have long intrigued the greater public. Still, the greater public does not typically see the people involved with capital punishment in the background, moving the chess pieces around. These are the members of the capital punishment system, who, although they participate heavily in the process, revolve around the central players of the cases, i.e., the victim, the victim's families, and the capital defendants or the condemned.[1] This thesis aims to fill the gap in the literature regarding those who are required, and in some instances, forced to engage in the processes dictated by capital punishment. Their lived experiences have not seen much light of day in the discussion surrounding the continued legality of the death penalty within the United States.

While more than 75 countries have outlawed the death penalty for all crimes since 1976, with more outlawing the death penalty for "ordinary" crimes and furthering laws toward abolishing the practice (Death Penalty Information Center 2022a), capital punishment is still legal within the United States at the federal level, and 24 states are still considered death penalty states (Fins 2021). There are three states where the death penalty is still legal, but the governor has imposed a moratorium. The continued legality in these states requires many people to remain in positions where interaction with capital punishment still occurs. I will add to the literature by exploring the experiences of those who have had firsthand contact with the death penalty, but who are generally overlooked in terms of the personal impact of capital punishment on them.

[1] The term "condemned" is commonly used to describe the capital defendants who have passed the initial trial stage and been formally sentenced to death, as they are "condemned to die" under the law.

This thesis will challenge existing perceptions of who is affected by the practice of capital punishment and how it affects these individuals. I will also explore the idea that different positions within the system may have differing effects on how one experiences coming face-to-face with state-sanctioned executions. This thesis will also provide practical implications by helping to determine how these experiences affect how people go about their jobs and lives during and after having repeated contact with the death penalty system.

I ask the question: what are the emotional effects of working in the capital punishment system? In answering this question, I explore issues that will allow criminologists to begin to examine how this practice affects everyone involved with the system. As a criminologist and thanatologist who focuses on capital punishment,[2] people have approached me with their opinions on capital punishment, as well as their experiences with capital punishment, which led me to propose a research question specifically focused on the groups I had heard from sporadically in the past: working professionals in the sector.

I begin by reviewing the history of capital punishment in the U.S., the extant literature on the effects of capital punishment on victims' family members, the accused or convicted's family members, which covers how they feel treated by the system, how they view the legality of capital punishment, and how they are affected by the practice. I then discuss the current study. I describe how I conducted in-depth qualitative interviews with ten working professionals who varied in their interactions with capital punishment (defense attorneys versus case investigators versus journalists), each of whom had at least six months of experience with capital punishment cases or witnessing executions. Then, I discuss the results, which include the participants' emotional

[2] Thanatology is a branch of scientific study which focuses on the mechanisms of death, death itself, and the ways in which people cope with death both culturally and individually, as well as on psychological, ethical, and spiritual levels.

labor, how they act within their duties while performing emotional labor, and how it affects how they view their job and themselves. I also discuss the concept of emotional exhaustion, one part of a feeling of hopelessness and loss of passion for one's work, a portion of what is known more colloquially as "burnout," and how it affects these professionals who work with capital punishment. I also discuss compassion fatigue as an effect of emotional labor and burnout. In short, my findings showcase the impact that capital punishment can have on professionals who work within the capital punishment system, as well as the effects, such as emotional exhaustion, and its impacts on how they perceive themselves and their experiences within the context of their professions.

BACKGROUND

Brief History of Capital Punishment

The practice of executing a convicted person for their crime has been a long-standing tradition in the United States. The practice dates to Colonial times when the first official execution on what would become U.S. soil was that of Kendall George in 1608 in Virginia for the crime of espionage, 168 years before the United States would be officially formed (Bohm 2016). From then until 2002, there have been 15,269 officially recognized executions (Espy and Smykla 2016). Today, the death penalty has been used in the country for 410 years, barring the outlawing of the practice from June 1972 to July 1976 (Death Penalty Information Center 2022b). In the country's earliest days, capital crimes included things as trivial as stealing grapes and ranged to bestiality, witchcraft, espionage, rebellion, "man-stealing," and murder (Bohm 2016). Today, under the Eighth Amendment of the United States Constitution, practically only the murder of another human being is a crime punishable by death after the Supreme Court decided that using death as a punishment for rape was unconstitutional (Coker v. Georgia 1977)

and reaffirmed that rape, even the rape of a child under the age of twelve, is not punishable by death in the late 2000s (Kennedy v. Louisiana 2008). Different phrases in state statutes that mean "capital murder" are phrases such as first-degree murder, premeditated murder, murder with aggravating circumstances, and so on (Davis and Snell 2018).

There were only four years in United States history when capital punishment was deemed unconstitutional. The Supreme Court deemed the practice unconstitutional under the Eighth Amendment of the United States Constitution due to the arbitrariness with which the death penalty was doled out because the state statutes were being used discriminatorily, usually with blatant racial bias again Black capital defendants (Furman v. Georgia 1972). The practice was legalized again in 1976 and required guided discretion statutes to be put into place to try to avoid the “arbitrary” nature for which it was deemed unconstitutional four years previously (Gregg v. Georgia 1976). Aside from those four years, there have been capital punishment cases occurring, each requiring large teams of people to keep the system's cogs moving. While most states already required a defense representation team for defendants in capital punishment cases, it was made a requirement to have representation for the defense for indigent capital defendants in 1932 by the Supreme Court after it was discovered that nine Black defendants were not given due process rights, as given under the Fourteenth Amendment, in a capital case (Powell v. Alabama 1932). Since that ruling 90 years ago, defense representation has been legally required for all capital defendants, meaning that for each capital case, there is a mandated defense team, as well as a prosecutorial team, to battle it out in court. Over this extensive period, barring those four years when capital punishment was considered cruel and unusual punishment, there have been innumerous capital cases and a seemingly endless stream of people who have had to encounter the capital punishment system and engage in the required actions associated with the process.

The government requires this service by simply keeping capital punishment on the books. If capital punishment were not legal, no one would need to spend their time dealing with the many aspects of the system.

As previously mentioned, there are 24 state jurisdictions where capital punishment is still legal, along with the federal level and within the military justice system (Fins 2021). As of July 1st, 2021, there were 2,474 inmates on death row. Barring those who reside in states with governor-imposed moratoriums, 1,440 of those death sentences are enforceable under current legal settings (Fins 2021). Each of those 2,474 condemned persons' case required entire legal teams, jury members, judges, advocates, and many more people. These are only cases that have gone through to case completion and do not include capital cases in which the capital indicator has been dropped. Again, the members included in the process are members who perform functions within the capital punishment system at differing stages but are not the direct focus of the proceedings; they are not the accused, condemned, the victim, or the family members, but "orbit" those previously mentioned and are typically left out of discussions on the effects of capital punishment proceedings.

It is important to note that each person involved in these cases has a range of experiences. These experiences vary based on how involved in the case they are, and what position they hold throughout it. The families of the victims of the capital crimes are particularly personally involved in the case and are extremely invested in the outcome of the trial, the appeals, and the potential execution (Bohm 2013, King 2003). The families of the defendant in capital cases can also become markedly personally involved, as it is a living family member of theirs who might get sentenced to death and be executed (King 2005, Sharp 2005). From a less personal standpoint, jurors have a distinctive role in these capital cases, as they ultimately make the

decision over a capital defendant's guilt and the recommendation for execution, but their interaction with the capital punishment tends to be limited to the one case they serve with (Conley 2013, Fleury-Steiner 2004). All together, these three mentioned groups tend to only interact with one case, whether it is the case of a lost loved one, the case of an accused or sentenced family member, or one's civic duty. The emotional effects of capital punishment on family members and jurors will be discussed below. The working professionals, who are the focus of this study, have high and constant levels of interaction with capital cases, and sometimes are working on multiple cases at once. This level of interaction differs significantly from family members and jurors and poses questions about the emotional responses and effects felt by them due to their unique relationship with the death penalty.

Effects on Family Members and Jurors Involved in Capital Punishment Cases

Family Members of Victims of Capital Crimes

The victims' family members in capital cases are considered "co-victims," also known as "secondary victims," due to the way they are traumatized throughout the process of capital murder trials (Hodgkinson, Kandelia and Reddy 2009). While "co-victimization" can also refer to losing a loved one in alcohol-related vehicular manslaughter, the term is generally reserved for those who have lost a loved one to homicide, which can include family members or close friends (Bastomski and Duane 2019). On top of losing their loved one, many in this group are forced to relieve the initial trauma of losing their beloved family member while in the public eye and watch the public reactions to their loved one's death, some of which can be comforting. But, sometimes, they come into contact with victim-blaming commentary toward their lost loved ones and feel the extra pressure to publicly defend them in the face of what happened to them (Hodgkinson, Kandelia and Reddy 2009). The needs of these secondary victims are highly

complex. While support systems are in place, services lack early interventions, allowing these secondary victims to struggle heavily with psychological disorders such as posttraumatic stress disorder (PTSD) and prolonged grief (Bastomski and Duane 2019). Secondary victims are more likely than primary victims of other forms of violence to develop all three PTSD symptom clusters, showcasing how traumatic it is to lose someone close to you to homicide (Zinzow et al. 2011).

There is also a highly contested debate between pro-death penalty advocates and abolition advocates about what constitutes "justice" for these families that have lost loved ones, and many times, these families feel caught in the crosshairs of this debate while they are in the midst of mourning their lost loved one (Berns 2009). This debate is called "closure discourse." There is no consensus as to what "closure" truly looks like, and it has been questioned whether closure *truly* exists and, if it does, whether the justice system can produce anything close to what closure should entail (Bandes 2009, Madeira 2010). It is also fairly common for the victims' family members to lose public and prosecutorial support and become ostracized if they decide to speak out against the death penalty, even in the face of tragically losing their family member (Cushing and Sheffer 2002, King 2003). They feel as if, because they do not support the application of the death penalty and do not fit the narrative of the family members who want "justice" or "retribution," their needs get pushed under the rug compared to families who are advocating for the death penalty for their loved one's killer.

Family Members of Capital Defendants and the Condemned

Some researchers have argued that the families of offenders should be considered "secondary victims" just as the families of the victims of capital crimes. Still, that phrase leaves out the continued nuance of their experience that differs from what the victims' families go

through. The most used phrase to refer to these family members has been termed *hidden victims* (Bohm 2013, King 1998, Sharp 2005). Hidden victims are called such as they are mostly left out of the spotlight in capital cases, and when they are acknowledged, it is usually acknowledgment with a negative connotation (King 1998). Unlike victims' families, there is very little support available to them, and there can be an extreme amount of stigma for simply being related to a murderer. Many times, their lives are picked apart by both the media and the legal teams to show the worst sides of them, to show that they were the reason the offender "turned out the way they did," are often demonized and ostracized in the process, and subsequently blamed for the offender's actions (Sharp 2005). This can lead to the families feeling as if they are the ones genuinely being punished for the crime instead of the actual offender because of how terribly they feel treated by the system, the media, and the people in their lives (Bohm 2013). In a study by King (1998), one of the interviewees stated that she felt as if she had lost her identity as a person entirely because “people don’t consider us as individuals anymore… The press wanted to know if we were reared in the projects. Were we beaten? Were we drug addicts? During the trial, they treated us like we were all murderers.” It is also mentioned that the defendant’s families tend only to get a chance to testify about childhood and other familial trauma that may have played a part in why their family member became a murderer, but they cannot provide similar impact statements that the victims’ families are allowed to do, making them feel unheard, unseen, and blamed while going through the traumatic experience of the trial (King 2005, King 1998, Sharp 2005).

These family members are also left with very little governmental, social, and psychological support, leading to them suffer from chronic grief, among other conditions (King 1998). Chronic grief is medically defined as a condition where a grieving individual’s feelings of

loss do not gradually recede over time, and the individual is unable to return to their pre-loss, "normal" levels of function (Lotterman, Bonanno and Galatzer-Levy 2014). There tend to be no state-provided treatment programs for families of the accused, unlike the state-provided treatment programs that can be accessed by families of the victims (King 2005, King 1998, Sharp 2005). They become marginalized from broader society due to the stigma of being related to an accused murderer. It has also been seen that family members of death penalty prisoners differ from those whose family member has not been charged with a capital crime. Most families can reunite with their imprisoned loved ones at some point, but that is not the case for the families of death penalty prisoners (Sharp 2005). The families must work through constant states of emotions of dealing with the potential of the permanent loss of their family members, the hope that may be associated with any approved appeals, and many times, more disappointment and mourning when appeals are denied and the thought of the permanent loss creeps back in.

Jurors in Capital Cases

For someone to receive a sentence of death in the United States, they must be tried before a jury of twelve of their peers, and those peers must collectively decide that the defendant before them does not deserve to live after what they have done (Bonner 2001). The only times in which this is not the case in all state and federal capital cases are in the states of Alabama, Delaware, and Florida, where judges make the call for imposing the death penalty, and in a court-martial in the military, where only five people are needed to impose a death sentence (Bohm 2013, Bonner 2001). As well as most juries being required to be made up of twelve people, only death-qualified jurors are allowed to serve on capital juries. To be "death-qualified," one must be open to the idea of a sentence of death. If one cannot see themselves imposing the death penalty under

any circumstances, they are not allowed to serve on the jury in a capital trial (Bohm 2013, Bohm 2016, Conley 2013, Fleury-Steiner 2004).

With that said, even while jurors must be death-qualified, Bohm (Bohm 2013) found that in a study of 67 capital jurors, roughly sixty percent of them found the process of being a deciding member in a capital case to be "troubling, 'emotionally upsetting' or 'emotionally draining,'" at the very least. Many of these jurors reported crying, feeling agonized, or physically and emotionally exhausted during the deliberation phase. Other jurors in this study reported feeling scared of retaliation from the family members of the victim and the defendant or becoming physically sick after voting for death and hearing the verdict read aloud in court. Capital jurors also reported emotional and psychological effects after assisting in the process, some for weeks, months, and years after the verdict (Bohm 2013). One juror found herself becoming so depressed and stricken with nightmares as a result that she described having to move out of her bedroom because of the effect her emotional outcomes were having on her husband. She described breaking down mentally and began to refuse to speak aloud for some time. Thirty-six percent of the 67 jurors had trouble sleeping due to racing thoughts or nightmares. Others reported difficulty concentrating at work or feeling the need to defend their decision to people in their lives.

The effects of capital punishment trials on jurors showcase that those participating directly in the process have emotional reactions to getting information about the crime, the victim, and the defendants, and that the effects of these trials can linger. Most of the time, these capital jurors will only ever come into direct contact with capital punishment once in their lives, for the duration of the trial. As shown, the current literature surrounding the effects of capital punishment on people involved in the cases has mainly focused on the family members of the

victims of capital crimes, and to a lesser extent, the family members of those accused or convicted of capital crimes. Studies have also been done on the effects on jurors of capital cases. These three groups, while participating at high levels of involvement in capital cases, are not working professionals in the capital punishment sector. But what about the professionals dealing with these same cases, who must routinely deal with these topics as a result of their job? What are the effects of being involved, not only at one central point as in the case of the jurors, but consistently over months, years, and decades? The emotional experiences of these professionals have not yet been adequately explored. How does the need for professionality in their interactions inform emotional reactions and effects? Do the professional workers undergo any long-term emotional effects related to their work with the death penalty? My research aims to explore this gap in the literature to better understand the reaches of the emotional effects of capital punishment in an understudied group.

Emotions and Stress Within Criminal Justice

Understandably, most of the research surrounding emotional labor within the criminal justice system has focused explicitly on police officers and their dealings with the general public and criminals. This is due to law enforcement having the most direct contact with the public, both through in-person interactions and media appearances, and because there are many inherent dangers that police face in their jobs (Schaible and Gecas 2010). Outside of police officers and prison officials, much of the research on emotions and stress at work focuses on nurses, flight attendants, and social workers. Still, work-related stress is incredibly intense in the criminal justice system. Prison officers, as well as other law enforcement officials, are under constant high levels of work-related stress, which is characterized by burdensome workloads, unforgiving work hours, high turnover rates, as well as the perceived and actual need to work significant

amounts of overtime, generally with little to no notice (Finney et al. 2013, Johnson et al. 2005, Kunst 2011, Lee, Henning and Cherniack 2019, Podsakoff, LePine and LePine 2007). This is not just a phenomenon in the United States but is found in law enforcement organizations in other countries like China (Hu et al. 2015). The work-related stress conditions for police officers have been shown to lead to similar rates of posttraumatic stress disorder diagnoses as combat war veterans (James and Todak 2018). Because of the high stress levels, other outcomes, such as cardiovascular issues, may arise in police officers, although there are calls for more detailed research in this sector (Magnavita et al. 2018).

Schaible and Gecas (2010) also discuss that police officers may often feel confused on the job due to competing instructions on acting and which emotional display rules to follow in any given situation. Having this extra level of work to do when making what could amount to life-or-death decisions causes high stress levels and leads to police needing to find ways to perform and cope with the emotional labor demands. Law enforcement professionals have been found to use depersonalization, the act of separating one's emotions from oneself, as a defensive coping mechanism, most often as their chosen form of emotional labor to disengage with the emotions the system deems problematic. The effects are felt both at work, resulting in burnout, and in their peer and family relationships (Lennie, Sarah and Sutton 2020). Very few working professionals in criminal justice seek support outside their friends and family, and relying on spouses to help with the stress can lead to marital difficulties and other familial issues (Karaffa et al. 2014).

While the research focusing on the police force within the criminal justice system is important, less emphasis has been placed on other professionals who have high levels of interaction with the system, and very little attention has been paid to those who interact with

capital punishment specifically. Questions remain surrounding the emotional effects they navigate and how it effects their views of their work and themselves. This research intends to begin to explore this area and widen the discussion of the effects of capital punishment within the professional working community.

THE CURRENT STUDY

To answer the questions listed above, I have performed an exploratory qualitative interview study with professionals who work directly with capital punishment to hear from them about their personal and emotional experiences. Using qualitative, in-depth interviews, I examine the experiences and emotions of those professionally involved in the capital punishment system at some level through their jobs and explore whether and how participating in the system has affected them over the long term. I conducted this study, which the Institutional Review Board approved for Research with Human Subject at my university.[3] Professionals within the criminal justice system who had worked at some level with a capital punishment case were eligible to participate in this study.

Data and Method

Sample

The study population included ten professional working members (N = 10). Three of these professionals were recruited through contact with a faculty member who had worked with them previously on other projects. The remaining members were recruited from the original three using a snowball sampling technique. I had no prior contact or relationships with the study

[3] The Institutional Review Board (IRB) approval number for this study is 13807 and was approved in October 2021.

participants. Each participant was informed about the study before participating in the interview. As previously mentioned, the study aimed to explore these satellite members' professional and emotional experiences when performing their ascribed duties throughout capital punishment cases, providing insight into what they must deal with on the job. Their pseudonyms,[4] job titles, and periods interacting with capital punishment are listed for reference below in Table 1.

Table 1. Descriptive Characteristics of Interview Participants

Pseudonym	**Job Title While in Capital Punishment Sector**	**Time in Capital Punishment Sector**	**Est. # of Capital Cases**	**Est. # of Executions Witnessed**
Lanie	Public Defender	6 mos.	9	0
Wilbur	Director of the State's Department of Corrections (DOC)	8 yrs.	28	28
Cara	Capital Trial Team Head	23 yrs.	100	0
Max	Reporter	18 yrs.	24	20
Alton	Public Defender	19 yrs.	35	3
Christopher	Public Defender	33 yrs.	50	15
Jillian	Defense Fact Investigator	6 yrs.	15	0
Leah	Defense Fact Investigator	30 yrs.	85	15
Eileen	Public Defender	14 yrs.	40	0
Minnie	Public Defender	25 yrs.	60	0

[4] Each interviewee either chose or was given a pseudonym to be referred to anonymously in the research data and publications.

It is important to note that, due to the long spans of many of the participants' careers, they could only give estimates as to how many cases they had been involved with, and some respondents' estimates were more rigidly precise than others. It is also important to note that, although some of the respondents' time spent in the capital punishment sector is much shorter on paper than others, they had long careers in their field and many prior years of experience. Still, they had only recently moved into positions directly involved with capital punishment cases and focused their talk of their experience on their direct work concerning the death penalty as opposed to the rest of their careers in the criminal law sector.

The demographic characteristics of the professionals participating in the study are as follows: six participants identified as women, and four as men. Eight participants were either defense lawyers or worked as investigators for the defense. One participant was a reporter whose journalistic beat covered capital trials, executions, and other legal coverage concerning the death penalty in the state where they resided.[5] Lastly, one participant was a prior high-level member of the Department of Corrections in the state where they resided. On average, the participants had 17.65 years of experience in their career fields dealing with capital punishment, with six months as the least amount of experience and 33 years being the highest amount. Overall, each participant was involved with an average of 33.3 capital cases, with nine as the lowest amount and 100 at the high end. For the five participants who have witnessed executions as a portion of their job duties, the average number of executions witnessed was 15.6, with the lowest amount being three and the highest amount being 28.

[5] A "beat" for a journalist is the thematic division that the journalist covers for their organization, e.g., sports, weather, international coverage, etc.

Interview Method

I conducted ten semi-structured interviews: two in-person, two via telephone, and six video calls via Zoom. All interviews were conducted in private rooms on both parties' sides to protect confidentiality. The interviews lasted for an average of 57 minutes and 51 seconds. The most extended interview was 1 hour and 42 minutes long, and the shortest was 37 minutes and 33 seconds long, with a combined total of 9 hours, 38 minutes, and 37 seconds of recorded audio. These interviews were utilized to gather data from my participants. Each participant was interviewed once, although most remained open to any further questions should they arise. Before the crux of the interviews began, each respondent was asked to give some background information,[6] which included their job position, how long they had worked in the sector, an estimate of how many capital cases they had been involved in, and if they had witnessed any executions. This background information served as a helpful way to quantify their overall experience in the field and their expertise levels.

The interviews were semi-structured, which allowed me to probe for more information when new or unexpected pathways occurred during the interviews and to leave room for each of the participants' unique experiences. The interview schedule covered questions about any death penalty experiences that stood out to them during their careers, how those experiences made them feel, and how they navigated the ways they felt during these personal accounts.[7] As this is an exploratory qualitative study, care was taken to create an interview schedule that allowed for the natural occurrence of discourse and themes to emerge organically, informing the findings as

[6] The full interview cover sheet with the background information asked for can be found in Appendix A.
[7] The interview schedule can be found in its entirety in Appendix B.

opposed to searching for themes in the interviews that were previously decided upon. Each respondent was fully informed about their rights as a study participant, all agreed in writing and orally to have their interviews recorded,[8] and, as previously mentioned, each of the participants chose a pseudonym for themselves or had me produce a pseudonym for them to establish anonymity.

Analytical Strategy

All interviews were transcribed through transcription services and then hand-transcribed and edited by myself while listening to the transcripts to correct any errors that the transcription software had made to ensure thorough accuracy of the transcription.[9] Transcripts were then analyzed and coded.[10] My coding process began with a simple read-through while searching for general, major themes. I then coded further by associating keywords and phrases with the major themes, creating subthemes, which allowed for more nuanced findings. Finally, I performed the third coding round to reveal any passages of the transcription fitting into the themes and subthemes that were initially overlooked in the two previous coding endeavors. My approach for the third coding round utilized selective coding to continue identifying consequential patterns. After the conclusion of the coding of the data, there were leftover passages that had not been used that could ultimately be utilized in further research,[11] such as frustration with specific legal

[8] Each participant signed an informed consent document that described the study and their rights, including their right not to answer any questions they didn't feel comfortable with and their right to withdraw from the study at any point during the process before the interviews were conducted. All participants remained present in the study and did not drop out.
[9] The transcription service used was the qualitative analysis software provided by QSR International Pty Ltd. 2020. "Nvivo (Released in March 2020)."
[10] The coding was also done through the qualitative analysis software provided by ibid.
[11] All participants were made aware of the possibility of their interviews for this research study being utilized in future, separate research and consented to this possibility via their signed informed consent forms.

nuances of the capital punishment system,[12] but were outside of the scope of the current study, and therefore were not included in analysis.

RESULTS AND DISCUSSION

My findings showcase exciting insights into how these professionals work in the environment surrounding capital punishment. There were three major thematic elements I found in their discussions of how they navigate working in these stressful environments that have what one can argue to be some of the highest stakes in the criminal justice sector. First, these professionals utilize emotional management and perform emotional labor on the job, which leads to making decisions based on what emotions they felt were appropriate or inappropriate for them to show. The second central theme was that negative and positive emotions were harnessed internally to motivate themselves to stay engaged with their work and keep them centered. However, they tended to be held close to the chest and not expressed outwardly on the job. Third, and most interesting, while I did not have any specific or direct questions on the stress of their work or about emotional exhaustion or burnout, every respondent described feelings of emotional exhaustion and symptoms of burnout, such as physical pain and compassion fatigue, due to the stress of working with capital punishment cases. While they did discuss multiple negative experiences, my findings suggest that none of the professionals regret working in the field or experiencing what they did and that working with capital punishment leads them to reinforce their passion for what they do.

[12] For example, multiple participants mentioned perceived instances of continued "arbitrariness" of which of their clients were charged with capital murder by a more "gung-ho" district attorney in one jurisdiction but would not have been charged with a capital crime had the crime occurred in a different county that had a different district attorney who did not believe in charging the accused with a capital marker and would opt for non-capital murder charges.

Emotional Labor and Emotional Management in the Capital Punishment Sector

Emotions within the legal sphere or legal-adjacent careers tend to attempt to shut out personal beliefs, characteristics, and emotionality due to the intense need to be impartial during the process and focus on facts instead of feelings (Bolton and Muzio 2007, Deflem 2008, Flower 2014, Jacobsson 2008). This has led to the need for professionals within criminal justice to learn how to perform extra labor in their interactions with peers, work superiors, the media, and their clients (Phillips et al. 2020). The labor in these cases is emotional as opposed to organizational or administrative work, making it "emotional labor," and is done as a requirement sent down by organizational leaders to direct when, where, and how much emotion can be "used" on the job and have been dubbed "feelings rules" (Hochschild 1979, Hochschild 2015). Emotional labor to control how someone is feeling or conveying their emotions is needed when a corporation or organization's rules contradict a worker's beliefs, self-conceptions, and emotions (Hochschild 1979, Schaible and Gecas 2010, van Gelderen, Konijn and Bakker 2017).

Workers who are required to perform large amounts of emotional labor may eventually become disconnected from their own expressions of feelings and even become estranged from their own emotions, no longer able to feel them authentically as time passes, expanding into their personal lives (Hochschild 2015). As a result of labor, becoming disconnected from one's emotions is a form of labor alienation, as Marx et al. (1965) noted. The work of emotional labor has been called an occupational hazard by Hochschild (2015), as emotions are how people connect to one another, and the dysfunction caused by extreme emotional labor can lead to poor outcomes, which will be discussed in a later section. These outcomes are becoming an essential topic of conversation, as having to perform emotional labor as part of one's public service job

has become increasingly required alongside the increased regulation by organizational leadership to keep their bottom line firmly planted where the company executives want (Wharton 2009).

The act of manipulating the magnitude of one's felt emotion, attempting to squash feeling emotions, or changing the felt emotion to better fit a situation has been dubbed "emotional work" or "emotion management" by Hochschild (1979). Hochschild (1979) introduced the idea of emotional management as a way for people to inspect themselves, their intentions, interactions, and the social and professional structures in which they reside. Emotional management is a critical discussion in the criminal justice sector, but prior research has not explicitly focused on people who work with capital punishment procedures. Capital punishment is one of the parts of the system that requires people to be heavily involved from start to finish. Yet, the research on how these professionals experience, feel, and manage their emotions is lacking and leaves room for speculation. The execution process has been hidden from the public since the last public execution in Mississippi in the 1940s (Bohm 2016). Since then, the people involved in the process tend to be hidden by proxy, aside from televised capital cases. Most research on emotions in any profession has focused on two primary emotions: anger and happiness, and other researchers have pointed out that focusing on just these two emotions leaves out other vital emotions, such as sadness, frustration, passion, and love (Erickson and Ritter 2001, Goodrum and Stafford 2003). Research has also shown that professional organizations tend to dictate what emotions their workers are "allowed to" or "should be" feeling and put rules in place meant to stomp out emotions and remain "professional" (Kunda and Van Maanen 1999), leading to employees taking active personal steps to rid themselves of their emotions, which they have been trained to consider as disruptive.

Emotional management is required for many in criminal justice and legal professions due to the systems put in place and the feeling rules meted out to the workers. Many of the workers in this study felt as if expressing their emotions out loud was detrimental to their process, but that they used their felt emotions to drive their passion into working hard toward their goals, therefore refuting the argument that emotion should play no role in the legal or criminal justice professionals in their personal experiences. They all mentioned needing to remain professional, especially in emotionally charged situations, such as presenting evidence to a jury or being stoic during an execution procedure, but feeling the emotions very heavily after the moments were over and they had time for themselves. Some also mentioned how they attempt to deal with the emotions their work brings up in them.

Christopher, a public defender who has been working in the capital punishment sector the longest, said:

> Well, I try my best to compartmentalize. I try not to let myself get too high or too low with how I'm feeling. But, in all honesty, that doesn't work too well. There's always some emotion that's going to make its way out of the box and attempt to wreak havoc. The most I can control is where that happens, and I try to have it happen when I'm not working, so it doesn't compromise what I'm doing.

Wilbur, the Department of Corrections (DOC) director, described how he refused to show his emotions while in the execution viewing room or with any members of the families of both the deceased and the victims, but he always made himself available to speak to any of them if they had questions or needed to talk. He also spoke of avoiding media appearances at all costs, as he did not want to say anything emotional or wrong because of how political his role was. He went on to say:

> There are all those things about the job that aren't a part of protocol, they're not in writing, but they're there. You see, you have to do a lot of dancing politically. I had

> to choose any words I gave carefully, otherwise there could end up being a lot of fires I would have to put out, or people above me would have to put out. It was a constant thought in the back of my mind.

While discussing how it feels to go about her job day-to-day, Lanie, a public defender, exhibited how she performs emotional management when she feels personally frustrated with a case and must reestablish how she feels based on who she thinks has a right to feel more frustrated than her. She discussed how, when she begins feeling sorry for herself when she loses an appeal or similar outcomes, she reminds herself that the person who *should* get to feel frustrated is not her; it's her client. She separates her own frustrated feeling and pushes it aside as she feels like, on some level, she does not have a right to feel upset or frustrated and instead tries to funnel the feeling into "fighting harder in the next appeal or next case," because her frustration cannot "get in the way" of her job. Disconnecting from her frustration and other emotions was her way of continuing to do her job as needed and being a good lawyer for her clients. Not letting that emotion show or "cloud her judgment" was essential to her. While Lanie did not outwardly indicate feeling pressured to tamp her emotion down, she did mention feeling as if she could not talk about the frustration because there were "more important things to worry about" than how she was feeling.

Eileen, a public defender, discussed times and places for emotions in her line of work by saying:

> Well, in terms of being prepared, I guess you can't go in half-cocked. You can't go in yelling and kicking and screaming, even though it might be what you want to do. You have to stay calm and collected, because there are times and places for yelling and screaming, but these trials aren't it. You're not going to change minds with that. In fact, that will do the opposite for people, make them not want to listen to you. So, you have to control that urge to just get angry and blow up because it makes everything ten times more difficult. You can't show that emotion, otherwise you lose steam, and you lose respect.

Cara, a capital trial team leader, discussed how she feels the need to control her emotions when defending capital clients in the courtroom, especially frustration. She spoke about how her passion can get her in trouble, like when she feels as if she has been held in contempt of court before because the judge was angry, or the prosecution is treating her as if because she is defending a capital client who has been accused of horrible crimes, that she somehow endorses what her client did when that is not ever the case. She mentioned that, at the end of the day, she must "suck it up and stop feeling so bad," otherwise, she would never get anything done or move her arguments forward. She also discussed that sometimes dealing with death row clients can be challenging to navigate and that she has had to learn not to take things personally. She stated:

> The clients can be difficult. We don't ever get them on their best day. You know, we get them after they're facing the death penalty. Some of the things they say hurt my feelings, but I have to deal with it. It definitely has an emotional toll, though, because I care. I care about what happens to the client. No matter what the behavior of the client is, I still care what happens in the end. I can definitely come away from meetings angry, but there's not much I can do about that. It's not like I can yell back if I get yelled at. But that's part of the work. Work is work, and it takes its toll. But, I do think I've gotten better at it as I've gotten older. It doesn't bother me nearly as much as it did when I was first starting out. You could say I've just gotten used to being treated a certain way and learning to cope with it and not showing my anger because me getting emotional like that doesn't help anyone.

Harnessing Emotions

While emotional labor tends to be spoken of negatively, there is also positive and neutral emotional labor, especially relating to criminal justice work. In terms of positive emotional labor, Shuler and Sypher (2000) found that, in a study of 911 dispatchers, the moments in which they felt they had to perform the most considerable amounts of emotional labor were also the times that the workers felt were the "best and most rewarding parts of the job." It has been found that

detectives did not enjoy the emotional labor they needed to perform when encountering victims of crime because they could not show the victims how they truly felt about the situation, but reported enjoyed their encounters with criminals, as they felt their emotional labor, hiding of emotions, or manipulation of emotions, was justified relevant to catching criminals in these instances (Stenross and Kleinman 1989). In these cases, the emotional labor performed served a direct purpose from their perspective and was therefore worth the hassle. Individual experiences and perspectives determine whether the labor is positive, neutral, or negative and can vary widely from person to person, regardless of field, as well (Shuler and Sypher 2000).

Even though the outward expression may be limited within professional settings, publicly unshown emotions have been shown to be essential in making levelheaded judicious decisions in professional circles (Barbalet 2001). Because of this, there have been recent arguments that emotion needs to be "brought back" into criminal justice and the law to reflect the "valuable barometers of social morality," and this process is called the "emotionalization of law" or the "re-emotionalization" of law (Karstedt 2002). While this process generally refers to the changing of criminal law based on more expansive public emotions surrounding both the crime and punishment, it is also used as a way to describe the use and manipulation of personal and societal emotions within courtrooms to sway a jury emotionally toward one result or another, or having one's emotions have an influence over how one interprets law and punishment (Markovic and Zdravkovic 2020). There have also been many arguments that emotions hold no value in criminal justice work because the people in the sector cannot allow their emotions to sway any decisions they make, which undermines true justice. It is unfair to require "authentic emotion" from people (Karstedt 2002, Markovic and Zdravkovic 2020). Emotionalization is said to be undesirable as it allows very "distinctive punitive and retributive functions" to enter into

processes that are supposed to remain unmoved by emotional displays (Markovic and Zdravkovic 2020).

Overall, while emotions are treated as the antithesis of what is needed in professional work, especially within the legal system (Bolton and Muzio 2007), it permeates throughout the fields of work, as people are still human and react to given stimuli in their professional environments. Because they react to the stimuli, which brings up emotions within themselves, they must perform emotional labor and emotional management to remain professional as per the expectations placed on them by their organizations and the structures they work within. There is no authentic way to avoid emotions even if the structures one works within attempt to demand it. Emotions, the labor, and management associated with them are interwoven into everyday work experiences and are felt throughout careers.

While the results have shown that these professionals perform emotional labor and emotional management, not all emotion is barred from being utilized. While their emotions are limited in public fashions, many interviewees stated that their personal feelings, while most often not being allowed to be shown in front of clients, courtrooms, or media cameras, were what truly kept them going amid negative feelings and experiences. In other words, the professionals harnessed their internal emotions and used them as personal motivators to keep working hard within their difficult, and many times, frustrating jobs. Similarly to the 911 dispatch operators in a study by Shuler and Sypher (2000), I found that moments which required large amounts of emotional management were also their moments to become introspective and dig down deep to find themselves and find the motivation to keep going. When asked to describe what feelings witnessing executions and participating in the execution procedures brought up with Wilbur, the DOC director, he stated:

> I hated participating, but I felt it was my duty as a human being to witness these executions and try my best to ensure that they were done with dignity. Witnessing them… I guess, I suppose it helped me understand myself a little better, you know, why I was always the advocate for the underdog, and it helped me have emotions where I had not had them previously. It turns you inside out … and forces you to examine yourself in ways that you could never dream you would do.

Minnie, a public defender, tearfully recounted that, even on her most challenging days, her internal ability to love her clients, despite their crimes, reminded her of her humanity and capacity for her work, even when it felt impossible. In her own words, she stated:

> The key for me … to [mentally] stay away from all those reasons that I told myself or that I would hear as to why I won't be successful as a capital defender was to remind myself at the end of the day of the love I feel for [these] client[s]. The fact that *I* can actually save someone… There's just nothing more impactful than to actually *love* that terrible person right in front of me.

Minnie's compassion and care for her clients who had, by her own admission, committed "heinous crimes" were what kept her galvanized and fueled her fire to keep working through the mental toll the job put on her shoulders.

During one interview, Eileen, a defense attorney, pointed out some drawings of a horse on a farm that she had hanging on her wall. When she first pointed to the picture, the drawing looked to me as if it had been created by a child based on the features of the linework and coloring during my initial inspection of the artwork. I incorrectly mentally assumed that it was a drawing from a young family member of Eileen's until she told me who it was from: a client of hers from years prior who had been sentenced to death at his trial. She described that his mental acuity was consistent with that of a 5- to 7-year-old child, but he had still been sentenced to death. His death sentence was later repealed after more laws directed toward the death penalty and mental disabilities had been put in place. She informed me that the client was not literate, so

he could not read or write on his own and could only communicate vocally or through drawings. Eileen iterated this point by describing how her client had taught himself to trace the shapes of the printed letters on her business card onto an envelope to send her written correspondence, which, most of the time, had only consisted of a "smiley face" or "frowny face" to inform her of how he was feeling and if he wanted to speak with her. She stated that looking at those photos on her wall every day and knowing her client, a man who had been sentenced to death for the murder of two people, was a human being and a very expressive and emotional human being at that, was what motivated her to stay in a very challenging and demanding career. She keeps the drawings on her office wall as a reminder that her work means so much to the people she works for.

Other respondents also noted that the positive feelings they felt toward their clients, or their clients' families, were heavily encouraging when they felt they were getting near hitting rock bottom regarding what they felt they could handle emotionally. For example, Leah, a defense fact investigator, mentioned that being around the families of the condemned helped her see the impact of the work she was doing, and their need to rely on her emotionally helped her to work harder, even if the end outcome was still going to be an execution. She recounted a time when she became the advocate of the disabled brother of one of the condemned who wished to attend his brother's upcoming execution. The location of the prison where the executions took place did not have adequate infrastructure to support the brother's disability. Leah, who had spoken to the family on multiple occasions, began to try to work with the prison officials to accommodate the brother.

Ultimately, on the day of her client's execution, his brother decided at the last second that he did not think he would be able to attend his brother's execution. The condemned's sister, who

wanted to attend the execution, panicked because someone needed to stay with the disabled brother, so Leah volunteered. She said that choosing to attend executions was always a hard decision for family members to make, but she was glad that her presence helped both the sister and brother of her client, allowing them both to do what they needed to do at that moment. She ended up taking the brother to get ice cream, and they talked about their memories of his brother, who she had spent years helping with legal appeals. This experience allowed her to speak about her emotions without feeling the need to remain professional, unlike what she would have had to portray if she had been attending the execution as planned initially. Leah stated that times like those when she knows that her work and actions are helping people get through some of the most challenging moments in their lives allow her to open herself up emotionally and feel like she is helping.

Emotional Outcomes in the Capital Punishment Sector

Work, next to family time, has been deemed to be one of the main domains in which adults glean fulfillment and gratification, but work is also one of the primary sources of stressors for adults (Tennant 2001). Work stress has most recently been defined as "a series of physiological, psychological, and behavioral responses due to the continuing effects of one or more stressors on individuals in an organization" (Yan and Xie 2016). There are five primary sources of work-related stress: (1) factors intrinsic to jobs, such as poor working conditions, work overload, and time pressures, (2) one's role in the organization, which can affect feelings of role ambiguity and role conflicts, (3) career development, lack of job security and under/over promotions, (4) interpersonal relationships at work, and (5) organizational structure and climate (Cooper and Marshall 1978, Johnson et al. 2005). High levels of work-related stress can cause

several less-than-ideal outcomes, such as marital and other interpersonal difficulties, due to the piling up of stressors and the need to release the pressure (Karaffa et al. 2014).

High levels of work-related stress can lead to a phenomenon referred to as “burnout.” Burnout is a “prolonged response to chronic emotional and interpersonal stressors on the job, " which encapsulates exhaustion, cynicism, and inefficacy and is specific to work and labor context” (Gaines and Jermier 1983, Maslach, Schaufeli and Leiter 2001). While the concept of burnout has been described in differing terms for decades, the phrase “burnout” was first popularized in a 1960 novel by Graham Greene titled *A Burnt-Out Case* about an architect who becomes extremely disillusioned with his job and career, loses his passion, and ultimately runs away into the African jungle and withdraws from society (Greene 1961). Burnout was then picked up as a phrase by psychologists and other social scientists in the mid-1970s to begin to describe the process of what happens when people lose their passion for their work and deal with extreme emotional fatigue that was akin to the effects of chronic drug abuse (Maslach, Schaufeli and Leiter 2001).

There are three dimensions to burnout: emotional exhaustion, cynicism, and inefficacy. Emotional exhaustion refers to feeling worn out by the emotions of both oneself and the emotions of others. Dealing with the need to control emotions in the workplace leads to exhaustion due to the extra layer of work on top of the original labor being performed. Cynicism refers to losing faith in the system that one works for and feeling disconnected from what initially drew them to their lines of work. Inefficacy comes as a result of the combination of emotional exhaustion and cynicism. The constant demands of the system that one is losing faith in and feeling cynical towards leads to lower effectiveness overall, which then begins a cycle of burnout that is difficult to escape.

Maslach, Schaufeli and Leiter (2001) found that when people refer to experiencing burnout in their jobs, they are typically referring to experiencing high amounts of emotional exhaustion. Exhaustion is the most widely reported symptom of burnout, but exhaustion does not comprise the entirety of burnout. Burnout can show up in many different ways, including but not limited to loss of interest in a person's work, feelings of fatigue, frustration, getting "used up" or "worn out," and losing trust in previously trusted organizations and systems (Gaines and Jermier 1983, Levin et al. 2011, Maslach, Schaufeli and Leiter 2001). It can also lead to more intense personal outcomes, such as alcohol and drug use (and abuse), as well as loss of personal relationships with family and friends, and may lead to both physical and mental disorders, such as depression and coronary heart disease (Li et al. 2014, Maslach 2001, Tennant 2001). The emotional exhaustion experienced during burnout is not simply a static feeling. It leads to people distancing themselves emotionally and cognitively from their job and coworkers in an attempt to lessen the load of the emotional toll of their work (Maslach, Schaufeli and Leiter 2001, Maslach 2001). The workers feel that avoiding the emotional work that goes into their job and their working relationships with their peers can help them cope with the overload they are already feeling. They believe they can take the energy they *would have* spent on emotional work and instead utilize it toward more "tangible work."

All ten interviewees discussed the high stress levels they feel when working in their jobs and with the death penalty system, but they also mentioned their passion, interest, and drive for what they do. Every interview respondent mentioned burnout or symptoms of burnout and emotional exhaustion as a result of working with capital punishment, even Lanie, who has only been working directly with capital punishment for less than a year. Maslach (2001) mentions that high levels of burnout and emotional exhaustion can lead to making more errors in work and

becoming less creative when attempting to problem solve, or simply losing passion for the job and becoming too critical. When life or death is on the docket within this line of work, it seems that burnout can cause a significant issue, especially on the defense side. Minnie stated that, after being a defense lawyer for many years, she had to choose to step back and let younger lawyers take up the mantle because she became so exhausted and weighed down by the toll of the work and did not want to begin making mistakes that could prove literally fatal for her clients. While she had not lost her passion for what she believed in and worked for, she felt she had lost the energy and the drive as it had been sapped from her over her career. She continued and said:

> There's really just no question that at some point, you just get… you really do just get exhausted. There are breaks you can take, sure, but at the end of the day, I think it's appropriate to say… And there are exceptions to this; I certainly know lawyers who have done capital work their entire career and they just… whatever fuels them keeps them going, for sure. But, I do think there is a shelf life on capital defense and there's just only so much that one person can give if they want to have anything else meaningful in their lives, like a family, or something like that. At some point, when I was young, it didn't bother me very much. I really loved the work *that* much. So, I didn't consider it a sacrifice. But, at some point in time, I was just like, "Holy cow, how much longer can I keep doing this?" It's difficult.

Jillian, a defense fact investigator who is one of the "newest" professionals on the scene in the sample with six years of experience, spoke of how her thoughts about these cases are always in the back of her mind because her work can be one of the only difference makers in literal life or death situations. She shared:

> When someone's life is on the line, when their chance at life rests on your work and your shoulders, you just… well, you can't *not* think about it all the time. At dinner, at family functions, while watching television. It is always there because the stakes are so high. I mean, it's someone's *life* we're talking about.

Leah, the other fact investigator, discussed how obsessive she can get about the cases and how focusing on the mistakes made by her and her team can cause her to struggle:

> When you represent a death row prisoner, and they get executed, there's a lot of residual guilt that comes with it. You blame yourself for any mistakes you made. You basically become an armchair quarterback, but for your own work, you know? And it's mentally taxing. You get so critical of yourself, or of your team, and all the "what-ifs?" It makes you feel bad, and I have definitely wallowed in that guilt before. It's hard not to. It's rough. You can catch attitudes from other people, too, and that just makes the whole feeling worse.

Also mentioned by Maslach (2001) and Levin et al. (2011), burnout can result in physical pain, mental disorders, and intense sleep disturbance due to stress. Wilbur, the DOC director, spoke of how his sleep was heavily impacted for roughly two to three nights after each of the 28 executions he witnessed due to insomnia from racing thoughts or nightmares about the executions. He had times when he could not sleep for the next 48 hours after most executions. Even with the interrupted sleep, he felt he could not take time off from his job to recuperate, which led to many issues with overall exhaustion and affected his job performance, similar to the outcomes for capital jurors as mentioned by Bohm (2013).

Leah also mentioned that she had trouble sleeping after the executions she witnessed. She spoke of how she felt too tense to sleep and always felt like she was in shock afterward and needed time to process what she saw and process the deaths, usually because the people being executed were clients that she had spent years assisting and getting to know. She said that losing them in front of her was tragic, but that, even though she was sad and had a lot of emotions, it couldn't compare to the families, and that they were the main priority at any given moment, so she would push her emotions aside to take care of them to her best ability. She spoke of times when, because she had attended executions before, she would take time to explain the process to her client's families while they were waiting because she "knew that the anxiety of not knowing was eating them up inside." She said:

> I knew that feeling they had. I could see it in their eyes. It was the same feeling I had the first time I was set to witness an execution. I knew what it felt like knowing we were about to witness a murder, just being so tense. I still get the anxiety beforehand, and I'm still in shock after, and I still can't sleep, but at least I can use those emotions to help guide others through it. I still get nightmares from the first execution even though I've witnessed fifteen. It doesn't leave.

When discussing how he handled the feelings that the execution brought up, Wilbur, the DOC director, also mentioned that while he had not ever gone to see a mental health professional to discuss his experiences due to being raised as a "good ole boy in the South" who was raised in a way that didn't support seeking mental health support, he thinks that he "probably [has] some form of a mental illness or two" after being in a job position that caused him to participate directly in the execution procedures. However, he jokes that his wife is his therapist, and she won't let him feel sorry for himself for too long. Max, the reporter, mentioned that, although he does regularly see a professional therapist to discuss what he hears, watches, and experiences when covering death penalty cases and witnessing executions for his reporting, he also experiences his stress surrounding these events as culminating in physical back pain, which can be a symptom of work-place stress and burnout (Li et al. 2014, Maslach, Schaufeli and Leiter 2001, Maslach 2001, Tennant 2001). He said:

> After the last couple of executions I witnessed, I got this really bad back pain. I talked to my doctor and therapist about it, and they think it's due to the stress of just being so tense at the executions and witnessing them. Sure, part of it is probably the long drive to and from the prison, but I think it's my body sending me signals. Like, my body is saying, "Hey, I *really* don't like what you're putting me through with all this stress and everything," while I cover these stories, so it just comes out in such a physical way with my back pain.

Leah and Minnie indicated that they had been to see mental health professionals to discuss their experiences and issues they had been having in their lives as a response and had

been diagnosed with Post-Traumatic Stress Disorder (PTSD) and had been or were currently in ongoing treatment for that disorder. Lanie mentioned that, while she does not seek mental health professionals for help, she would probably benefit from being able to discuss what she has dealt with to people who are not her coworkers going through the same things. However, she appreciates being able to talk to her peers. Alton, a public defender, also talked about how he does not "get rattled or get emotional very easily" and that his wife says he is "a very stoic person" and has not seen any professionals about his experiences. But he did mention that, even though he doesn't talk about them much, there were little moments here and there that were unexpected for him that would catch him off guard. Alton spoke of one memory that stood out to him and still gets to him years later. He said:

> I had to pick up the belongings of one of my clients the day after he was executed. [He was] executed at midnight, but I had to pick up his belongings at 8 A.M. You know, get them from the prison and take them back. So, I put the big box in my car. It was a fairly big box. It had a small television and some other stuff, but he had a pair of white, high-top tennis shoes that he kept just *pristine*. They were glowing white, even though they were a couple of years old. I mean, he was *really* proud of those shoes. They were sitting at the very top of the box. And every time I glanced in the rearview mirror, there were those shoes staring back at me. I was only 15 minutes down the road from the prison before I pulled the car over. I put those shoes down on the floorboards so I couldn't see them. I don't know why, but I just couldn't look at them anymore. I couldn't do it. It was too hard. I remember those shoes so clearly, and at strange times. I would say it affects me still, yeah.

Cara, Alton, and Christopher, defense lawyers, all believed the stress levels and the effects of that stress on them boiled down to just being a part of the job. Cara said that, while the emotional and psychological effects weren't what she signed up for, it "comes with the territory" and that, at some point, she just had to choose to deal with it so she could continue doing her job and what she set out to do, which was to try to do her best to stop the executions of her clients. According to Tennant (2001), and as shown by the experiences of the interviewees in this study,

focusing on the mental and physical repercussions of large amounts of workplace stress is vital, as psychological disorders stemming from stress are often unrecognized and untreated as it is "just part of the job" and physical symptoms may not get correctly linked to workplace stress. Alton compared his burnout to a medical profession, stating:

> I guess the culture surrounding the death penalty in this state… the way they just want to streamline it and carry [the executions] out before they care about any potential innocence or unfairness in the system. They were more mad at the delays than they were mad about any errors that had happened. But that's, you know, that's why we get burnt out. To reference to the medical profession, I'm guessing that when an oncologist's best medicine stops working, when the cancers become resistant to the medicine, that they probably get burned out, too.

Alton's description was an attempt to showcase that he does not think his work in capital punishment explicitly caused his burnout as he believes other working professionals experience burnout based on similar stresses and experiences, just with separate causes. Lanie also mentioned medical professionals and compared her job to theirs by saying:

> Sometimes I compare it to what emergency room doctors probably go through or something like that. They have so much trauma they have to witness. They definitely have it more than we do, but we still get it as well. I think it makes you go a little crazy over time.

Cara mentioned that her experiences of burnout were probably exacerbated by the fact that she did not like to take breaks because of the emotional and psychological toll the breaks took on her. When describing the reasons that she doesn't like to take breaks, she said:

> I'm scared every time I walk into the courtroom because it's really hard to think about the potential of losing a client['s life]. There's a lot of PTSD that I have associated with that. After the trial is over, I sit there and think, "Oh shoot, why didn't I say that? Why didn't I do that?" And those thoughts will just happen over and over, you know, for a long time after the trial is over. So, I'm always so scared, so I actually hate taking breaks from work. Because taking breaks lets these

> thoughts and anxieties take over, and I can't deal with that. I just can't. So, breaks from work don't work for me.

Many respondents also talked about how they only really felt as if they had other professionals in their work groups to rely on personally and emotionally when discussing the job's effects on them. Jillian, a defense fact investigator, mentioned that she had group chats and text message threads with people in similar lines of work to discuss her feelings about her job because she couldn't talk about it with her family. She mentioned that it wasn't due to confidentiality, which is part of why it is difficult for her to talk about it outside of work, but because people outside of this sector don't understand their work. She said:

> I definitely have to use them [the coworkers and other friends in similar jobs] as my sounding board and emotional support to talk about how I feel. Like, with my significant other or my mom, they just… They just don't have a grasp on how hard things actually are, or they just don't get what we do, so I have to go to different groups of people. I think we're lucky to have each other because I don't know who I could talk to about the hard stuff if I didn't have them.

Cara, a capital trial team leader, stated:

> Oh, the other lawyers who do capital cases are a wonderful resource. They're wonderful to bond with because we all understand. We all understand what's going on, and we're all a resource for each other. I'm also lucky because I have a lawyer as a husband. He didn't do criminal law, but he started going to capital conferences with me so he could understand. He knew that if I was going into a trial, I would need him to be helpful behind the scenes and let me vent when stuff happened. But I've always felt grateful that I had a core group of people around me who understood what I do, because people outside of capital litigation don't understand it, so it's hard to talk about and find support. It seems like most people outside my group think I'm evil because I'm a criminal defense lawyer, so it's nice to have people who get it and understand what we do.

Christopher, a public defender, spoke about how the people in his office support each other and said:

> You get close to your team members. You want to try and have an environment where everybody feels safe and could say what they think or feel. Our office does provide support when we have executions scheduled. You know, simple things like making sure there's food in the office, or there are people to run errands for someone who's in the middle of litigating or writing, or that there's someone there that can just be a shoulder to lean on. That's important for us. But everyone deals with it differently in our experiences. The day of an execution, some people gather in a common area in the office and just sort of sit together. Other people prefer to be alone in their office with the door closed. We want… we want to allow people to do what they need to do to feel comfortable. And, you know, it's… it's hard to prepare for witnessing an execution you're going to see, too. Watching someone have their life taken, you know, before your very eyes. And, you know, it's… it's all about bearing witness. One of the reasons to be there is to comfort the client if the client needs that in his final moments. It's also to bear witness to make sure that if something goes wrong, you can talk about it. And even if something doesn't go wrong, to be able to talk about it, to educate people, to say, "This is what my state is doing and I saw it, and this is how I feel." We have to support each other in that, because we're not going to get it anywhere else.

Interestingly, many of these professionals in a profession that claims to be unemotional seem to provide the most support for one another and exhibit a sense of camaraderie under stressful conditions. They band together to support one another when they know the others need emotional and moral support. Unlike police who tend to rely on their friends, family, and spouses for their emotional support and don't utilize professionals, (Karaffa et al. 2014), these working professionals look to stick strictly to people of their same job network, as they fully understand and empathize with what each other go through, or seem slightly more willing to seek professional help. Some stated that it helped them feel understood and recognized when the rest of the world couldn't understand their struggles and frustration, seemingly helping avoid some of the issues with professional interpersonal relationships associated with burnout.

Another effect of burnout, compassion fatigue, mentioned by Norton, Johnson and Woods (2015), was prevalent when the interviewees discussed moments of witnessing others' pain, or noticing their own lack of emotions. Another form that burnout can take is "compassion fatigue,"

also known as “the cost of caring” (Figley 2013). Compassion fatigue occurs when one has to navigate the cumulative emotional and physical effects that arise from the exposure to the pain, distress, or injustices faced by one’s clients in the service industry (Norton, Johnson and Woods 2015). Compassion fatigue was first reflected in a study of experiences by emergency room nurses where they constantly had to witness both traumatic injuries and people’s responses to their own or others’ traumatic injuries (Joinson 1992), but has since expanded to many different fields of work. The stress comes from a range of experiences, but all are surrounding the concept of wanting to be able to assist in a traumatic situation, not being able to assist, or assisting in the traumatic situation (Figley 2013). Lawyers are especially prone to compassion fatigue, as much emphasis is placed on ignoring their personal emotional needs for the “greater good” of protecting the law and the systems they stand for (Norton, Johnson and Woods 2015). Compassion fatigue is posited to come about due to other maladaptive “survival” strategies, such as ignoring one’s own emotional stakes in the events transpiring (Sabo 2011).

Many of the respondents seemed to be combatting compassion fatigue, even years after their experiences and encounters. Multiple respondents spoke about how difficult it was to watch the families of victims and the condemned go through the trials, appeals, or execution processes. Many interviewees discussed how witnessing the pain of others affected them and, in some cases, how it made them feel about their positions in the process.

Wilbur, the DOC director, discussed how difficult it was for him to watch the families and even the rest of the staff during and after executions and how he felt about his job. He stated:

> It’s extremely difficult after you witness somebody’s last breath, and you see the pain and anguish on the faces of the family of the deceased and the families of the victims. You see the anger. You see… You see that the victims were expecting to feel… the surviving victims or the families of the victims… You know, they always… well, I can’t use the word always, but many times, they think this [the

> execution] is going to be the panacea. This is going to be the thing that cures them of their anguish, and you find out that after the execution, they're angry. They're angry for many reasons. Sometimes they're angry because the deceased's death was peaceful and their loved one's death was violent where they languished and suffered, and it was gruesome, and this death wasn't. Other times, they're angry because they don't feel any of the relief they were expecting to feel, and that was so hard to watch. I don't think [people] understand that we're all just history books and that this is another chapter that's added to the book that we have to carry with us inside. But, coming back to watching the family's reaction, it was just always this extreme sense of melancholy, of emptiness. Watching their pain, well, it made me want to quit multiple times. Heck, it still makes me feel like I want to quit even though I haven't been in that job for decades.

He discussed thinking through these moments of watching the families on repeat, over and over again, on his three-hour drive home after every execution. He said they were the "most depressing mental movies" he's ever seen.

In another case, Alton discussed his law partner's experience at an execution. While this experience was not his directly, he mentioned that this story stands out to him years later because it seems so visceral to him even decades later. In discussing this story, Alton said:

> My law partner Joseph had witnessed the execution of one of our clients because [the client] had asked Joseph to attend.[13] Joseph was walking out of the execution viewing room behind the client's father and it was taking a while because the father had to walk with a cane. Joseph said this man was holding his chin up high, almost in a defiant manner. Once they had walked down the stairs, the client's father said to Joseph, "I'm not going to let those bastards see me cry." The father made it to his car and off the prison property before he broke down and cried, but they didn't see him cry. That story stuck out to Joseph, seeing the father's pain for his son, to the point where that story stands out to me. I wasn't there to witness that pain, but I remember that story so vividly. So viscerally. The pain stands out. It's surreal.

Max, the reporter, discussed what I later characterized as depersonalization, as mentioned by Hochschild (2015) as well as Lennie, Sarah and Sutton (2020). He described how sometimes,

[13] The name Joseph is a pseudonym for the law partner to further protect Alton's anonymity.

when he thinks he's not being affected as profoundly by watching executions anymore, he worries that there might be something wrong with him because he doesn't feel what he thinks he should be feeling as a human being because of his job. He stated:

> One of the problems that bothers me is that, after doing this for so long, I feel like it's become too formulaic, almost. Like, I have this role to do and to do that role, I have to go to this one place to do one thing, and another to do the next, but it's the same steps and the same outcome. I go to the clemency hearings, and then I write an article. I go to the execution and witness it and then I write an article. I don't know, sometimes the humanity… sometimes I worry and think, "Why am I not *more* emotional? Maybe this isn't affecting me enough, you know? I kind of obsess about that a little. Am I getting too comfortable with this subject matter? And if I am, what does that say about me, about who I am?

Overall, these experiences illustrate that working with capital punishment has a variety of effects on these working professionals, some of which are long-term and negative, such as PTSD diagnoses, attempts to depersonalize, and suffering from compassion fatigue. Many of the effects they feel tie back into engaging specifically with the death penalty, be it litigation, witnessing executions, or interacting with family members involved in the cases. Hearing the experiences and effects through their personal words reveals insight into a process that has been hidden from the public and shows us ways in which these professionals are navigating the demanding role their job places on them.

Limitations

While my research study provided many personal insights into the emotional effects of capital punishment on working professionals, it was not without its limitations. First, my sample size is small, and the demographic scope was limited to professionals working on defense teams. This is a result of the snowball sampling method used, as the original defense attorney recruited opened up their network to me, which consisted mainly of other capital defense attorneys that

they currently worked with or hard worked with in the past. Those defense attorneys in turn suggested more people from their direct work groups, which led to most recruited participants speaking from the defense perspective as opposed to the prosecutorial perspective. Multiple attempts were made to connect with spiritual advisors who worked with prisoners on death row and interacted the families involved, as well as prosecutors and judges, with no return contact, and were ultimately not recruited into the study, but continued efforts are being made to speak with a broader set of working capital professionals to gain more perspective and insight. This insight would be important in order to explore whether it may be easier to deal with the emotional outcomes of the death penalty if one is arguing *for* the death penalty on the prosecutorial side, or if it is more difficult if a prosecutor does not align with being pro-capital punishment, yet still has to seek the death penalty. Similarly, judges are made to be the face of neutrality in courtroom, but each have their own opinions on the proceedings and may have to utilize more emotional management than the prosecutors and defense attorneys.

Due to the legal aspects of the discussions in the interviews, it was challenging to find people in this sector who were willing to speak candidly about their experiences. Even with the interviewees I did recruit, some had to gain express legal permission from their superiors and stated the need to be careful about any names given and were highly concerned about anonymity, as they did not want anything they said to be traced back to them and used against them to undermine their authority in a court of law, so there may be missing experiences or opinions that they may have withheld from the discussion while speaking to me to protect their professional standings. However, I intend to continue this research and bolster it by adding more interviewees to the sample. I will make every effort to pursue participants from the prosecutorial perspective (e.g., to see whether fighting *for* a death sentence influences how they process their part in the

system or how they emotionally react to their duties). My research also primarily relied on their narratives of their past experiences, making my data retrospective in nature rather than gathered during the capital trials, appeal process, or right before, during, or after executions.

I did find it difficult to thoroughly weigh in on whether their involvement in the capital punishment system led to mental health complications, as many interviewees seemed reluctant to discuss whether they had sought professional help or had received any mental health-related diagnoses. This may be related to the continued stigma of mental health complications and diagnoses that still permeates today. Although one of the interviewees joked about the state of their mental health while they were in their job position that dealt with the death penalty, some did disclose more information than others, such as one interviewee who stated that she may have posttraumatic stress disorder but did not disclose any official diagnosis with the condition. Nonetheless, because of the mention of this serious condition, steps should be taken to further support these professionals who may find themselves dealing with adverse effects of what they have experienced during their tenure in their capital work.

Conclusion and Future Directions

By combining my sociology, criminology, and qualitative research background, I examined how people in careers dealing with capital punishment experience their jobs and how emotions are felt and managed in the death penalty sector. I used qualitative interview data to gain insight into the emotional experiences of working capital punishment professionals. Despite legal and criminal justice practices being outwardly deemed as needing to be emotionless and logical processes to ensure justice (Karstedt 2002), my findings suggest that these professionals

feel many emotions while performing their duties, and those experienced emotions can have lasting effects. These lasting effects stick with the professionals throughout their careers and affect them in numerous ways, such as how they view their jobs. The professionals discussed moments of emotional labor, emotional management, and many instances of burnout and compassion fatigue. Respondents also discussed how they used their emotions to move them forward and provide motivation even when the job was difficult or felt impossible.

Working within the capital punishment system, especially witnessing executions and their effects on the families involved in capital cases, is an emotionally draining task and leads to several stress responses and long-term effects. The system in which the professionals are required to work complicates matters by upholding a manner of working that attempts to ignore the workers' human aspects and emotions. While the capital punishment sector amounts to only a fraction of broader criminal justice work, there is a clear need to focus on the well-being of those working in this system. As mentioned, this work is needed because capital punishment remains legal in many states, federally, and within the military in the United States. The legality requires continued work in and interaction with capital punishment. Because of this, we must make an effort to seek more analysis on the professionals working in this sector to lower the number of adverse emotional effects they feel over time as this practice remains legal.

Interesting to note, adverse emotional effects such as burnout and compassion fatigue were commonly found throughout the professionals' experiences. However, many still felt fulfilled by their work within the legal system despite its frustrations, making it a complicated position for the professionals to be in. As I illustrated in this research, working professionals in the capital punishment sector experience burnout, emotional exhaustion, and even compassion fatigue as they progress through their careers. Some experience physical manifestations from the

stress that their work puts on them, but not every experience is negative or leads to feelings of emotional exhaustion. Many interviewees described using their emotional experiences to motivate themselves to keep going during what felt like a slog of negativity. With this in mind, social researchers should further analyze how the inclusion of emotion, especially in places where it has been historically discouraged, can be used positively to counteract adverse effects placed on working professionals.

While my sample size was small, my participants still provided extensive narratives, which allowed for informative findings regarding the emotional effects they have experienced within their jobs. Before submitting this research as a manuscript to a journal in the future, I intend to do additional recruitment for more expansive narratives and findings, hoping to at least double my initial sample and gain more insight from groups who were not included in this study. I plan to do this to solidify current findings with the smaller sample, as well as introduce any new perspectives that may evolve when more professionals are recruited into the study. Ideally, I plan to recruit participants such as prosecutors, judges, and spiritual advisors involved in the capital punishment system and medical members of an execution team. Will these participants feel as much burnout and frustration as the current participants? Will they have different attitudes toward the death penalty that lead them to different emotional effects? In the future, I plan to also look at the differences between men and women in these professions. Ultimately, the current study and future iterations will provide important insight into how deeply capital punishment affects those who work within the system, how required emotional management affects them in the long term, and how we may need to change organizational expectations of emotions as long as capital punishment remains legal in the United States.

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APPENDICES

Appendix A: Interview Cover Sheet

INTERVIEW NUMBER:

Ask (and record response) if the participant is willing to participate in the interview:

YES: _____ NO: _____

Ask (and record response) if you have permission to audiotape the interview:

YES: _____ NO: _____

NAME AND CHOSEN PSEUDONYM:

GENDER:

JOB TITLE:

YEARS IN JOB/SECTOR:

ESTIMATED OF NUMBER OF CAPITAL CASES INVOLVED IN:

ESTIMATED NUMBER OF EXECUTIONS WITNESSED (IF APPLICABLE):

Appendix B: Interview Schedule

1. Tell me a little bit about your job and what drew you to it. (Probe for what led them to the field).
2. Could you tell describe how your job is involved with the capital punishment system? (Probe for details, what stage do they interact in - i.e., trial stage, post-conviction, the appeals process, pre- or post-execution, etc.).
3. Were you ever expecting to have to engage in capital punishment cases when you pursued this career or position? (Probe for details, were they aware that they would have to deal with the death penalty).
4. When it comes time to perform your duties for a capital punishment case, did/do you feel ready or prepared, professionally or emotionally, to engage?
5. Could you explain how you feel/felt leading up to these instances? (Probe for details, how they prepare).
6. Is there a specific experience or set of experiences surrounding capital punishment in your job that has stood out to you?
7. Could you tell me more about that experience? (Probe for details, what happened, how they engaged).
8. Looking back, did that/those experience(s) impact or affect you in a significant way? (Probe for details, what feelings arose due to the experience(s), impact on how they viewed their job or views on capital punishment).
9. Did you ever feel the need to talk to anyone outside of your job about these experiences? (If yes,) How did you or do you cope with these experiences? (Probe for details,

including psychological or behavioral strategies they may have developed, how effective their strategies were/are for them).

10. How have you navigated the demands and requirements of the job and your personal feelings toward these experiences? Could you explain more about that? (Probe for details; if there is anything they must tamp down or mitigate for their job, etc.).
11. What was your opinion on capital punishment before these experiences? Have your experiences changed your initial views on capital punishment at all? (Probe for details, what, if any, direction their attitude toward the death penalty moved toward; explain why the change might have occurred).
12. Is there anything that I have not asked you about your experiences that you think is important? (If answer is yes, probe for details)