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IMPACTS OF HOMICIDE AND DEATH PENALTY EXPERIENCES: A HERMENEUTIC PHENOMENOLOGICAL APPROACH

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IMPACTS OF HOMICIDE AND DEATH PENALTY EXPERIENCES: A HERMENEUTIC PHENOMENOLOGICAL APPROACH

A DISSERTATION APPROVED FOR THE
DEPARTMENT OF EDUCATIONAL LEADERSHIP AND POLICY STUDIES

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Dedication

This dissertation is dedicated to those who have been affected by homicide and/or the death penalty in some capacity, whether they are survivors of the victim or of the accused. In either case, both families are victims. The dissertation is also dedicated to the surviving victims, Sean Moore, Herman Smith, Jim and Ann Fowler, Max Kelton, and Leslie Douglass, who were gracious enough to share and relive their tragic experiences with me. I just hope that I have conveyed their stories and growth from tragedy in a manner in which the participants would be pleased. The ultimate goal is to inform others so that surviving victims' voices no longer remained ignored.

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Abstract

There exists a culture of surviving victims who possess a body of knowledge stemming from their experiences of dealing with homicide. In reviewing the literature on surviving victims, whether they are survivors of the victim (Master et al. 1987) or the accused (Sharp 2005), it is evident that their diverse views are often unrealized or ignored by the very citizens and policymakers responsible for initiating and evaluating criminal justice policies (King 2003; Armour 2002; Thompson et al. 1998; Kilpatrick et al. 1990). Ignoring this group, perhaps those who could contribute most to the dialogue surrounding criminal justice policy, limits the body of cultural knowledge which can be transmitted and used to educate the citizenry, thereby resulting in producing flawed public policy that, ultimately, negatively impacts citizens and the entire nation (Constantine 2000). The "transmission" of informed knowledge and "cultural wealth," as posited in John Dewey's *Democracy and Education* (1916) and Jane Roland Martin's *Cultural Miseducation* (2002), is crucial because an informed citizenry is essential for any democracy to thrive.

Though the transmission of knowledge is important, this study primarily serves as an educative instrument by producing a body of cultural knowledge to enrich the lived experiences of six surviving victims and to convey their growth from the tragic event. The collective growth from tragedy serves an educative and democratic purpose, because it mends the knowledge gap by informing and increasing public awareness which, in turn, dissolves public ignorance and ensures equity in the creation of effective and successful policy. The researcher believes that his position as a professor at a community college affords him the

opportunity to go beyond an academic community and to reach and carry out this educative process (in the spirit of Dewey and Martin) to average citizens as well – or, non-traditional students who are working-class adults who oftentimes occupy an unentitled status.

A series of interviews, journal notes, audio-recordings, and transcriptions were used to collect the data for this interpretive phenomenological study. van Manen's (1990) phenomenological methodology provides an etic overlay with which to understand the participants' existential lifeworlds: temporality (lived time), spatiality (lived space), relationality (lived relation), and corporeality (lived body). This process initiates the peeling back of the layers of reflection to expose the participants' growth from tragedy. Based on the findings, three thematic categories emerged from the lived experiences: validity of the criminal justice system and the death penalty, finding peace or closure, and the impact of the southern region and Oklahoma. The thematic categories ultimately reveal how each participant has grown from tragedy which, more importantly, informs citizens about a need for changes in how public opinion polls are used to evaluate the validity of criminal justice policies, especially death penalty policy.

The significance of the study calls for future research to enrich the understanding of how surviving victims have been affected by tragedy and then to use that cultural knowledge to educate others, whether it be other surviving victims, research scholars, policymakers, media, uninformed citizens, etc. To be informed is essential for the success of a democratic state (Mill 1859; Barber 1995; Lau & Redlawsk 1997), being that the majority's views prevail, which influences the direction of government and public policy.

CHAPTER ONE

INTRODUCTION

Homicide has but one, tragic outcome. People who are affected by homicide, whether they are related to the victim or the accused, are victims of an escalating statistical demographic inexorably tied to the increasing occurrences. In 2007, Virginia Mason Medical Center estimated that homicidal death produces between 120,000 and 240,000 new homicide survivors each year (Armour 2007). Despite this sizable figure, citizens and policymakers, for the most part, are unaware or chose to ignore the rich experiences and diverse views that these survivors have regarding the criminal justice system and capital punishment. Ideally, an informed population advocates and votes for laws that intimately involve the community. Therefore, some academics have attempted to inform and raise awareness of the knowledge and experiences of homicide survivors.

While there is an abundance of studies that probe the personality and/or behavioral characteristics of the offenders of homicide (Santtila et al. 2003; Vronsky 2004; Loeber et al. 2005; Laajasalo and Hakkanen 2005; Wright 2008; Chan et al. 2010; Trojan and Salfati 2011) many researchers and scholars have argued that there is a glaring omission of studies regarding the affects of homicide upon the survivors of the victim (Master et al. 1987) or the survivors of the accused (Sharp 2005). In either case, both families are surviving victims[1], because each suffered "from a destructive or injurious action or agency"

1. As the discussion continues on *surviving victims*, we will assume that the term includes both surviving family members of the victim who were murdered as well as the surviving family members of the accused who have committed homicide.

(Webster's Dictionary 2001, p. 797). According to the literature, the consequence of being unaware or ignoring the experiences and perspectives from these fragile groups limits knowledge and poses a variety of implications for research, practice, and especially criminal justice policy.

For example, Kilpatrick et al. (1990) conducted a study on the impacts of homicide on surviving family members, because they believed there was simply not enough information or research surrounding these families. As a result, this study primarily focused on the "need to gather accurate data about the number of Americans indirectly victimized by criminal homicide and alcohol-related vehicular homicide" (p. 1), which would prove invaluable to those who are responsible for attempting to deal with the issues experienced by these survivors. The study found: 1) nearly sixty percent of the surviving victims thought that the criminal justice system treated the defendant better than it treated them; 2) most survivors who had experience with various aspects of the criminal justice system process were dissatisfied; and 3) the vast majority of survivors thought that the criminal justice system should be responsible for providing a number of services (i.e., case status information, legal assistance, emotional or psychological counseling, etc.) to surviving victims (p. 4).

Furthering the discussion, Thompson et al. (1998) illustrated that surviving victims are traumatized greatly by the murder of a loved one. However, because less attention has been given to the consequences of violence on surviving family members of homicide victims, and few studies are conducted on the consequences, practitioners are limited in their understanding of these individuals, which in turn, makes it extremely difficult in providing

effective assistance and advocating for them. For example, Burman and Allen-Meares (1994) found that children who witness parental homicide are often traumatized, stigmatized, and scarred by the tragic event. More importantly, because attention is focused on the deceased parent and on the perpetrator of the crime, "the child witnesses inadvertently become the neglected victims" (p. 28). As a result, damaging effects to these children are simply overlooked, which leaves a serious gap in terms of rehabilitative measures "for youthful observers of parental violence and homicide" (p. 29).

Berman et al. (1996) also found that inner-city youths experience and witness more violence than any other age group which makes them perhaps the most neglected surviving victims of homicide. While recent efforts have been employed to provide assistance and services for adult survivors of homicide, "adolescent homicide survivors remain underserved and understudied" (Salloum and Vincent 1999, p. 27). As a result, mental health services for this population of adolescents are scarce and are drastically under-utilized when they are available, creating avoidable consequences.

This finding parallels Armour's (2002) that the special needs of surviving victims have been given less attention than any other forms of victimization. As a consequence, mental health professionals who treat individuals within this special population are not equipped to provide adequate assistance because they "have not been exposed to some of the unique aspects of their emotional devastation and are accordingly limited in their knowledge" (p. 109).

Sharp's (2005) study on hidden victims reminds us that the inadequacies faced by mental health professions, in terms of treatment, are primarily due to a scarcity of surviving victims, because they are a neglected and often forgotten population. The study found that society often forgets that those individuals who are accused of murder and sentenced to death are "brothers or sisters, mothers or fathers, daughters or sons, relatives or friends" (2005, back cover). The accused also have families who are often looked upon as being culpable, simply by their relationship to the accused and, therefore, are a neglected and hidden population whose voices are rarely heard. Ultimately, Sharp (2005) found that the family members of the accused were victims who felt "punished for a crime that they did not commit" (p. xii). Regardless of whether or not the accused is sentenced to death or is executed, his/her family also has a story to tell.

When King (2003) interviewed surviving victims who had lost a family member to homicide, not only did she discover interesting stories, but perhaps more importantly, she found in many cases the justice system (i.e. prosecutors, parole boards, and judges) often shunned and silenced surviving victims who spoke out in opposition to the death penalty. This opposition was due to both the fallibility and inequality of the criminal justice system itself. The "universal conclusion" (p. 2) was that the death penalty did not help surviving victims heal, but that it actually impeded healing.

To gain a deeper understanding of what all victims, even secondary ones, such as executioners, wardens and chaplains have gone through, Vaughn (2009) excavated their experiences, hypothesizing that having gone to the precipice of death with the accused, they may have learned something about which the rest

of the population is unaware. Then there were the surviving victims who were "determined enough to pull themselves out of unbearable depression and clean the blood off of the walls of their homes after the police no longer needed the evidence" (p. 405). Unfortunately, there was no one life lesson to be learned, but Vaughn (2009) did indicate that "to ponder what it meant to be among the living" (p. ix) merited additional study.

Armour's (2003) study confirms that the aftermath of homicide illustrates that surviving victims are a neglected population. Unfortunately, the agenda of the criminal justice system, the media's interpretation and framing of facts, and the community's response to homicide construct the public's meaning given to the tragedies, as opposed to the survivors who could contribute to the dialogue surrounding criminal justice policy, especially the death penalty. As a result, "topics of the death penalty and life without parole (LWOP) have been approached exclusively from a societal, rather than individual, perspective" (Armour and Umbreit 2007, p. 385). And because post-homicide experiences are at best faintly heard, "this leaves survivors feeling ignored, devalued, and rightfully worried that their loved ones will be forgotten" (p. 385).

As helpful as these studies have been, they call for more research that unearth surviving victims' voices. Ignoring this group stalls informed dialogue regarding criminal justice policies that perhaps affect this group the most. And according to Constantine (2000), if we do not have these types of *informed* discussions, we will produce flawed public policy that, ultimately, negatively impacts citizens and the entire nation (p. 687). The lack of rich information and

discussion concerning public policy associated with the death penalty particularly concerned Supreme Court Justice Thurgood Marshall.

Background to the Educational Problem

In 1972, when the Court declared the death penalty unconstitutional under its administration in *Furman v. Georgia*, Marshall poignantly wrote,

> While a public opinion poll obviously is of some assistance in indicating public acceptance or rejection of a specific penalty, its utility cannot be very great. This is because whether or not a punishment is cruel and unusual depends, not on whether its mere mention "shocks the conscience and sense of justice of the people," but on whether people who were fully informed as to the purposes of the penalty and its liabilities would find the penalty shocking, unjust, and unacceptable. In other words, the question with which we must deal is not whether a substantial proportion of American citizens would today, if polled, opine that capital punishment is barbarously cruel, but whether they would find it to be so in the light of all information presently available..... (Thurgood Marshall 1972).

Justice Marshall's opinion, though written nearly forty years ago, illustrates the importance of being informed, which is an essential element required for a democratic society to function properly. The classic texts of democratic theory, as posited by theorists Jean-Jacques Rousseau and John Stuart Mill, assume that in order for democracy to thrive and function properly "the average citizen should be interested in, pay attention to, discuss, and

actively participate in politics" (Lau & Redlawsk 1997, p. 585). More importantly, in order to live up to these normative ideals, this means that those citizens must be informed and educated, being that the majority's views prevail, which influences the direction of government and public policy within a democracy.

For Barber (1995), democracies thrive upon citizens who are knowledgeable and use this to reason and act. Knowledge is a necessary ingredient for a good way of life, but it is essential for the success of any democracy. A democracy requires knowledgeable citizens participating in public, political discourse, because the public must understand what is wrong and, conversely, what works. But too often in democracies, education, the media, and congressional debates "display contempt for facts and logic, and far too often, people prefer fantasy to reality. When they do, democracy withers" (p. 6).

Tragically, only a small minority of citizens in any democracy actually live up to the normative ideals of democracy or are educated enough to make an informed decision. This public ignorance, to which Justice Marshall's "hypothesis" was alluding, renders citizens powerless to adequately influence, through public opinion polls or other forums, one of the most contentious public policies in the U.S., the death penalty. When surviving victims' experiences are neglected and absent from public discourse, citizens are deprived of insight and this ignorance could adversely influence the very public opinion polls which are then used by policymakers and the courts to evaluate the validity of the death penalty.

Therefore, this study attempts to create a body of knowledge for purposes of educating citizens based on the experiences of surviving victims. This is significant, because according to John Stuart Mill (1859) "education brings people under common influences, and gives them access to the general stock of facts and sentiments" (p. 98).

Problem Statement

The individuals who could contribute most to the dialogue surrounding criminal justice policy, those who have experienced tragedy firsthand, whether those are the survivors of the victim (Master et al. 1987) or the survivors of the accused (Sharp 2005), continue to be a forgotten, invisible, unheard, and neglected population. As a result, their voices or perspectives have not been heavily weighed upon to contribute to the dialogue surrounding criminal justice policy (Armour 2002), especially the death penalty. This neglect limits the body of knowledge – especially the informed knowledge which can be transmitted on to educate the citizenry, thereby resulting in producing flawed public policy that adversely impacts citizens and the nation.

The victims' experiences, and the knowledge they can provide, need to be taken into account regardless of the person's ideological stance on the death penalty. More importantly, their voices deserve public attention because it is through their educative power and growth from the tragedy that these surviving victims' contributions to policy ensure equity. These individuals did not have a choice in terms of becoming a victim. They were thrust into the criminal justice system by offenders who <u>did</u> have a choice not to take a life. The least citizens

and policymakers can do is to listen, be receptive to their stories, and coherently devise reasoned policy responses.

Purpose

As is apparent by now, there exists a culture of surviving victims and research scholars who possess a body of knowledge transmittable to the citizenry and policymakers. Cunningham and Cordeiro (2006) assert a *culture* is the "sum totals of ways of living built up by a group of human beings and transmitted from one generation to another" (p. 93). The purpose of this study then is to create a more accurate body of *cultural knowledge* derived from selected surviving victims' lived experiences in order to be transmitted to academic and non-academic communities as an educative instrument. The study's participants and their collective experiences, above all, enrich the understanding of dealing with homicide and/or the death penalty – that is to say, how surviving victims have grown from the tragic events explained in this work. The collective growth from tragedy serves an educative and democratic purpose because it mends the knowledge gap by informing and increasing public awareness in the spirit of Thurgood Marshall's "hypothesis" which, in turn, dissolves public ignorance and ensures equity in the creation and implementation of effective and successful policy.

The richness of this study's journey into six victim's reflections derives from hermeneutic phenomenology. This allows the researcher to hear biased perspectives, but through interview probes which urge them to reflect on what they said. This gives the researcher an opportunity to *interpret* the victims' experiences, as well as *fuse* his own experiences as a survivor with the victims,

creating a holistic perspective. It is important to note that the researcher's interpretations are simply that, interpretations. The researcher is not attempting to create a body of truth, but simply a body of cultural knowledge. In addition, for the researcher to go beyond the surviving victims' biases per se is in no way discrediting or rejecting their opinions. The holistic perspective serves to hopefully enhance them.

Educating uninformed or poorly informed citizenry potentially poses some difficulties. The researcher assumes that his readers will be the academic community, which is not the only population that this researcher is targeting. Therefore, to educate beyond this group means to seek out average citizens through many forums (i.e. classroom teachings, workshops, presentations, conferences, panel discussions, etc.) in order to educate them on the affects that homicide has on surviving victims – or, as Jane Roland Martin (2002) posits in her treatise on cultural miseducation – to *transmit* "invaluable portions of the culture's wealth" (p. 5) to future generations. From the outset, Martin's (2002) thesis was to eliminate "cultural miseducation" – that is to say, limiting the transmission of cultural liabilities (i.e. things that would have an adverse affect on society) while maximizing the transmission of cultural wealth – the beliefs and skills, attitudes and values, and the worldviews and localized modes of thinking and acting of all members of society over the whole range of contexts (p. 12). For Martin,

> cultural miseducation occurs when so many cultural liabilities or such devastating ones are passed down that a heavy burden is

> placed on the next generation; or, alternatively, when invaluable portions of the culture's wealth are not passed down (p. 5).

Martin's theory was based heavily from Dewey's (1916) magnum opus *Democracy and Education* in which he believed that informed, thoughtful adults should pass on this knowledge to young people. According to Dewey, a government [democratic] resting upon popular suffrage cannot be successful unless those who elect and who obey their governors are educated (p. 73). Both of these pioneering philosophers of education believed that when "cultural wealth" and informed knowledge is transmitted on to future generations by an educational agency democracy thrives.

The researcher believes that his position as a professor at a community college affords him the opportunity to reach and carry out this educative and democratic process (in the spirit of Dewey and Martin) to a very diverse population of nontraditional students: working-class adults, high school dropouts, remedial students, vocational aspirants, and adults interested in education as a leisure activity (Dougherty 2007, p. 400) – or, in other words, average citizens. In addition, this population is perhaps more likely to be affected by homicide and/or the death penalty due to their oftentimes low socioeconomic and unentitled status, and area of residency. For example, when factoring in total number of students by city, the majority of the community college's students reside in Oklahoma City, which happens to rank as one of the worst cities in terms of crime rates. In a report released by CQ Press (2009), which ranked the 400 largest metropolitans in the United States by crime rates (1 being the worst and 400 being the best), Oklahoma City ranked 50th.

The second purpose is to take the acquired cultural knowledge and transmit it on to other likeminded researchers in order to enrich the dialogue within the research community, as well as contribute to the existing scholarly works within which this study is situated. Scholars and researchers have established that surviving victims are a neglected population who possess a wealth of cultural knowledge, but as the literature has shown, more work remains. The transmission of cultural knowledge throughout the diverse audiences of the citizenry and scholars serves the best interest of the public good (Wilbur 2009). Therefore, to fulfill the purposes of the study, the researcher must, according to Ketelle (2004),

> Take the readers in hand, take them where you've been, tell them what you've seen, give them stories you've heard. Most of all, write for them, the ordinary folks out there (p. 452).

Significance

As previously noted, the researcher aims to enrich the understanding of how surviving victims have grown from their tragedies and then use that cultural knowledge to educate others, whether it be other surviving victims, research scholars, policymakers, or uninformed citizens. Seeking out educable citizens/students, the researcher compels them to take the victims' perspectives into account when engaging in conversations surrounding criminal justice policy. By placing a human face to victims, this study may prevent the dualistic entrenchment into one's shallowly informed views when s/he encounters opposition. In those cases, a lack of knowledge encourages fear of embarrassment over the inability to support blanket statements such as "I am

just not for the death penalty." Or, "well I am." And that is the end of the conversation. Even victims have engaged in such dogmatic debates, at least at some point in their early periods as a survivor. Debbie Morris is one example.

Debbie Morris

In 1980, Debbie Morris, a 16 year-old high school junior in Madisonville, Louisiana was kidnapped and raped repeatedly while her boyfriend, Mark Brewster, was tortured and shot, where he would eventually die from his wounds. This story was documented in Morris' (1998) book, *Forgiving the Dead Man Walking*. Morris's story first appeared during an interview on Frontline's *Angel on Death Row* in which she described how she felt after her assailant was executed.

> I think that although I had a lot of feelings, the main feeling I had was relief that he was never gonna be around to hurt me again. I was gonna be able to let go of some of the fear. It was -- however, very conflicting for me because it was hard knowing that a person was going to die, perhaps because of some things that I said in the trial or my role in it. I felt some sense of responsibility. I was definitely for the death penalty then. I wanted him to die.

Even years later when anti-death penalty writer, Antoinette Bosco, interviewed and attempted to persuade Morris, she declined, stating that she had not yet been given a "clear message" on that (Vaughn 2009, p. 349).

Renny Cushing

Renny Cushing, the founder and Executive Director of Murder Victims' Families for Human Rights, has been an advocate for crime victims and an

opponent of the death penalty following the murder of his father in 1988. He has testified before the U.S. Congress and several state legislatures on victims' issues and the death penalty. As a representative for New Hampshire, Cushing supported the passage of a victims' bill of rights and compensation fund (MVFHR 2011). In a report titled "Dignity Denied: The Experience of Murder Victims' Family Members Who Oppose the Death Penalty," Cushing and Sheffer (2002), illustrated how family members who oppose the death penalty are too often "silenced, marginalized, and abandoned, even by the people who are theoretically charged with helping them" (p. 6). Recently, another member of Cushing's family was murdered. Will this new experience change his views?

Bud Welch

On April 19, 1995, Bud Welch lost his 23 year-old daughter, Julie Marie, in the bombing of the Murrah Federal Building in Oklahoma City. Months following his daughter's death, Welch took a public stand against the government carrying out the death penalty. In a statement to fellow activists and the media, Welch offered these words:

> To my friends and fellow abolitionists who will be here in Terre Haute for the state sanctioned killing of Timothy McVeigh...I ask you to be my voice on May 15 and 16, 2001. I urge you to send a clear message to our Government – and to the people of this nation – that what we are embarking on on May 16 is just plain wrong. Our society should not tolerate a Government with the power to kill its own citizens. I know the pain of losing a loved one because of a senseless act of violence. On May 16, 2001, I will stand with other families who have lost loved ones

> to unnecessary violence, and I will be with Tim McVeigh's family as they prepare to be victimized in a political event, staged by the Government of these United States (CADP 2001).

In the end, what separates this researcher's approach from Morris, Cushing, Welch and others, including this study's participants who have publicly spoken out in attempts to educate and affect public opinion in various ways, is that this study does not advocate for any particular stance. Rather, it provides an in-depth look at various experiences and dialectics of thought, among other things, from surviving victims. The cultural knowledge produced from these experiences should provide a more holistic and balanced educative outlook on the issues that the citizenry should take into consideration when making and influencing policy decisions regarding who lives and who dies.

An informed citizenry is crucial to sustaining any democracy. The Founding Fathers considered an educated citizenry to be vital to the long-term survival of democracy, believing that an educated populace would be able to "hold their leaders accountable and pay attention to the overall responsiveness of their government" (Geer et al. 2012, p. 99). Thomas Jefferson, for instance, wrote many letters in regards to the importance of a well-educated citizenry, as captured in the *Jeffersonian Cyclopedia* (Jefferson and Foley 1900, p. 275-277). The first letter in particular highlights Martin's (2002) "miseducation" thesis beautifully:

> If the children are untaught, their ignorance and vices will, in future life cost us much dearer in their consequences, than it would have done, in their correction, by a good education. – To Joseph C. Cabell (1818).

> Preach a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people, alone can protect us against the evils of misgovernment. – To George Wythe (1786).
>
> Above all things, I hope the education of the common people will be attended to; convinced that on their good senses we may rely with the most security for the preservation of a due degree of liberty. – To James Madison (1787).
>
> To give information to the people is the most certain, and the most legitimate engine of government. – To James Madison (1787).

In all facets of life, voters must have a rich and deeper understanding of an issue before they cast a vote and/or participate in other political and social activities. Therefore, the researcher's role as an educational agent affords him the opportunity to educate, affect, and/or provide a diverse and wide range of people with in-depth information from several different perspectives on homicide and execution.

The collective lived experiences provided by this particular study promises to dissolve ignorance and civic irresponsibility (or civic miseducation) and to replace them instead with rich contextual knowledge from those closest to the issues. There is more to this study than simply asking the participants to relive their nightmares; it is about synthesizing a collective body of voices and systematically packaging them in a manner to be used as an educative tool to

inform others. Unearthing the surviving victims' voices first requires an appropriate research question.

Research Question

What is the collective relevance of the lived experiences of individuals who have become surviving victims due to homicide and/or the death penalty in some capacity?

Assumptions

There are two anecdotal assumptions surrounding the death penalty: those who have experienced the murder of a loved one are more likely to support the death penalty and those who have family members accused of murder are more likely to oppose the death penalty. However, the researcher does not approach the study with this assumption, as this places him in the same sphere of "public ignorance" as those who rely exclusively on "misspecified" (Unnever & Cullen 2006a; Unnever et al. 2006b; Applegate 2000) data to make informed decisions.

Conclusion

In this chapter the author introduced the background of the problem, as well as the philosophical orientation surrounding surviving victims. The chapter also introduced the purpose, research question, assumptions, and significance of the study in order to explicate the consciousness of those surviving victims who have either experienced the loss of a family member to homicide, experienced the loss of a family member accused of homicide, and/or experienced the death penalty. The understanding of consciousness operationalized through lived

experiences and interpretation provides a holistic perspective in order to educate the citizenry.

CHAPTER TWO

COLLECTIVE LIVED EXPERIENCES

Chapter Two examines the various phenomenological studies which probe into the collective lived experiences of those affected by homicidal murder – each conveying and synthesizing various approaches, themes, and conclusions from different perspectives. The overview should provide a general understanding of the phenomena surrounding surviving victims in order to enrich and add to the dialogue among other surviving victims, and the scholars who study them. Providing this collective body of cultural knowledge, then, serves as a reflective, educative tool for purposes of allowing surviving victims to tell their story and other victims to better learn from them, illustrates how homicide has affected the survivors, exposes the inadequacies of the current measures needed to assist the survivors during the healing process, and reveals the downfalls of existing public policy.

The theory behind utilizing phenomenology is that the approach allows researchers to capture and explicate meanings deriving from phenomena that may not otherwise be captured or understood based on quantitative or even other qualitative approaches. The phenomenological studies also illustrate that there are various theories and complex meanings of lived experiences depending on which role an individual found themselves thrust into. Because every situation is unique, the researcher is able to interpret meaning through a collective body of lived experiences and explicate meaning from the consciousness of surviving victims, benefitting all.

Phenomenology and Lived Experiences Defined

Phenomenology, as founded by Edmund Husserl (1859-1938) in the early twentieth century, is the "study of the lifeworld – the world as we immediately experience it *pre-reflectively* rather than as we conceptualize, categorize, or reflect on it" (van Manen 1990, p. 9). Conversely, van Manen (1990) and others would eventually expand Husserl's approach to lived experiences. For them, a *lived experience*, in its most basic form, involves our immediate, "reflexive re-living and *reflective*" consciousness of life (van Manen 1990, p. 36). According to Dilthey (1985):

> A lived experience does not confront me as something perceived or represented; it is not given to me, but the reality of lived experience is there-for-me because I have a *reflective* awareness of it, because I possess it immediately as belonging to me in some sense. Only in thought does it become objective (p. 223).

Phenomenology, then, encompasses the systematic reflection of the structures of the consciousness of phenomena in the lifeworld through intersubjectivity, observation, and description. Thus, the aim of phenomenological studies is to transform the lived experiences into a textual expression in order to provide enhanced understanding of relevance. A more comprehensive definition and outline of phenomenology and its different schools of thought is provided in the following chapter in order to provide context and increased understanding of the methodology.

Review of Phenomenological Studies

Phenomenological Studies in Nursing Practices

A preponderance of phenomenological research and literature focuses on nursing practices through the lived experiences of nurses and their patients.[1] Thus, advanced searches through various databases derived only a select few phenomenological works dealing specifically with survivors of homicidal experiences, which only magnifies the significance of this researcher's study. Some of the individuals spotlighted in this chapter's review may be offenders, while others may be surviving victims. Among other things, these studies illustrate how the phenomenological researcher utilizes his/her findings to shed light on the needs of offenders, secondary victims, grieving mothers, or victims' families who have been affected by homicide. For the purposes of readability, this researcher interpreted and created thematic foci for each study and gave each individual treatment in this dramatic and heart-wrenching phenomena.

Through the Experiences of the Offender

An American Indian Woman's Account

Murphy et al. (2009) explored Annie's experiences of domestic violence

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1. For example, when searching "phenomenology and death" through EBSCOhost, there were roughly 24,000 articles which centered mostly around these nursing practices through journals such as *Nursing & Health Sciences*, *Issues in mental Health Nursing*, *International Nursing Review*, *American Journal of Psychiatry*, *Journal of Caring Sciences*, *Journal of Advanced Nursing*, *Journal of Clinical Nursing*, etc., including the 'Bible of phenomenology' [my phrase] – "From Husserl to van Manen. A review of different phenomenological approaches" (Dowling 2005) is found in the *International Journal of Nursing Studies*. These studies typically focused on nursing care for dying patients in order to interpret the meaning of death through the patients' and nurses' perspectives or understandings. For example, Gerow et al. (2009) investigated the lived experiences of nurses 'grieving from the death of their patients; Stayt (2009) explored the emotional trauma nurses face when caring for relatives of the critically ill in intensive care units; Evans and Hallett (2007) explored nurses' experiences working with hospice patients; Hughes et al. (2007) attempted to understand the experiences of the urban poor living with advanced cancer; and Loftus (1998) examined the lived experiences of third-year student nurses caring for dying patients.

and the subsequent murder of her abusive partner through a qualitative case study using phenomenology. The researchers' ultimate goal was to understand and interpret the woman's dual experiences as a victim of domestic abuse and a convicted felon. It must be noted that, as in all of these studies, the researchers' cultural perspectives may vary greatly from the participants, thereby leaving readers with much to question. But in the end, researchers must strive to hear the participant in as trustworthy a manner as possible, and understand that the body of work as it currently exists needs further study.

Annie and John had been involved in a 20-year relationship which had been fraught with violence, which included "punches to the mouth knocking out Annie's teeth, blows to parts of her body covered by clothing, rape and sexual assault, and a never-ending barrage of verbal taunts" (p. 40). Upon returning home from a bar one night, John threw Annie against a wall and began to beat her repeatedly. Physically and emotionally drained, Annie grabbed a knife and attempted to take her own life by stabbing herself in the chest. John lunged towards her one last time, and Annie struck back with the knife that she had originally attempted to use on herself, killing John. Annie was arrested, charged, and convicted of negligent homicide. When Annie's public defender petitioned before a Clemency Review Board, a split vote resulted in the completion of her prison sentence and she was released after serving only 3 years.

The researchers conducted several face-to-face, audiotaped interviews, which spanned a course of ten hours. Once the recordings were transcribed, they resulted in approximately forty pages of primary source data. Over the course of three months, the researchers began to read the text in an attempt to extract

themes which emerged from the data. The three relational themes which emerged from phrases spoken by Annie as her story unfolded were: "Getting out of hand," "They're in my footstep all the way now," and "What's a Miranda right?" The researchers used these codified themes as labels to describe Annie's experiences.

It was clear to the researchers that the first theme of things "Getting out of hand" reflected the complexity of Annie's experiences, as she attempted to take her own life and then struck John in an act of self-defense.

> I had a problem with him, he was always jealousy and everything but I managed to be with him all those days, all the years, until he got to the point when he was getting out of hand.....(p. 48).

The violence that led to John's death had escalated as a result of Annie's inability to escape. Not only was Annie a victim of domestic violence for many years, but she was also impoverished, had three children, and did not have the means or transportation to escape. Therefore, her lack of resources, according to Annie, was a factor in things "getting out of hand."

The second theme "They're in my footsteps all the way now," attempted to deconstruct Annie's relationship with her children following the death of their father, John. It was clear that Annie wanted what was best for her children, even if that meant staying in an abusive relationship. When Annie described how she managed to keep herself motivated to survive, she stated:

> …I tried to defend myself, me and my kids…tried to keep my family with me, every day, every month…try to be a tough woman, try to stand

> in there for my kids, it's hard but I'm gonna be strong forever for my kids (p. 50).

The third theme "What's a Miranda right?," illustrated Annie's lack of understanding and full meaning of Miranda rights, which stemmed from her difficulties with the English language. Annie's native language (an American Indian dialect) was her primary language, while English was her second language. When arrested, instead of being specific and explaining Annie's legal rights in regards to self-incrimination, the detective simply advised her of her Miranda rights and did not assist her in terms of the language.

> ...I remember that they did the Miranda rights to me that time when they picked me up. I didn't understand...they read me a Miranda right and I said what's a Miranda right? And he [detective] said that's where they tell you that [you] got picked up for something that you did...that's the only thing I remember (p. 51).

To reiterate the language barrier issue, Annie's public defender requested that the court appoint an interpreter during her trial. And even then, Annie found it extremely difficult to understand the interpreter.

> I kind of didn't understand [the court-appointed interpreter] because me and her, her language was different...and there was three different ways I could use when I try to speak to her...but in her way there was only one way so it was kind of hard for me...Even though we speak the same language, but she didn't understand...it was kind of hard for me to understand my interpreter (p. 52).

For the researchers, it had become clear that the codified themes surrounding Annie were but a glimpse into the complexities of her life. Taken individually, the themes represented the multiple identities of Annie including a mother, victim, and offender. However, taken holistically, each theme was a powerful illustration in revealing the story of a woman who remained strong for herself and her children. Therefore, it was salient for the researchers to focus on the sociological conditions that represented Annie's identities in order to determine or shed light on the complexities surrounding battered women who take the life of their batterers.

Through the Experiences of the Surviving Victims

Secondary Victims Speak Out

In order to promote a better understanding and appreciation of the analytic complexities of the phenomenon of murder, Rock (1998) focused on survivors (or "secondary victims") who have lost family members, often children, through homicide, because it is their world-view "that forces an understanding that can never be quite intelligible to the outsider. Theirs is the authority of profound personal experience" (p. 193).

For many of the survivors, the aftermath of homicide left them with profound feelings of powerlessness, vulnerability, and guilt, as also experienced by the survivors in the Armour (2002) study. As one mother who attended a support meeting in California stated:

> We spent so much time in control, looking after our children, taking them to the hospital. So….totally responsible for twenty years and then when this horror comes along we can't do anything (p. 194).

In addition, for some of the survivors, they attempted to search for some moral meaning to get a sense of what happened. For the researcher, this enabled the survivor to better understand and come to terms with the homicide. For some, they began to question God and why God would allow this tragic event to occur. Others, however, began to blame themselves. The leader of an American chapter of Parents of Murdered Children (POMC) stated at a meeting:

> We all play the stupid game of what if?....People ask themselves what if I had not let my child out that evening?, what if I had driven him (or her) rather than allowed him to make his own way to a meeting?, what if I had known more about what he (or she) was getting up to?, or what if I had known more about his (or her) friends? (p. 195).

As survivors were reflecting on their own experiences, it was obvious that they were able to dispel the ambiguities of blame, and one realization became poignant out of this entanglement, the victim and the offender tended to firmly be embedded in the mind of the survivors.

There were many different narratives provided by multiple audiences which provided vital information; none better or more salient than the other. The aim of phenomenological research is not to attempt to conclude that one experience may provide more insight than another. The goal is to illustrate that each singular experience has its own uniqueness which contributes equally to the understanding of those who have lost family members to homicide.

Grieving Mothers Discuss Their Loss

Working with family members of young murder victims led psychologist, Alarcao et al. (2008), to become interested in conducting research

on mothers who had lost their young children to homicide. Attempting to understand the experiences of the mothers through the use of phenomenology assisted the researchers in advocating for policies and programs that may help them cope with their loss.

The researchers randomly selected mothers who had lost their children in the past ten years, so as to understand the "experience and unveil the short and long term feelings caused by the loss of a child by homicide" (p. 342). Out of the seven mothers chosen for the study, only five were interviewed because their responses, once transcribed, began to show points in common, therefore discontinuing the creation of new data.

For data collection, the researchers used the open interview which was guided by the orientation question: "what does it mean for you to experience the loss of a child by homicide?" The mother's consciousness revealed that the persistent bond of love established between them and their child who died generated high levels of suffering.

When discussing the impact of the media and publicity in regards to reporting their lived experiences, only one of the mothers found the role of the media to be extremely salient, and at times an ally, in solving their cases. Mother No. 2 stated:

> All the press was good and we have to value the press because something only happens in justice involving the poor if the press is there, to pressure, to put on air (p. 344).

When a mother experiences the loss of a child to a violent death, it literally changes several beliefs, as well as challenging fundamental values in

the search to understand why their child was taken away so abruptly. And for many of these mothers, they found shelter in spirituality, a belief that a better world exists beyond the physical world. Mother No. 1 expressed:

> She who does not believe in God goes crazy. I sticked to God, otherwise I would not survive...I always go to church, and if someone asks me how I can survive, it is for Him, only God gives us strength, He empowers me (p. 345).

Spirituality, or the belief in a divine power, was revealed throughout all of the interviews. For the mothers, it was this spirituality that enabled them to cope with their tragedy and to keep on living. It was also this spirituality which allowed the mothers to show compassion for the murderers' mothers. Mother No. 5 revealed: "I think this murderer's mother is against what he did, no mother brings up a son to be a murderer" (p. 345).

Finally, for those mothers losing a loved one to homicide, a sense of justice was apparent and was expressed by a couple of the mothers. For instance, the history of mother No. 2 illustrated this conviction:

> The murderer was a runaway for two and a half years and, during these two years, I looked for him...we had to find him, we never gave up (p. 346).

The hope for justice was indispensible for the mothers. When the murderers were punished, the mothers felt that justice had been served, and this feeling of retribution, so to speak, helped to minimize any guilt they may have felt in regards to any penalty the murderer received.

By reflecting on the experiences of mothers who had children murdered in a violent way, the results of the study provided the researchers with a better understanding and view of bereavement, which should provide increased interventions via social networks in order to assist others in overcoming their pain and loss and to reorganize their lives. The results also demonstrated a glaring need for additional public policies designed to address violence among our nation's youth.

Homicide Victims: A Vulnerable and Invisible Population

Armour (2002) believed that family members of homicide victims were a vulnerable population whose experiences were invisible when it comes to a state formulating an agenda for justice. The explication of the experiences of those family members could inform criminologists and lawmakers and shape policy and theory relevant to traumatized populations. The study, therefore, sought to capture a family's experience through interviews that focused on the content of the family's narrative.

Fourteen families who had experienced the loss of a family member by homicide were selected. There were a total of thirtyeight participants, the majority of whom were Anglo-White. The average length of time that had elapsed since the homicide was 7.5 years. The data was collected through open-ended family interviews that were audiotaped and lasted from 2 to 4 hours. The prompt question was "Tell me about your journey and how you got to the present from the time of the homicide" (p. 373). The data collected from the interviews and observations exposed several codified themes which comprised the core constructs of the participants. The six themes emerging from the

interview were “A Nightmare You Don’t Wake Up From,” “I Feel Betrayed by Those I Thought Cared,” “What Rights Don’t I Have Anymore,” “Belonging Relieves My Alienation and Loneliness,” “I’ve Stopped Waiting for Things to Go Back,” and “The Intense Pursuit of What Matters Is the Meaning in My Life.”

In the theme of a “Nightmare,” participants realizing that a loved one had been murdered was a defining moment which thrust them into a nightmare in which there was no escape. A mother recalls her response and actions when she received a phone call from the police at 3:30 in the morning notifying her that her son had been murdered: “I walked around the house and around the house, screaming and screaming until daylight. You know, until people came” (p. 374).

In the theme of “Betrayed,” family members continually felt betrayed by friends and family members who abandoned them during a time when they needed them the most. In addition, a sense of betrayal surfaced by the insensitive responses from others. Instead of receiving care and consideration, for example, a chaplain lectured one family about forgiveness.

In the theme of “Rights,” family members had discovered that their rights had taken a backseat by the public agenda. This resulted in family members feeling invisible within the criminal justice system because the murder was a crime committed against the state per se rather than a crime against them. And for some family members, the media had more rights than they. While family members were attempting to determine what rights they did in fact have or not have, the media had no trouble in asserting their rights in gathering,

printing, and broadcasting information about the murder. These injustices were further reinforced when the media exposed the past records of the victim. Many of the families were upset by the media's actions, as they felt that the portrayal of their loved ones had been distorted.

In the theme of "Belonging," family members felt a sense of belonging to others who also experienced and understood their pain and suffering, and at times provided some companionship and loving guidance.

In the theme of "Stopped Waiting for Things to Go Back," the murder of a loved one through homicide affected the family members psychologically; so much so that many found themselves unable to return to a sense of normalcy. For instance, a son would describe the permanence of his mother's depression and how she would probably not heal "until the day she dies." A sister recalled how her father's loss ultimately led to his death in a nursing home, which stemmed from years of drinking heavily to help cope with the pain and suffering.

In the theme of "Meaning," while the family members believed that the acts of murder were senseless, they also found a sense of what mattered to them. For instance, one mother decided to sing at her son's funeral as a way to convey how violence within her community was affecting young people.

> I let them know that there was nuthin' that I could do for my child. But I could let them know that they've got a chance and they need to stop all the killing. The song that I sung was "Stop Going Through the Motions."

The most profound and salient outcome of the study was that many of the family members felt "neglected, marginalized, or invisible" due to the social context pressing the need to address death by homicide. The institutions and needs of society took precedence over the potential needs of those families affected by homicide. Thus, social surroundings played an important role in shaping the family members' experiences, leaving many feeling powerless. This powerlessness made it extremely difficult for family members to experience any type of closure. Furthermore, the study indicated that family members affected by homicide must be "recognized as legitimate crime victims and accorded higher status by the institutions that influence their lives" (p. 381). This finding provides practitioners and lawmakers with salient information, in order to determine how to increase the effectiveness and range of treatment interventions and programs for families who have experienced similar circumstances.

Positive Transformations for Victims' Families

Parappuly et al. (2002) presented another phenomenological inquiry into the traumatic experiences of parents whose son or daughter had been murdered, but yet had been able to ultimately transform their tragedy into a positive outcome in their lives. The positive outcomes were a result of identifying with "associated processes and resources" – or, codified themes such as finding meaning, compassion, spirituality, social support, etc.

There were a total of 124 surveys distributed to parents whose child(ren) had been murdered. Only sixty five of the surveys were completed and returned. Of the sixty five respondents, only twenty one demonstrated signs of transformation and were considered viable candidates for the study. Of the

twenty one respondents, sixteen parents were selected for the in-depth interviews because they illustrated the most signs of transformation. Of the sixteen selected, three were men and thirteen were women.

The interviews explored three main areas in regards to the participants: current life and background, the emotional impact resulting from the murder, and how they coped and what assisted them in transforming their lives beyond the tragic event. At the end of each interview, the researchers provided the participants an opportunity to summarize what assisted them in reaching a positive outcome by posing the following question "If you were to list the factors that were most helpful/instrumental in transforming the trauma of this murder, what would those be? What would be at the top of the list?" After the data was analyzed, there were a total of 1,922 theme references, of which 83 to 170 were discovered in each interview.

The most common theme involved in the transformation of trauma, found in all of the participants, was to reach out in compassion. The experience of losing a child(ren) to homicide produced a deep sensitivity to the suffering of others who had also experienced a tragic loss. Many of the participants considered compassion as an instrument in transforming their trauma. As one parent stated:

> I am more willing to go down where it is dirty now, with the people who are really suffering horrible problems. If they are suffering inside, in their hearts, if a loved one was murdered, if something awful is happening to them, I am there with them as a human being now (p. 48).

In addition, another theme that facilitated transformation was found in spirituality. All of the participants professed a faith in God and religious beliefs, which were instrumental in helping the survivors make sense of the tragedy and to transform it.

> I was absolutely devastated.....It was a horrible, horrible night. I had gone to bed and all I did was to cry and cry. I had reached a depth of pain within me that.....there weren't any tears left. I got out of bed....and on the closet was hanging a religious calendar, with a Bible quote for each day....the Bible quote was" Those who sow in tears shall reap rejoicing." And I just felt it was a word from God to say, you know, if you hang on, I will get you through this and then we will bring a gift of life from this terrible, terrible death.....it was a point at which I knew I could live through this (p. 51).

The data illustrated that parents who lost a son or daughter to homicide were able to experience positive transformations as they struggled to overcome the tragic event. Their experiences also assisted others in coping with similar circumstances, as well as having "a positive impact on the society around them" (p. 59).

The aforementioned studies have illustrated the complex meanings of surviving victims' recounts through various theories such as: 1) sociological conditions and complexities affect battered women who have taken the life of their batterers, 2) victims and offenders tended to remain firmly embedded in the consciousness of the survivors, 3) understanding bereavement and developing public policies will assist surviving mothers in overcoming their pain and loss,

4) social surroundings leave surviving victims feeling powerless and invisible which makes it difficult for them to experience any closure, and 5) parents who lose a child to homicide are able to experience positive transformations as they struggle to overcome the tragic event. As stated previously, no two lived experiences are the same, which means that examining different approaches from a collection of lived experiences are imperative for an even greater understanding of the phenomenon.

Conclusion

The collective lived experiences outlined in this chapter illustrate that various perspectives produce various themes and conclusions, adding to the richness of this study's cultural knowledge base and subsequent suggestions for providing helpful social services to all survivors. van Manen (1990) discusses his lifeworld existentials (i.e. *thematic categories* and not codified themes) as guides in order to reflect on the immense complexities of lived experiences – something that none of the aforementioned studies utilized. Thus, the existentials in this study provide researchers, policymakers, and the citizenry with a better holistic understanding of the world through the eyes of surviving victims and how they have grown from tragedy. And to know and understand the world is "profoundly to be in the world in a certain way...to become more fully part of it, or better, to become the world" (van Manen 1990, p. 5).

Nevertheless, this chapter does provide a lens for conversing with the researcher's own findings in Chapter Five. The dialogue unequivocally has educative value, whether one uses it to enrich policy discussions or lay knowledge about being a survivor.

CHAPTER THREE

METHODOLOGY

Chapter Three introduces the methodology employed as the framework for this study. The general ideas and various concepts and approaches of phenomenology, as well as how it is applied methodologically are addressed. The chapter begins with a brief introduction of phenomenology as a philosophy and then focuses on van Manen's (1990) hermeneutic phenomenology as the research methodology for this study. van Manen (1990) utilizes a combination of European and American phenomenology, which allows the researcher to take advantage of various types of phenomenological nuances. Finally, the researcher addresses the particulars of the research design.

Introduction

Phenomenology seeks to understand how individuals construct meaning through intersubjectivity. As an individual experiences a phenomenon, a phenomenological researcher attempts to interpret those lived experiences to find meaning. And, as Chapter Two illustrated, because every lived experience is unique, each perspective further distinguishes the complexities surrounding the phenomenon.

As phenomenology began to flourish in the early 1900s, so too did differing viewpoints, eventually causing a rift and a division into two schools of thought within the phenomenology research community: transcendental and hermeneutic (or existential) phenomenology. These phenomenological schools of thought have led to various disciplines, researchers, and scholars operationalizing it from many different perspectives.

Phenomenology as a Conceptual Approach

Transcendental Phenomenology

Phenomenology is a branch of philosophy owing its origin to the work of Edmund Husserl (1859-1938) in the late 19th century. For Husserl, all truths cannot be measured quantitatively without taking into consideration the subjective, human experience. His argument opposing the bias towards objective existence led to the development of transcendental phenomenology, a conceptual approach used to describe a phenomenon as it is observed through consciousness *without* considering questions of their causes (Kockelmans 1994; Keller 1999) – or, to *bracket* or set aside our presuppositions and preconceptions.

Hermeneutic Phenomenology and Existentialism

In contrast, Martin Heidegger (1889-1976), a former student of Husserl, disagreed with his mentor's view of phenomenology as a rigorous science free of all presuppositions, while only focusing on things as they appear to us, and viewing the importance of description rather than understanding. Heidegger's work *Being in Time* (1927) proposes that consciousness is not separate from the world of human existence, and argues for an *existential* adjustment to Husserl's writings that *interprets* human experiences rather than as pure consciousness. Therefore, according to Heidegger, human life must be observed in its state of *being*, which allows for the interpretation of existence (Critchley and Schürman 2008; Harman 2007). This process of intersubjectivity produces a circularity of interpretation and understanding known as the hermeneutic circle.

Hermeneutic Circle

The hermeneutic circle refers to a circle of interpretation which involves an understanding of a whole in terms of a reality that was situated in the detailed experience of everyday existence by an individual (the parts). Hans-Georg Gadamer (1900-2002) would expand the hermeneutic circle further by positing that the true understanding of the whole requires a horizontal "fusion of horizons" between the interpreter and the researcher. A horizon, as defined by Gadamer, is the "the range of vision that includes everything that can be seen from a particular vantage point" (Gadamer 2006, p. 302). Therefore, the hermeneutic process becomes a dialogical method whereby the horizon of the interpreter and the phenomenon being studied are "merged with each other" to gain an even better understanding (Dowling 2007). And, in order to gain a better understanding from the *back* and *forth* movement between the horizons requires an in-depth analysis of lived experiences.

Max van Manen's Hermeneutic Phenomenology as a Methodology

Canadian phenomenologist, Max van Manen (1970), attempted to introduce and explicate a hermeneutic approach to phenomenology rooted in the everyday lived experiences of human beings. And to study lived experiences from a phenomenological perspective means capturing and interpreting the phenomena as they present themselves through consciousness.

Our consciousness is the only connection that we have to the world. Thus, to observe consciousness allows phenomenology to explicate the meanings as we live them in our lifeworld, or existence (van Manen 1990). The aim of phenomenology, then, "is to transform lived experiences into a textual

expression of its essence – in such a way that the effect of the text is at once a reflexive, re-living, and a reflective appropriation of something meaningful" (van Manen 1990, p. 36).

van Manen's (1990) human science approach, through hermeneutic phenomenology, provides the methodology (i.e. formulating questions, collecting data, describe, explicate, and construct textual reflections) which guides this researcher in interpreting the meaning of consciousness through lived experiences (Kongsuwan 2009; van Manen 1990). van Manen's (1990) hermeneutic phenomenological methodology introduces six "methodical structures" of human science research that provide researchers with the methods necessary to provide an adequate elucidation of some aspect of the lifeworld. He describes hermeneutic phenomenological research as a dynamic interplay among six research activities which include (van Manen, pp. 30-34):

1. Turning to the nature of lived experience.
2. Investigating experiences as we live it.
3. Reflecting on essential themes.
4. The art of writing and rewriting.
5. Maintaining a strong and oriented relation.
6. Balancing the research context by considering parts and whole.

Turning to the nature of lived experience. van Manen (1990) describes that phenomenological research is driven by a phenomenon in the world which "seriously interests us" to a point in which we feel compelled to study it. "To think is to confine yourself to a single thought that one day stands still like a star in the world's sky," said Heidegger (1971, p. 4). To be full of thought means

that we are constantly attempting to figure out not just the parts of the world, but more importantly, the whole.

Investigating experience as we live it. van Manen (1990) describes phenomenological research as establishing a contact with original or "lived" experience through investigation, as opposed to how we conceptualize it. Investigating lived experiences forces us, as Merleau-Ponty (1962, viii) posited, to "re-learn to look at the world by re-awakening the basic experience of the world" (van Manen 1990, p. 31). This practical wisdom provides a basic understanding of the nature of the lived experience itself. "Being experienced is a wisdom of the practice of living which results from having lived life deeply" (p. 32).

Reflecting on essential themes. van Manen (1990) posits that the understanding of some phenomenon through lived experiences is not truly grasped or reflected in the "facticity" of the experience, rather a true reflection "is a thoughtful, reflective grasping of what it is that renders this or that particular experience its special significance" (p. 32). Once the lived experiences are brought to consciousness first in thought and secondly on paper, the process of reduction, the peeling back of the layers of influence can begin, seeking to discover the first meaning of the lived experience through reflective practice. van Manen (1990) suggests, however, that because the primary process of any phenomenological inquiry rests on reflective practice, it may be difficult to convey or interpret silent or obscure meanings that are lost in observational description or text. For these reasons, some phenomenologists may turn to a "poetizing activity" (p. 13) or use metaphors and imagery to reflect meaning.

Through reflection, the inquirer comes to distinguish structures (or existential themes) within the lived experience, as communicated through the writing and interpretation. And the themes to which van Manen refers to is quite diverse from the "themes" of qualitative research that are routinely employed in the mechanical application of frequency counts or coding terms in transcripts. For van Manen (1990):

> Making something of a text or lived experience by interpreting its meaning is more accurately a process of insightful invention, discovery or disclosure – grasping and formulating a thematic understanding is not a rule-bound process but a free act of 'seeing' meaning.
>
> Phenomenological themes may be understood as the structures of experience (p. 79).

Therefore, theme is the experience of focus and of meaning. It is at best a simplification, a form of capturing the phenomenon trying to be understood. In identifying theme, the inquirer desires to make sense of the lived experience and to be open to discovering new meanings.

van Manen (1990, pp. 101-106) suggests four fundamental existentials of spatiality as guides for reflection, which may also prove to be helpful heuristic guides for reflecting on human experiences in the world. The existentials include:

> 1). *temporal reflection* (lived time) – the lived world of temporality is described as the subjective lived time reflecting on the participant's feelings and perceptions of the time while being in the world. "The

temporal dimensions of past, present, and future constitute the horizons of a person's temporal landscape (p. 104);

2). *spatial reflection* (lived space) – the lived world of spatiality describes how one relates or understands one another in the world (or space) we may occupy with them. Lived space is not confined to simply physical space, but also felt space. In order to understand the world or landscape in terms of space, "it is helpful to inquire into the nature of the lived space that renders that particular experience its quality of meaning" (p. 103);

3). *relational reflection* (lived other) – the lived relation we maintain with others in the interpersonal space that we share with them. "As we meet the other we are able to develop a conversational relation with them which allows us to transcend ourselves" (p. 105); and

4). *corporeal reflection* (lived body) – our physical or bodily presence, not necessarily consciously or deliberately, both reveal and conceal something about ourselves; depending on how our body as an object is gazed upon (p. 104).

The art of writing and rewriting. van Manen (1990) suggests that in order to conduct phenomenological research on consciousness, a transition of the lived experience into a language through writing to expose meaning must occur. This writing allows phenomenology "to let that which shows itself be seen from itself in the very way in which it shows itself from itself" (Heidegger 1962, p. 58). And because consciousness can be complex and ambiguous, and writing aims at creating depth, a single session of writing will not do justice in

sifting through the multiple layers of meaning. “This depthful writing cannot be accomplished in one straightforward session” (p. 131).The phenomenological researcher, then, must perform a series writing and rewriting based on the activities of “re-thinking, re-flecting, and re-cognizing,” because this back and forth movement between the parts and the whole should provide even more, and perhaps new, meaning in order for the author to arrive at a finely crafted piece of art.

Maintaining a strong and oriented relation. van Manen (1990) indicates that while phenomenological research is extraordinarily demanding, it is imperative that the researcher remains interested and focused in their work. “There will be many temptations to get side-tracked or to wander aimlessly and indulge in wishy-washy speculations...to become enchanted with narcissistic reflections, or to fall back onto abstracting theories” (p. 33). Being fully oriented to the study ensures that the researcher establishes a strong relation with the object or phenomenon and gain a thorough understanding.

Balancing the research context by considering parts and whole. van Manen (1990) suggests that there is a danger that the researcher may lose sight of the big picture and never reach any finality; perhaps failing to remember what it was in fact the researcher was trying to answer in the first place. It is easy to get so buried in research and writing that the researcher no longer knows where to go, what to do next, or how to get out of the hole that one has dug for themselves (p. 33). Therefore, it is imperative that during this whirlwind cycle of research chaos, the researcher must, during several points of the study, step

back, refocus, and look at the totality of the parts as they provide meaning to the whole.

Rigor of the Study

As suggested earlier, phenomenology, as originally founded by Edmund Husserl in the early years of the 20th century and expanded upon by Martin Heidegger in the 1920s, was a philosophical movement absent of any research methods. Giorgi (1997) argued, however, that in order to participate in scientific research, the philosophical framework must be operationalized. Thus, phenomenology as a philosophy subsequently lead to two similar but distinct methodologies: transcendental and hermeneutic phenomenology – each of which broke away from the hegemonic science of positivism – due to its rigorous implementation of quantitative and mathematical-based instruments, which do not take into account the subjective nature of a phenomenon. This is not to say that a qualitative, phenomenological study cannot be rigorous, however.

Quantitative sciences operate under rules of precision and exactness in the refinement of measurement and perfection for a research design. Qualitative studies also strive for precision and exactness by instead aiming for "interpretive descriptions that exact fullness and completeness of detail, and that explore to a degree of perfection the fundamental nature of the notion being addressed in the text" (van Manen 1990, p. 17). Therefore, it is important to note that this study is not presented as the whole truth or in absolutes. All that the researcher can hope to accomplish is to interpret and convey the narratives in the manner in which the surviving victims intended, which is to serve as an educative tool in

describing how homicide and/or the death penalty has affected them. As Sharp (2005) states

> I know that by combining the stories of many, I have left out many details that may be important to you. I humbly ask you to forgive this, knowing I could never do justice to your stories (p. 183).

The researcher was not quite sure what would emerge within the context of the lived experiences and findings, but that was the beauty of utilizing a hermeneutic phenomenological study – to not have preconceived conclusions or attempts to make any predictions. Phenomenological studies are not predictive; they are used to describe and interpret participant's experiences relative to a context and event (Morse & Richards, 2002). This, indeed, is significant when blended with current research. Together a preponderance of such studies offers direction for future researchers and education.

Thus, this study helps to create cultural knowledge to inform, bring awareness to, and enrich the scholarly work and dialogue surrounding surviving victims who are often "neglected, marginalized, or invisible" (Armour 2002). Therefore, human science research is "rigorous when it is 'strong' or 'hard' in a moral and spirited sense (p. 18). According to Lin (1998), the standards utilized by both positivists and interpretivists are "incommensurable – not better or worse – but different because they are used for different reasons" (p. 171-172). Both paradigms are equally rigorous within their own sphere of research.

Research Method

In the researcher's desire to reveal meaning beyond pure descriptive and "bracketed" analysis, the philosophical framework of this research, which

focuses on the lived experiences of surviving victims, is operationalized congruent with van Manen's (1990) hermeneutic phenomenology as a methodology.

In accordance with hermeneutic phenomenological human science, interviews must be conducted in order to textually capture the lived experiences. Therefore, the main bulk of the material collected for purposes of the study was in the form of in-depth interviews. This process was only the beginning, as interpreting the lived experiences also required in-depth analysis, especially due to the back and forth movement of feedback and further discussion, which revealed even more significance of the phenomenon. Therefore, Heidegger and Gadamer's hermeneutic philosophical approaches guide van Manen's qualitative research methodology on lived experiences.

These approaches provide a reflective tool to unearth the meaning and relevance of the experiences, which provides an added dimension of understanding, especially when this researcher is able to move back and forth sharing and reflecting (i.e. researcher reflexivity Graber 2004) on the researcher's experiences with the phenomenon as well, as someone who has also lost a family member to homicidal murder. Sharing something in common with the participants may provide a circle of *trustworthiness*, which may allow them to open up more in revealing their experiences. There may be sensitive information that a participant will simply not want to discuss if they feel that the researcher cannot relate, empathize, or sympathize with them.

Sample Selection

All of the participants were recruited and selected through a criterion based sample. There were a total of six participants who were selected that met the criteria. It was vital to the study that the selected participants had experienced the phenomenon, because as van Manen (1990) emphasized, it is important to consider the *parts* in relation to the *whole* in order to understand and explicate meaning in its totality. In addition, it is important to note that the researcher, in selecting his sample of participants, did not know where any of them stood in terms of their stance, bias, or outlook on criminal justice policy, the death penalty, etc. For the researcher, this would ensure that the study would remain unbiased, as the goal of this study is not to influence, but serve to inform and educate.

Descriptions of participants

A total of nine participants were initially selected. Three of the participants had been known by the researcher for many years prior to the study, five of the participants were referred by the doctoral advisory committee, and one participant was recommended by the researcher's wife who had known the participant for many years. In the end, however, only six participants were interviewed. Of the three that did not participate, two were contacted and originally agreed to participate, but could not be contacted at a later time to schedule an interview. The researcher was unable to contact the final potential participant.

The six participants constituted a diverse sample. There were four men and two women. The ages ranged from early thirties to mid-eighties. Four of the

participants were Caucasian, while two were African American. Three of the participants were retirees, one worked in food service, one as an adjunct professor, and one as an assistant principal. All of the participants reside in Oklahoma.

Research participant inclusion criteria

The target participants were those who had experienced homicidal murder and/or the death penalty *in some capacity*[1]. Two of the participants were survivors of the actual victim; one of the participants was a survivor of the accused; two of the participants were survivors of the actual victim and also a survivor of the accused; and one participant was a survivor of the actual victims as well as being an actual victim herself. All of the participants were interested in speaking about their particular experiences and desired to participate in an in-depth interview. The researcher believed that this sample of participants was ideal in explicating meaning, especially since all of the participants had experienced the phenomenon in some form.

Research participant exclusion criteria

For purposes of this study, participants were excluded if: 1). they decided not to participate and discuss their experiences; 2). they were considered a special population (e.g. children under 18 years of age, pregnant women,

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1. This inclusion is broad to encompass the definition of *surviving victims* in footnote #1 on pg. 1, and in order to capture a diverse sample of participants, which is also congruent with other research scholars. For example, Sharp (2005) interviewed family members who had relatives "who were ultimately not charged with a capital offense, relatives who were charged with a capital offense, but ultimately not sentenced to death, relatives currently under a death sentence, relatives whose death sentence had been overturned or commuted, and relatives who had been executed," because "the *entire process*, rather than only the death row and execution experiences, affects the families" (p. 20). In addition, Vaughn's (2009) sample included secondary victims, such as executioners, wardens and chaplains to gain a deeper understanding of what *all* victims have endured.

psychologically impaired, cognitively impaired, prisoners, or Native American Tribes and/or Tribal Organizations); and 3). they had a change of heart and mind during the process and no longer wanted to participate. The researcher did not want the participants to feel compelled to participate.

Ethical Considerations

Prior to subject recruitment, conducting interviews, or data collection for the purpose of research that includes human or vertebrate animal subject involvement of any kind, the University of Oklahoma's Institutional Review Board (IRB) had to approve the study. All researchers, co-researchers, and their faculty sponsor(s) had to complete and pass the Collaborative Institutional Training Initiate (CITI) (see Appendix A). In addition, the IRB's "Application For Exempt, Expedited and Full Board Studies" must be approved before the study is conducted (see Appendix B). All of these measures are taken to ensure that "research ethics education is provided to all members of the research community" (CITI 2010).

The duties of institutional review boards were to ensure that human subjects in research experiments are advised of the potential risks and benefits involved in participating. In many instances, IRBs, and not the subjects, determine whether or not the subject will actually participate or not. Ethical challenges are an integral part of conducting research, especially when dealing with human subjects. Ultimately, the chief responsibility of an IRB is to ensure that the risks faced by the human subjects are minimal. As Babbie (2009) pointed out, "All of us consider ourselves ethical – not perfect perhaps – but more ethical than most of humanity" (p. 27).

Protection of Human Subjects

While there are federal and institutional safeguards that are in place to protect human subjects, the ultimate responsibility still falls on the researcher. In the researcher's pursuit to protect the human subjects utilized in the study, several factors were taken into consideration as outlined by Babbie (2005, pp. 62-67).

Voluntary Participation

According to Babbie (2005), a major tenet surrounding social research ethics is that experimental participation must be voluntary. No subjects should be compelled to participate. Participants were informed that participation is voluntary. It was clearly conveyed that they could leave the study at any time of their own choosing.

Informed Consent

Social research should never pose harm to the participants, regardless of whether their participation is voluntary or not. Therefore, prior to the beginning of the interviews, all of the participants were briefed and provided a full understanding of the possible risks involved with the study through an Informed Consent to Participate in a Research Study form (see Appendix C). Any participant who wished to participate in the study had to sign the informed consent form.

While there is always a minimal risk involved in social research, for this researcher, the level of risks involved in this study through in-depth interviews was not greater than those risks ordinarily encountered when discussing the experiences to a family member, friend, colleague, etc. If the participants would

have become overwhelmed with distress, grief, sadness, guilt, etc. before, during, or after the interviews, the researcher would have provided support and counseling from a variety of mental health centers located near the research site (see Appendix D). In addition, the researcher provided a list of these centers to each participant regardless of whether any signs of distress were observed. As van Manen (1990) discusses, researchers have a duty to ensure that our research methods of interviewing are not conducted "badly," as this may lead to feelings of "anger, disgust, defeat, intolerance, insensitivity, etc." (p. 163). Fortunately, none of the participants displayed any signs of distress during the in-depth interviews.

Anonymity and Confidentiality

A research study guarantees anonymity when the researcher, and not just those who read about the research, cannot identify a given response by a given respondent. In addition, a research study guarantees confidentiality when the researcher can identify a given respondent's responses but essentially promises not to do so publicly (Babbie 2005).

Participants were advised that their names and information would be kept confidential and their responses anonymous, if they wish. Only the researcher and his Committee Chairperson (i.e. faculty sponsor) had access to names and responses. In addition, materials would remain locked in the office of the researcher and all audiotapes would be destroyed following final verification of transcription.

In the beginning, the researcher felt that there was no need to necessarily publish the full names of any participants, and would respect any participant's

request for anonymity. However, because all of the participants consented to having their "names reported with quoted material," the researcher used their actual names when reflecting on their experiences. The researcher believed that this approach should be used so as not to be insensitive and disconnect the individual from their experiences. The majority of the participants either requested or encouraged the researcher to use their actual names with the quoted material. Furthermore, to preserve the authenticity of the participant's lived experiences, the researcher did not paraphrase any of the narratives.

Interview Setting

It was the original intent of the researcher to conduct all of the interviews at convenient locations that would provide a pleasant and quiet environment. This would ensure that the audio-recorder would capture each participant's responses clearly, which would allow for accurate transcriptions. The IRB felt, however, that due to the nature and sensitivity of reliving the experiences of having lost a family member to homicide, the research site should take place in a private conference room on the University of Oklahoma campus, which was located near several mental health facilities that could offer immediate assistance if necessary.

If the research site became an inconvenience to the participant, the researcher submitted a research site modification form to accommodate their request for a different location. Of the six interviews conducted, three took place on the university's campus, while the other three, with approval from the IRB, took place at the participant's home.

Central Interview Question(s)

The initial and central questions in order to generate material for purposes of data were:

1). "In relation to having lost a family member or loved one to homicidal murder, describe your experiences and how they have affected you;" or

2). "In relation to being involved indirectly with the death penalty, describe your experiences and how they have affected you."

These questions are important in interpreting and explicating the meanings of the lived experiences of those who have become surviving victims, which is what the research question in Chapter One attempts to answer. In addition, in order to allow the lived experiences to develop, the researcher did not have a prepared list of additional open-ended questions. This approach ensured that the participants and not the researcher led the direction of the discussion and not vice versa. The researcher's goal was not to guide the lived experiences into van Manen's (1990) thematic categories, but to simply allow the experiences to flow as freely as possible. The researcher hoped that any sub-questions that emerged would only add to the richness of the lived experiences, while continuing the hermeneutic circle of interpretation. As van Manen (1990) discusses,

> the art of the researcher in the hermeneutic interview is to keep the question (of the meaning of the phenomenon) open, to keep himself or herself and the interviewee oriented to the substance of the thing being questioned (p. 98).

Method of Data Collection/Generation

Therefore, the material for the research study derived largely from the transcripts of the audio-based interviews. In addition, journal notes kept by the researcher either before, during or after the interview, which focused on the thematic categories, were used as well.

Data Synthesis

van Manen's (1990) hermeneutic phenomenological approach was used in synthesizing the data. There were in essence three processes within this approach: isolating thematic statements, lifeworld existentials as guides to reflection, and hermeneutic phenomenological writing.

Isolating Thematic Statements and Categories

The notion of theme is used in various disciplines to refer to an element which occurs frequently throughout the text. Typically, themes are then codified and used to measure the degree of emphasis that motivates a participant's comments. Thematic analysis, on the other hand, refers to the process of recovering the theme(s) – or as van Manen describes as "thematic categories" – that are embodied and dramatized in the evolving meanings and imagery of the work. For van Manen (1990) then, what phenomenological themes attempt to determine are the experiential structures that make up that experience. In other words, "we try to unearth something 'telling,' something 'meaningful,' something 'thematic' in the various experiential accounts – we work at mining meaning from them" (p. 86).

van Manen (1990) posits that the description of any lived experience is an appropriate source for uncovering the thematic aspects in which the

phenomenon describes. For purposes of this study, themes are isolated from narrative transcriptions based on the "wholistic" and "highlight" approaches suggested by van Manen (1990). The wholistic approach leads researchers to capture the fundamental meaning as a whole according to the text. This researcher listened to the audio-taped interviews, as well as focused on the written transcriptions to capture the data as a whole. The highlight approach then followed, which was to selectively listen to or read the text several times in order to highlight or reveal, through interpretive analysis, essential meaning in regards to the phenomenon or lived experience being described. Several reviews of the text and transcriptions allowed the researcher to fulfill this approach.

Lifeworld Existentials as Guides to Reflection

Any theme that surfaced from the lived experiences was reflected through van Manen's (1990) four fundamental existentials (or lived worlds): temporality (or lived time), spatiality (or lived space), relationality (or lived relation), and corporeality (or lived body). It is important to note that the researcher did not simply capture and extract and then transpose parts of those conversations into the existential lifeworlds. The researcher's interpretive analysis is what guided the placement of the participants' dialogue to enrich and situate them in to the best appropriate existential lifeworld for further analysis and discussion. This process initiates the peeling back of the layers of reflection to truly expose the participants' growth from tragedy.

van Manen (1990) also suggests that not all meanings of significance surface from the lived experiences. It is necessary to determine incidental themes from essential ones. This process of differentiation is viewed as one of

the most difficult and controversial elements of phenomenological human science. To accomplish this, the researcher asked himself: "Will the phenomenon retain its richness if we conceptually or imaginatively change or delete this theme from the phenomenon? Will the phenomenon absent of this theme lose its fundamental meaning?" (van Manen, p. 107).

If it was found that the theme affected the meaning of the phenomenon when either changed or deleted, the researcher considered this theme to be essential and employed it as a thematic structure for purposes of the fundamental existentials previously discussed. Conversely, if it was found that the theme did not have any discernible effect on the meaning of the phenomenon when changed or deleted, the theme was considered to be an incidental theme and perhaps removed, as these themes may, as suggested previously, cause the researcher to become "side-tracked or to wander aimlessly."

Hermeneutic Phenomenological Writing

In all types of research, even among the more traditional positivistic research, there comes a time when the researcher must convey through writing what they have been researching. Qualitative studies, in particular, possess such a framework that allows phenomenological research to surface through a poetic textual practice; a practice that simply the hard sciences forbid. Phenomenological writing, then, allows a researcher to reflect on some aspects within a theoretical universe, such as our lived world, or our lived experiences, and to make them understandable and intelligible (van Manen 1990, p. 125). Writing as a method is therefore salient, as it provides a researcher with the

ability to measure the depth of things, as well being able to come to a sense of one's own depth.

Writing involves a textual reflection in the sense that it provides the researcher with the ability to observe and illustrate that which tends to hide itself. So, to read or write phenomenologically requires that we be attentive to the silence around the words by the means in which we attempt to reveal the profound meaning of our world. This attentiveness certainly helped to guide the researcher as he attempted to separate the incidental themes from the essential themes.

Once the thematic structure of the lived experiences were formulated, the researcher began the process of writing and rewriting the descriptions of meaning within each existential or lifeworld (Kongsuwan 2009). During this writing process, the researcher referred to van Manen's pedagogy to ensure that the lived experiences have been accurately placed within the proper existential theme. The researcher also sought assistance and consultation from the dissertation committee members. These processes helped to ensure that the researcher clearly understood the phenomenon as van Manen's (1990) hermeneutic phenomenological approach has suggested.

In addition, because the methodology requires a horizontal, dialectical going back and forth movement between the parts and the whole of the text, as well as the parts and whole of the researcher's experiences with the phenomenon, several rewrites were necessary in order to gain more understanding of these co-horizons. The process of writing and rewriting as Sartre (1956; 1977) describes:

> aims at creating depth – constructing successive or multiple layers of meaning, thus laying bare certain truths while retaining an essential sense of ambiguity. This depthful writing cannot be accomplished in one straightforward session (van Manen, p. 131).

The complex movements throughout this phenomenological study illustrated hermeneutics from three different levels – the respondent's understanding of the phenomenon; the researcher's understanding of the participant's lived experiences; and the researcher's understanding of the phenomenon, coupled with his own personal experience with the phenomenon (as illustrated in a reflexivity chapter in the Gadamerian [1960] and Graberian [2004] sense).

Reflection

Munhall (2007) described the importance of taking time to "reflect on your own beliefs, preconceptions, intuitions, motives, and biases so as to decenter" (p. 170). This researcher, as well as others (Heidegger 1927; van Manen 1990), believes that it is impossible to *bracket* in the Husserlian sense (Griffin 2010). As van Manen (1990) described, phenomenological human science is the study of lived experiences or existential meanings; it attempts to construct a full *interpretive* description of meanings to a certain degree of depth and richness.

The art of the researcher, then, is to keep the question (i.e. meaning of the phenomenon) open, and to keep the researcher and the interviewee oriented to the substance of the thing being questioned. Therefore, in order to determine the deeper meanings or themes of the lived experiences, a series of follow-up

interviews may be scheduled or arranged that allow reflection and perhaps "reflexivity" (Gadamer 1960; Graber and Mitcham 2004) based on the transcripts of the previous interviews in order to gain as much interpretive insight as possible (van Manen 1990). A reflexivity chapter is a salient part of the findings of this particular study, because it allows the researcher to bring in his own lived experiences with the phenomenon in order to enhance meaning or perhaps discover new meaning through interpretive analysis. The researcher's experience of having a family member murdered provides a co-horizon of interpretation and meaning in the Gadamerian sense.

Conclusion

Conducting phenomenological research requires a thorough understanding of both its philosophical schools of thought, as well as its methodological application (Griffin 2010). This researcher believes that the hermeneutic phenomenological method should be utilized, as it meets the aims and goals of the study. This point is made by providing a scope of phenomenology as a philosophy and methodology. In particular, the chapter highlighted van Manen's (1990) hermeneutic phenomenological approach which is used to describe and interpret the lived experiences of those who have been affected by homicidal murder and/or the death penalty. van Manen's thematic existentials in the lived categories of temporal reflection (lived time), spatial reflection (lived space), relational reflection (lived relation), and corporeal reflection (lived body) assists the researcher in interpreting meaning in the following chapter.

CHAPTER FOUR

PHENOMENOLOGICAL NARRATIVES: PRESENTATION OF FINDINGS

This section contains the data resulting from the primary interview question: "In relation to having lost a family member or loved one to homicidal murder and/or the death penalty, please describe your experiences and how they have affected you." The results were then transcribed and, based solely on the researcher's interpretive analysis, presented using van Manen's (1990) etic template within the context of four existential life-worlds: temporality (lived time), spatiality (lived space), relationality (lived relation), and corporeality (lived body). The chapter also presents the findings of the study as a product of hermeneutic phenomenological inquiry. This approach allows the researcher to provide analysis based on the interpretations of the participant's narratives.

Sean: Participant One

Participant One, Sean Moore, is a forty year-old African American male. He graduated from Southeast High School in 1989 and took a handful of courses at the University of Oklahoma before deciding to withdraw from the university to pursue other interests. For the past twelve years, Sean has been working in food service. He has also been a close family friend that the researcher has known for the past thirty six years, growing up together like brothers in the violent neighborhoods of northeast Oklahoma City.

Temporality (lived time)

Seated in a conference room located on campus at the University of Oklahoma, Sean began to reflect back on the loss of his "very close" cousin to homicide in 1998. It was a circumstance of being at the wrong place at the

wrong time. Sean's cousin, accompanied by a friend, went to pick up another friend. The incident occurred when the group left the residence.

> Guys came out and they were throwing up [gang] signs or something at em', you know, and in retaliation, I guess, either my cousin or the guy in the car with him threw a sign back to them. So from there, the guys pulled out a gun. [My cousin] tried to reverse the car and drive off; they hit him two times, once in the head and once in the chest. He tried to drive himself to get away from the scene. He died maybe three or four blocks from the scene.

Law enforcement and the media concluded that the event was "gang-related." Sean believed that had this murder occurred in a thriving community and the participants been white, the incident would have drawn more media and law enforcement attention. But for the simple fact that the murder was deemed "gang-related," Sean believed that it was not investigated as diligently as it might otherwise have been.

Descriptions of the experience reflected in lived time provided a meaning about Sean's perception of time while being someone who experienced the loss of a family member to homicide. Once Sean described how he had been notified of his cousin's death, he immediately began to reflect on his experiences growing up with his cousin. They were very close, only four years apart. Sean then went on to describe, how during different special occasions he would think about his cousin.

> You know we are thinking about him a lot. You know we just had Christmas not too long ago. When I see his mom or his brother, or on his

> birthday or holidays, cause you know holidays make you think about all those that you miss, you know that's what holidays are about, and birthdays and stuff like that. I've come to grips with Mike's death; it just comes up at certain times, like when I'm watching the Cowboys game, or a Lakers game. He was a big Lakers fan even though I hate them. With that kind of stuff it reminds me of him.

Sean also reflected back in time to briefly discuss what actually happened to the offender who murdered Mike, and how it made him feel.

> He was charged and convicted and sentenced. I really don't know how long they gave him. At the time we were happy with whatever they gave him, cause they caught him. So I really don't keep up on it much cause it brings back memories and if he's out it might bring out something else in me cause he didn't do enough time, you know.

Time, for this participant, was more to reflect on the good times that he had spent with his cousin, as opposed to reliving the circumstances surrounding the murder. The numerous sporting events spread throughout the year, in particular, Dallas Cowboys and Los Angeles Lakers games, provided more instances of positive reflections than the handful of holidays that brought a sense of mourning.

Spatiality (lived space)

The description of spatiality focused on Sean's experiences and others he knew who understood the realities of the criminal justice system. The discussion stemmed from Sean's opposition to the death penalty.

> Um, you know this is Oklahoma. We really do a lot of sentences to death, you know.
>
> I've never really believed in the death penalty. You know as far as jail time, I've never did any, but I know someone who is going through something right now that's really close to me. Being in jail is enough for them the rest of their life. I mean, you don't have to kill a person to show them what they did is wrong. Being locked up the rest of their life is enough, believe me. In all my situations that I've had to deal with, I've gotten punished in whatever it was; traffic tickets being my main thing you know, but nothing major. I just see that you know you'll learn a lot from doing time.

This discussion eventually led to Sean discussing his discontent with the criminal justice system, especially correctional centers.

> I believe in you doing your time or whatever for your crime, but correctional centers can do a little better. I don't mind going to jail but some of the things that goes on in correctional centers are unbelievable. You have people dying in there, rape, you got, I mean, I don't want to go too deep, but all the workers ain't the greatest. And that's what makes them bad. I mean, you can't get nothing in without the workers getting in. It's kind of *corrupt,* but jail is jail.

Spatiality for Sean was his dealings and experiences in the criminal justice system; along with others he had known who had been down that path as well. This is more likely a result of his upbringing in an impoverished community surrounded by drugs, prostitution, and gang violence. Some of the

individuals that Sean discussed ended up being a product of their environment or space; a space that, unfortunately, many call home.

Relationality (lived relation)

For Sean, an interpersonal relationship had developed between the offender and him due to the circumstances surrounding the murder of his cousin. The description resulted from Sean being asked if he had known the person responsible for his cousin's death.

> I knew the person that did it. They went to school with you and I, and you know before they caught him, I seen him a couple of times before he actually got arrested. But it made it bad cause when I seen him, he didn't know that it was my cousin. If he would have known, it would have never happened. He felt bad about it, he didn't know. But my question was why would you do it to anybody. He said that he felt sorry and everything, but that was just talk probably to keep me from retaliating. But I took it as an apology. Right now I let the Lord take care of his business now.

Sean would later go on to discuss the relationship that he had with his cousin and other family members before and after the tragic event.

> Yea, it [the event] hit the family hard. I was there mostly for my auntie, cause me and Mike were really, really close. It also affected my mom cause she had to be there for her sister. But me and Mike were close from the time I was probably...we were like only four years apart. So we knew each other really well. I knew him since he was born.

It was obvious to the researcher that Sean has a very close relationship with his family. The family was close even prior to Mike's death, but the tragic event only reinforced the love and support they felt for one another.

Corporeality (lived body)

Sean never shied from his emotions while reliving his experiences. It was obvious to the researcher that the murder, which occurred some thirteen years ago, was still a sensitive subject for Sean. When presented with the interview question, Sean first took a deep breath, sat back in his chair, and began to reflect on that terrible day when he received that dreadful phone call.

> OK, um at first when it actually first happened, when I got the news, it.. it was a sudden death. It wasn't like he's in the hospital, or he might survive. It was a direct hit. You know cause when we heard the news, it was Mike died; you know it wasn't Mike's in the hospital, he got shot, or whatever with that. He's dead. And that hit me real hard, real hard at the time when Mike got killed. I thought about a lot of things, you know at first there was he's blessed, he's a church member you know and everything. He did the right things, you know, the way he was living. And the second thing was, um anger, anger was my second emotion.

When Sean began to relive the anger that he felt due to his loss, he would immediately sit up and move to the edge of his seat. This was witnessed when he began to think about his cousin's murder.

> My thought was anger, revenge at the time. I was a little younger then, you know, but time passed after the funeral and I kind of, you know, relaxed a little bit, you know, knowing that Mike would be okay.

> We've come to *peace* with it. It's been a lot of years and we've been through a lot more since then and have had a lot more to think about. But I know that Mike's in heaven, I know that he's doing good, and that he's looking at us every day. The *Lord* takes over any way you go.

In addition, when the issue of guilt was discussed, Sean's demeanor slightly changed. Instead of keeping direct eye contact with the researcher, which he had done for the most part, he began to look around the conference room and, at times, would gaze out the window. It was obvious that Sean felt some guilt in regards to the circumstances surrounding his cousin's death.

Sean's cousin paid him a visit a few days prior to the murder. He had asked Sean to borrow some money to perhaps invest in pursuing some illegal activity and Sean respectfully declined. Sean continues to wrestle with what may have been different had he given his cousin the money.

> I feel guilt all the time. I told him that it wasn't nothing he needed to be doing. He was a lil' bit younger than me, he wasn't ready for that nor did I want his mom to have to go through that. I could have [given him the money] , but it would have made him worse off. If I would have gave it to him, he may still be here!

For Sean, the experience of reliving his experiences proved to be somewhat medicating, because he was able to openly discuss the tragic event and the times that he shared with his cousin. The openness was easier for Sean due to the relationship he has with the researcher; someone he has known and trusted for many years.

Herman: Participant Two

Participant Two, Herman Smith, is a sixty-two year-old African American male. He graduated from Douglass High School in Oklahoma City in 1967, then went into the military for a few years, and then on to Seminole Junior College where he received an associate's degree in Business Administration in 1976. After receiving his associate's degree, he went on to work for Hormel Foods, Inc., as a foreman and then a supervisor for the next ten years before being forced into retirement due to a severe back injury which he sustained while on the job. He has been retired and unable to work since the injury.

As we sat across from one another in a conference room, Herman began to discuss how he became a victim of homicide due to the "senseless and tragic" murder of his 34 year-old brother in 1999. It was definitely a circumstance of being at the wrong place at the wrong time. The participant's brother, his girlfriend, and a mutual friend decided to go to a convenience store late one Friday evening for some snacks. The brother went into the convenience store while the other two remained in the car. While inside the store, he got into an altercation with another customer. The altercation escalated to a point at which the cashier on duty threatened to call the police. The customer immediately exited the store, while the brother continued to purchase his items. As soon as he exited the store, the customer who had exited earlier pulled out a gun and shot him in the neck, severing his carotid artery. Herman's brother immediately fell to the ground where he bled to death.

Temporality (lived time)

Herman began to reflect on that evening which would change his life forever. He had lost his "little baby brother," a loss that seemed for him to be everlasting.

> It was a great deal of sadness because I watched him grow up from a baby into an adult man. We were close when he was younger, but as you get older, you know, you kind of grow apart, but it still didn't affect the way we both felt about each other.

The tragic event of losing his brother to murder some twelve years ago spawned an interesting discussion in regards to how Herman felt about the punishment received by the offender, and how he feels about the death penalty and the criminal justice system today.

> I don't think that they [punishments] were harsh enough at all. I think that the guy that killed him should have gotten life. I don't believe in the death penalty, so it's life.

> I don't believe in the death penalty because it's racial...I would be more willing to accept it [death penalty]. See, if you take a life, you should pay for it. And if it's criminally motivated, then you should pay for it with your life. And if the system were *fair*, then yea, I would be going for the death penalty.

> You know, if you've got a good lawyer, an expensive lawyer, you don't get the death penalty. Usually you don't get the death penalty. If you look at who got the death penalty over the last fifty years, you will see

that they did not have the funds to have a good lawyer. They had to depend on the criminal justice system which appoints them a lawyer, court appointed lawyers.

I'm not saying that they're not good, it's just that I don't think that they are good enough to handle a case like this with the case load they have. They don't have enough time to spend with a person that actually needs their help. And I think it's racially motivated. I really do. In my heart, I really think it's racially motivated.

Time was a way for Herman to reflect back and vent his frustrations in regards to the criminal justice system. Though he misses his brother dearly, the discussion of his discontent with the system dominated the interview.

Spatiality (lived space)

The description of the racial motives within the criminal justice system perpetuated by whites against blacks dominated the interview. Within this context, Herman spoke on behalf of being a part of the discriminated and disadvantaged group.

We make up maybe a quarter of the population, maybe a quarter of the population. And if you ratio that out to the people you've got in prison, then it's ethnically racist because *we* as the black people don't have that kind of money to get a good lawyer and get out of prison or get shorter time, or not the death penalty, or whatever the case may be. *We* are minority and we are just not going to get that fair chance. We're not.

> I would be more willing to accept it [death penalty]. See, if you take a life, you should pay for it. And if it's criminally motivated, then you should pay for it with your life. And if the system were *fair*, then yea, I would be going for the death penalty.

One can see how the negative feelings that Herman has toward the criminal justice system influences his opposition on the death penalty. Interestingly, for the participant, even though the offender who murdered his brother was black, he would rather see him receive life in prison as opposed to death, because he feels that the racial motives within the criminal justice system would not provide him or any other black person a fair trial.

Relationality (lived relation)

A continued discussion on the criminal justice system led to the descriptions of the relationship between two groups of people the participant viewed from two very different perspectives, blacks and whites. The racial motivation of the criminal justice system and the people most adversely affected by the motives, according to Herman, are black people.

> Black people get more death penalty sentences than white people do. If you get bad representation, then you get sentenced to death. If you don't get fair representation, then you should not get the death penalty. I look back on that lady; it's been about two or three years ago, a black lady. They said she was incompetent to stand trial. And they executed that lady anyway. Yea, that Wanda Jean case.

The discussion eventually led to the people responsible for the racial motives surrounding the criminal justice system, white people.

> The justice system is predominantly run by white people. And they're going to do their justice regardless of the minorities involved. And they're going to help each other do their justice. And if you're not within the realm of justice that they're giving out, then you are left out of the justice system. As long as there are more white people than there are minorities, then you're never going to get a fair justice system. It's never going to happen.
>
> Now I'm not saying all white people are wrong. Don't get me wrong. I am saying that if the choice came down between a white person's brother getting off for murder and a black person's brother getting off for murder, the black person is going to go to prison. He's going to get the death penalty, simple as that.

It was very apparent from the descriptions, that in order for blacks to ever have a fair trial in the U.S., they would have to become the majority within the population and primarily "run" the criminal justice system. In essence, this *relationship* between blacks and whites would have to drastically change before blacks would receive justice.

Corporeality (lived body)

One of the only times in which Herman became emotional was toward the end of the interview when discussing how his brother died, and how he misses his brother, and has found no peace since then.

> And the way he died, that was the most tragic part because it was a senseless thing and then they just left him there to bleed to death. I couldn't understand that, and it hurt a lot.
>
> I haven't made peace with it yet, because he was my brother and I miss him. And it still bothers me to this day that he died like that. It's just …no, I haven't made peace with it yet. I'm not sure I can ever make peace with it. I don't think anything can help me find peace with it because it's so deeply embedded. I mean, I was close to him. He was my brother. I don't think I could ever come to peace with it.

For the most part, Herman's emotions throughout the interview were dominated by his disappointment and frustrations with the criminal justice system. It was apparent that his brother's death only fueled those emotions. Herman was very passionate and, at times, had to restrain himself when he realized that he was getting riled up. However, when reflecting on his brother's death, the body language markedly changed. It was only during these times where the participant became teary-eyed.

Jim and Ann: Participants Three and Four

The two participants, Jim and Ann Fowler, have both been retired for roughly 20 years. Both are college educated. Jim received a business degree from Oklahoma City University, while Ann attended Oklahoma State University for three years before going to work in the medical field as an x-ray technician and medical assistant.

The Fowlers have been very candid and open about their opposition to the death penalty based on the experiences of having lost a family member to homicide, as well as having a family member executed. Their story has been documented in Mark Fuhrman's book *Death and Justice* which examined the death penalty in Oklahoma.

Temporality (lived time)

Seated in the living room of the Fowler home, they began to reflect on the day in which they received a phone call from a family friend inquiring about their son's middle name. The friend had indicated to them that their son may have been arrested in connection with the Wynn's IGA grocery store murders in Edmond, Oklahoma, in which three employees had been beaten, stabbed, and shot execution-style.

> Jim: To make a long story short, Mark was arrested with another boy who had worked there at the Wynn's IGA. I think it was '85, yes; he was convicted and given the death penalty. And that was the day our lives were turned upside down. Mark was on death row for sixteen years before he lost all appeals, and he was executed at McAlester [state prison] on the 23rd day of January, 2001.

As Jim and Ann continued to reflect on their experiences, they expressed their feelings toward the death penalty process.

> Jim: At that time, I'll have to confess or admit that we had never questioned the validity of the death penalty process. We figured that surely a person must be guilty of the crime to be convicted. Well [our son] assured me that he didn't kill anybody, but he was there when a

killing took place. He didn't know that a killing was going to take place. But Oklahoma law is that if you are there, it's like you're out in the car waiting, you're as guilty and, therefore, you get the crime and the penalty.

The other tragic event which Jim and Ann reflected on was the day in which they received some saddening news in regards to Jim's mother, which occurred about three months after their son had been sentenced to death.

Jim: About three months or so, September of '86, yes, September of '86, I think it was on the third of September, my 82 year-old mother was raped and murdered here in Oklahoma City. After six months, police arrested a man, and after a long process of course, he was also given the death penalty.

This event got both Jim and Ann further involved in speaking out against the death penalty. The offender, who was sentenced to death for the rape and murder, was later exonerated through DNA evidence.

Jim: He was exonerated. And that's when we realized that the death penalty situation, which happens with the criminal justice system in all states is just really *flawed*. It's a….I can't say that it's a joke because it's just a terrible thing. But that's when we started questioning and we started studying it.

Ann: When they told us that he was not guilty of the crime, the first thing Jim said to me was: 'My God honey, we could have killed an innocent man.' And that just rocked us both to the core. If it happened to

him, it could happen to anybody. And one is too many. If we had killed him and found out later that he was not guilty, I don't know if we could've lived with that. And that's what really got us.

Jim: The criminal justice system in all states is just really *flawed*. There have been over 135 innocent people taken off of death row. We have heard, and I have not been able to find the exact stories that we have killed 23 innocent people in the states that have the death penalty.

Ann: It's all of the above. [This was her response to Jim stating the system as being "*corrupt* and broken"]. There are some really good people in there and then there are some that it doesn't matter if you are guilty or innocent, their job is to convict.

Since receiving the phone call which would change their lives forever, Jim and Ann have diligently utilized their time to tell their story to anyone who is willing to listen in hopes to educate them about the inherent flaws with the death penalty.

Spatiality (lived space)

Jim and Ann believed that despite all of the flaws within the death penalty, the culture in which they are a part of allows it to continue to be carried out.

Jim: We write letters and hand carry them out to the state capitol and put them into the boxes. It's not like the state legislators don't know that the death penalty is a joke; they just want to keep it. And that's Oklahoma. We're the culture of death if you want to say it; the culture of life or the

culture of death because, well, we are part of the Bible Belt. And the South is heavy on punishment and support of the death penalty, more so than the north or east or the west. But the South, I don't know if it's a religious thing or the, for a better word, redneck mentality, hang 'em high bullshit.

For Jim and Ann, the region and culture in which they reside will continue to be barriers in abolishing the death penalty.

Jim: And we just, we are the culture of death and it's hard to get the redneck mentality out of this part of the world. We are a part of the South. The Southern Baptist is a big player. Southern Baptist is big supporters of the death penalty. And it's gonna be hell to break.

Ann: I think that that's part of it [culture of death]...we are part of the Bible belt.

Relationality (lived relation)

Jim and Ann firmly believe that executions performed by the state are a form of "premeditated murder." And despite their opposition to the death penalty, their residence and relationship within a community that supports it, ultimately, makes them responsible as well. This particular discussion stemmed from Jim and Ann showing me their son's death certificate.

Jim: Can I show you something?

Researcher: Absolutely.

Jim: State document. Down here in item #22, manner of death….what's it say?

Researcher: Homicide.

Jim: Yea. Every execution we have at McAlester is a homicide. And we are all a part of it. One of these days one of the damn sharp attorneys is gonna come by and he's gonna file charges against the population. You and me.

Ann: You talk about premeditated murder.

Researcher: Yes.

Ann: That's it. That is PREMEDITATED MURDER.

Jim: If I am forced to participate in the act of murder, which our death penalty is, that makes a killer out of me, and I resent that. I don't want that. I'm not a killer. You know, the fifth commandment, Thou shall not kill. And I believe that applies with what we're doing. And our death penalty is premeditated murder. And by having it, it forces me and every damn one of us who are members of this *community* who pay taxes and are participants in what goes on at McAlester, death row. And I resent that.

Corporeality (lived body)

In reliving their experiences having lost a family member to homicide and a son to execution, Jim and Ann became very emotional, as could be

expected. The emotions ranged from Ann displaying compassion for inmates who she believed "can be rehabilitated" to Jim's anger, frustration, and disappointment with the criminal justice system, especially the death penalty.

> Jim: It's [capital punishment] a big, big business, and there's no way to tell exactly how big this business is. There are a ton of people involved in just one case, on both sides. Money, money, money, money! And if we had a situation with say we don't have the death penalty and just have life without parole, it eliminates all these appeals. Unless there is some evidence that comes up and verifies that this person is not guilty, therefore he could be free. And maybe restitution could be made. Give him some bucks to put his feet on the ground and get him started again. But if we kill him, goddamn it, we can't bring them back. There is no restitution. We cannot mend the problem, it's….we have become no better than the people we execute.

Another set of emotions were displayed when Jim explained how individuals who are executed receive a better death than most people will experience. Reflecting back on the day of their son's execution drew out these powerful emotions from Jim.

> We witnessed Mark's execution, along with seven other people. Oh, I didn't want to. Mark didn't want us to do that, but I told him, his mom and I, we were there every damn visit, we were there to visit, we were there together. I said, 'Son, if you were dying from any other cause, car injury, fire, pneumonia, cancer, I don't give a damn what it is, if you

were dying, we'd be there by your side, and by God I'm gonna be there the night that these good Christian folks want to kill you!'

In the process [lethal injection] leading up to this very heinous act of murder, the individual that we are going to kill has the opportunity to make peace with God, to say goodbye to his family, to get all his I love yous, and if there is anybody around that still cares for him, he could say I'm sorry. He gets to do all these good things; he gets the chance to prepare himself for death.

And in Mark's case, we're Catholic, and he received every blessing that the Catholic Church could give the dying; anointing, he got to make his last confession, receive communion, in fact he received communion on the damn gurney as they were going to kill him. There was a priest standing beside him. So if ever a human being was ready to leave this earth, our son was. He confessed all of his sins, *made his peace with God*, received all his blessings, his anointing and stuff that the church can give you as a sacrifice. Ninety percent of us, maybe even ninety-five percent of us will not have that opportunity. You'll not have that chance to make your peace with God, to say goodbye to loved ones, you know. How many people die in plane crashes, train crashes, or car wrecks by God? They left out that day, they didn't get a chance to say goodbye to no one, and a shitty death. So in essence, one way the people that we are murdering at McAlester are dying a better death than most of us will ever experience. And that's our argument; if we want to punish

somebody for God sakes, keep them alive and let them experience how ugly everyday prison life can be.

The impact of God and faith which helped their son find peace also helped Jim and Ann find some type of peace and closure as well.

Jim: The Sunday morning prior to Mark's execution on Tuesday, I woke up. I didn't know how I was going to go sit there and watch the state kill our boy. I just didn't know how I was going to do that. I woke up at five o'clock on Sunday morning and I had these words in my ear as if somebody had said them to me 'He's all right. He's ready.' And with that I was just instantly calmed. Just no more anxiety or fear or anything. Just calm. And I was okay. I went back to sleep and three hours later [our son] called and said 'hi pop, how ya doing?' I said, 'I'm okay, son.' I said, 'how are you doing?' He said, 'I'm okay, pop. I'm ready.' Almost exact words, I'm okay, I'm ready. I said, 'okay, here we go. We gonna do this.' Perhaps this [execution] was *God's* way of saving Mike's soul.

Ann: I agree.

Ann: Jim said maybe I'm a more charitable person, because we never did, or at least I never did, feel like I just wanted to strangle somebody or go out and take a gun and kill somebody because they killed my mother-in-law. I hated him for a long time, I had a plenty of that, and that is a natural reaction. But to just harbor that for the rest of your life, it does you no good, and it certainly doesn't hurt them. They could care less whether you hate them or not, more than likely. But I just have seen

what hate and holding onto that does to people and it's a killer. It either kills your spirit or it kills your body, or maybe both. And, I treasure my life too much to waste that much time on somebody. Life is too short.

Though Jim and Ann may have a different way of expressing their emotions when reflecting on their experiences – Ann was the more calm and reserved one, while Jim was definitely more outspoken – what was similar between them was their perceptions on the death penalty. And they would continue to remain diligent in their "fight" to speak out against it.

Jim: Markus, we sometimes, I don't know for more of a better word, sometimes we struggle with how to write a letter that's going to touch the heart of our legislators, and get them away from this premeditated act of murder that we have with the death penalty. And I don't know, there's not a book written on it, it's like raising a kid, you know, they don't give you a book on it. And we're trying to do the best we can and maybe losing [our son] to the death penalty and the losing of mom to violence, rape and murder, has, has….maybe we've been subjected to that so that we can be the ones to fight this battle, because we see it from both sides.

The Fowlers were very receptive in discussing their experiences of having lost a family member to homicide *and* a son to the death penalty. Throughout the entire interview process, it was apparent that the Fowlers would take the time to speak to anyone who would listen to their story in order to educate them about the implications surrounding the criminal justice system, especially the death penalty.

Max: Participant Five

Participant Five, Max Kelton, is a thirty-two year-old Caucasian male. He has two Master's degrees: one in Public Administration from the University of Cal Poly; and one in Political Science from the University of Oklahoma. Max has also completed an extensive amount of post-graduate coursework in the political science Ph.D. program at the University of Oklahoma. He is currently working as an adjunct professor of political science at various institutions in Oklahoma.

As we sat across from one another in a conference room, Max began to discuss how he had become a surviving victim when his 60 year-old great uncle was arrested, charged with second-degree murder, and sentenced to life in prison in 1993, where he would eventually die.

Temporality (lived time)

The great uncle had been arguing with his live-in girlfriend the evening of the incident. The argument escalated to a point in which the live-in girlfriend called her son to come over to intervene. When the son arrived, the great-uncle asked him to leave. A few hours later, the son came back and pushed his way through the great uncle who was attempting to stop him from entering the house.

> You've got this six-two, two hundred plus pound, big, big, twenty year-old man pushing a sixty year-old frail man that's half his size almost, and pushed him finally so hard that my great uncle ran out of the room and into his bedroom to get his gun, because he was scared at this point that something violent was going to happen to him. So he then

> proceeded to get this gun out and shot the son, and the son died at the scene, and he was arrested and charged with murder. The defense obviously tried to plead self-defense.
>
> The DA and the prosecution tried to impose the idea that it was premeditated. Having the son been there the first time, and left, he [great uncle] was then able to maybe have possibly gone and got the gun ready in the event that the kid came back a second time. So the prosecution was arguing to the extreme, you know, that he planned that if he comes back, I'm gonna shoot him this time. To the day he died, that wasn't what he claims were his intentions.

The majority of reflection described the great uncle's last days of a seventeen-year stint in prison. The great uncle was then in his late 70s and in failing health.

> And just this last summer, 2010, he fell so ill that they had to take him to the hospital and he was so ill he couldn't get up, move out of bed, but they still had to have armed security guards outside for six months until he died. So the ironic part is, it [the life sentencing] was essentially a death penalty for him, in the way we see it.

Spatiality (lived space)

Max spent a great deal of time during the discussion attempting to figure out why his elderly great uncle was given such a harsh sentence. Ultimately, after a great deal of reflection, it came down to the culture/environment of Oklahoma.

> Oklahoma does have the harsh or harshest penalties, you know, when it comes to all sorts of crimes in this state and so...you know that wouldn't surprise me that based on the way the court, the way that the court case was going and they were trying to impose the death penalty upon him, that, there you go, that it would follow the logical progression that if they were trying to impose the harshest penalty in Oklahoma consistently, maintained that standard then I could see it being the reason.

Max also believed that the culture of Oklahoma dictates the actions of the legislators as being harsh as well.

> If they're [legislators] not harsh on, tough on crime, if they let somebody go for whatever, next thing you know, there might be a political ad during the campaign season that looks at them as letting people out of prison, and that shouldn't be.

Relationality (lived relation)

There were three groups of individuals that Max discussed having some type of relationship with during the trying times. Those were his immediate family, his great uncle's children, and the community.

> Our family really is…the way we look at it is that they, my grandmother and her sisters and brothers are kind of the top of the tree. And his [great uncle] branch kind of got broken when he went to jail.

The great uncle's kids had always been fairly distant to the immediate family. The only thing that really brought them around was the circumstances surrounding the great uncle.

> They hadn't been around since he went to jail, went to prison. There was really no reason for them to. That was their only connection to our family as a whole.

Max went on to discuss how he interacted with the great uncle's children when they visited for a family reunion.

> So when they came through, I was in charge of everything. I was in charge of the reunion, all of that kind of stuff, and, so I kind of eased their…made it more comfortable for them; they spent the whole time with me while they were here.

Max also discussed how the children opened up to him about their father while attending the family reunion.

> They were really upset about it and I know one thing that I do recall them saying was how bad they felt he was treated, having been on his death bed for six months. And they were just so upset at the fact that they went to this hospital and there were two armed guards protecting his room as if he was going to do something or get out. And he physically was unable. So I thought that they, I think they felt that that was inhumane almost to put him in a situation like that.

Finally, Max discussed the relationship that he and his family had with the community in which his great uncle resided. The community was very supportive and had come forward to request the legislators and the governor to release the great uncle from prison since he was literally on his death bed. For the family and the community, the great uncle should at least be afforded the opportunity to die in peace at home and not in a prison.

> We collected thousands of signatures, went door -to-door from the community; people that had lived in that area for as long as our family had lived in that area and had…could validate that this guy was a good person and not what they were making him out to be in the courts. So we'll never know why the petitions fell on to the deaf ears of the legislature and the governor.

Corporeality (lived body)

Max's emotions and body language were apparent throughout the entire discussion. He went from sitting back in his seat to sitting up and actually leaning on the table to make his point. This behavior stemmed mostly from his frustration and disappointment with the criminal justice system as a whole. These emotions would remain even after the great uncle's death.

> I don't have a favorable opinion of the criminal justice system because of seeing the results imposed on somebody of that age and circumstance, but as a whole I'm kind of the same way as well. I feel like the criminal justice system is there to impose a penalty but there's not enough to assist in rehabilitation and/or penalizing people to the point of where it's not of excess. And they still can become productive citizens. So I don't know, I really don't think I have a favorable opinion of it. So do I think that one incident was the only one that made me feel that way? I don't think so. I think it's probably a number of incidents and amount of time in my life today.

The discussion surrounding the family's frustration lead to Max disclosing how the family has not come to any type of closure.

> I think if you asked every family member how they felt, I think especially if you asked my grandmother and my great aunt, his sisters and brothers, I think, or I can guarantee they would say they're not at peace with it. I know that they would probably reiterate the same comments that I have in opposition to the way the system treated him. That was a lot of hard work that we had done, and for nothing; getting signatures and trying to plea. I wrote letters for my family and nothing came about from it. So, I don't know if anybody has come to peace with it; you know, I think we can all live with what happened now.

When the interview came to a close, it was obvious that Max was pleased that he could convey his feelings surrounding the circumstances, especially to someone he had known for several years. The relationship created a circle of trust for Max in knowing that his lived experience would be discussed and presented in a respectable manner. Had this relationship not existed, the researcher is left wondering whether or not the interview would have proceeded differently.

Leslie: Participant Six

Participant Six, Leslie Douglass, is finishing her Ph.D. in Education at the University of Oklahoma. She has also been an Assistant Principal for many years in the Oklahoma City area. Out of all the participants, Leslie has been the most open in regards to her story involving the loss of her parents to a heinous and senseless murder in Okarchee, Oklahoma in 1979. Leslie was only twelve when she and her sixteen year-old brother witnessed the execution-style, fatal shootings of both of her parents. Leslie and her brother were also shot as they

lay hog-tied on the floor alongside their dying parents. Leslie has appeared on the *Oprah Winfrey Show, Dateline,* and *The View,* and her tragic story was portrayed in the movie *Heaven's Rain* which was first released in Oklahoma in the fall of 2010 and will be released nationwide during National Crime Victims' Rights Week in April of 2011.

Temporality (lived time)

As we sat on a couch in the living room of Leslie's home, she immediately began to reflect on how her life had been affected by the loss of her parents. These discussions ranged from growing up without parents to how her life may have been had her parents not been murdered.

> I think mainly just in relation to things that I miss now, like not having any family there and you start thinking about getting married or having kids.

> I thought about what am I going to do, how am I going to get by, who's going to take care of me, you know, these kind of things. But as you get older, it's more of…you know, I think about how would they [parents] be at this age, or I could use some advice.

> I think more than anything it's just not knowing of how things would be right now, or how things would be different if my parents had been here. Would it have changed what I did as a teenager, would I make the same mistakes if I had guidance from parents, because everybody loves to give you advice but your own family gives you honest, true answers…what would my mom have done, what am I supposed to be

> doing? I didn't have anybody to, you know, taught me what I was supposed to be doing as a mom.

There was also a point during the interview in which Leslie reflected back to something her mother had told her before she died. It is something that has affected Leslie even to this day.

> My mother had said to me a couple of weeks before she died, 'if anything ever happens to us, I want you to go on with your life.' I remember crying and saying, 'mom, why would you say this to me?' you know, this is so odd, out of the blue, who says that to a twelve year-old girl? If something happens to us. So it was really odd, I guess that stuck in my mind, that my mom said this and I'm supposed to be strong, I'm supposed to go on, I'm supposed to just…you know.

Spatiality (lived space)

Leslie, an assistant middle school principal, spent a great amount of time discussing the space she shared with her troubled students and their parents who are affected by crime and violence; a consequence of residing in impoverished communities.

> Most of their parents are in jail so they're living with their grandparents or aunt and uncles or whoever it is….and it's just these kids that I see at the school, you know. They don't know if their parents are going to die in prison, or one [student] that I saw today doesn't even know if her dad is dead; he's been really sick and he's in prison. And she [student] goes 'I don't know if he just doesn't want to talk to me or if he's in the hospital or what he's doing.'

When Leslie discovered the middle school in which the researcher attended was also in an impoverished community surrounded by violence as well, she began to discuss how these situations affect her and her students.

> So, I understand, I mean, it's sad because we hear it all the time at school. So and so was shot, so and so was stabbed, and it's like these kids don't think anything about it. Most of their parents are in jail or they're living with their grandparents or aunt and uncles or whoever it is.

Leslie began to discuss, in particular, a student who has shared some personal information in regards to an unhealthy environment at home.

> It [incarcerated parent] has an impact on them [students] and they live on welfare, and most of them, they don't care anything about getting another job. She's [student] like, why do I want to go to college? What is college going to make better?

The community in which Leslie's students attend school not only perpetuates a feeling of hopelessness, but also an ethos of complacency. These stories are day-to-day reminders for Leslie that perhaps if she discontinues being a positive role model for her students no one else will.

Relationality (lived relation)

The circumstances surrounding Leslie placed her, at times, in awkward situations with others and vice versa. She believed this awkwardness stemmed from those who wanted to provide support, but at the same time not wanting her to feel uncomfortable.

> What I deal with is, it [the story] being so public, is having people constantly come up to you now and go, 'oh well, I had no idea,' or they

look at you kind of funny. There's one teacher that said, 'oh, I saw your movie.' And then they look at you kind of differently. It's just like now it kind of feels like, oh, what am I supposed to say to her?

Somebody will go, 'why didn't you tell me that *Dateline* was coming on?' It's like, you know, I'm not like some celebrity or something. It's not something you just run out and tell. I told like two people but about twenty people ended up seeing it because one teacher saw the ad and ended up text messaging everybody.

It's like, you guys, I'm not like, I'm not telling this wonderful…I'm an opera star now, you know what I'm saying or I'm a movie star. It's not like that. It's one of those horrible stories that you think, do I really want anybody watching it? But yet I do because it has had an impact on some people.

Another relationship (or perhaps connection) that emerged was that between Leslie and the offenders due to the tragic event which caused her to have a difficult relationship with them, and rightfully so. It would take many years before Leslie could actually forgive the people who drastically changed her life forever.

As far as *forgiveness*, I think you have to. I think you can *forgive* what was done, but you don't forget it. You know you still impact my life every day but if I continue to hold that grudge all the time, I won't let go. You know, eventually somebody has to stop the grudge and move on or you're going to be angry all your life. They go home every day and

> they're angry and they let them control their life and think about poor me, poor this, they hate me, I hate them, instead of looking forward to what is it that I can use and what I can do to change. You know, what can I do to make a better me and let me be a better example to somebody else? So, I think that that's part of it; if you don't *forgive*, then you're always full of hate. You know, always full of regrets and you live your life in a different way.

In addition, there were instances throughout the interview in which Leslie discussed her relationship with her brother who survived the ordeal with her. There were definitely some disagreements which stemmed from how each of them were affected and dealt with the tragedy.

> Whenever my brother said he forgave him [the murderer], I thought it was a joke. I was like, 'are you serious?'

Other disagreements, such as Leslie's decisions in men and marriage, led to an uneasy relationship over the years.

> There was actually a point and time where we didn't talk for two years, because I got out of one marriage and took my kids and got into another marriage a year later, and I was like he's not going to be happy with me and I don't want to deal with confrontation. I'm not going to be told I'm stupid, you know.

Regardless of the disagreements that Leslie had with her brother, in the end, they have become much closer over time.

> You know, we're actually a little closer. He comes, he lives in Malibu, but he comes and he's here about three days a week. Like he'll be back

> tomorrow night. And he was just here two days ago. You know it's kind of one of those, we may not see each other when we're in and out, but you know, we talk more, whereas for a while it's like we really didn't want to discuss anything with each other and he tried to be my dad and that would tick me off because you're not my dad. You know, you're not my dad. You know, the older brother/sisterly thing…him trying to be the protector.

The circumstances which thrust Leslie into the position of a surviving victim produced several unique relationships with others. Perhaps the most interesting fact to point out is that Leslie did not have a choice but to have a relationship with some of the individuals, something forced upon her the evening the offenders forced their way into her family's home.

Corporeality (lived body)

It was not until midway through the interview that Leslie briefly reflected back to the evening that would change her life forever. This discussion stemmed from people being misinformed in regards to what really happened that evening. There have been other accounts which have been discussed by the media and the participant's brother, but the participant wanted to set the record straight and for people to know "the whole story."

> So, see it's like, I was shot twice, he [brother] was shot once, you know, and I got up on my knees and had my hands and my knees, we were hog-tied so I was able to balance myself on my knees, and went all the way down the hall and tried to get a knife, then went into the kitchen after I got myself loose. So to me, there was a lot more that I did.

> *Dateline* was saying that Brooks [brother] untied them and rescued them. I'm the one that did it. I'm the one that got myself out of the ropes and uncut myself and uncut him. I mean, it was the little things like that…it's like…as my daughter would say, 'then why are they saying that', and she said, 'so you're the one that did all that?', and I go 'yea.' So then my daughters like, 'wow, so you're my hero.'
>
> They [people in general] didn't know I was raped, they didn't know any of that, and I think…I said that in the *Dateline*…is that I didn't know that everybody didn't know. And close friends did, but at the time they left it that it was attempted but nothing happened.

Leslie also discussed how difficult it is at times to address any questions that her own children have in regards to their deceased grandparents.

> You know it's kind of hard when my kids want to know things about my parents and I don't really remember details, so that's hard, because it's like as a twelve year-old kid, how much stuff did you really do with your parents? You were still growing up, playing outside, and my dad was gone all of the time.

There was another discussion in which Leslie discussed her frustration with the criminal justice system based on her experiences.

> Well, you know what's *bad* about it, I mean, it took so many years; it took seventeen years before they executed [non-trigger man, Steven Hatch] and [the actual shooter, Glen Ake] is not on death row anymore because of the system....I felt it was very *unfair*, I mean, the evidence

was there...and he [Glen Ake] doesn't go, he ends up getting life...so you look at it as this man could be free at sometime. He was actually the trigger guy and here he is, life in prison but could actually every five years come back and he's back up for parole....so yea there is, I do have a problem with it [criminal justice system].

The interview with Leslie was quite pleasant. Being that Leslie is also a Ph.D. candidate in education at the University of Oklahoma, we were able to share each other's stories about our journeys through the department towards completing the degree. The discussions that we had based on the commonalities that we both shared minimized any awkwardness usually found in an initial meeting.

Aggregate Analysis of the Existential Lifeworlds

In this final section, the four existential lifeworlds are reviewed as a collective body of experiences according to hermeneutic phenomenology. The researcher, through his interpretive analysis, utilizes this section to present and highlight the similarities and differences among the diverse experiences. It is not the intent to simply reiterate each lived experience, because this would be redundant and the reader could possibly get "side-tracked or to wander aimlessly" (van Manen 1990, p. 33) away from the contextual analysis. The section also concludes highlighting the thematic categories which emerged from the existential lifeworlds.

Temporality (lived time)

When the participants were asked how their experiences have affected them, all of the participants, except for Leslie Douglass, reflected back in time

to describe either how they were notified of the family members' death or the actual event that made them all surviving victims of homicide and the death penalty. Afterwards, the participants then proceeded to describe how the event affected them. Leslie, however, immediately began to discuss how the event affected her and spoke very little on the senseless and tragic event that took the life of both of her parents.

Time was a way for each participant to reflect on a variety of experiences that have connected all of them as surviving victims. For many, time was a way for them to reflect on the good times they shared with their loved ones, while for others time appeared to reopen old wounds which had not yet closed. It is important to mention that our existence of being takes place in a particular time. The fact that we exist in time, and time is constantly changing, means that we are constantly changing as well. We are never what we used to be in time. Therefore, the participants' lived experiences will be forever evolving, never to be captured again in the same aspect. This explains why some of the participants' attitudes and perceptions towards the offender, criminal justice system, death penalty, etc. changed over time.

Spatiality (lived space)

The experiences of lived space were diverse among the participants. For example, Jim, Ann, and Max felt their lived space in terms of the culture in which they shared with others residing in Oklahoma. Sean's lived space was within the criminal justice system with others he had known who had also experienced either being incarcerated, receiving traffic tickets, etc. Finally,

lived space for Herman was being a part of an ethnicity subjected to discrimination and racism.

Though the spatiality reflected from these participants were unique and diverse, they were all connected however by the criminal justice system. For example, the culture of Oklahoma, according to these participants, significantly influences the criminal justice system, especially in terms of punishment. And for Herman, the maltreatment of blacks is best illustrated in the injustices carried out by the criminal justice system against them.

Leslie on the other hand, described her space within an impoverished community which encompassed her students, their parents, and the affects the community had on all of them within an educational setting. For Leslie, in order to break the cycle and spirit of uninspired complacency among the children, she would have to continue to be a positive role model for them. This is something to which Leslie would never give a second thought.

Spatiality, as van Manen (1990) states, can be something that transcends ourselves, which may go beyond what we typically think of as physical space. In other words, spatiality can be the space that we *feel* is around us, especially with others who share that space with us as well.

Relationality (lived relation)

There were a wide range of interpersonal relationships which emerged from the discussions, each of which had a significant impact on the participant. The majority of the participants reflected on their relationships with those within the community and family. For the most part, many of these relationships

were positive. These relationships stemmed from a supportive community speaking on behalf of an incarcerated family member.

The relationship between family members was also positive as Sean, Max and Leslie looked to them for support to cope with the tragic event. For Leslie, even though there were times that she did not agree with her brother, they were eventually able to work out those differences and, as a result, became closer. The Fowlers, however, had a different experience, as they were frustrated for being a part of a community that supports the death penalty.

Aside from discussing the family or community, Herman spoke on behalf of being part of an ethnic group that is often discriminated against by whites in the criminal justice system. This relationship between blacks and whites, he truly believes, is responsible for the racial motives and unfair treatment – from being charged to being sentenced – against African Americans.

The relationships that we share with others, whether healthy or unhealthy, good or bad, can have a lasting effect on our lives. As some of the participants have illustrated, relationships can be forced upon someone whether they wanted one or not. But in some instances, relationships that formed were amicable. Regardless of the circumstances, the participants dealt with the relationships the best way they knew how, and continue to learn from the experiences.

Corporeality (lived body)

Expressions of corporeality emerged more than any of the other existential lifeworlds. This was due in part to the statements and body language

appearing throughout the entire interview and across all of the lifeworlds. This makes perfect sense as emotions are one of the most powerful expressions of feeling and consciousness. Sean and Herman's emotions were displayed when reflecting back and discussing when they found out that their loved one had been murdered. For Ann, some of her emotions were displayed when discussing her compassion for inmates whom she believed could be rehabilitated. Leslie's frustrations surfaced because she wanted people to know the whole truth surrounding her role that evening of the murders and, more importantly, that she had been raped just prior to being shot and watching her parents and brother shot as well.

Max and Jim's emotions surfaced, not due to their frustrations with any particular person or persons, but with the criminal justice system as a whole. Their frustrations and anger primarily stemmed from how their loved ones were treated throughout the entire process, from being charged with a capital offense to being sentenced to death. And while Max's elderly great uncle was not sentenced to death; the amount of time he did in fact receive, according to the family, was in essence a death sentence.

Our body language reveals, whether consciously or unconsciously, many things about ourselves. This is extremely important for any researcher who utilizes human subjects as part of a study. It is perhaps even more important when the participants are reliving their experiences of having lost a family member to homicide and/or the death penalty, a sensitive topic which could bring to the surface feelings of distress, grief, and sadness. Therefore, "when the

body is the object of someone else's gaze" (van Manen 1990, p. 104), it is important to recognize and understand what the body is telling us.

Conclusion

After concluding all of the participant's in-depth accounts of the lived experiences of having been affected by homicide and/or the death penalty in some capacity, three distinct thematic categories emerged based from the discussions and the researcher's analysis. It is not the intention of the researcher to minimize the participant's experiences, but instead, to place them in a context conducive to expand the scope of analysis and body of cultural knowledge. The identified thematic categories were *validity of the criminal justice system and the death penalty*, *finding peace or closure*, and *the impact of the southern region and Oklahoma.* These thematic categories and their relationship to those discussed in Chapter Two are thoroughly discussed and analyzed in the following chapter.

CHAPTER FIVE

DISCUSSION AND INTERPRETATION OF FINDINGS

Given the thematic categories which emerged, this chapter delves deeply into their meanings utilizing some of the various theories and themes already presented in Chapter Two, as well as other sources, to help provide interpretation and illustrate how, collectively, they offer an enhanced cultural knowledge base. This chapter, undoubtedly, highlights the main purpose of this study, which ultimately is to convey the participants' growth from tragedy. The collective growth serves an educative purpose because it assists in informing and increasing awareness surrounding surviving victims. In addition, the analysis of the thematic categories also includes a relevant literature review to add depth, substance, and clarity, which is vital to facilitating the discussion of the implications for the study.

Interpreting lived experiences is important for any phenomenological study. However, according to van Manen (1990), simply bringing the lived experiences to consciousness is not enough. The researcher must then begin to peel back the layers of consciousness to reveal "obscure meanings that are lost in observational description or text" (p. 13). And for this researcher, this process led to three emerging thematic categories: *validity of the criminal justice system and the death penalty, finding peace or closure, and the impact of the southern region and Oklahoma*. These categories reflect the participants' collective understanding of what it meant or felt to be a surviving victim, which the research question in Chapter One offered.

Validity of the Criminal Justice System and the Death Penalty

This particular thematic category addressed a phenomenon that was commonly discussed throughout the interviews with the participants. *All* of the participants, having had many years to grow from their tragedy, demonstrated some type of discontent, frustration, and, at times, anger with the criminal justice system and/or the death penalty. Words like "racist," "corrupt," "unfair," and "flawed" were used throughout this thematic category for the participants. For example,

> Sean: It's kind of *corrupt*, but jail is jail.
>
> Herman: And if the system were *fair*, then yea, I would be going for the death penalty.
>
> Jim: The criminal justice system in all states is just really *flawed*.
>
> Ann: It's all of the above. [This was her response to Jim stating the system as being "*corrupt* and broken"].
>
> Max: I don't have a favorable opinion of the criminal justice system.
>
> Leslie: Well, you know what's *bad* about it [criminal justice system and process]… I felt it was very *unfair*.

In regards to the aforementioned studies in Chapter Two, there were a couple of studies which illustrated some congruency with this thematic category. In the

codified theme of "*What's a Miranda Right?*" (Murphy 2009) the participant, Annie, was frustrated with detectives advising her of her Miranda rights, but had no concept of what this right entailed by stating, "they read me a Miranda right and I said what's a Miranda right?" Annie's frustrations grew stronger when she could not understand the court-appointed interpreter due to the language barrier. In addition, in the theme of "Rights" (Armour 2002), surviving family members discovered that their rights were largely neglected in the public agenda. As a result, they felt invisible within the criminal justice system because the murder was a crime committed against the state rather than a crime against them. Though Annie and the surviving family members' frustrations were not as harsh as those mentioned by this study's participants, they were nonetheless present.

When taking into account the concerns of all the participants, the issues surrounding systematic bias and racism, adequate representation, and innocence and wrongful conviction appeared to be the main factors for questioning the thematic category: *validity of the criminal justice system and the death penalty*. These factors are also consistent with the literature as well.

In the landmark case of *Furman v. Georgia* (1972), the U.S. Supreme Court, for the first time in history, found that capital punishment was unconstitutional due to the arbitrary nature in which death sentences were imposed, which often indicated, among other tendencies a racial bias against black defendants. For the majority of the justices, they were dealing with a system of law and justice that left to the uncontrolled discretion of judges or juries the determination whether defendants committing these crimes should die or be imprisoned without any standards to govern the selection of the penalty.

According to Justice Douglas in his concurring opinion, for the State to arbitrarily decide whether or not a person lives or dies, dependent on the whim of "1 man or 12 jurors….is a denial of human dignity" (Justice Douglas 1972).

Systematic Bias and Racism

The arbitrariness which emerged in *Furman* stemmed from a history of racial prejudice towards blacks, which has created a systematic bias within the criminal justice system. This bias is documented in the literature. For example, Barkan and Cohn (1994) provided evidence that white support for capital punishment is associated with prejudice against blacks. The factors driving the prejudice were antipathy to blacks and racial stereotyping, i.e. on a scale which looked at items on blacks' laziness, unintelligence, and preferences for welfare. Young (1985) also took issue with racial prejudice as he examined the argument that because there is a prevailing public image of criminals as young black males, racial prejudice leads to aggressive attitudes towards criminals. The study was based on the assumption that factors such as fear and anger drive attitudes towards the threat of crime. As a result, an individual's particular emotional response to crime is conditioned by racial prejudice – resulting in higher levels of support for the death penalty. The finding was that racial prejudice was the only variable to significantly predict both support for the death penalty and tougher crime control policies.

Racial prejudice was also a significant factor for Soss et al. (2003) who explored the roots of white support for capital punishment. The researchers concluded that racial prejudice has the largest influence of any factor. As scores on a prejudice scale rise, the estimated probability of strong death penalty

support increases as well. For example, anti-black prejudice, i.e. black residential presence, was a significant factor driving white support for the death penalty. For the researchers, some factors that may have contributed to racial prejudice were that crime in the U.S. became an increasingly racialized issue which stemmed from the race-coded rhetoric public officials used to discuss crime and from media coverage that exaggerated black violence. Therefore, it was not surprising that whites tended to associate crime with people of color.

Unnever and Cullen (2007) also found that the racial divide in support of the death penalty (73 percent versus 44 percent respectively) was due to white racism. This white racism stemmed from symbolic racism – whites are more prone to believe that the poverty that disproportionately affects African Americans is the result of blacks' unwillingness to work hard, coupled with feelings of racial animosity against African Americans who flagrantly take advantage of the opportunities afforded to them (Sears & Jessor 1996), i.e. preferential treatment leading to unqualified appointments in employment or admissions into colleges and universities due to racial policies such as affirmative action. The final conclusion for the researchers was that the death penalty cannot be looked upon as a race-neutral policy. Therefore, before political actors justify their support for the death penalty, they should pause as they learn that white racism is likely a significant factor in meeting the standard of decency for the execution of defendants. Another factor mentioned within the same context of the systematic bias against African Americans and the criminal justice system is the discussion surrounding inadequate defense.

Inadequate Defense

There have been several important studies throughout the literature corroborating inadequate defense. For instance, former Director for the Southern Center for Human Rights and Professor of Law, Stephen Bright (1994), added that public defender programs are improperly funded and the amount of compensation that is provided in capital cases is so minimal that only a small number of accomplished attorneys choose to represent capital defendants. This results in attorneys who lacked the experience, expertise, and drive for an effective defense to challenge the prosecution. The pervasive inadequacies of representation often leave the poor, especially blacks, without the protections of the Bill of Rights. Bright further discussed an exhaustive study conducted by the American Bar Association that found that the inadequacy and inadequate compensation of counsel at trial was one of the most principal failings of the death penalty today.

Similarly, in a study commissioned by the Chair of the U.S. Senate Committee on the Judiciary in 1991, Liebman et al. (2000) calculated the frequency of relief in habeas corpus cases from 1973-1995. The conclusion was that the overall rate of prejudicial error in the nearly 6000 death sentences imposed was sixty nine percent. In other words, courts found serious, reversible errors in nearly seventy percent of the capital cases that were reviewed during the period. The most common serious error that was shown to have likely affected the outcome of the trial and prompting the majority of reversals was the egregious incompetency of defense attorneys. It accounted for thirty seven percent of the reversals, while police or prosecutorial suppression of evidence

that the defendant was innocent or did not deserve the death penalty accounted for another twenty percent. These serious errors are especially problematic and consequential for indigent defendants.

Defense attorney Bryan Stevenson (2004) discussed the inability of the poor to receive adequate representation as the core problem surrounding the death penalty, which has become a national epidemic. This poses even greater difficulties for people of color because racial minorities in the U.S. are disproportionately poor. This means that African Americans in the criminal justice system, being typically poor, do not have the resources to be able to obtain quality representation. The consequence of all these factors, according to Stevenson, is that capital punishment really does mean those without the capital receive the punishment. This has been evident for Stevenson throughout his career, especially as an attorney who has represented several black indigent defendants who were wrongfully convicted.

Innocence and Wrongful Conviction

Yale Law Professor Edwin Borchard's work emphasizes the pervasiveness of the innocence and wrongful conviction theme. Borchard's work was one of the first pioneering studies on the miscarriages of justice in the U.S. Borchard's (1932) research exposed how frequently wrongful convictions occurred in the U.S. from 1819 to the 1930s. The study documented cases involving sixty five people who were condemned to die, but who were eventually exonerated. The evidence that was primarily responsible for wrongful convictions included mistaken identity, circumstantial evidence, perjury, or some combination of these factors. The goal of the research was to convince

governments at all levels that there are inherent flaws in the system must be ameliorated.

Professors Michael Radelet and Hugo Bedau's (1987) article in the *Stanford Law Review* also documented the miscarriages of justice in capital cases. Their study, an in-depth look at death sentences from 1900-1991, catalogs 416 cases involving 496 defendants (of which forty eight percent were minorities) who are sentenced to death and are later exonerated. The study concluded that among the innocent people who were wrongfully convicted, twenty three were actually executed (of which forty three percent were minorities). The authors not only illustrated the racial discrimination and disparities that continue to exist within the criminal justice system, but they also determined that the two most frequent causes of error were perjury by prosecution witnesses and mistaken eyewitness testimony.

Even two decades following the Radalet and Bedau (1987) study, wrongful conviction still appears to be prevalent. The Death Penalty Information Center (DPIC) in April of 2011 released a report documenting 138 innocent people in twenty six states that have been released from death row since 1973. The most recent individuals who have been exonerated were Yancy Douglas and Paris Powell (Oklahoma), Robert Springsteen (Texas) in 2009, and Anthony Graves (Texas) in 2010.

Systematic bias, racism, inadequate defense, and wrongful convictions have not only been a part of the scholarly debates, dialogue, and research found in the literature dating as far back as the early twentieth century, but they were also significant factors raised by the study's participants in questioning the

validity of the criminal justice system and the death penalty. Time appeared to be a significant factor in facilitating growth for all of the participants' viewpoints dealing with this particular thematic category. Perhaps the participants may have had different perspectives had they been interviewed immediately following the tragedy or perhaps several years from now. Only time will tell. Another thematic category which emerged from the participants' narratives dealt with closure.

Finding Peace or Closure

Finding peace or closure was a thematic category that surfaced often throughout all of the interviews with the participants. The thematic category emerged in the majority of the aforementioned studies in Chapter Two as well. The researcher determined, as the literature confirms, that terms like *peace* or *closure* were extremely difficult to define. Finding peace or closure vastly differs in interpretation among victims. For example, Berns (2009) found that there was no consensus in regards to how closure should be defined, if it even existed, or if it can actually be achieved.

> Some argue that killing the murderer will bring closure to the families of homicide victims. Others argue that only forgiveness will bring closure. And, significantly, many families of murder victims argue that there is no such thing as closure and therefore disdain the word (p. 383).

Nevertheless, the literature illustrates the popular belief that when the offender is executed, it is often publicized as bringing closure to the surviving family members of the victim. This was evidenced by a survey cited by Zimring

(2003), which found that sixty percent of surviving victims "agreed either strongly or somewhat" that capital punishment brought closure to homicide families.

This argument has some possible merit, as Gross & Matheson (2003) found that closure was the most common factor among over one-third of the survivors in their statements to the media after offenders were executed. For Governor George Ryan of Illinois, who met with victims' families before commuting the sentences of all death row inmates, "they talked about closure. They pleaded with me to allow the state to kill an inmate in its name to provide the families with closure" (Governor George Ryan 2003, p. 68).

As discussed previously, many of the participants in this study were also able to find some sense of peace or closure primarily through their faith in God and religious beliefs.

> Sean: We've come to *peace* with it… The *Lord* takes over anyway you go.

> Jim: Perhaps this [execution] was *God's* way of saving [our son's] soul. Ann: I agree.

> Leslie: So, I think that that's part of it; if you don't *forgive*, then you're always full of hate.

There was also congruency in regards to the aforementioned studies in Chapter Two. Not only did peace and closure emerge in many of studies, but a faith in God and religious beliefs surfaced as well. For example, Armour (2002) conveys that some of the surviving victims attempted to search for some moral

meaning through God to attempt to gain a sense of understanding. This was also a salient factor for Alarcão et al. (2008) who found that spirituality enabled surviving victims to cope with their tragedy as well as assisting them in showing compassion for the offender's mothers. In addition, Parappully (2002) also found that spirituality, faith in God, and religious beliefs were essential to all of the participants in helping them "transform their trauma and experience growth" (p. 19) and making sense of the tragedy.

Ultimately, a faith in God and religious beliefs were relevant factors in finding peace or closure, not only in this particular study, but with the aforementioned studies in Chapter Two. The use of faith in terms of helping some of the participants perhaps find peace or closure is consistent within the literature as well. For example, Asaro (2001) found that some survivors of homicide reported their faith in God was strengthened after losing a family member and this faith helped them to cope with their loss. This finding parallels Dijk (2008) whose study also found how a victim's faith assists in the forgiving process. This faith focuses around Jesus at the time of his crucifixion when he stated to his tormentors: "Forgive them, Lord, because they do not know what they do." According to Christian belief, a victim "carries his suffering gracefully and offers his attackers unconditional forgiveness" (p. 20). Some surviving victims forgive simply because Christ first forgave us and are able to let their anger go (Cook 2002).

Though a faith in God and religious beliefs have been able to assist many participants find some sense of peace, closure, and forgiveness, some of the other participants in this study were not able to do so.

Herman: I haven't made peace with it yet, because he was my brother and I miss him.

Max: So, I don't know if anybody has come to peace with it; you know, I think we can all live with what happened now.

As this thematic category has illustrated, faith in God and religious beliefs assist many in coping with the tragic events that have rendered them a surviving victim. The researcher believes that this thematic category may perhaps be the single most important category to illustrate the surviving victims' growth from tragedy. This is in part due to the participants providing an emic point of view – that is, from a cultural anthropologist perspective, to consciously look *inside* themselves to determine how this tragic event has really affected them and how they have grown from it. Faith proved to be a powerful factor in finding some sense of peace and/or closure for the majority of the participants in this study. This consensus would not be the case, however, in terms of the final thematic category.

Impact of the Southern Region and Oklahoma.

Some of the participants in this study, by reliving their experiences, believed that residing in the South, especially in Oklahoma, significantly influences the direction of criminal justice policy and punishment.

Sean: Um, you know this is Oklahoma. We really do a lot of sentences to death, you know.

> Jim: …we [Oklahoma] are part of the Bible Belt. And the South is heavy on punishment and support of the death penalty…We're the culture of death.
>
> Max: Oklahoma does have the harsh or harshest penalties, you know, when it comes to all sorts of crimes in this state.

Though this southern affect never emerged among any of the participants in the studies in Chapter Two, geography as a factor for sentencing and punishing defendants has been discussed throughout the literature. For example, Lofquist's (2002) study, by observing the frequency of defendants being executed, found that there was a correlation between executions and geography. Southern states were more active in executing when compared to non-Southern states. The conclusion was that "the past practice of organized violence, both in the form of slavery and executions, is a strong predictor of present death penalty intensity" (p. 1548-49).

The culture of slavery in the south, whether before or after the Civil War, was also a salient factor for Zimring (2003) in determining that there continued to be stark regional divides regarding the death penalty, which resulted in high rates of executions occurring only in states with a history of lynching (Tolnay and Beck 1995), vigilante values, and justice. In addition, Steiker and Steiker (2006) also posited southern culture as an explanation for the "executing states confined almost exclusively to the South and its borders" (p. 1871). This could explain the 'execution gap' between the Southern Bible Belt (or "death belt") states and the Northeast and Midwest.

This gap is still prevalent as illustrated in the most recent "Fact Sheet" provided by the Death Penalty Information Center (DPIC). On April 1, 2011, roughly eighty two percent of the total executions (1,242) post-*Furman* have taken place in the South, while the Northeast, Midwest, and West account for only eighteen percent. Texas leads the nation with 466 total executions while Virginia ranks second with a total of 108 and Oklahoma comes in third with a total of 96. There is no getting around the fact that southern geography is an essential factor to be considered relative to executions in the U.S.

Summation of the Findings

The overall findings are significant and deserve a brief summation. Though the thematic categories of *finding peace or closure* and the *impact of the southern region and Oklahoma* were important, none were more significant than the *validity of the criminal justice system*. This thematic category alone led all of the participants, except for Leslie, to vehemently oppose the death penalty in some fashion. This analysis is significant for two reasons. First, it contradicts the general assumption that those who are survivors of the victim are more likely to support the execution of the offender. Second, the analysis conflicts when juxtaposed against public opinion polls concerning the death penalty which have historically demonstrated popular support from a majority of Americans.

Perhaps the reason there is a contradiction of viewpoints from those who are close to the homicide phenomenon and/or the death penalty is that they continue to be an invisible and neglected population whose voices never reach the public arena – the very arena comprised of voters who have the power to

influence legislation and court cases concerning the death penalty through public opinion polls. This poses harm and threatens the essence of a democratic state.

Implications for Criminal Justice Policy

If it is vital for a democratic state to look upon its citizenry to make informed decisions, how can we expect them to educate themselves when the research and information is fundamentally lacking and questioned? This is extremely harmful to a democratic state that relies upon public opinion in order to formulate, adopt, and implement public policy. If surviving victims' views continue to be unheard, they will never become a part of the public discourse which influences public opinion polls, which then influence policy. And if that is the case, then perhaps the tools that measure public opinion are not truly reflective of consciousness and informed opinion and, more importantly, are not able to adequately capture holistic perspectives (Applegate 2000) that educate the citizenry. These limitations may pose an even greater harm to a democratic state which relies on these public opinion polls to evaluate the validity of the death penalty.

Public Opinion Polls Fuel Support for the Death Penalty

Despite criticisms from death penalty abolitionists, researchers, scholars, and the literature consistently documenting the implications of racial discrimination (Bohm 2008; Bohm 2007; Unnever & Cullen 2007; Soss et al. 2003; Barkan & Cohn (1994); Bedau 1990; Young 1985; Baldus 1983); inadequate defense for the indigent (Stevenson 2004; Liebman 2000; Bright 1994); and wrongful convictions (Borchard 1932; Radelet & Bedau 1987; Gross

1998), the death penalty continues to be supported by a majority of citizens (roughly sixty six percent since 2000) as reflected through public opinion polls. In addition, as of April 2011, the death penalty is supported and carried out by a majority (thirty-four in all) of the states.[1]

This overwhelming public support, despite the findings evident in the literature, strongly infers a lack of informed knowledge about surviving victims' experiences, as well as the potential of reporting bias. This problem results in important information failing to be transmitted, which is exacerbated by these survivors being an invisible and neglected population. As a result, it is likely that uninformed opinions are permeating throughout society and misleading the citizenry. This is extremely detrimental to a democratic state which relies upon its informed citizenry to adopt and implement public policies.

A significant and contributing factor used to support and influence crime and justice policies, particularly the death penalty in the U.S., is the publics' attitudes or consciousness as reflected through public opinion polls. For example, Pritchard et al. (1987) found that prosecutors' perceptions of public and press opinions were influential in their decisions on whether or not to prosecute pornography. For Pritchard, these findings support the conclusion that criminal justice officials tend to respond to both tangible media content and, more importantly, public opinion in determining their course of action in regards to criminal justice policy. There is little doubt that public opinion polls on crime

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1. However, it is important to note that roughly five states in all (Texas, Virginia, Oklahoma, Florida, and Missouri) have carried out the majority of total executions since 1976. The majority of the remaining twenty-nine states have not executed a defendant in decades.

and justice issues are influential among political leaders in adopting and implementing policies (Flanagan & Longmire 1996). The harm, however, as Justice Thurgood Marshall would argue, is that death penalty public opinion polls are not truly reflective of informed opinion or consciousness which creates a culture of miseducation. There are various reasons to explain how these public opinion polls have become an educational agent misinforming future generations.

Public Opinion Polls as a Liability

The ethical dilemma and failure of future generations or educational agents to transmit the cultural knowledge from surviving victims is that perhaps citizens are not in possession of credible and reliable information which permits informed decision-making. This can first be illustrated through public opinion polls and the questions employed.

Public Opinion Polls: Single-Item Questions

The single-item questions (e.g. "Are you in favor of the death penalty for a person convicted of murder?" or "Do you oppose or favor the death penalty?" or "Do you believe the death penalty is applied fairly?") used in Gallup death penalty polls dating from 1936 convey the fervor of the majority's belief that those convicted of murder should be executed. Given these results, state legislators who continue to support death penalty statutes and the Justices who continue to interpret the constitutionality of the Eighth Amendment appear to be on solid ground in assuming popular support for the death penalty. Pollsters have even gone so far as to declare that such public opinion polls reveal "deep-

seated pro-death penalty attitudes" and "continuing strong support for the death penalty" (The Field Institute 1990).[2]

Alternatives, Additional Choices, and Life Without Parole (LWOP)

Death penalty public opinion polls (Gallup Press Release 2000; Gallup 2001; Peter D. Hart Research Associates 2001; Gallup Poll News Service 2004; Quinnipiac University Polling Institute 2004) stretching as far back as 2000 have illustrated that while a majority of Americans favor the death penalty, when respondents were presented or given an alternative of life without parole (LWOP), the percentage of Americans favoring the death penalty dropped significantly. In some cases support dropped as much as fourteen percent (e.g. Gallup Press Release 2000), while support for LWOP has increased from forty six percent in the early 2000s to sixty one percent choosing an alternative to the death penalty (Lake Researcher Partners in November of 2010).[3]

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2. For Ellsworth and Gross (1994), however, such conclusions as discerned through the use of single-item questions may overstate the actual levels of the public's support by not providing enough information or choices. And perhaps even more salient is that this lack of information or choice, through single-item questions employed in public opinion polls, has created a "state of pluralistic ignorance" (as posited by McGarrell & Sandys 1996), misinterpretations, and misperceptions which, in turn, have contaminated the very public opinion polls which criminologists and policymakers rely on in order to design crime control policies and programs (Flanagan & Longmire 1996) as well as to justify the death penalty. However, when respondents are provided additional information, alternatives, or choices, something interesting occurs with respect to the represented data.

3. McGarrell and Sandys (1996) posited that the shift may be due to state legislators who are often misinformed about public opinion, because the evaluations of public support for capital punishment, for example, may be inaccurate. Rather than give respondents an alternative to capital punishment, lawmakers are typically asked simply if they would 'favor' the death penalty or not. The most important research that questions the assumed public support for capital punishment comes from those surveys that not only ask respondents whether they generally favor the death penalty, but also whether they would favor an alternative for life without parole (LWOP). The researchers found that respondents "voiced strong" support for the death penalty when generally asked whether they favored or opposed the death penalty for those convicted of first-degree murder. Conversely, when they were given an alternative of LWOP, support for the death penalty declined considerably. In addition, a shift in support was even more dramatic when LWOP was coupled with a restitution requirement (LWOP + work). When provided this alternative, 62 percent preferred it over a sentence of death.

Bowers et al. (1994) solidified the argument by providing evidence that the "prevailing wisdom" of the "strong," "deep-seated" public support for the death penalty was "mistaken and that the polls have been misinterpreted" (p. 79). The salient issue for the researchers dealt with the limitations of standard polling questions (SPQ's) which asked respondents whether or not they favored the death penalty (e.g. "For" or "Against" or "No opinion"), and not whether they thought it was the best or most appropriate form of punishment for those convicted of murder. Thus, SPQ's reflected only "acceptance" and did not indicate "preference" for the death penalty over alternative punishments. Death penalty attitudes are too complex to deduce from a single-item question. When given an alternative, however, respondents consistently chose the non-death-penalty alternative of a lengthy imprisonment and restitution to the victims' families. Ultimately, for the researchers, the implication was that:

> If voters and legislators had more accurate perceptions of one another's actual punishment preferences, there would be less legislative support for the death penalty (p. 142).

As a result, pollsters and politicians have mistaken the public's support or acceptance of the death penalty as a preference and have missed the indications that the public would actually prefer an alternative when given the choice.[4]

Unnever and Cullen (2006a); Unnever et al. (2006b); and Applegate (2000) further expanded on the misinterpretations of public opinion polls by

4. Cullen et al. (2000) also found that support for capital punishment declines markedly when respondents are given an alternative option or choice of LWOP. When given this alternative, support for LWOP significantly increased (61 percent versus 32 percent respectively). Therefore, by not affording respondents an alternative or additional information in order to come to a firm conclusion or choice, data collected for purposes of public opinion polls may have recorded responses or consciousness that may have lacked true meaning.

positing that studies which looked at religion and support for the death penalty were "misspecified" because they had not fully explored the relationship between being a Christian fundamentalist and supporting the death penalty nor had the studies included additional measures of forgiveness and compassion – two factors that were positively associated with religious salience which, in turn, negatively predicted support for capital punishment.[5]

All of the aforementioned findings provide specific, credible evidence of Justice Marshall's hypothesis that "in the light of all information presently available," a respondent's consciousness or informed opinion may be inaccurately reflected, not holistically captured, and may be misperceived or misinterpreted. This is significant because it highlights the fact that the manner in which citizens are polled discourages the type of cultural knowledge that this dissertation deems critical to the accurate dispense of justice. Therefore, the one critical element that must change for this study's findings to become relevant is for respondents to be provided an opportunity to express themselves, holistically, in all questions used to gauge public opinion. Failure to capture these holistic perspectives forces the uninformed citizenry and policymakers to formulate their decisions based solely on pure descriptive data.

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5. Though Christian fundamentalists who had a harsher image of God (i.e. as a hierarchical punitive God), were more likely to support capital punishment, their intense religious practices over time focusing on forgiveness, compassion, and rehabilitation (Applegate 2000) coupled with a close relationship with a loving, forgiving, and merciful God (Unnever 2006b) swayed their beliefs which lessened their overall support. The researchers' findings illustrate that criminologists have failed to consider religion *holistically*; simply divided respondents into very broad categories of affiliation (Applegate 2000); and have not included additional measures, all of which has the effect of conveying misinterpreted, misinformed, or "misspecified" information through public opinion polls, which they then may pass on to policymakers.

Descriptive Statistics Difficult to Deduce Informed Opinion, Consciousness, or Meaning.

Despite a history of wrongful convictions, inadequate defense, arbitrariness, and race as a factor of sentencing, the majority of states continue to carry out the death penalty, and the majority of citizens, as reflected through public opinion polls, continue to support capital punishment. But, are the polls truly reflective of the people's informed opinions or, as posited by Unnever (2006a; 2006b); Applegate (2000); Cullen et al. (2000); McGarrell and Sandys (1996) and Bowers et al. (1994), are the polls simply recording and presenting responses that are absent of alternatives or holistic perspectives or consciousness – that is, consciousness that is not truly informed and absent of true meaning.

By limiting a respondent's capacity to make an informed decision or by not providing enough information, some public opinion polls are in many ways limiting the holistic scope of information that is conveyed to the media, citizens, policymakers, etc. More importantly, descriptive public opinion polls cannot explain to its observers *why* respondents feel the way that they do in regards to the death penalty. Though the hard sciences have been assumed to answer all questions, they cannot, however, answer all questions, especially theoretical ones. For Voegelin (1952):

> This assumption subordinates theoretical relevance to method and thereby perverts the meaning of science. Science is a search for truth concerning the nature of various realms of being. Relevant in science is whatever contributes to the success of this search (p. 4).

There is meaningful consciousness that cannot be deduced from descriptive public opinion poll data. There are some necessary essentails that simply cannot be quantified. You cannot "mathematize" (Voegelin 1952, p. 4) the soul of a human being.

The limitations surrounding public opinion polls, as the aforementioned literature illustrates, stems largely from the fact that current polls are fundamentally incapable of measuring consciousness from a holistic perspective. What are needed in order to provide some legitimacy to the polls are better instruments that look holistically at a phenomenon and are able to capture and present contextual analysis in order to accurately inform the citizenry.

Conclusion

This study was conducted to describe and enrich the meaning of the lived experiences of those who have been affected by homicide and/or the death penalty in some capacity – whether as a survivor of the victim or a survivor of the accused. The purpose of capturing, interpreting, and describing the experiences was to create cultural knowledge – that is, knowledge from the surviving victims who have often been an invisible and neglected population in regards to the public discourse surrounding criminal justice policy. The cultural knowledge produced, then, provides an insight into the collective growth from the surviving victims' tragedies, which also illuminates possible implications for criminal justice policy. The result was the creation of a holistic perspective.

It is the desire of the researcher that the cultural knowledge produced will be transmitted to future generations and educational agencies in order to

educate the citizenry, as an informed citizenry is essential in terms of fulfilling the normative ideals of a democratic state. In the words of John Dewey (1916) "a [democratic] government resting upon popular suffrage cannot be successful unless those who elect and who obey their governors are educated" (p. 73). Education is the key; the most important argument posed by the Fowlers. Their major goal is to educate as many people who will listen to them in terms of their experiences with the death penalty.

> Jim: So that's why we try to put these facts out there to people, you know. You know, if one in eight, one in eight convictions is flawed, in another words, if you get eight people tried for murder, one of those guys is innocent, I mean convicted. Eight convictions, one of those eight you made is a mistake.

The researcher hopes that this phenomenological study, which has produced a holistic view in terms of the participant's lived experiences, may garner attention not only from the academic, but the political community as well. The researcher, acting as an educational agent, will continue to inform his students of the arguments surrounding capital punishment through classroom practices, panel discussions, forums, etc. This ensures that the acquired knowledge will lead to accurate and informed policy responses, as a well-informed citizenry is essential to the "vigor of government" preserving liberty, as posited by Alexander Hamilton in *Federalist #1* (1787).

In addition, being that phenomenological studies are scarce in terms of homicide and the death penalty, it is also a goal that this study provides an educative pedagogy in terms of researching the lived experiences of surviving

victims for future research. Furthermore, just as van Manen's (1990) orientation is pedagogic in nature in an attempt to be relevant "to researchers in nursing, psychology, and other professions" (p. 1), it is also the researcher's intention that his work provides a pedagogy for the other target groups such as pollsters, citizens, policymakers, counselors, etc. briefly discussed in this study. For example, pollsters may realize that perhaps the public opinion polls that are being administered and presented may not be accurately capturing holistic perspectives. Citizens, in analyzing the surviving victims' growth from tragedy, may realize that they have a civic duty to make informed decisions as a means to fulfilling the normative ideals of classic democratic theory. Policymakers may perhaps realize that they may be misled by public opinion polls and can no longer ignore the perspectives of surviving victims. Counselors may realize that there is perhaps a unique population of victims that require special needs in order for them to grow and deal with their tragedy.

In all of these cases, the target groups, in dealing with surviving victims either directly or indirectly, now have the background information, tools, and resources (in the form of this particular study) in order to make better decisions for the roles in which they occupy in society. This is truly what an educational studies dissertation should offer.

Lastly, it is important to note that the dual role of the researcher – that is, as an educational agent *and* surviving victim, perhaps makes this study unique and unlike any other education study ever conducted. And, if that is the case, perhaps its contribution may dramatically alter and affect the direction of research in the field of educational studies.

CHAPTER SIX

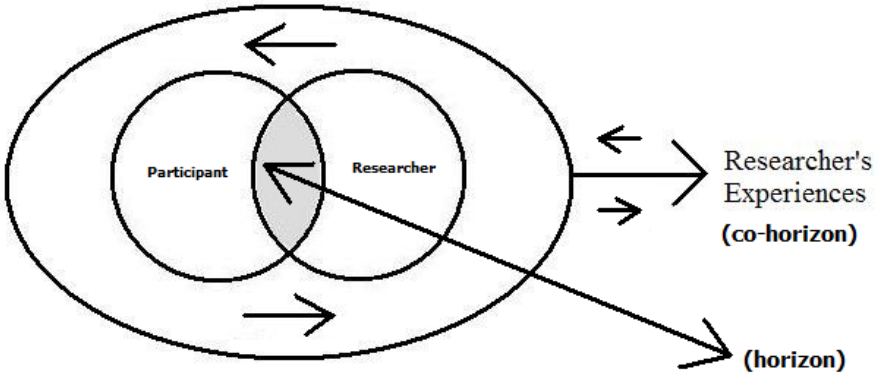
REFLEXIVITY CHAPTER: THE RESEARCHER'S NARRATIVE

Phenomenological human science attempts to construct a *full* interpretive description of meanings to a certain degree of depth and richness, as van Manen (1990) described. To accomplish this, the researcher must keep the meaning of the phenomenon open, perhaps even after the interviews have concluded, in order to add to the holistic view in terms of the study's overall findings in the previous chapter. Therefore, in order to determine deeper meanings or perhaps discover new meanings from the participant's narratives, the researcher fused his own lived experiences of having lost a family member to homicide with the participants' experiences and concluded this writing in first person. This "fusion of horizons" approach provides a co-horizon of new interpretation, also permitting reflection and "reflexivity" (Gadamer 1960; Graber and Mitcham 2004), which are vital in order to uncover as much meaning as possible (van Manen 1990), enabling additional research.

Fusion of Horizons and Reflexivity

Gadamerian (1960) phenomenology emphasizes the importance of the fusion and movement back and forth between the parts and the whole. The parts in this study were the participants' lived experiences and the whole was the researcher's interpretation of the parts through a circularity movement of understanding. Therefore, when combination of the parts and whole is achieved, creation of a horizon occurs, in a Gadamerian sense. This concept of the hermeneutic circle proceeds a step further when the researcher reflects back and forth, allowing for a continuous self-critique and analysis of explanation of how

the researcher's own experiences influenced the stages of the research process, thereby creating a co-horizon of "reflexivity." As stated in Chapter Three, the hermeneutic process becomes a dialogical method whereby the horizon of the interpreter and the horizon of the participants (or phenomenon) are "merged with each other" to gain an even better understanding (Graber and Mitcham 2004).



Utilizing Gadamer's (1960) and Graber and Mitcham's (2004) work, the researcher will present a more holistic view which moves beyond the biased perspectives of the participants by including the researcher's experiences and interpretations, fusing them with interpretations of the surviving victims' experiences. For the researcher to go beyond the participants' biases is in no way discrediting or rejecting their experiences or perspectives. This approach attempts to enhance the perspectives of the surviving victims by offering a different insight in order to attract the attention of those who have simply ignored and neglected these voices, perhaps due to their personal bias, as Chapter Five revealed. It is also important to note, as discussed in Chapter Three, that the researcher's interpretations are not absolute. The intent of the

effort is to not distort, but to attempt to enhance the narratives and their usefulness. In order to present this holistic view, it is imperative that the researcher provide some background to his own experiences as a surviving victim.

The Researcher's Narrative

The Setting

It was in July of 1999 that I worked for a sports memorabilia store for a few months. I was about to turn twenty-eight years-old within a few days, had a seven year-old daughter I was taking care of, and was on the last few weeks of a ten-year sabbatical from college. I would soon begin taking classes in the fall at Oklahoma City Community College in Oklahoma City, Oklahoma, where ironically, I would later become a Professor of Political Science and the Chair of the department.

The Phone Call

I was working a shift at the sports memorabilia store when I received a phone call from my father. He asked me what I was doing and I told him that I was working. I could tell something was wrong due to the sound and quivering of his voice. This was odd as my father rarely displayed any emotions. I asked what was wrong and have never forgotten his words: "your uncle…Chris was murdered last night." I could not believe what I was hearing because I had just visited with my uncle two days earlier. I was totally in shock and remembered asking how this happened. I remember walking over to the store's front door, locking it, and walking back into the storage room where I cried uncontrollably for what felt like hours. During this time I reflected on my relationship with my

uncle. He was not simply my uncle; he was the older brother that I had always wanted. We were only six years apart and grew up together, as my grandparents (his parents) took care of my sister and me while both of my parents were working multiple jobs and were gone most of the time. So, he was my brother and his murder affected me tremendously.

The Tragic Event

My father told me that my uncle went to a convenience store with some friends the other night and got into an altercation with a neighborhood gang member who was in the store purchasing items. The altercation escalated to a point in which the cashier told both of them to exit the store or he was going to call the police. When my uncle exited the store, he was shot in the neck by the gang member who had exited before him, falling to the ground where he would eventually bleed to death. If this story sounds familiar, it is because my uncle who was murdered that evening was also the brother that Herman, my participant, discussed in Chapter Four. Yes, participant Herman Smith is my father. This tragic event would follow me and influence my future studies.

Graduate Studies

After receiving my Associate's degree from Oklahoma City Community College, I transferred to the University of Central Oklahoma in the fall of 2001, where I would complete my Bachelor's degree. During my undergraduate studies, I began to focus on public policy, especially the death penalty. I had always been an advocate for the death penalty, even prior to my uncle's murder, but his death only reinforced those beliefs. Thus, I wrote research papers highlighting my support for the death penalty. Reflecting back, I was obviously

still suffering greatly from the loss of my uncle to a senseless and heinous act.

A year or so passed and I found myself working on my Master's thesis. The topic of the thesis would be, of course, the death penalty. The feelings which I had for my uncle were still present – so much so that I dedicated my thesis to him:

> And to my late uncle, Christopher Fitzgerald James, may he rest in peace knowing that I have brought something positive out of a tragic event.

However, if I wanted to construct a thesis which would be taken as credible and scholarly, I knew that I had to set aside – or, "bracket" if you will, my own presuppositions and biases. I would need to approach the study objectively, and that is exactly what I did. The entire research process would take approximately two years. The research involved looking specifically at the issues of cost, deterrence, and race. My findings were quite interesting, especially being a proponent of the death penalty at that time. As for cost, I found that in most cases, it was two to three times more expensive to execute someone on death row as opposed to housing them for forty to fifty years in a maximum-security prison. Thus, the death penalty was not cost-effective (Garey 1985; Horgan 1990; Keve 1992; Kozinski & Gallagher 1995; Ross 1994; Ross 1995). As for deterrence, I found that deterrence was not really a factor (Bowers & Pierce 1980; Decker & Kohfeld 1990; Reinman 1990; Bailey & Peterson 1994; Cochran et al. 1994; Sorenson et al. 1999). For example, many states that have the death penalty also have the highest murder rates. If the death penalty was

really an effective deterrent, as some argued, it should reflect the opposite in terms of murder rates.

Last, and perhaps the most significant factor, at least for me at the time, was race. Race not only illuminated the social factors inherent within the criminal justice system (i.e. systematic bias, racism, inadequate defense, etc.), but also the procedural problems (Wolfgang & Riedel 1975; Zeisel 1981; Sorenson & Marquart 1990; Smolowe & Beaty 1991; Monagle 1992; Costanzo 1997; Tabak 1999; Nelson & Foster 2001) which dealt with wrongful conviction potentially leading to the execution of innocent people. This factor alone is what really changed my outlook on the death penalty. In the end, I realized that I supported the death penalty in principle, but could not support it in practice due to the inherent flaws and errors which existed within the system. These flaws could lead, and may have possibly led, to the execution of innocent people. However, if I knew unequivocally that someone was guilty of taking the life of an innocent person, I was in favor of that person being executed. For example, cases of mass murderers and serial killers such as Richard Ramirez, Ted Bundy, John Wayne Gacy, Jeffrey Dahmer, and Timothy McVeigh provide excellent examples. This new outlook on the death penalty was entirely due to the impact of education. If it was not for my self education through research and self-study, I would have remained, in the Socrates sense, a cave-dweller trapped within the cave bound by the chains of ignorance. Though this process was instrumental in changing my views towards the death penalty, I cannot fully argue that it would have the same effect on others, as different people analyze, interpret, and process things very differently.

Reflexivity Discussion Based on Co-Horizons

The Parts

I had great empathy for all of the participants of this study, due to my inclusion as a surviving victim. Thus, my own experiences ultimately had some final influence in regards to the research process, but not in the manner of influencing or leading the participants in any one direction regarding how they felt about the criminal justice system and/or the death penalty. The following section describes my thoughts during the interview; or when I revisited the notes, writings, and audiotapes; or in analyzing after thoughts. This process, according to van Manen (1990), is salient in that the phenomenological researcher must perform a series of "re-thinking, re-flecting, and re-cognizing," because this back and forth movement between the parts and the whole should provide even more, and perhaps new, meaning in order for the author to arrive at a finely crafted piece of art (p. 131) – or, body of cultural knowledge.

Herman

For example, when Herman discussed the racial motives in regards to the criminal justice system, I wondered if there may have been a specific event that led him to believe that whites had an agenda, per se. Though my research had also come across some examples of blatant racism in the courts as recently as the 1980s, Herman spoke as if it may be more prevalent than it was some forty or fifty years ago. After further reflection, I recall an event that Herman spoke of which could explain why he feels the way he does about racism in the system.

Herman was eight years-old and riding with his grandmother on a Greyhound bus through Virginia in 1956. He peered out of the window and saw

a black man hanging from a tree, an apparent victim of a lynching. Herman has never forgotten about what he saw and it still "haunts" him to this day. Therefore, the culture which he shares today with white people may perhaps be no different than it was some fifty years ago. And perhaps Herman is correct, being that racism may still be a factor in the criminal justice system.

For example, in Florida in 1980, Anthony Ray Peek, an African American, was wrongly convicted and sentenced to death after a white trial judge improperly admitted evidence and expedited the penalty phase proceedings by stating from the bench, "Since the nigger mom and dad are here anyway why don't we go ahead and do the penalty phase today instead of having to subpoena them back at the cost of the state" (Bedau & Cassell 2004, p. 87). In Alabama in 1982, Samuel Ivery, an African American, was tried by a nearly all-white jury that was told by the prosecutor that the defendant's lifelong history of mental illness, which included a prior commitment to a state mental hospital, was nothing more than "niggeritous" – an effort to fake mental illness to avoid criminal prosecution and punishment. Furthermore, the Court of Criminal Appeals found no error in the prosecutor's comments. The appeals court stated:

> The regrettable fact that the prosecutor couched this statement in racially offensive language does *not*...so infect the trial with unfairness as to make the resulting conviction a denial of due process. Thus, we find no plain error in the prosecutor's comments during the closing arguments (p. 89).

The Death Penalty Information Center (DPIC) reports that Texas leads the country in the total number of executions with 464, which accounts for roughly forty percent of the total executions (i.e. 1,238) post-F*urman*, and it has yet to execute a white person for killing a black (NAACP 2010). In addition, blacks continue to be executed at a rate which is disproportionate to their population (i.e. 35 percent versus 13 percent respectively). And when dealing with the actual victim's race, defendants charged with killing white victims were 4.3 times as likely to receive a death sentence as defendants charged with killing blacks (Baldus 1983). The study concluded that black defendants who kill white victims have the greatest likelihood of receiving the death penalty; a finding also discussed by Bohm (2008). This may explain why my uncle's murderer was not sentenced to death and has since been released from prison.

Sean

When Sean spoke of his frustration and anger due to the offender only receiving a ten-year sentence, I could not help but empathize *and* sympathize with him, because not only had I lost my uncle, but Sean's cousin was like family to me as well. The three of us had grown up together, sharing the same clothes, shoes, car and, at times, parents who had taken the time to raise each of us as their own. Thus I was surprised to find out how Sean felt about the death penalty.

He believed that it was more of a punishment to spend the remainder of your life in prison as opposed to being executed. When going back and looking at that specific transcription, I could not help but to think that he was definitely more forgiving than I, but that had not always been the case. I recalled when he

and I were at his cousin's funeral and spoke of retaliation, but that was some twenty years ago, "thinking like 'knuckle-heads' back then," as Sean had stated during the interview. Retribution, for Sean, was not a significant factor as one would have assumed. But it is also important to note that the length of time which had passed contributed to this factor. This makes perfect sense, as I had stated previously that we are never what we used to be in time.

Max

When Max stated that the life sentence which his sixty year-old great uncle received was "essentially a death penalty," it really took me aback. Sixteen years later, the great uncle, now in his late seventies, had fallen so ill that he had to be taken to the hospital, shackled and escorted by two armed guards, who would eventually stand watch outside the door. The hospital bed in which the great uncle would lay would be his death bed. So, for Max and his family, the life sentence was literally a death sentence. It was not until I began to review the transcripts and my notes, when I thought about what Max and his family were implying; it was never actually said, but what they were implying was the cruel and unusual punishment doctrine.

The cruel and unusual punishment doctrine has been articulated by the U.S. Supreme Court to declare the death penalty unconstitutional in several landmark cases. In *Furman v. Georgia* (1972), the court held that the arbitrary nature with which death sentences were imposed were unconstitutional. F*ord v. Wainwright* (1986) held that the execution of a defendant who is convicted and sentenced to death but is insane at the time of execution is unconstitutional. *Atkins v. Virginia* (2002) held that the execution of the mentally challenged was

unconstitutional. *Roper v. Simmons* (2005) held it unconstitutional to impose capital punishment for crimes committed while under the age of eighteen. The argument which was successfully made was that minors should be excluded from execution "resting in large part on the understanding that the instability and emotional imbalance of young people may often be a factor in the crime" (Justice Kennedy 2005). Thus, it is also plausible to argue the same for the elderly receiving life sentences. I am not certain if the great uncle's mental capacity had been raised during the trial, because Max never discussed the issue during the interview, but I do believe it is worth mentioning.

Leslie

Leslie's interview and story was by far the most interesting. Not only was she a surviving victim, in that she lost both of her parents to homicide, but she was also an actual victim, since she was brutally raped and shot twice that tragic evening. This, in essence, makes Leslie a victim-victim. This had not dawned on me until I began transposing her experience to the existential lifeworlds. It was literally an awakening moment for me. Because surviving victims, alone, are a neglected and invisible population, I can only imagine how little research exists on cases like Leslie's. It would be extremely difficult to label individuals who have endured what Leslie has gone through to even begin searching for the literature. A simple "victim-victim" search on Google Scholar returned no results.

Something that surprised me during the beginning of the interview was that Leslie initially began to discuss how the event affected her, unlike the other participants who immediately reflected back to the actual event, in great detail,

that made them a surviving victim. Conversely, Leslie barely discussed that evening, and when she did, it was to describe how she was the one who actually untied everyone. I went for days going back and forth attempting to understand why Leslie had taken a different approach to the initial interview question as opposed to the other participants. Then one evening as my wife and I were watching the two-hour *Dateline* episode which featured Leslie's story, it occurred to me. During one scene, Leslie discussed how the ordeal of her having to testify and "retell her story" repeatedly over the course of 16 years had taken an emotional toll on her. After she stated that, I remember leaping from the couch, running into my home office, and throwing stacks of papers everywhere searching for her transcribed interview. I had remembered that during the interview, Leslie had stated something to the effect that she had been disappointed in the system in that it:

> took so many years; it took seventeen years before they executed [the non-trigger man, Hatch] and [the trigger-man, Ake] is not on death row anymore.

That was the answer to my question. I believe the reasons why Leslie did not initially go into this story while reliving her experiences with me during the interview was either she assumed that I had already known of the tragic event in its detail, or that she had told her story so many times that she was simply emotionally drained. And who could blame her? She was raped, shot twice, watched her brother get shot, and watched as both of her parents were shot and killed. Why would she want to go back and revisit that evening? Who would want to relive that experience again, especially for a doctoral candidate whom

she had never met prior? So, if I had to choose why Leslie did not discuss the event in detail like so many of the other participants, it would be because she is still dealing with that tragic event. I firmly believe this was due to what Leslie said to me during the interview.

> What's so different about me…It's not like we had any kind of counseling because we didn't. Neither one of us…well I think he [brother] did as he got older, probably in his thirties, but I never did.

What is so different about Leslie is that she is what I have termed a victim-victim. There are not many individuals who have experienced what Leslie has had to endure. And more importantly, if surviving victims alone are often neglected in research and practice, which poses a consequence in terms of mental health professionals not being equipped to provide the adequate assistance to this fragile group (Berman et al. 1996; Thompson et al. 1998; Armour 2002; Armour 2003), then how can we expect individuals like Leslie, who are a considered a victim-victim, who have endured more than a surviving victim, to receive adequate assistance or counseling? I would argue that Leslie and others like her are far more disadvantaged than those who were not directly a victim.

Jim and Ann

Jim and Ann's story was very interesting as well. I say the Fowlers story is interesting because, like Leslie, they too are a special population. Not only did they lose a family member to rape and murder, but they also lost their son to execution. This, I would consider, makes them double-surviving victims. I had

made this determination during the actual interview. I recall thinking to myself as Jim relived his experiences, "Wow, this is very sad." I immediately began to reflect how I would react had my daughter been convicted and sentenced to death and a few months later learned that my mother had been raped and murdered.

Another interesting aspect of the Fowlers' reflection was the disconnect they had in regards to their son and punishment. I found this disconnect by moving back and forth between the horizons during and after the interviews. I do not believe that they realize this disconnect. For example, Jim, especially, believed that those who are to be executed die a better death than most of us will experience, in the sense that that person at least has a chance to prepare themselves for death (i.e. ask God for forgiveness, make a last confession, etc.).

> Jim: And that's our argument; if we want to punish somebody for God sakes, keep them alive and let them experience how ugly everyday prison can be.

What was interesting about Jim's criticisms were that he was speaking as if this did not apply to his son. This was the disconnect that had been discovered, because Jim used his son's own experiences (or benefits) to describe his criticisms. These criticisms, however, were not applicable to the Fowler's son, because Jim and Ann both felt that their son should never have been charged and sentenced to death. They truly believed that their son was not guilty.

> Jim: Well Mark assured me that he didn't kill anybody, but he was there when a killing took place. He didn't know that a killing was going to take place. But Oklahoma law is that if you are there, it's

> like you're out in the car waiting, you're just as guilty and therefore you receive the same penalty.

An additional important aspect to discuss was the similarities between the Fowlers and Herman in regards to the problems surrounding the criminal justice system that influenced their positions on the death penalty. Jim was so adamant in his beliefs that during the trial regarding his mother's killer, he requested to speak with the judge in his chamber to indicate that he did not want the defendant to be sentenced to death.

> Jim: I told him [the judge] I wanted the jury to know why Jim Fowler didn't want the death penalty. That I wanted him to get life without parole.

Though it was never really discussed during either interview, whether there were circumstances in which they would support the death penalty, I believe that if we were to have an infallible criminal justice system, perhaps the Fowlers and Herman may be comfortable with the execution of those found guilty of homicide. This belief does stem from my own experiences and stance on the principle versus practical argument for the death penalty.

The Whole

It was obvious to me that regardless of whether the participant was a survivor in terms of the victim or the offender, the validity of the criminal justice system was a concern for all of the participants. This concern led all of the participants, for the most part, to oppose the death penalty, whether in principle or in practice or both. Leslie was really the only participant who was

indifferent, but her opinion represented an evolution from a once adamant pro belief.

What is interesting with the overall analysis is that one would believe or assume that those who had lost a family member to homicide would be more likely to support the death penalty, whether it is based on retribution, vengeance, closure, etc., but that was not the case. This was truly an awakening moment for me. The opposition stances were powerful simply because they countered the common assumption made by most Americans, which are, those who are affected by homicide are more likely to support the death penalty. I also made this common mistake until I investigated all of the issues presented in this dissertation. Education was the tool used to combat this ignorance.

I believe it important to note how the participants, through their collective experiences, had a desire to contribute to society. For example, Sean did not believe in the death penalty and felt that life in prison was far more punitive; Herman, in essence, argued for the elimination of race from justice; the Fowler's activism in speaking out against the death penalty will continue until the public and legislators listen to their story; Max believed it would be just to show mercy on the dying incarcerated; and Leslie continues to contribute to her students in depressed conditions because of her knowledge and experiences.

Conclusion

My own experience of having lost a family member to homicide was the genesis for this study. The goal was to seek out others who had also experienced this tragic event and to listen to their stories regardless of their stances on the

death penalty. We were all a part of the same culture, whether we realized it or not. And for Jim, Ann, Max, and Leslie, they were unaware of the connection that I had with all of them until after they had shared their stories. This was not done on my part to deceive them, but to establish a 'clean slate,' so to speak, in order for them to express freely their stories and viewpoints without feeling obligated or pressured to perhaps argue one way or the other. Nevertheless, their stories will have a lasting effect on my life. I just hope that I have conveyed them in a manner in which the participants would be pleased and which will begin to correct the lack of understanding and inadequacy of the research.

I often wondered by the conclusion of this study whether or not my stance on the death penalty would have changed at all since I first began undertaking the research some ten years ago. So many things within the system have changed since then. More studies have been produced illustrating the advantages and disadvantages of the death penalty. Illinois Governor, George Ryan, declared a moratorium on all executions in 2000. The U.S. Supreme Court has intervened at least twice in *Atkins v. Virginia* (2002) and *Roper v. Simmons* (2005) declaring the death penalty unconstitutional. The Death Penalty Information Center (DPIC) continues to release up-to-date information regarding issues such as arbitrariness, cost, deterrence, race, innocence, etc. Gallup continues to release public opinion polls illustrating support for capital punishment remains steady. Regardless of all of these factors that have emerged, my stance on the death penalty has remained unchanged – I support it in principle, but not in practice. Perhaps this is my growth from tragedy; to remain unchanged despite the many years and events which have passed since

my uncle's murder. This had not dawned on me until it was raised during one of my doctoral meetings that I, too, in fact, have not only grown from my own tragedy, but my story also serves to inform and increase awareness surrounding surviving victims. I spent a significant amount of time focusing on the participants' growth from tragedy that I simply neglected my own. Realizing my own contributions to this study was definitely another awakening moment. Nevertheless, I will continue to educate (without bias) those who are uninformed, and I will continue to speak for those who have been forgotten and neglected, because I believe that I have an obligation to do so. The participants entrusted me with their powerful and tragic stories, the least I can do is use them as an educative tool to inform others.

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Appendix A:

CITI Collaborative Institutional Training Initiative

Human Research Curriculum Completion Report
Printed on 9/9/2010

Learner: Markus Smith
Institution: University of Oklahoma
Social Behavioral Modules:

Stage 2. Refresher Course Passed on 09/09/10 (Ref # 3247414)

Required Modules	Date Completed	Score
Refresher Course 101 Introduction	09/09/10	no quiz
SBR 101 REFRESHER MODULE 1. History and Ethics	09/09/10	5/5 (100%)
SBR 101 REFRESHER MODULE 2. Regulatory Overview	09/09/10	5/5 (100%)
SBR 101 REFRESHER MODULE 3. Fundamental Issues.	09/09/10	5/5 (100%)
SBR 101 REFRESHER MODULE 4. Vulnerable Subjects	09/09/10	4/4 (100%)
SBR 101 REFRESHER MODULE 5. Additional Topics	09/09/10	5/5 (100%)
How to Complete The CITI Refresher Course and Receive the Completion Report	09/09/10	no quiz

For this Completion Report to be valid, the learner listed above must be affiliated with a CITI participating institution. Falsified information and unauthorized use of the CITI course site is unethical, and may be considered scientific misconduct by your institution.

Paul Braunschweiger Ph.D.
Professor, University of Miami
Director Office of Research Education
CITI Course Coordinator

UNIVERSITY OF OKLAHOMA – NORMAN CAMPUS **Institutional Review Board** **Institutional Review Board Application** **For Exempt, Expedited And Full Board Studies**	IRB Office Use only IRB #: _____ Board # Assignment: _____ Review Type: _____ Waiver of Consent:_____ Special Populations: _____

Project Title:	
Application Type:	**__ Initial Application** **__ Resubmission**

Please note that handwritten and/or incomplete forms will be returned to you.

PART I – INVESTIGATOR AND KEY RESEARCH PERSONNEL

Principal Investigator

(Graduate students must have a completed student PI worksheet: Appendix A)

(Undergraduate students cannot serve as Principal Investigator, but may be listed as a Co-Investigator.)

Name:	__Dr. __Mr. __Ms.

Investigator Status __Faculty __Graduate Student __Staff

Email Address:
College/Department:
Campus Address:
Mailing Address
Daytime Phone:

State the research activities which this person will be involved in and has received training for (i.e., consenting, recruiting, data monitoring, administering questionnaires, etc.):

Does this individual have sufficient time to conduct and complete the research?

Faculty Sponsor (if applicable)

Name:	__Dr. __Mr. __Ms.
Investigator Status	__Faculty __Graduate Student __Undergraduate __Staff __Other
Email Address:	
College/Department:	
Campus Address:	
Mailing Address:	
Daytime Phone:	

State the research activities which this person will be involved in and has received training for (i.e., consenting, recruiting, data monitoring, administering questionnaires, etc.):
[ ]

Co-Investigator (if applicable)

Name:	__Dr. __Mr. __Ms.
Investigator Status	__Faculty __Graduate Student __Undergraduate __Staff __Other
Email Address:	
College/Department:	
Campus Address:	
Mailing Address:	
Daytime Phone:	

State the research activities which this person will be involved in and has received training for (i.e., consenting, recruiting, data monitoring, administering questionnaires, etc.):
[ ]

Additional Co-Investigators

Are all investigators and research staff qualified by training and experience for their roles and responsibilities in conducting the research? Yes ____ No ____

Describe the process used to ensure that all persons assisting with the research have been adequately informed about the protocol and their research-related duties and functions.

PART II – FUNDING INFORMATION

Check all of the appropriate boxes for funding sources for this research. Include pending funding source(s).

___Extramural ___OU-NC Research Council ___College ___Department ___Other

P.I. of Grant or Contract:
Sponsor:
Contract/Grant Number: (if available)
Contract/Grant Title:

Please provide one complete copy of the proposal submitted to the sponsor with this application. Please note that submission of your grant application is a regulatory requirement and will be maintained for the record with your application. The IRB will not utilize the grant during the review process other than to confirm that the grant proposal is consistent with the IRB proposal. You must submit all necessary documentation for the application in addition to the copy of the grant.

PART III – EDUCATION AND TRAINING

All key research personnel must complete this section.
(for definition of key personnel, see www.ouhsc.edu\irb-norman\training.asp)

Have all key research personnel completed the required IRB training? ___ Yes ___No

Please provide a copy of your most recent CITI certificate for all research personnel included in this study.

If no, DO NOT submit this application. Your application will not be considered until you have completed the IRB training.

Please note that this IRB training is a mandatory requirement to be done on an annual basis. The refresher course can be taken from year two forward. (www.citiprogram.org\default.asp)

PART IV – ADMINISTRATIVE DATA

1) Proposed end date:

2) If this research will result in a thesis or dissertation, please check the appropriate box. ___Thesis ___Dissertation

3) Study population

Maximum Number of Participants	
Minimum Age ___	Maximum Age ___
Gender: ___Males	___Females
Site of Subject Recruitment:	
Inclusion Criteria:	
Exclusion Criteria (if none, enter "None.")	

4) Recruitment and Enrollment Procedures

5) Will medical clearance or a medical screening be necessary for participants to participate because of tissue or blood sampling, administration of substances such as food or drugs, or physical exercise conditioning? ___Yes ___No

If yes, explain below how clearance will be obtained. If a screening instrument will be used, please attach a copy to the application.

6) Information on Multi-Center Research:

(Multi-Center Research is research that is carried out in collaboration by multiple researchers that are conducting the same protocol. One institution serves as the lead institution. This does not refer to research in which data is collected from multiple sites but is being conducted by one researcher or research group only.)

Is this a multi-center study?___ Yes ___ No

If no, go to question #7.

If Yes, is the PI or this site considered the "lead" or "coordinating" center?___

Yes___

No

If Yes, has the management of information regarding unanticipated problems involving risks to participants or others, interim results, and protocol modifications been addressed?___

Yes

___No

If OUNC is the lead institution, describe the plans for communication among the sites in terms of unanticipated problems involving risks to participants or others, interim results, and protocol modifications.

7) Describe the payment schedule to participants. Include the amount of payment and the proposed method and time of payment. (The entire payment cannot be contingent upon completion of the entire study.)

8) Special Populations – indicate if any of the following groups will be considered in your inclusion criteria for your study (See also Part VIII, #3):

___Children (Under 18 years of age)
___Pregnant Women
___Psychologically Impaired
___Elderly (65 & older)
___Cognitively Impaired
___Prisoners
___Native American Tribes and/or Tribal Organizations

9) Include a description of additional safeguards included in the protocol to protect the rights and welfare of vulnerable populations you listed in question 8 above.

10) Are you using pre-existing data? ___Yes ____No If no, go to question # 10.
Is the data de-identified? ___Yes ___No
Is the data publicly available? ___Yes ___No
("Publicly available" means that the information is accessible to anyone without any fees or authorizations.)

a. Describe your pre-data set, how you will gain access to it, and any confidentiality processes used to protect participant identity.

11) Other Institutional Oversight

If applicable, check the items listed below that apply to this research project:

___ Radiation Safety (i.e., radiation exposure)

___ Institutional Biosafety Committee (i.e., recombinant DNA)

Note: This information will be forwarded to the appropriate University personnel and/or committee(s).

12) Conflict(s) of Interest:

Financial relationship between the Research Team and the Sponsor.

___ Yes ___ No Do you or any key personnel have an economic interest that could affect or appear to affect the design, conduct, or reporting of the research as more specifically described in HRPP SOP 104?

If Yes, you shall complete the Disclosure Form found at http://www.ouhsc.edu/irb-norman/documents/104A-A_Conflict_of_Interest_Disclosure_Form.doc .

13) Non-OU Sites

Name of the Non-OU Site:	a. Does the Non-OU site have an IRB? ___Yes___No **If yes**, Has this Non-OU IRB site approved the study? ___Yes___No; ___In progress **If yes**, submit Non-OU Site IRB approval letter.
Contact name, phone number and email address:	b**. If no**, is this Non-OU site IRB requesting the University of Oklahoma IRB to be the relied upon IRB? ___Yes ___No Approval for this arrangement must be granted by the Senior Vice President and Provost. Contact the IRB office for instructions on this process.
	b. If this Non-OU site does not have an IRB, has the site permission/support letter (i.e., tribal approvals, letters of support from schools or agencies) been obtained? ___Yes ___No ___In progress
Name of the Non-OU Site:	Does the Non-OU site have an IRB? ___Yes___No **If yes**, Has this Non-OU IRB site approved the study? ___Yes___No; ___In progress **If yes**, submit Non-OU Site IRB approval letter.
Contact name, phone number and email address:	b**. If no**, is this Non-OU site IRB requesting the University of Oklahoma IRB to be the relied upon IRB? ___Yes ___No

Approval for this arrangement must be granted by the Senior Vice President and Provost. Contact the IRB office for instructions on this process.

b. If this Non-OU site does not have an IRB, has the site permission/support letter (i.e., tribal approvals, letters of support from schools or agencies) been obtained?
___Yes ___No ___In progress

Name of the Non-OU Site:

Contact name, phone number and email address:

Does the Non-OU site have an IRB? ___Yes___No
If yes, Has this Non-OU IRB site approved the study?
___Yes___No; ___In progress
If yes, submit Non-OU Site IRB approval letter.

b**. If no**, is this Non-OU site IRB requesting the University of Oklahoma IRB to be the relied upon IRB? ___Yes ___No
Approval for this arrangement must be granted by the Senior Vice President and Provost. Contact the IRB office for instructions on this process.

b. If this Non-OU site does not have an IRB, has the site permission/support letter (i.e., tribal approvals, letters of support from schools or agencies) been obtained?
___Yes ___No ___In progress

14) List the data collection sites:

15) Describe the facilities/equipment available for this study (for example: address where consent will take place, where follow-up appointments will take place, any laboratory facilities/equipment anticipated, computers, exercise equipment, and use of facilities):

16) Describe the setting in which the research will be conducted (e.g., schools, community, hospital, clinic, etc.)

17) Project Abstract

Project Abstract: ***Provide a brief summary - 250 words or less – include purpose/hypothesis, experimental design, proposed procedure, importance of knowledge reasonably expected to result from the research. If the research involves more than minimal risk, describe theresearch plan for monitoring the data collected to ensure the safety of participants***

Level of Review

A) <u>Request for Exempt Status:</u>
Are you requesting Exempt Status? ___ Yes ___ No; If Yes, indicate applicable number
(For complete EXEMPT Review Information, refer to http://www.ouhsc.edu/irb-norman/exempt.asp .)

B) **<u>Request for Expedited Status:</u>**
Are you requesting Expedited Status? ___ Yes ___ No; If Yes, indicate applicable number
(For complete EXPEDITED Review Information, refer to http://www.ouhsc.edu/irb-norman/expedited.asp).

PART V – PRIVACY AND CONFIDENTIALITY PROCEDURES

1) Will audio data be recorded? ___Yes ___No
Will video data be recorded? ___Yes ___No
Will photographs be taken? ___Yes ___No

2) Please explain below how the storage and disposition of all study data/photographs/negatives will be handled. In addition, describe what security provisions will be taken to protect this data (password protection, encryption, data kept in locked files, use of password protected computer files, limited access to the data, etc.)Indicate if the data types/photographs/negatives will be erased or destroyed after transcription/development/at the conclusion of the study. If you wish to retain the study data beyond the end of the study, you must provide a justification. Subjects must be informed of the storage and disposition of the recorded data/photographs/negatives via the informed consent process.

3) Will subjects will be identified in audio, video, or digital recorded responses. If yes, explain why these forms of data are necessary to the project.

4) Will you record, maintain, or possess any direct identifiers (i.e., names, social security numbers, addresses, telephone numbers, addresses, telephone numbers, etc.)? ___Yes ___No

   If yes, explain below why it is necessary to record findings using these identifiers and the length of time a record of direct identifiers will be kept. Describe the coding system you will use to protect against disclosure of these identifiers. Describe how subject identifiers will be maintained or destroyed after the study is completed.

5) Will you retain a link between the study code numbers and direct identifiers after the data collection is complete? ___Yes ___No

   If yes, explain why this is necessary and sate how long you will keep this link.

6) Will you provide a copy of identified research data to anyone outside of the research team?
   ___Yes ___No

   If yes, explain below why and to whom.

7) Will you place a copy of the consent form or other research study information in the participant's record such as medical, personal, or educational record? (This information should be clearly explained in the consent document and consent process.) ___Yes ___No

   If yes, explain why this is necessary.

8) Will you obtain a Federal Certificate of Confidentiality for this research?
   ___Yes ___No

   If yes, submit documentation of application (and a copy of the Certificate of Confidentiality award if granted) with this application form.

If the data collected contains information about illegal behavior, visit the NIH Certificate of Confidentiality (http://grants.nih.gov/grants/policy/coc/index.htm).

PART VI – INFORMED CONSENT INFORMATION

Informed Consent: Please attach, as an appendix, an informed consent document to this application. Use the template that includes all essential elements of consent on the IRB website at http://ouhsc.edu/irb-norman/sop_attachments_6112007/701-A-1_ICF_template06272008.doc . If subject participation is not anonymous, you must attach a consent form to this application. (Please attach an assent form for children/your participation and permission forms for parents/legal guardians or consent forms for adult participation.).

If subject participation is anonymous, submit an information sheet. The template is located on the IRB website at http://www.ouhsc.edu/irb-norman/forms/701-A-5_NC_ICF_information_sheet_template_352007.doc .

Waiver of Informed Consent / Informed Consent / Assent

Waiver of Consent Process:

Informed consent will not be obtained from participants when a waiver of the consent process Is reviewed and approved by the IRB. (Note: Projects involving FDA-regulated test articles cannot qualify for a waiver of consent.)

__ Yes No __	8. Is a waiver of the consent process requested?
	If Yes: a. Explain the reason for the waiver:

Waiver of Signed Written Consent:

Participants will not be required to sign a consent document when a waiver of signed written consent is reviewed and approved by the IRB. If the IRB waives the requirement of documentation of informed consent, the IRB may require the investigator to provide a written statement of the research to the participant. The IRB shall review and approve the written statement prior to the investigator providing the statement to the participant. The consent form reviewed and approved by the IRB may also serve as the written statement.

__ Yes No __	9. Is a waiver of signed written consent requested?

	a. If Yes, explain the reason for the waiver.:
__ Yes	**b. If you answered "yes" to (9a), indicate the applicable Category and explain.** **Category 1:** The only record linking the participant and the research is the consent document and the principal risk would be potential harm resulting from a breach of confidentiality. Each participant will be asked whether they want documentation linking them with the research and their wishes will govern. The research is not subject to FDA regulations. **Explain:**
__ Yes	**Category 2:** The research presents no more than minimal risk of harm to participants and involves no procedures for which written consent is normally required outside of the research context. **Explain:**

Consent Process:

Informed consent will be obtained from participants.

1. Who will be consenting to participate in the research?
__ Participant __ Child __ Parent of child __ Guardian
__Legally authorized representative

__ Yes No __ 2. Is the primary language of the consent process English?

If No:

a. State other language(s) and indicate who will provide verbal and written translation services:

.

b. Submit appropriately translated consent document(s) following IRB Policy 701, prior to consenting non-English speaking participants.

3. Describe the consent process, any waiting period between informing the Prospective participants and obtaining the consent, and how it provides participants with sufficient opportunity to consider participating in the research:

4. Describe measures instituted to minimize undue influence and/or coercion:

__ Yes No__ 5. Does your study involve children?
If Yes, child **assent** is required by regulation if the child is capable of providing such assent (typically, ages 7 to 17).

__ Yes No__ 6. Does your study involve the collection, use or sharing of **Protected Health Information?**
If Yes, a Research Privacy Form must be included with this application.

Consent of participants for research conducted outside of Oklahoma.
When consenting a participant from legally authorized representatives (LAR), children, or guardians for research conducted outside of Oklahoma, investigators are required to know the applicable law of the jurisdiction in which the research will be conducted, provide to the IRB the definition of the LAR, child, or guardian for the jurisdiction, and consent the participant as defined for the jurisdiction.

__ Yes No __ 7. Will participants outside of Oklahoma be consenting to participate in the research?
If No, skip to Waiver of Consent Process.
If Yes, answer the following questions:

__ Yes No __ a. Will the legally authorized representative provide consent for cognitively impaired adults?
If Yes, provide the definition of LAR for the jurisdiction:

__Yes No __ b. Will you be consenting children outside of Oklahoma?
If Yes, provide the definition of child for the jurisdiction:

__Yes No __ c. Will guardians be signing for the children outside of Oklahoma?
If Yes, provide the definition of guardian for the jurisdiction:

PART VII – RISKS AND BENEFITS

1) Does the research involve any of the following possible risks or harms to subjects?
   Check all that apply:

___ Use of deception* (See SOP 502J for a definition of deception)

*If direct deception is used, please describe below. Why is the deception a necessary and unavoidable component of the research design? For example, does the direct deception improve the internal or external validity of the study? Also describe the debriefing process and include the debriefing script. In addition, the principal investigator should offer the participant the

opportunity to withdraw his/her data after learning that deception was used in the study. Please include this information in the debriefing statement submitted to the IRB (Debriefing Template).

___ Exposure to infectious disease risks

___ Use of confidential records (e.g., educational or medical records)

___ Exposure to radiation

___ Manipulation of psychological or social variables such as sensory deprivation, social isolation, psychological stressors

___ Any probing for personal or sensitive information in surveys or interviews

___ Presentation of materials which subjects might consider sensitive, offensive, threatening, or degrading

___ Invasion of privacy of subject or family

___ Social or economic risk

___ Risk associated with exercise or physical exertion

___ Legal risk

___ Employment/occupational risk

___ Other risks—explain below

Will any record of the subject's participation in this study be made available to his or her supervisor, teacher, or employer? ___Yes ___No

If yes, please explain.

Note: All risks and benefits discussed below in Part VII, Sections 2-5, should be included in the Participant Consent Form.

2) Describe the nature and degree of all risk or harm associated with participation in the study, including those checked in the previous section. If none, state "None."

3) Explain what steps will be taken to minimize risks or harms and to protect participant welfare. If the research will include special populations (See Part IV, Item 4), please identify each group and answer this question for each group. Outline steps to be taken to address confidentiality for all participants.

4) Describe the anticipated benefits of this research for the individual participants in each subject group. If none, state "None."

5) In the input area below, describe the anticipated benefits of this research for society and explain how the benefits outweigh the risks.

PART VIII – COMPENSATION INFORMATION

1) Will any compensation or inducements, e.g., course credit, be offered to the participants for their participation? ___Yes ___No

If yes, describe these inducements and include a statement in the informed consent document explaining how compensation will be handled in the event the participant withdraws from the study.

Checklist for Institutional Review Board Application Submission

- ___ Application Form with Signatures – **AT LEAST ONE COPY MUST HAVE ORIGINAL SIGNATURES**
- ___ Recruitment Announcements/Recruitment Flyers
- ___ Data Collection Instruments/Questionnaires/Surveys/Interview Questions
- ___ Informed Consent Documents
  - ___ *Participant Consent Form*
  - ___ *Consent Information Sheet*
  - ___ *Applicable HIPAA Forms*
  - ___ *Parental/Legal Guardian Permission Form*
  - ___ *Child Assent Form*
- ___ Approval from Study Sites
  - ___ *Tribal Council Approval*
  - ___ *Letters of Support*
- ___ Medical Screening Instrument
- ___ Proposal and/or Contract or Grant
- ___ Debriefing Plan
- ___ Appendix A: Protocol **(REQUIRED)**
- ___ Appendix B: Student as Principal Investigator Worksheet, (if applicable)
- ___ Appendix C: International Research Review Form (if applicable)

Submit to:

Office of Human Research Participant Protection
660 Parrington Oval
Evans Hall, Room 316
Norman, OK 73019
405-325-8110

Number of Copies to be Submitted:

Exempt	Original + 1
Expedited	Original + 1
Full Board	Original + 13

PRINCIPAL INVESTIGATOR/FACULTY SPONSOR ASSURANCE

I certify that the information provided in this application is complete and correct.

I understand that as principal Investigator, I have the responsibility for the conduct of the study, the ethical performance of the project and protection of the rights and welfare of human participants.

I agree to comply and assure that all affiliated personnel comply with all OU-NC IRB policies and procedures, as well as with all applicable federal, state, and local laws regarding the protection of human participants in research

I assure that this study is performed by qualified personnel adhering to the OU-NC IRB approved protocol. Student PIs must attach student PI Worksheet—see Appendix A.

I assure that no modification to the approved protocol and consent materials will be made without first submitting for review ad approval by the OU-NC IRB an amendment to the approved protocol.

I agree to obtain legally effective informed consent from the research participants as applicable to this research and as prescribed in the approved protocol.

I will promptly report unanticipated problems to the OU-NC IRB by using the appropriate form.

I will adhere to all requirements for continuing review.

I will advise the OU-NC IRB of any change of address or contact information as long as this protocol remains active.

I assure that I have obtained all necessary approvals from entities other than OU-NC IRB that are necessary to conduct this research.

By my signature on this research application, I certify that I am knowledgeable about the regulations and policies governing research with human subjects and have sufficient training and experience to conduct this particular study in accordance with the research protocol.

_____

Principal Investigator Date (mm/dd/yyyy)

Faculty Sponsor Date (mm/dd/yyyy)

Co-Investigator Date (mm/dd/yyyy)

Principal Investigator Date (mm/dd/yyyy)

Appendix B: Student as Principal Investigator

Highest degree held by student: ___Bachelors ___Masters
Student's degree program: ___Masters ___Doctoral

This project has been reviewed to determine that the scope, anticipated risks and benefits, and methodology are appropriate for this research by:

___ Approval of thesis/dissertation proposal by faculty committee

___ My personal review and approval of research proposal

___ Other—describe below

The student research is qualified to conduct independent research based on the following credentials:

___ has completed a graduate research methods course

___ has experience as an independent or closely supervised research assistant

___ has completed the training in Responsible Conduct of Research

___ Other—describe below

FACULTY SPONSOR'S ASSURANCE

By my signature as sponsor on this research application, I certify that the student is knowledgeable about the regulations and policies governing research with human subjects and has sufficient training and experience to conduct this particular study in accordance with the research protocol. Additionally,

I hereby confirm that I have thoroughly reviewed this IRB application, including the protocol narrative, and verify that it is complete and the research is appropriate in design.

I agree to meet with the investigator on a regular basis to monitor study progress.

I assure that the investigator will promptly report unanticipated problems and will adhere to all requirements for continuing review.

If I will be unavailable, e.g., sabbatical leave, vacation, or resignation, I will arrange for an alternate faculty sponsor to assume responsibility during my absence, and I will advise the OU-NC IRB, in writing, of such changes.

If the student leaves the university, I will provide all necessary documents for terminating the study or continuing review.

_____

Faculty Sponsor Date (mm/dd/yyyy)

_____

Print PI NAme Date (mm/dd/yyyy)

_____

PI Signature Date (mm/dd/yyyy)

Appendix C: Informed Consent Form

University of Oklahoma
Institutional Review Board
Informed Consent to Participate in a Research Study

Project Title:	"Impacts of Homicide and Death Penalty Experiences: A Hermeneutic Phenomenological Approach."
Principal Investigator:	Markus Smith
Department:	Educational Studies (EDS) – Jeannine Rainbolt College of Education

You are being asked to volunteer for this research study. This study is being conducted at the University of Oklahoma. You were selected as a possible participant because you have been directly/indirectly affected by homicidal murder and/or the death penalty.

Please read this form and ask any questions that you may have before agreeing to take part in this study.

Purpose of the Research Study

The purpose of this study is:

To explore the lived experiences of those who have been directly/indirectly affected by homicidal murder and/or the death penalty.

Number of Participants

The goal is to have approximately 8 people take part in this study.

Procedures

If you agree to be in this study, you will be asked to do the following:

Participate in a series of face-to-face, audio-taped interviews which you will reflect on your experiences.

Length of Participation

There will be approximately 2 interviews conducted, each lasting no longer than 60 minutes.

This study has the following risks:

This study contains minimal risks (e.g. grief, sadness, guilt, etc.). If these risks become overwhelming, the researcher will terminate the interview immediately,

provide support, and refer to counseling if necessary (see handout of Counseling Centers attached).

Benefits of being in the study are

None

Confidentiality

In published reports, there will be no information included that will make it possible to identify you without your permission. Research records will be stored securely and only approved researchers will have access to the records.

There are organizations that may inspect and/or copy your research records for quality assurance and data analysis. These organizations include Dr. Courtney Vaughn and the OU Institutional Review Board.

Compensation

You will not be reimbursed for you time and participation in this study.

Voluntary Nature of the Study

Participation in this study is voluntary. If you withdraw or decline participation, you will not be penalized or lose benefits or services unrelated to the study. If you decide to participate, you may decline to answer any question and may choose to withdraw at any time.

Waivers of Elements of Confidentiality

Your name will not be linked with your responses unless you specifically agree to be identified. Please select one of the following options

_____ I consent to being quoted directly.

_____ I do not consent to being quoted directly.

_____ I consent to having my name reported with quoted material.

_____ I do not consent to having my name reported with quoted material

Audio Recording of Study Activities

To assist with accurate recording of participant responses, interviews may be recorded on an audio recording device. You have the right to refuse to allow such recording without penalty. Please select one of the following options.

I consent to audio recording. ___ Yes ___ No.

Contacts and Questions

If you have concerns or complaints about the research, the researcher(s) conducting this study can be contacted at:

Contact the researcher(s) if you have questions or if you have experienced a research-related injury.

If you have any questions about your rights as a research participant, concerns, or complaints about the research and wish to talk to someone other than individuals on the research team or if you cannot reach the research team, you may contact the University of Oklahoma – Norman Campus Institutional Review Board (OU-NC IRB) at 405-325-8110 or irb@ou.edu.

You will be given a copy of this information to keep for your records. If you are not given a copy of this consent form, please request one.

Statement of Consent

I have read the above information. I have asked questions and have received satisfactory answers. I consent to participate in the study.

Signature Date

Appendix D: Counseling Referral Services

Counseling Referral Services

Participant,

I am sorry that the recollection of the experience has been distressing. I have provided a list of primary and secondary counseling referral services that you may contact for immediate or later assistance to deal with these emotions.

PRIMARY

Norman Counseling Clinic
2416 Tee Cir., Norman, OK, 73069
(405)360-0556
Contact Persons: Stephanie Miller and Rhonda Reaton (Office Manager)

OU Counseling Psychology Clinic
3200 Marshall Ave., Ste. 100, Norman, OK, 73072
(405)325-2914
Contact Person: O.J. Williams (Graduate Clinic Supervisor)

SECONDARY

Oasis Counseling Center (405)605-3093
4911 N. Portland Ave. #111, OKC, OK, 73112

North Care Center (405)858-2700
4436 NW 50th, OKC, OK, 73112

Professional Counseling Center (405)286-0749
2828 NW 57th St., OKC, OK, 73112

Redbud Family Counseling (405)942-4308
3525 NW 56th Ste. 150a, OKC, OK, 73112

Norman Behavioral Health Group (405)579-7560
3625 W Main St. Ste. 100, Norman, OK, 73072

New Beginnings Counseling Services (405)601-2307
1330 North Classen Boulevard, OKC, OK, 73106

Pamela Pettigrew, MSW, LCSW (405)237-3311
10344 Greenbriar Parkway, OKC, OK, 73159