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CAPITAL PUNISHMENT
AND
CORRECTIONAL OFFICERS

by

Brian Michael Hodgson

A Thesis
submitted to the Faculty of Graduate Studies
through the School of Social Work
in Partial Fulfillment of the requirements for
the Degree of Master of Social Work
at The University of Windsor

Windsor, Ontario, Canada

1977

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RESEARCH COMMITTEE

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ABSTRACT

In this study it was hypothesized that there would be a positive correlation between the attitudes that Correctional Officers hold on Capital Punishment and the value that they place on life. In addition to testing the hypothesis, the researcher set out to determine whether or not a sample of Correctional Officers would, as a majority, favour the abolition or retention of Capital Punishment. The author also sought to test the association between six factors and Correctional Officers' "stated positions on Capital Punishment." Two of these factors relate directly to the respondents' contact with and exposure to Capital offenders. The author wanted to see how the experience factor effected or related to respondents' attitudes towards Capital Punishment.

Questionnaires were distributed to 142 full time male Correctional Officers in six jails in southern Ontario. Fifty-three subjects, who returned questionnaires within a five week cut-off period, constituted the research sample.

Data for testing the hypothesis, and for seeking answers to the additional research questions was obtained from questionnaires distributed to Correctional Officers in six jails sampled in April of 1973. No attempt has been made to update the data or to keep it current with recent developments. But the data is still relevant because it reflects Correctional Officers' attitudes towards Capital offenders and these attitudes will be reflected in their service to the

general inmate population.

"A Life Scale", a "Capital Punishment Scale", and a "stated position on Capital Punishment" were determined for each respondent in order to test the hypothesis. A statistically significant positive relationship was found to exist between Correctional Officers' attitudes towards Capital Punishment and the value that they place on life.

It was also determined that 9.4 per cent of the respondents were in favour of complete abolition of Capital Punishment; 30.2 per cent advocated partial abolition; 47.2 per cent favored the full retention of Capital Punishment; 11.3 per cent advocated Capital Punishment for an increased number of offences; and 1.9 per cent stated that they had no specific position on Capital Punishment.

The researcher recorded respondents' individual reasons for their positions on Capital Punishment. There were only four subjects who gave reasons for total abolition. These reasons included "the possibility of rehabilitation"; the "possibility of insanity"; the "possibility of error"; and because "Capital Punishment is not a deterrent". Those in favour of partial abolition gave as reasons, the "protection to society"; the "deterrent effect"; and "the fact that crime is on the increase". The majority of those favouring retention stated that Capital Punishment is a deterrent. The concept of "an eye for an eye" was the next most popular reason amongst those favouring retention. Other reasons included the offender "showing no remorse" or "being a burden to society". Those favouring complete

abolition emphasized the absolute value of life, including that of the offender. Those favouring partial abolition and those favouring retention, emphasized the value of the life of the potential victim, rather than life as an absolute.

The author tested six different factors in an attempt to isolate factors that might bear a strong association when compared to Correctional Officers' "stated positions on Capital Punishment". Correctional Officers' "ages" and their "Armed Forces experience" or lack of experience bore no significant association with respondents' "stated positions on Capital Punishment", when tested. Similarly, there was no significant association demonstrated between respondents' having known either a murder victim or a person charged with murder or both and respondents' "stated positions on Capital Punishment".

It was found that statistically there was a low degree of association between having known a convicted murderer, whose sentence was later commuted, and respondents' "stated positions on Capital Punishment". The statistics indicated an association of "Retentionist" values rather than "Abolitionist" values with having known a convicted murderer, whose sentence was later commuted.

When the number of years of schooling of respondents was considered, there was a low degree of association between subjects' "education" and their "stated positions on Capital Punishment". It was concluded that Correctional Officers with "more education" have a higher degree of association with the

"Abolitionist" stand than do those with "less education". This finding would substantiate the practice of hiring Correctional Officers with "higher education" to work with men charged with murder, because these individuals are more likely to respond positively to the offender inspite of his crime.

It is recommended that a similar study be done with Correctional Officers in a penitentiary. Correctional Officers in a Provincial jail work with men, most of whom are in the trial process and are exposed to both short-term and long-term offenders. Correctional Officers in a penitentiary, on the other hand, are exposed to offenders, who have been sentenced to terms of two years or more. It is suggested that this population be tested with a similar questionnaire.

It is also suggested that Police Officers be similarly sampled and tested for their views on Capital Punishment. The emphasis would be upon the specific experience of Police Officers as a specific factor since the Police are usually exposed to the offender during or shortly after the offense. They also have contact with family and relatives of the murder victim.

Those individuals convicted of murder could also be sampled. Emphasis upon their attitudes and their thoughts prior to committing their particular crime might shed some light upon the effectiveness or ineffectiveness of Capital Punishment as a deterrent. Such research, of course, would be difficult to implement because of problems of legality, accessibility, confidentiality, and co-operation.

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CHAPTER I

INTRODUCTION

A. Purpose of the Study

A five year moratorium, on the use of the death penalty in Canada, was due to expire on December 28, 1972, a few months after this research was begun. "The Federal legislation providing for this moratorium was enacted on December 29, 1967. It provided for punishment by death for the killing of a policeman, warden, or prison guard only."¹

The moratorium was again extended. "No one had been hanged in Canada since 1962, but 11 men were on death row and the Trudeau government faced a crisis unless the noose was abolished by July 15, 1976."² Three executions had been postponed until that date. On the deadline date, "the Commons voted 130 to 124 in favor of the abolition of Capital Punishment."³ It was a close vote that resulted after two months of heavy debate. "Only a few offences under the National Defence Act - including spying, desertion, or failure to encourage troops to fight courageously, could be enforced by means of the death penalty."⁴

¹Canada, Revised Statutes of Canada, 1970, Vol. II, "Criminal Code 1967 Amendment Act," C. 35, S. 2, ss.1-4.

²The Windsor Star, July 9, 1976, p.4.

³Ibid., July 15, 1976, p. 1.

⁴Ibid.

There have been various arguments through the ages to support and to retort the effectiveness of Capital Punishment. The researcher wanted to step beyond the opinion of theorists and wanted to capture the opinion of those who have been in close contact with the issue from the standpoint of experience.

A quotation by Lewis Lawes most closely expresses the author's feelings when he states that:

It is always interesting and often constructive to know what others think about any controversy and particularly to know the ideas and ideals of persons who are especially qualified to judge by experience, by training, by close contact, and observation.

The researcher's own brief experience as a Correctional Officer and his commensurate exposure to men convicted of murder, stimulated an interest in the Capital Punishment question, and more specifically, an interest in the attitude of Correctional Officers to Capital Punishment. From this seed of interest grew this research project, which samples Correctional Officers working in six Ontario jails.

In sampling Correctional Officers in southern Ontario in 1973, the writer wanted to determine whether the majority of respondents were in favour of the abolition of Capital Punishment or not and for what reasons. The writer also wanted to determine if there was a correlation between these Correctional Officers' attitudes towards Capital Punishment and their age, education, and Armed Forces experience. The

⁵ Lewis E. Lawes, Man's Judgment of Death: An Analysis of the Operation and Effect of Capital Punishment Based on Facts not on Sentiment, (Montclair, N.J. : Patterson Smith, 1969), p. 60.

researcher wanted to analyze the experience of respondents, who had been exposed to men, who had been charged with murder, as it was expected that they would have more insight, because of that experience. It was expected that Correctional Officers, who had been exposed to men charged with murder, would empathize with the offender and that this would influence them towards a philosophy of favouring abolition.

This research project is the second in a series of studies on the attitudes of specialized groups towards the issue of Capital Punishment. "Capital Punishment and Social Workers", was the first project in this series and its purpose was to test the hypothesis that "there would be a positive correlation between the attitudes that Social Workers hold on Capital Punishment and the value that they place on life."⁶ Based upon the criteria he used, Young found, that in fact a positive correlation does exist between those two factors, as hypothesized.

A modification of the same questionnaire was used in this research to test a similar hypothesis but with a different population. It is the purpose of this project to determine whether or not there will be a positive correlation between the attitudes that Correctional Officers hold on Capital Punishment and the value that they place on life.

⁶ Frank A. Young, Capital Punishment and Social Workers, (unpublished Masters thesis, University of Windsor, 1972), p. 34.

B. Review of the Literature Related to Capital Punishment

1. Capital Punishment and Religion

a. Retribution

Many theories have been advanced to explain the use of punishment. Punishment as a deterrent and punishment as a means to bring about reformation of the offender are two very popular and current rationales. Through the years, punishment has also been employed to atone for wrong, to expiate a wrong, and as a justification for revenge, vengeance, and retribution.

Proponents of retribution are quick to distinguish it from revenge. Armstrong refers to "revenge as being a private and personal response."⁷ Revenge is neither legally nor morally endorsed by society.

Jaffary indicates that:

the underlying and governing idea in the desire for retribution is in no way an eye for an eye or a tooth for a tooth, but rather that the community is anxious to express its repudiation of the crime committed.⁸

By ignoring self-restraint, the offender has acquired an unfair advantage over the rest of society. The scales of justice are upset until that advantage has been restored by imposing a punishment on the offender. Exactng the debt promotes solidarity with

⁷K. G. Armstrong, "The Retributivist Hits Back," Theories of Punishment, ed. by Stanley E. Grupp, (Bloomington: Indiana University Press, 1971), p. 36.

⁸Stuart Jaffary, Sentencing of Adults in Canada, (Toronto: University of Toronto Press, 1963), p. 14.

the conformists of society and it reinforces the legal and moral sanctions upon the offenders. Hegel summarizes this theory by saying that "the wrong act is a negation of right, and the negation has to be negated by the reaction of society in the punishment of the offender."⁹

For Kant, "it is an evident moral principle requiring no justification outside itself that crime deserves punishment, and a punishment equivalent in kind to the evil done."¹⁰ The most common criticism of the retributive theory is that one can not match the penalty to the guilt, the moral gravity of each offence and its commensurate penalty. Armstrong sheds some light on this concept with a simple analogy.

Justice gives the appropriate authority the right to punish offenders up to some limit, but one is not necessarily and invariably obliged to punish to the limit of justice. If I lend a man money, I cannot claim more than is owed to me, but I am free to claim less, or even to claim nothing.

Armstrong indicates that society has the right to punish the offender. It can choose to punish the offender with an equally justifiable response or with a lighter response, but it should not overreact with a punishment heavier than the offence. An unjust reaction by society would warrant punishment to itself for having tipped the scales of justice in the other direction.

⁹D. J. B. Hawkins, "Punishment and Moral Responsibility," Theories of Punishment, ed. by Stanley E. Grupp, (Bloomington: Indiana University Press, 1971), p. 16.

¹⁰Ibid., p. 15.

¹¹Armstrong, "The Retributivist Hits Back," p. 36.

"A prisoner upon release should feel that he has been punished but not additionally insulted or ill-treated."¹² Good food, day passes, and various programs that allow inmates contact with relatives and the community while they are still serving their time would be considered conducive to this positive state of mind. Conversely, an excessive punishment, would tend to leave an offender bitter towards society for punishing unjustly. If society does not implement fair play it can not expect the offender to play fair.

Kant in addition to emphasizing appropriate punishment, explains the balanced homeostatic reasoning of retribution.

What is criminal is acting in accordance with a wrong maxim: which would, if made universal, destroy freedom. If the criminal has adopted the maxim, he is claiming that it can be universalized. So if he murders he must be executed; if he steals we must steal from him. To justify the punishment to the criminal is to show him that the compulsion we use on him proceeds according to the same rule by which he acts. This is how he draws the punishment upon himself. In punishing, we are not adopting his maxim but demonstrating its logical consequences if universalized: we show the criminal what he has willed.¹³

According to this rationale Kant stresses the importance of adherence to the moral maxims or principles of life, and the resultant punishment for straying from these maxims.

Mabbott states that "the only justification for punishing any man is that he has broken a law."¹⁴ Menninger

¹²J. D. Mabbott, "Punishment," Theories of Punishment, ed. by Stanley E. Grupp, (Bloomington: Indiana University Press, 1971), p. 35.

¹³Edmund L. Pincoffs, The Rationale of Legal Punishment, (New York: Humanities Press, 1966), p. 9.

¹⁴Mabbott, "Punishment," p. 48.

divorces retribution from reformation and deterrence even more strongly than Mabbott, when he states that "the retributionist would feel morally right to punish a man even though no good consequence should result."¹⁵ Mundle summarizes his retributive theory very specifically. "Punishment of a person by the State is morally justifiable, if and only if he has done something which is both a legal and a moral offence, and only if the penalty is proportionate to the moral gravity of his offence."¹⁶

Hawkins also stresses the moral responsibility of the individual. It is man's will that puts him apart from the animal kingdom and makes him responsible for his own actions.

On a superficial view it seems kinder, to think of reformation alone and to forget about retribution, but in the end this is to forget moral responsibility and to incur the danger of looking upon men in the same light as animals to be trained to any pattern which appears desirable. It is impossible to take a just view of punishment unless we remember that the normal adult has a certain ultimate responsibility for his deliberate actions and, if he acts wrongly deserves his punishment. The recognition is due to the dignity of the human person.¹⁷

From the foregoing opinions it becomes obvious that retribution originates from the principle that crime deserves punishment. The punishment must be equal to or less than the crime committed. The punishment is just desert, which the offender has brought upon himself. "If you slander another,

¹⁵Pincoffs, The Rationale of Legal Punishment, p. 44.

¹⁶C. W. K. Mundle, "Punishment and Desert," Theories of Punishment, ed. by Stanley E. Grupp, (Bloomington: Indiana U.P., 1971), p. 72.

¹⁷Hawkins, "Punishment and Moral Responsibility," p. 18.

you slander yourself; if you steal from another, you steal from yourself; if you kill another, you kill yourself."¹⁸ This is the Right of Retaliation (jus talionis). "It is the only principle which in regulating a public court, can definitely assign both the quality and quantity of a just penalty."¹⁹ Most proponents of retribution minimize the deterrent and reformative effects of punishment. If these result from punishment, so much the better, but if they are not a consequence of punishment, the latter is still justified in restoring equilibrium.

b. Christian Retentionists

Theologians have quoted scriptures to substantiate their polarized stands for and against Capital Punishment. Interpretation of scriptures and comparisons of the Old and New Testament leave most lay readers confused in many cases. An attempt has been made by the writer to present, in a capsule form, the basic thought that prevails on both extremes of this moral balance.

Jacob Vellenga warns against taking a verse of Scripture out of its context. "Many who oppose Capital Punishment make a strong argument out of the Sixth Commandment: 'Thou shalt not kill' (Exod. 20:13)."²⁰ Many fail to note

¹⁸ Pincoffs, The Rationale of Legal Punishment, p. 3.

¹⁹ Ibid.

²⁰ Jacob Vellenga, "Christianity and the Death Penalty," The Death Penalty in America, ed. by Hugo Adam Bedeau, (Rev. ed., New York: Doubleday and Company, 1967), p. 124.

the commentary on that Commandment which follows. "'Whoever strikes a man so that he dies shall be put to death. . . . If a man wilfully attacks another to kill him treacherously, you shall take him from my altar that he may die' (Exod. 21: 12, 14)."²¹ Vellenga goes on to emphasize the sacredness of life. It is because God made man in his own image, that God wants to preserve the sanctity of life by making wrong in-operative. "Active justice must be administered when the sacredness of life is violated."²²

Reverend Barry Whitaker, a present day Anglican minister, reiterates Vellenga's theory. He, also, sees Capital Punishment as an equal and adequate reaction to murder. "The horror that surrounds it expresses society's horror at the original offence. The very agony which accompanies this whole argument arises out of the value we place on human life."²³ Reverend Whitaker sees Capital Punishment as the only way of registering the value of the victim's life.

"The Old Testament was written to a nation while the New Testament was written to individuals."²⁴ Jesus' words on loving one's enemies, turning the other cheek, and walking the second mile, were directed to the Church and individual

²¹Vellenga, "Christianity," p. 124.

²²Ibid., p. 126.

²³The London Free Press, June 13, 1973, p. 7.

²⁴J. Edgar Hoover, "Statements in Favor of the Death Penalty," The Death Penalty in America, ed. by Hugo Adam Bedeau, (Rev. ed., New York: Doubleday and Company, 1967), p. 133.

Christians, who should live a moral life higher than the natural law. Love and forgiveness are a part of this higher moral law. "But wherever and whenever God's love and mercy are rejected, as in crime, natural law and order must prevail, not as extraneous to redemption but as part of the whole scope of God's dealings with man."²⁵

As important as the distinction between moral and natural law is the distinction between the body and the soul. Capital Punishment seems so final, and yet it is only so in terms of the physical body. The soul is not eliminated. Repentance is possible for the soul. Christians make too much of physical life. It is more than a pious remark when a judge says to the condemned criminal: 'and may God have mercy on your soul.'²⁶

Vellenga notes the significance of Jesus undergoing the Capital Punishment of his day. His body was killed but Christians believe his soul is eternal. Even in His death, God allowed the natural law to prevail. "Even when he gave redemption to the repentant thief He did not save him from capital punishment but gave him Paradise instead which was for the better."²⁷ Wrongdoing was not excused by the natural law as the man was punished but mercy and forgiveness were exercised in dealing with the man's soul.

²⁵Vellenga, "Christianity," p. 128.

²⁶Ibid., p. 129.

²⁷Ibid.

c. Christian Abolitionists

Charles Milligan suggests we take a broader scope than looking at specific scriptures as Vellenga asserts, when considering the issue of Capital Punishment: "It is not what the Bible says in a specific verse, but what it says to us through its total message, interpreted in terms of our own conditions, that is relevant."²⁸

Milligan mentions the woman taken in adultery as recorded in St. John 8:1-11. She was obviously guilty and should have been executed according to a legalistic application of the law. "Jesus brought about her release while the legalists tried to entrap him."²⁹ He also mentions the crucifixion of Jesus in which bribery, betrayal, and mob justice were elements of the process that lead to that execution. Milligan questions "whether we should urge continuance of these practices by the strange logic which thus justifies capital punishment."³⁰

Many people feel that Christ meant to repudiate the Old Principle of 'lex talionis' in the New Testament when he said: "Ye have heard that it hath been said, an eye for an eye, a tooth for a tooth; but I say unto you, that ye resist not

²⁸Charles S. Milligan, "A Protestant's View of the Death Penalty," The Death Penalty in America, ed. by Hugo Adam Bedeau, (Rev. ed., New York: Doubleday and Company, 1967), p. 177.

²⁹Ibid., p. 176.

³⁰Ibid., p. 177.

evil; but whosoever shall smite thee on the right cheek, turn to him the other also."³¹ Implicit in Christianity is this hope of reformation for any human being. The Christian Abolitionist contends that we should reach out to the murderer, forgive him, help reform him, and not take revenge upon him.

Reverend George W. Goth, a modern United Church minister, claims that we are now living in a post-Christian era. He feels that respect for authority has diminished. Violence has invaded our lives especially through television and movies. We have become a selfish society "which is prepared to destroy the earth so long as we can have two cars in every garage and a chicken in every pot."³² He feels that we are afraid to look at ourselves and our decaying culture, and that "in our terror, we scream - hang the murderer, contain the Communist, execute the drug pusher."³³ He emphasizes that vengeance is not a mature response to an irrational act. Society must not reduce itself to the level of the criminal. In effect, abolition is a non-violent, rational, unselfish response which serves as a good merciful example to a violent offender.

It becomes obvious that both camps, the Retentionists and the Abolitionists refer to religious principles to substantiate their particular view. Retentionists depend upon

³¹ Mathew 5:38-39.

³² The London Free Press, Jan. 13, 1973, p. 7.

³³ Ibid.

the Talionic Code of blood justice as a foundation for Capital Punishment. Abolitionists contend that Jesus' life as he walked among us and His death as a compensation for our sins updates and replaces the Right of Retaliation with love, mercy, forgiveness, and the hope of reformation. The writer has not tried to defend either view but has simply presented the essence of both camps of thought.

2. Capital Punishment as a Deterrent

Deterrence is usually defined as "the preventive effect which actual or threatened punishment of offenders has upon potential offenders,"³⁴ The threat of punishment can have special and general effects. Special deterrence is the effect a threat of punishment has on a specific person who has been previously punished. General deterrence is the effect a threat of punishment has on persons who have not been punished. Recidivism, which includes all offenders who have been convicted of a second or more offences, is an indicator of the effectiveness or ineffectiveness of the special deterrent effect. The general deterrent effect of punishment is difficult to measure as we do not know how many people decided not to commit a crime because of the fear of being detected or of being punished.

There are several variables which effect the deterrent

³⁴Department of the Solicitor General, A Study of the Deterrent Effect of Capital Punishment with Specific Reference to the Canadian Situation: Research Centre Report 2, prepared by Ezzat Abdel Fattah (Ottawa: Information Canada, 1972), p. 10.

effect of punishment, and of Capital Punishment more specifically: The author deals with five of these variables in the remainder of this section:

a. Severity of the Punishment

Generally people believe that increasing the severity of punishment increases the deterrent effect. "There is a 'critical point' in punishment beyond which increasing the severity is unnecessary because it has no effect on the crime rate."³⁵ There are incalculable examples where increasing the penalty for the crime has not produced the desired effect. "In California in 1961, the penalties were increased significantly for possession of marijuana, yet use increased at an explosive rate."³⁶ The increase in the incidence of this offense, as well as many others, is related to factors other than punishment, regardless of its severity.

On the other hand, an executioner James Berry said:

I believe, honestly, and from long study of the subject, with unique opportunities of judging, that with a certain low class of the human brute, the fear of death is the only check that can in any way curb their lusts and passions.³⁷

Many believe as Berry that the fear of death is the most powerful and perhaps the only real deterrent. "What is often

³⁵ Ibid., p. 13.

³⁶ Ibid.

³⁷ George Ryley Scott, "Does the Death Penalty Prevent Murder?", The History of Capital Punishment, (London: Torchstream Books, 1951), p. 236.

overlooked is the difference between the response to danger at the moment of its imminence and the response when it is in a potential state only."³⁸ There is a difference in the fear of the death penalty at the moment when a crime is planned or carried into effect, and the fear at the moment when the accused has been sentenced to death, and the rope is about to be used.

E. G. Wakefield, who served a three year sentence in Newgate, wrote, as long ago as 1831:

Fear of death is a principle of man's nature, yet every man is so prone to believe in his own superior fortune that the cases are rare when even the mortally sick expect to die on that occasion. The principle of the fear of death is counteracted by that principle of self-love and hope, which may be called forth, to the extent of delusion, in nearly every mind.³⁹

This insight by a former offender, who has drawn upon his own experience, explains the persistence of crime even against high odds of detection and a severe punishment as death.

The vast majority of murderers fall into one of two classes, those whose premeditated crimes are carefully planned and executed, and those who kill in moments of passion, anger, or great provocation. "The one class of murderers is confident of being able to avoid detection; the other is uninfluenced by the prospect, or otherwise, of being found out."⁴⁰

³⁸Ibid., p. 237.

³⁹Ibid., p. 238.

⁴⁰George Ryley Scott, "The Nature of the Problem," p. 264.

In both cases, "neither capital punishment nor life imprisonment is likely to have a particle of deterrent effect."⁴¹

b. Certainty of Punishment

"Temple (1934) has pointed out that 'the effectiveness of a deterrent is derived less from its severity than from its certainty.'"⁴² The first requisite is certainty. "Human nature is so constituted that if there be a chance of escape 99 out of 100 will be found to run the risk."⁴³ Jaffary affirms that "certainty of arrest on commission of a crime and certainty of conviction would be strong deterrents to certain kinds of crime."⁴⁴ It is doubtful, however, "even with these certainties, whether crimes of passion would be much effected."⁴⁵ Sometimes the motivation to commit the crime far exceeds consideration of the consequences even when the certainty of punishment is high. "A comparatively mild punishment that is relatively certain to follow the commission of a crime exercises far greater deterrent power than a much severer penalty that is rarely enforced or that is easy to evade."⁴⁶

⁴¹Ibid.

⁴²Pattah, Deterrent Effect of Capital Punishment, p. 14.

⁴³Scott, "Does the Death Penalty Prevent Murder?", p. 241.

⁴⁴Stuart Jaffary, Sentencing of Adults in Canada, (Toronto: University of Toronto Press, 1963), p. 17.

⁴⁵Ibid.

⁴⁶Scott, "Does the Death Penalty Prevent Murder?", p. 241.

c. Publicity of Capital Punishment

Quintilian says that "as often as we crucify criminals the most noted ways are chosen where most may behold, and most may be moved with fear."⁴⁷ Usually the position chosen was alongside a main road. "The malefactor, while dying and after death, was to be seen by as many people as possible, with a view to deterring others from the commission of crime."⁴⁸

Many people insist that publicizing the actual execution of an offender would serve as a general deterrent to the public and would dissuade potential murderers.

Capital Punishment is intended to protect society from murder by its deterring influence. Why weaken this by making it the most humane affair possible under the circumstances by selecting the quickest and most painless method? If the deterrent principle of capital punishment is the prime consideration, why not give to the execution of the condemned, the character of a public function, urging the populace to witness the death scene that the spectacle may, perhaps, save them from a crime which otherwise they might be led to commit.⁴⁹

This logic is based upon the assumption that man does not like pain and will do what is necessary to avoid it. Today's Psychologists would probably reason that those, who put themselves in the position of being executed, are individuals that seek attention. They have learned that negative behaviour always draws attention. A public hanging draws a lot of this.

⁴⁷Ibid., p. 150.

⁴⁸Ibid., p. 149.

⁴⁹Lewis E. Lawes, Man's Judgment of Death, (Montclair, N.J.: Patterson-Smith, 1924), p. 14.

To many, an execution was the most attractive of entertainments.

It did not reform; it brutalized. It became the parent, and not the destroyer of crime. It proved inefficacious, demoralizing, contaminatory. Even when pocket-picking was a capital offense, pick-pockets plied their trade in the crowd around the gallows, for they accounted executions their best harvest.⁵⁰

This account shows that some individuals were obviously not deterred, and in fact, probably identified with the excitement and the attention of the man being hanged.

Hespel was the executioner of the colony of New Guiana. When convicts were to be put to death, his was the duty of guillotining them. It would seem that he of all men should have felt the deterrent effect, if any existed. "Yet he, himself, committed murder and was tried and convicted."⁵¹

The following experience adds further insight into public hangings.

The Select Committee related the story of a prison chaplain who gave evidence before the Royal Commission in 1866, when executions were still carried out in public. The chaplain's work consisted in visiting prisons all over the country and he inquired of convicts under sentence of death whether they had ever witnessed an execution. Of one hundred and sixty-seven, all but three replied that they had.⁵²

Although it could never be proved, one might reason from this statistic that public hangings may actually encourage some

⁵⁰ Report from the Select Committee on Capital Punishment, (London, England: 1930), p. 12.

⁵¹ Lawes, Man's Judgment of Death, p. 15.

⁵² Fattah, Deterrent Effect of Capital Punishment, p. 17.

to commit a capital crime.

Warefield writes from his personal experience that:

Not less, I venture to say, than a dozen boys have assured me; that they were led to become thieves by attending executions. To some of them, the idea occurred simply through witnessing the struggles of a dying thief; to others, it was suggested by thieves with whom they were led to form acquaintance by the excitement of the occasion and who took advantage of that excitement to speak, with success, of the enjoyments of a thief and his many chances of impunity.⁵³

This evidence seems to indicate that publicizing an execution does not serve as a general deterrent; in fact, from these last examples, it could be argued that publicizing a hanging encourages crime.

d. Celerity of Punishment

Psychologists will testify to the importance of punishment as soon as possible following the misbehavior of an individual. Fattah points out some reservation about this idea:

If it is true that the promptness and swiftness of punishment are important factors to its effectiveness then capital punishment should be the least effective since the time span between a murder that is committed and the execution that follows upon it is usually much longer than the time lapse between other crimes and the punishment following them.⁵⁴

"In the eight years 1945, 1949, and 1950 to 1955, 81 defendants were executed in Canada, all for the crime of murder. The average time between sentence and execution was 5.58 months."⁵⁵

⁵³Scott, "Does the Death Penalty Prevent?", p. 245.

⁵⁴Fattah, Deterrent Effect of Capital Punishment, p. 19.

⁵⁵Ibid., p. 21.

For the same years, "the average time between the murder and the sentence was 6.37 months."⁵⁶ Celerity is obviously lacking in these situations, but the judicial caution is a built in factor in such a serious situation because execution of an innocent person is taboo. There have been instances where a wrongful conviction has been due to the perjury of a witness or of several witnesses. "there have been instances where the unconscious error of a witness has had a lot to do with a conviction, as in the case of mistaken identity."⁵⁷ In both these situations, a reasonable time lapse might unveil the perjury or the proper identity.

e. Frequency of Punishment

The frequency of criminal punishment applied to the same person reduces to a minimum if not eliminates its effectiveness as a special deterrent. One of the most powerful factors associated with the deterrent effect of legal penalties is the risk of stigmatization. Once convicted, he may have less to fear from a new conviction since his reputation is already tarnished.⁵⁸

From this it might be conceded that the frequent use of punishment reduces the special deterrent effect to the individual, but probably enhances the effectiveness of general deterrence.

The use of Capital Punishment presents a paradox. If it is used rarely it has little impact on the offender who plays the odds; if it is used often, it becomes a common day

⁵⁶Ibid., p. 22.

⁵⁷Scott, "The Slaughter of the Innocents," Ibid., p. 252.

⁵⁸Johannes Andenaes, "Does Punishment Deter Crime?"; The Criminal Law Quarterly, II (November, 1968), p. 90.

occurrence and hence ineffective as a deterrent:

If capital punishment is really a deterrent then there is no doubt that a scarce and sporadic use of it would weaken its deterrent value by reducing the probability of execution. It is in this fact that the real paradox of capital punishment lies. If it is used lavishly, it loses its horror, people become accustomed to it and are no longer affected or deterred by it; if it is rarely applied, then the probability of incurring it sinks to insignificance in the minds of potential offenders. Professor Sellin (1932) has declared that 'the death penalty can never be a deterrent. Its very life seems to depend on its rarity and therefore on its ineffectiveness as a deterrent.'⁵⁹

The odds against being detected, charged, sentenced, and subsequently executed are very much in favor of the potential offender. "During the years 1945-1958 there were a total of 1,045 capital convictions in Illinois (1,022 for murder) and of these only 13 were executed."⁶⁰ Thus the rational would-be murderer in Illinois could readily calculate that the odds against his being executed would be 83:1 in his favor.

From this brief survey of the five objective factors that, are recognized as highly relevant to the deterrent effect of punishment (severity, certainty, celerity, publicity, and frequency), capital punishment can have claim only to the first (severity). "Its certainty is more than doubtful, its execution is no longer public, its application is far from being swift, and it is becoming less and less frequent."⁶¹

⁵⁹Fattah, Deterrent Effect of Capital Punishment, p. 23.

⁶⁰Ibid., p. 24.

⁶¹Ibid.

3. The Limits of Deterrence

a. Fear, Socialization, and Odds of Detection

"With respect to wilful homicide, the large majority of the population refrains from killing because of moral and religious convictions and out of deep-rooted respect for human life."⁶² This large majority would not be influenced whether or not the death penalty were enforced. Capital punishment is discussed in the following paragraphs in reference to that minority of would-be offenders who have not been adequately socialized.

Since deterrence is based on the assumption that human behavior can be influenced through fear, a deterrent measure can only be intended for those who: (a) are likely to commit the undesirable act; and (b) are likely to be deterred by the threat of punishment.⁶³

This excludes that potentially dangerous group who are not or cannot be deterred by the threat of punishment. It does not allow for situations where emotions overpower reasoning.

"Murder when it is unpremeditated, is usually a crime of passion."⁶⁴ "Studies have consistently indicated that upwards of 75% of all murders are committed by a relative, friend, acquaintance, or associate of the victim."⁶⁵ Many

⁶²Ibid., p. 26.

⁶³Ibid., p. 27.

⁶⁴George Ryley Scott, "Can Life Imprisonment Take the place of the Death Penalty?", Ibid., (London: Touchstream Books, 1951), p. 275.

⁶⁵Charles E. Smith, "Recognizing and Sentencing the Exceptional and Dangerous Offender," Federal Probation, (December, 1971), p. 9.

acts of murder are impulsive, committed in the heat of passion or on a mild or strong provocation.

"Alcohol which plays a major role in homicide (as well as other crimes of violence) reduces the reasoning powers of the individual."⁶⁶ The abnormal offenders, those reacting to provocation and those acting under the influence of alcohol cannot or do not consider what the consequences are likely to be:

A certain type of murderer is actually attracted by the prospect of death. Another type is attracted by the notoriety which the principal actor in a murder trial enjoys, and for the former as well as for the latter the death penalty has a certain morbid fascination.⁶⁷

Abolition may ironically deter these latter individuals.

"In the class of deliberate murders, whatever fear there may be is more than balanced by the belief on the part of the criminal that he will not be caught."⁶⁸ As was previously mentioned, from 1945-1953 the odds were 33:1 that a would-be murderer in Illinois would not be executed for a murder. In 1930, Judge Kavanagh quoted the odds "as 120:1 that the would-be murderer would never die for his capital crime."⁶⁹ These would-be murderers would not be deterred by capital punishment.

⁶⁶Fattah, Ibid., p. 30.

⁶⁷E. Roy Calvert, Capital Punishment in the Twentieth Century, (Port Washington, N.Y.: Kennikat Press, 1927), p. 35.

⁶⁸Ibid., p. 36.

⁶⁹Fattah, Ibid., p. 44.

b. Sane vs. Insane

In dealing with the question of deterrence, Charles Duff states that, when we look closely into it, there are two categories of people who commit murder:

- (1) Those who are sane (know the nature and quality or consequences of their act) but hope to escape the penalty;
- (2) those who are insane, and these neither know nor care what they do. Murderers are either the one or the other, so it is difficult to appreciate the deterring effect of the death penalty upon their minds.⁷⁰

As the vast majority of murderers fall into one of two classes, those whose premeditated crimes are carefully planned and executed, and those who kill in moments of passion, anger, or great provocation, deterrence seems unlikely. The one class of murderer is confident of being able to avoid detection or punishment; the other is uninfluenced by the prospect of detection or punishment. In both cases, neither capital punishment nor life imprisonment is likely to serve as a deterrence. Capital punishment remains effective only for the sane person, who after logically considering murder, is dissuaded by the fear of possibly facing execution himself.

Homicide and suicide are two similar acts:

Both are aggressive acts characterized by a lack of respect and appreciation for human life. The only difference lies in the target of the aggression. In suicide the target of aggression is the self,⁷¹ In homicide the target of aggression is another person

⁷⁰George Ryley Scott, "Does the Death Penalty Prevent Murder?", Ibid., (London: Torchstream Books, 1951), p. 241.

⁷¹Fattah, Study of the Deterrent Effect, p. 36.

Rates for the combination of both of these aggressions, that is homicide followed by suicide, vary from one country to another.

The number of suicides each year in England and Wales, according to D.J. West:

is in round figures 5,000, the number of murders 150, of which 50 are murders followed by suicide. Something like a half of murders in England are followed by the suicide or attempted suicide of the aggressor.⁷²

Thus one in a hundred suicides are coupled with murder, and one in three murders are followed by successful suicides. It is then obvious to that many attempted suicides are unsuccessful. It would be of value to know the motive behind these attempts.

"In Finland, Estonia, and Latvia, both homicide and suicide are frequent; in Iceland, Ireland, and Norway, infrequent."⁷³ Porterfield, compared the ratios and indices of deaths from suicide and homicide in 86 cities in the U.S.A. He concluded that "the secular, especially upper-class, society is more given to suicide, and the depressed folk society resorts more to crime, both when studied by States and by cities."⁷⁴

⁷²D. J. West, Murder Followed by Suicide, (Cambridge, Massachusetts: Harvard University Press, 1965), p. 1.

⁷³Marvin E. Wolfgang, Patterns in Criminal Homicide, (Chatham, England: W.+J. MacKay + Co. Ltd., 1958), p. 269.

⁷⁴Ibid., p. 270.

"Wolfgang studied 621 persons who were charged with having committed criminal homicide in Philadelphia. 'Only 24, or less than 4%, later killed themselves.'"⁷⁵ "The proportion of homicide-suicide cases among total homicide offenders appears to be universally low in the U.S.A."⁷⁶

According to Statistics Canada, "there were 2,674 murders reported between 1961-1970. Of these 370 committed suicide before reaching trial."⁷⁷ Thus 13.8% of Canadian homicides are followed by suicide. Compared to England, the incidence of homicide followed by suicide is very low in Canada and the United States. It seems fair to assume that the potential killer who is likely to commit suicide after slaying his victim, cannot be deterred by the fear of capital punishment.

From the foregoing statistics on murder followed by suicide, the author was led to wonder whether these same offenders were sane or insane; mentally healthy or mentally ill. "Mental disorder is about the same in the prison community as it is in the community at large, which might come as a surprise to some who wish to equate criminality with mental illness."⁷⁸ Basil Thompson of Scotland Yard says:

⁷⁵Ibid., p. 272.

⁷⁶Ibid., p. 273.

⁷⁷Murder Statistics 1961-1970, (Ottawa: Statistics Canada, February, 1973), p. 9.

⁷⁸Smith, "Recognizing and Sentencing," p. 5.

you have to be in charge of a prison in order to realize that the murderer is rarely a criminal by nature. But for the Grace of God he is just you or I, only more unlucky. The murderer is repentant and is thinking only how he can earn an honest living after he is discharged; the others are thinking out schemes of fresh adventure.⁷⁹

The foregoing would tend to downplay the insane categorization of capital offenders. If offenders are really repentant, it would explain some attempts at suicide.

c. Intimidation and Weakness of the Jury System

Many juries are more threatened by the impact of the death penalty than the offender was at the time of his crime:

The menace of the death penalty tends more to protect the accused prisoner through intimidation of the jury, than to protect society through the conviction of the murderer and through the deterrent effect upon the would-be assassin.⁸⁰

Thomas Davis emphasizes the responsibility placed upon the jury when he states:

a jury drawn on a murder trial is often so awed by the responsibility placed upon them that rather than render a verdict that will take the man's life, for fear that there is a faint possibility that he is innocent, although they know he isn't, will disagree or bring in a verdict of not guilty, and thus the ends of justice are not attained.⁸¹

Judge Kavanagh made the following statement before the British Select Committee on Capital Punishment in 1930:⁸²

If one with premeditation commits a murder in the United States, if he is careful, the chances are six to one that he will never be arrested; and one hundred and twenty to

⁷⁹Lawes, Man's Judgement of Death, p. 49.

⁸⁰Fattah, A Study of the Deterrent Effect, p. 43.

⁸¹Ibid., p. 42.

one that he will never die for his crime.⁸²

The judicial system seems to filter to such an extent that it is left with only a small fraction of the guilty it tries to isolate. Official statistics compiled by the Attorney General in the United States shows that:

of 227 persons on trial for homicide during the 17 years from 1860 to 1876, only 35 or 15.4% were convicted while during a period of 20 years subsequent to the abolishment of capital punishment in 1876, the proportion of convictions to prosecutions rose to 64.5%.⁸³

It seems evident that convictions followed murder with greater certainty after life imprisonment was made the supreme penalty.

A further reservation about the jury system is brought to light by the following observation:

Picked in a haphazard manner from any rank or from all ranks of life, the average jury does not constitute a body of intelligent persons capable of weighing impartially the evidence presented by the prosecution or the defence; but, to the contrary, one far more likely to be at the mercy of the skilled counsel who are engaged in battling for the life of the prisoner, and who are past-masters of the art of appealing to the emotions, rather than to reason.⁸⁴

In short, we could conclude that capital punishment as a deterrent appeals to the logical sane mind. Unfortunately, the threat of capital punishment does not deter the insane or

⁸²Parliamentary Debates, House of Representatives, November 17, 1960, pp. 4,334-5.

⁸³Fattah, A Study of the Deterrent Effect, p. 42.

⁸⁴George Ryley Scott, "The Slaughter of the Innocents," Ibid., p. 249.

the person momentarily controlled by his emotions. A Further weakness of capital punishment is the hesitancy it produces in juries who are either reluctant to make a wrong judgement or who are influenced by the emotional appeal of the defence counsel. For these reasons the sane will continue to play the odds against detection and the ultimate punishment and the insane and emotionally controlled individuals will continue to murder regardless of the consequences or lack thereof. Combining the above logic with the importance of swiftness and certainty of punishment as crucial, we further conclude that logically an alternate punishment to capital punishment would serve as good or better a purpose. The writer would like to clarify that the above conclusion is a logical one based upon the aforementioned reasons, but separate from conclusions based upon religious and moral grounds.

4. Statistics

a. Capital Punishment and Homicide Rates

If capital punishment is a deterrent to murder, then its abolition or a decline in its use, should be followed by an increase in murder rates. Would-be murderers should logically be encouraged by the abolition of capital punishment, if it truly is a deterrent. "Statistics for most countries indicate that murder rates have remained constant or declined

despite trends away from the use of capital punishment."⁸⁵

The United States is an example of a country that has gradually used the death penalty less and less. "In 1924, the death penalty was mandatory in eight states; but by 1964 it was not mandatory in any."⁸⁶ The tendency has been to impose the death penalty less frequently even when it has been on the books. "Eighty percent of those persons sentenced to death in 1933-34 were executed; 81% in 1940-45. But from 1960-64 only 34% of the persons sentenced to death were executed."⁸⁷ Despite this decrease in execution rates the number of murders has not increased.

When we study the statistics for one state only, rather than the whole country, we see a similar trend. Homicide and execution rates for Ohio were studied for a 50 year period. "Any correlation between execution rates and homicide rates seemed to be direct rather than inverse."⁸⁸ In other words, homicide rates and execution rates have risen and fallen together. Thus, whether the country is looked at as a whole or whether individual states are considered, statistics indicate that execution rates have no apparent effect on homicide.

⁸⁵Fattah, A Study of the Deterrent Effect, p. 53.

⁸⁶Ibid.

⁸⁷Ibid.

⁸⁸Ibid., p. 55.

b. Repeal of Capital Punishment

If the extreme of abolishing capital punishment is considered, then murder rates should increase afterwards, if capital punishment really is a deterrent. Statistics from various countries that have abolished capital punishment indicate that murder rates have not gone up after abolition.

Capital punishment was abolished in Switzerland in 1874. "During the 23 years immediately before abolition there were 33 convictions for murder or attempted murder, and exactly the same number for the 23 years thereafter."⁸⁹ Thus the homicide rate actually decreased when the population increase is taken into consideration.

In Norway, capital punishment was abolished in 1905. The homicide rate shows a consistent and gradual decline "from 1.21 per 100,000 of population per annum from 1856-1865, to 0.63 in the years 1916-1925."⁹⁰ Austria experienced a similar trend after capital punishment was abolished in 1934. "Statistics following the abolition have been comparatively low."⁹¹ These two examples add strength to the thought that abolition of capital punishment does not invite an increase in the homicide rate.

⁸⁹Ibid., p. 58.

⁹⁰Ibid., p. 59.

⁹¹Ibid.

"A five-year moratorium on the use of the death penalty was enacted in December 1967 in Canada."⁹² Criminal homicide did not increase during the moratorium. "In many provinces such as Nova Scotia(1968), Ontario(1968,1969, and 1970), Saskatchewan(1968), and Alberta(1968,1969) homicide rates actually declined after capital punishment was legally suspended."⁹³ This again is a further example where suspension of the death penalty did not result in an increase in homicides.

c. Reintroduction of Capital Punishment

Eleven American states have experimented with abolition for periods of time varying in duration. Professor Sellin, who has studied capital punishment extensively, comments:

if any conclusion can be drawn from all the data, it is no evidence that the abolition of the ~~death penalty~~ generally causes an increase in criminal homicides or that its reintroduction is followed by a decline. The explanation of changes in homicide rates must be sought elsewhere.⁹⁴

From Sellin's remarks we can conclude that neither abolition nor reintroduction of capital punishment has any effect on the homicide rates in America.

Sellin found¹ that homicide death rates in all the states have followed similar trends for a period of time whether or

⁹²Canada, Revised Statutes of Canada 1970, Vol. II, "Criminal Code 1967 Amendment Act," C. 35, S. 2, ss. 1-2.

⁹³Fattah, A Study of the Deterrent Effect, p. 191.

⁹⁴Ibid., p. 61.

not the death penalty was in effect. In comparing 15 states over a 43 year period Sellin found that:

homicide death rates reached peaks in the 1920's and early 1930's, then followed a general downward trend, leveled out in the 1940's, and continued through 1960 at about that level. Comparisons of trends and rates reveal no differences among adjacent states with and without the death penalty,⁹⁵ which can be ascribed to either its presence or absence.

Whether the death penalty is used or not, or whether executions are frequent or not, both death penalty states and abolition states show rates which suggest that these rates are conditioned by factors other than the death penalty.

New Zealand abolished capital punishment in 1941, restored it in 1950 and again abolished it in 1961. The death penalty, although it was on the books, was not implemented for the five years previous to the 1941 abolition year. "In the 15 year period during which the death penalty was not imposed in New Zealand (1936-1950) there were 148 murders; in the 15 year period before 1936 there were 154."⁹⁶ Thus there was a small reduction in the number of homicides after abolition and this figure is even more significant when the increase in population during the abolition years is considered.

⁹⁵Ibid., p. 62.

⁹⁶Ibid., p. 61.

d. Experience of Other Countries

The previous sections have dealt with repeal and reintroduction of capital punishment. Canada and the United States were exemplified fairly extensively. Switzerland, Norway, Austria, and New Zealand were dealt with briefly. This section is meant to summarize the capital punishment stand of other countries for the present.

As was previously mentioned, eleven American states have experimented with abolition for various periods of time before returning to the death penalty. The eleven states include Tennessee, South Dakota, Oregon, Washington, Delaware, Arizona, Colorado, Maine, Missouri, Kansas, and Iowa. In 1972 the Supreme Court declared the death penalty as unconstitutional. In a series of capital punishment decisions on July 2, 1976, "the Supreme Court appeared to reject on Constitutional grounds all mandatory death penalty statutes."⁹⁷ A year later on June 6, 1977 the United States Supreme Court ruled by a 5 to 4 vote that "states could not make the death penalty mandatory for persons convicted of killing police officers."⁹⁸ The Supreme Court felt that mitigating circumstances could prevail in some situations.

⁹⁷The London Free Press, June 7, 1977, p. 8.

⁹⁸Ibid.

In Denmark, the actual abolition of capital punishment in 1933 did not effect the homicide rate in a negative way.

"Homicides gradually decreased from 20 in 1933 to 11 in 1939 when the second World War broke out."⁹⁹ Denmark has retained abolition since 1939.

"Sweden formally abolished the death penalty in 1921."¹⁰⁰ Five years previous to abolition, "the homicide rate was 0.72 per 100,000 population but five years after abolition the homicide rate dropped to 0.52."¹⁰¹ Sweden still stands with abolition.

Capital punishment was enforced only during wartime for many years but "it was totally abolished on June 1, 1972,"¹⁰² for all of Finland.

"Capital punishment was abolished for the whole of Switzerland by the federal government in 1874."¹⁰³ It was reinstated five years later in ten cantons while fifteen cantons stayed with abolition. "Capital Punishment was again abolished throughout Switzerland by the Penal Code of 1939."¹⁰⁴

⁹⁹Fattah, A Study of the Deterrent Effect, p. 56.

¹⁰⁰Ibid., p. 57.

¹⁰¹K. F. Schuessler, "The Deterrent Influence of the Death Penalty," The Annals of the American Academy of Political and Social Science, vol. 284 (November, 1952), p. 59.

¹⁰²Report of the Secretary General of the United Nations, International Review of Criminal Policy #31 (New York: United Nations, 1974), p. 95.

¹⁰³Fattah, A Study of the Deterrent Effect, p. 58.

¹⁰⁴Ibid.

"In Norway, the last execution took place in 1875 and capital punishment was abolished in 1905."¹⁰⁵ The homicide rate has shown a consistent and gradual decline since abolition was implemented.

"Austria abolished the death penalty in 1919, restored it in 1934 and abolished it again in 1950 except for a few exceptional crimes."¹⁰⁶ The death penalty "was totally abolished for all crimes in Austria in 1968."¹⁰⁷

"In Queensland, Australia the last execution took place in 1913 and formal abolition of capital punishment took place in 1922."¹⁰⁸ The Federal Government of Australia "abolished capital punishment in 1968 except for murder and treason in five territories."¹⁰⁹

"In Bulgaria, since abolition was introduced in 1963, there has been a reduction of one third of the cases leading to the death penalty."¹¹⁰

¹⁰⁵Fattah, A Study of the Deterrent Effect, p. 59.

¹⁰⁶Ibid.

¹⁰⁷Report of the Secretary General of the United Nations, International Review of Criminal Policy #31, p. 95.

¹⁰⁸Fattah, A Study of the Deterrent Effect, p. 59.

¹⁰⁹Report of the Secretary General of the United Nations, International Review of Criminal Policy #31, p. 95.

¹¹⁰Ibid.

"In Mexico 29 of 32 states have come to abolish capital punishment. Capital punishment was abolished in Peru in 1971 except for kidnapping with homicide and for treason."¹¹¹

"Brazil" reintroduced capital punishment in 1969 for crimes against national security with criminal loss of life. Argentina reintroduced capital punishment in March of 1971."¹¹²

Great Britain has gradually progressed through the years towards abolition. At one time the death penalty was enacted for such petty crimes as "the theft of a pocket handkerchief or for shooting a rabbit."¹¹³ By 1837 the death penalty was enforced for only 15 types of crimes. These fifteen were reduced to four, namely for "murder, treason, piracy with violence, and arson in Government dockyards or arsenals, by 1861."¹¹⁴ The death penalty was suspended for five years and then "in 1969, the House of Commons and House of Lords approved the permanent abolition of the death penalty in Great Britain."¹¹⁵

¹¹¹Ibid.

¹¹²Ibid.

¹¹³Scott, The History of Capital Punishment, p. 77.

¹¹⁴James B. Christoph, Capital Punishment and British Politics: The British Movement to Abolish the Death Penalty, 1945-57, (Chicago: University of Chicago Press, 1962), p. 17.

¹¹⁵Lester A. Sobel, Facts on File Yearbook 1969: Index of World Events, vol. xxix (New York: Facts on File, Inc., 1970), p. 824.

The U.S.S.R. has fluctuated back and forth on the issue of capital punishment:

In January, 1920 the death penalty was abolished but only four months later was reinstated. The death penalty was once again abolished in 1947, and again reintroduced on January 2, 1950, applying to 'traitors to the country, spies, and subversive diversionists' and other groups of political offenders.¹¹⁶

There are no Soviet statistics on capital punishment but the number is no doubt very large. The death penalty is still labelled by the U.S.S.R. as an "exceptional measure of punishment,"¹¹⁷ which is used primarily as a weapon against enemies of the system. So, despite their verbal favour of abolition internationally, the U.S.S.R., in fact, is practicing retention of capital punishment.

There has been a gradual trend towards world-wide abolition, but progress in that direction has been slow. The number of offences for which the death penalty could be imposed has been declining progressively since the nineteenth century in many parts of the world. The United Nations reports that "since 1863 there has been an average of only about six countries abolishing the death penalty every 30 years."¹¹⁸

¹¹⁶ Joseph S. Roucek, "Capital Punishment in the U.S.S.R.," The Ukrainian Quarterly, vol. xxx, no. 2, 1974, p. 170.

¹¹⁷ Ibid., p. 171.

¹¹⁸ Report of the Secretary General of the United Nations, International Review of Criminal Policy #31, p. 92.

A tolerance for the ordinary offender and "a shift to the death penalty for political offenders has been a trend with the increase in terrorism and guerilla warfare."¹¹⁹ Various countries are also having to deal with the current issue of sky piracy and hijacking. Crimes of this nature are usually classified as exceptional and a country would still be considered in favour of abolition despite its enforcement of the death penalty for such unusual crimes.

5. Protection to Policemen and Prison Guards

a. (i) Police Homicides

As a responsible society we wish not only to protect the citizen from possible injury but we also want to protect policemen from undue injury in the performance of their duties. A logical approach to the question of capital punishment, as a protection to the life of policemen is as follows:

the death penalty safeguards police because a criminal seeking to avoid arrest would have much less fear of the consequences of the use of firearms or of violence if there were no death penalty.¹²⁰

This reasoning that a criminal may kill a policeman, who is between him and freedom, if there is no capital punishment, appeals to one's logic.

¹¹⁹Ibid., p. 94.

¹²⁰Department of Justice, Capital Punishment: Material Relating to its Purpose and Value, (Ottawa: Queen's Printer, 1965), p. 23.

The general results of a study by Sellin demonstrated:

that between the years 1919 and 1954 cities in the capital punishment states had a police homicide rate of 1.3 per 100,000 population, while the cities in the abolition states had a police homicide rate of only 1.2 per 100,000 population.¹²¹

From Sellin's findings it seems evident that the policeman is not exposed to any greater risk in an abolition state than in a retention state. These statistics counter the logic of implementing capital punishment to protect the policeman.

Professor Sellin noted that although police work is hazardous, many other occupations are more hazardous:

Between 1961-1963 the annual death rate for policemen in the United States was 3.1 per 10,000 police. The corresponding risks of being killed on the job by accident were 11 in the mining industries, 7.7 in contract construction, 6.5 in agriculture, and 4.2 in transportation and public utilities.¹²²

From these statistical comparisons it would seem that the popular conception of the dangerous nature of police work has been exaggerated.

In his studies on police safety and capital punishment, Father Campion states that:

there is no empirical evidence to support the claim that the existence of the death penalty in the statutes of a State provides a greater protection to the police than exists in States where the penalty has been abolished.¹²³

His observations tend to further support the concept that

¹²¹Fattah, Deterrent Effect of Capital Punishment, p. 48.

¹²²Ibid., p. 49.

¹²³Ibid., p. 48.

policemen are no freer from homicide whether capital punishment is in effect or not.

It is impossible to know how many people may have been deterred from committing a homicide because of fear of the death penalty. Obviously those who have been deterred would never come into custody for their anticipated crime. However, there have been observations by New York City policemen who testified that "accomplices to murder have often attempted to dissuade the murderer from resorting to violence or from killing an armed-robbery victim because of their fear of the death penalty."¹²⁴ Once arrested and taken to the police station, some murderers have said "that they were terrified at the possibility of being sentenced to death."¹²⁵

a. (ii) Prison Homicides

Another argument in defense of the death penalty is that it safeguards the lives of inmates and staff in penal institutions. Proponents of this argument believe that:

murderers who are sentenced to life imprisonment or receive a commutation of their death sentences, will be deterred by the threat of execution from committing a homicide in prison even though that threat did not prevent them from killing someone in the first place.¹²⁶

In 1965 Professor Sellin tabulated returns from 45 states.

¹²⁴Solicitor General of Canada, Capital Punishment, New Material: 1965-1972, (Ottawa: Queens Printer, 1972), p. 76.

¹²⁵Ibid.

¹²⁶Fattah, Deterrent Effect of Capital Punishment, p. 50.

The results indicated that "603 persons were victims of assaults. Of these assaults 61 died - 8 staff members and 53 inmates."¹²⁷ The largest single group of offenders was "the robbers, followed closely by those guilty of some form of homicide."¹²⁸

Professor Sellin comments on his findings by stating:

that there are many hazards involved in prison life. To imagine that they can be completely removed is visionary, but it is equally visionary to believe that the threat of the death penalty could play any role in reducing them. They can be lessened only by institutional management.¹²⁹

A study in 1955 carried out by Professor A. Morris concerning the assaults in the penal institutions of 26 states, covering a period of 10 years and based on data supplied by the wardens, indicates that "these assaults occur more frequently in prisons in states that have the death penalty than those that do not."¹³⁰

A study of homicides and assaults in Canadian penitentiaries was undertaken by D. Akman in 1966. The data covers the years 1964 and 1965 and are based on reports from all Canadian penitentiaries:

During the two years a total of 102 assaultive events occurred involving 106 offenders and 107 victims, (37 of-

¹²⁷Ibid.

¹²⁸Ibid.

¹²⁹Ibid., p. 51.

¹³⁰Ibid.

ficers and 70 inmates). Most of the assaults occurred in maximum security institutions, where there were 91 victims (32 officers and 59 inmates).¹³¹

It was found that "the robbers accounted for one third of the assaults on officers and inmates and the thieves for one third of the assaults on officers and nearly half of the assaults on inmates."¹³² Murderers are not amongst the dangerous group.

During these same two years, two homicides occurred:

The first involved a guard fatally assaulted by an 18 year old inmate serving a 12 year sentence for violent robbery. The second occurred in 1965 and involved an inmate victim who was assaulted by a 27 year old fellow prisoner serving time for armed robbery.¹³³

This is consistent with the theme that singles out robbers as more dangerous than murderers.

"Offenders serving sentences for murder inflicted only 3 minor injuries to 3 officers during these same two years."¹³⁴

Between 1945 and 1964, 3 guards were killed while on duty in Canadian penitentiaries - "one by a robber, one by fellow guards in a moment of panic, and one case the offender was never discovered."¹³⁵

Akman concludes his study by stating that:

¹³¹Ibid., pp. 51-52.

¹³²Ibid., p. 52.

¹³³Collin Sheppard, "Towards a Better Understanding of the Violent Offender," C.J.C.C., (January, 1971), p. 64.

¹³⁴Ibid.

¹³⁵Ibid.

within the limitations of this study, the argument that the commutation of death sentences increases the life and occupational hazards in prison finds no empirical support. Not only has commutation not led to further violence by those whose sentences have been commuted, but the attenuation of the death penalty resulting from an unprecedented high rate of commutations has not resulted in a general increase of homicidal and assaultive behavior in Canadian prisons.¹³⁶

In Canada, statistics made available by the National Parole Board indicate an impressive record for those serving time for murder:

From 1920 to 1967, 119 first degree murderers serving sentences of death committed to life imprisonment were released on parole. As of April 1968, 89 were still on parole, 19 had either died or left the country and 11 had been returned to prison either through committing other offences or breaking their conditions of parole. Of the original 119, only 1 offender killed the second time - he was executed in 1944.¹³⁷

These are impressive statistics which should serve to relax those who expect a first time murderer to commit a second homicide, if he is released.

The retentionist argues that capital punishment should be retained "in the case at least of the murder of a policeman or prison guard by a prisoner undergoing a life sentence because he can be affected by no other deterrent."¹³⁸ The abolitionist, counters with the argument that imprisoned murderers as a class are well conducted prisoners and have an

¹³⁶ Fattah, Deterrent Effect of Capital Punishment, p. 52.

¹³⁷ Sheppard, "Understanding the Violent Offender," p. 65.

¹³⁸ Capital Punishment: Material Relating to its Purpose and Value (Ottawa: Queen's Printer, 1965), p. 24.

excellent record on parole. They very seldom repeat their offence a second time.

From the foregoing, it becomes obvious that statistics favor the abolitionist when capital punishment is considered for murder of prison guards. Murder has not in the statistical past been attracted to recidivism. Logic and reason as a guide seem to favor neither the abolitionist nor the retentionist, as both have their supporters. Conversely, there is probably little logical support for the extreme of capital punishment for robbers, and yet there is more statistical justification for its offenders than for those, who have murdered once.

b. Wardens' Opinions

In this section, the author draws upon the personal comments and opinions of wardens. It is their experience and contact with murderers, that makes their opinions important. Lawes reflects the author's feelings when he states that:

It is always interesting and often constructive to know what others think about any controversy and particularly to know the ideas and ideals of persons who are especially qualified to judge by experience, by training, by close contact, and observation.¹³⁹

One warden, as a result of correspondence, was able to secure opinions on the subject of capital punishment from nearly fifty of the wardens throughout the United States.

"Seventeen expressed their verdict against the death penalty;

¹³⁹Lawes, Man's Judgment of Death, p. 60.

twenty-three were in favor of it, and seven gave qualified expressions of opinion about evenly divided for and against."¹⁴⁰ Another warden indicated that he had talked with almost every man who had been on condemned row since 1929. "He has yet to have a man tell him he gave any thought to the consequences of his crime at the time it was committed."¹⁴¹

In 1951-52 official views were collected from the responses to inquiries mailed to all state-prison wardens in the United States. "Of the 55 inquiries 26 were returned. When asked if they considered capital punishment a deterrent for murder, there were 3 (11%) yes and 23 (39%) no answers."¹⁴²

Thomas J. Tynan, Warden for the Colorado State Penitentiary gave a very personal account when he wrote:

I am unalterably opposed to capital punishment, have always been and probably will always be, as I do not believe there is any deterrent in capital punishment. I realize that society often is exasperated over some hideous crime that is committed, yet the infliction of the death penalty is no deterrent, and very few, if any, of the men I have known who were executed, ever gave any thought to the penalty when the crime was committed. On the other hand some of the best men I have ever come in contact with behind the prison walls were men who had been sent to Penitentiary under the death penalty and whose sentences have been commuted to life imprisonment, so it is better by far to give the offender a chance to reclaim himself, repent of his crime and possibly save his soul, than it is to inflict the death penalty upon

¹⁴⁰Ibid., p. 59.

¹⁴¹Paul A. Thomas, "Attitudes of Wardens Toward the Death Penalty," The Death Penalty in America, Edited by Hugo Adam Bedeau, Rev. Ed. (New York: Doubleday and Co., 1967), p. 247.

¹⁴²Ibid., p. 244.

him. Capital punishment never lessens crime nor will it ever do so.¹⁴³

This is a very personal account emphasizing that murderers are "good men" and that they do not consider the death penalty during the commitment of their crime. It also mentions the preference for commutation with the hope that the offender may repent and save his soul.

Joseph Redenbaugh, a penologist, in contrast, feels that commutation is useless unless the offender has a hope of eventual release from prison. He summarizes his conviction by saying that "few prisoners would object to capital punishment if they knew there was absolutely no chance of their ever being released."¹⁴⁴

c. Police Opinions

The Canadian Association of Chiefs of Police feel the opposite to Redenbaugh with respect to the value of life within confinement. In a letter addressed to all members of Parliament dated February 6, 1965, they expressed great concern with what they described as "the present state of lawlessness in our country."¹⁴⁵ They state that:

all sane persons would prefer a sentence of life imprisonment rather than suffer the death penalty, therefore, Cap-

¹⁴³ Lawes, Man's Judgment of Death, p. 139.

¹⁴⁴ Paul A. Thomas, "Parole of Correctional Offenders, Recidivism, and Life Imprisonment," The Death Penalty in America, p. 403.

¹⁴⁵ Capital Punishment: Material Relating to its Purpose and Value (Ottawa: Queen's Printer, 1965), p. 12.

ital Punishment is definitely an effective deterrent. The adage 'Where there is life, there is hope' would seem to appropriately fit this situation.¹⁴⁶

They substantiate this same point, in a brief to the Federal Government in 1973. They give an example of a Windsor man by the name of Dwyer "who, when apprehended, openly admitted that though he carried a gun, he did not fire it at the arresting officer, because of the fear of the death penalty."¹⁴⁷

The Association went on to express its belief that the policy of the Canadian Government, since 1957, in granting clemency "to vicious murderers by commuting death sentences to 'so-called life imprisonment' has greatly contributed to the present deplorable situation."¹⁴⁸ They reiterated the same point in 1973, contending that commutation of the death penalty "has demeaned the whole authority of sentencing, the prestige of the Courts, and the deterrent value, all resulting in greater unrest and concern to society."¹⁴⁹

They counter the abolitionist argument that imprisoned killers are reported to be well behaved convicts, by pointing out that "the most ferocious beast of the jungle is a rather

¹⁴⁶Ibid., p. 14.

¹⁴⁷Canadian Association of Chiefs of Police, A Brief on Capital Punishment Submitted to the Federal Government, January, 1973, p. 14.

¹⁴⁸Capital Punishment: Material Relating to its Purpose and Value, p. 12.

¹⁴⁹Canadian Association of Chiefs of Police, A Brief on Capital Punishment, p. 18.

quiet and docile animal behind steel bars, but we all know what happens if the beast succeeds in getting out of his cage."¹⁵⁰

It is very clear that the Association is in strong support of capital punishment. It would seem that the exposure of its members to criminals has directed them towards their particular stand. The Association expresses this in its 1973 brief, when they state that "those who have been victimized or lived with the practical aspect of murder are overwhelmingly in favour of retaining the death penalty."¹⁵¹

d. Prisoner Opinions

The following is an account by a French prisoner who had inquired with his peer group regarding the issue of capital punishment. He implies that the death penalty actually has an attraction for many men because it reflects the attitude of those in authority who are to be defied by the prison culture. His account is as follows:

I was previously confined in one of the largest prisons of Paris, where I came in contact with several thousand fellow-prisoners. And I heard from all of them that its effect was just the opposite from that claimed for it. For these men were outcasts from respectable society. They had no further hope of its estimation or honor; yet everyone naturally desires the good opinion of his fellow men, and if he cannot obtain the appreciation of the good, he will still value the admiration of the bad. Such is human vanity. But if there is anything the criminal class admire it is pluck and daring defiant of authority and its

¹⁵⁰ Capital Punishment: Material Relating to its Purpose and Value, p. 14.

¹⁵¹ Canadian Association of Chiefs of Police, A Brief on Capital Punishment, p. 18.

penalties. Consequently even the Guillotine is to them an object to be defied in actual life. And thus do they defy and disregard it because it renders them heroes to their own class.¹⁵²

From the foregoing sections it can be seen that one's position or occupation in life tends to influence one's view on capital punishment. The police are exposed to the victim and to the offenders. Penologists and prison employees are acquainted with only the offenders and their families and are removed from victim contacts. The offender is most aware of circumstances, which lead to his committing the crime and also has an important voice in the effectiveness of capital punishment especially from the perspective of deterrence. There is no unanimous concensus on the issue of capital punishment from these varied occupations and positions in life.

¹⁵² Lawes, Man's Judgment of Death, p. 142.

CHAPTER II

RESEARCH DESIGN

A. Hypothesis and Research Questions

It is the purpose of this research project to test the hypothesis which states: THERE WILL BE A POSITIVE CORRELATION BETWEEN THE ATTITUDES THAT CORRECTIONAL OFFICERS HOLD ON CAPITAL PUNISHMENT AND THE VALUE THAT THEY PLACE ON LIFE.

The researcher, in addition to testing this hypothesis, would like to determine answers to the following questions:

1. Do Correctional Officers favour the complete abolition or retention of capital punishment?
2. Does age or education relate to a Correctional Officer's stated opinion on capital punishment?
3. Do Correctional Officers, who have had Armed Forces experience have a specific stand as "Abolitionists" or "Retentionists"?
4. Does knowing or having known a murderer or a murder victim effect a Correctional Officer's stand on capital punishment?

B. Operational Definitions

In order to test the hypothesis, the researcher offers operational definitions for capital punishment, attitudes towards capital punishment, and value placed on life.

"Capital punishment" refers to the judicial punishment by death for a crime.

"Attitudes towards capital punishment" refers to the Correctional Officers' attitudes towards capital punishment as determined by both the subjects' "stated position on capital punishment" as well as the score that subjects achieved on a Capital Punishment rating Scale.

"Values that they place on life" shall refer to Correctional Officers' attitudes towards life as determined by the score that subjects achieved on a Life rating Scale.

C. Population

The research population consisted of all male Correctional Officers working full time in Ontario jails in Chatham, Kitchener, London, Sarnia, Stratford, and Windsor. The author sampled Correctional Officers from all six jails. Part-time Correctional Officers were excluded because it is impossible to determine the effect of part-time employment on their attitudes.

The Superintendent of each of the six jails provided the researcher with the total number of full time Correctional Officers in his specific institution. Sargeants were included in the population because it was felt they still had direct contact with inmates. Superintendents and other administrative staff were excluded from the population because their contact with the inmate population would be under different circumstances than the Correctional Officers. The total Correctional Officer population consisted of 142 men.

D. Sample

Questionnaires distributed were accompanied with a self-addressed stamped envelope to encourage as many returns as possible. Of the 142 questionnaires distributed, 53 were returned within the cut-off date of five weeks as outlined in each letter. Thus the returned questionnaires amounted to 37.3% of the original mailing list.

E. Method of Data Collection

A questionnaire originally used by Frank A. Young to sample Social Worker attitudes was redesigned and used as a means of collecting data from the Correctional Officers. A questionnaire was used rather than an interview, because it was considered confidential and it protected the anonymity of respondents.

Approval was received from the Research Branch of the Ministry of Correctional Services and individual permission was also received from the Superintendents of the six jails sampled to distribute the questionnaires. These same Superintendents also provided the researcher with the exact number of full time Correctional Officers.

Questionnaires were either put in the mail-slots of Correctional Officers at their place of work or given to the Superintendent to distribute to full time Correctional Officers.

Question 6 of Part I was used to elicit a specific response towards capital punishment. The response to this question was designated as the Correctional Officer's "stated position on capital punishment."

In Part II of the questionnaire, respondents were asked to rate a series of forty-eight statements related to capital punishment on a five point scale. Statements 1-21, centre upon a variety of issues related to capital punishment. These questions comprise the "Capital Punishment Scale" which is used to test the hypothesis. Questions 26-32 comprise the "Life Scale" used to test the hypothesis. These questions relate to the Correctional Officer's personal orientation towards the taking of life.

Questions 1, 4, 5, 17, and 18 of Part I consisted of data of a nominal nature which was correlated with Correctional Officers' "stated position on capital punishment". The researcher wanted to see if there was any specific biographical data which consistently related strongly to a Correctional Officer's "stated position on capital punishment". This data does not relate to the hypothesis but will be dealt with in the analysis of data related to additional research questions.

F. Method of Data Analysis

In Part II of the questionnaire the researcher treated each question equal in value in obtaining a raw score for each Correctional Officer on the "Capital Punishment Scale" and on the "Life Scale". The respondent was able to score from 1 to 5 on each question and his raw score consisted of the total sum of scored responses on questions 1-21 for a Capital Punishment raw score and his total scored sum on questions 26-32 of Part II constituted his raw Life Value score.

A weighted rating from 1 to 5 was assigned for responses corresponding to the following categories: strongly agree (1); agree (2); uncertain or undecided (3); disagree (4); and disagree strongly (5). With the exception of question 5, 7, 19, and 20, responses were scored on the 1 to 5 scale coinciding with the strongly agree-strongly disagree continuum. Because questions 5, 7, 19, and 20 of Part II were expressed in negative form, they were scored in reverse order. Thus a strongly agree response was assigned 5 points, whereas a strongly disagree response was assigned a 1 point score for those four questions only. For all questions in Part II, a score of 3 was given for the category "undecided or uncertain". The researcher felt that this category related to a response midway on the continuum between strongly agree and strongly disagree. Uncertainty or indecision indicates feelings or opinions of a negative and positive nature, whose average has to be the midpoint of the values assigned to the extremes. Mathematically this would be expressed as $(1+5) \text{ divided by } 2 = 3$.

The scores on the "Capital Punishment Scale" and on the "Life Scale" were correlated using the "Pearson r"¹⁵³ and tested for significance using the "Pearson r" t table for tests of significance.¹⁵⁴

¹⁵³R.J. Senter, Analysis of Data (Glenview, Ill.: Scott Foresman and Company, 1969), p. 413.

¹⁵⁴Henry E. Garrett and R.S. Woodsworth, Statistics in Psychology and Education (6th ed.; New York: David McKay Company, 1967), p. 201.

The scores on these same two scales were correlated with Question 6 of Part I which indicates the respondent's "stated position on capital punishment." "Cramer's V" was used to test the strength of association between question 6 and the scores for statements 1-21 and 26-32. These scores were tested for significance of association using Chi-square.

The researcher was able to dichotomize the raw scores obtained from the responses to questions 1-21 and 26-32 by calculating the mean for each scale and categorizing into a 2x2 table those scores that fell above and below the respective means. Scores that fell above the mean were ranked as "high" and those that fell below the mean were ranked as "low." Responses to question 6 of Part I were dichotomized as well. Respondents who indicated that capital punishment should be fully retained or that capital punishment should be made mandatory for an increased number of criminal offences were categorized as "Retentionists." Respondents who indicated that capital punishment should be abolished completely or that capital punishment should be partially abolished except for a limited number of specific criminal offences were categorized as "Abolitionists." There were no respondents who indicated their position on capital punishment was undecided at the present. Because only one respondent indicated he had no specific

position on capital punishment, he was excluded from the dichotomization since it was difficult to rationalize his inclusion in either of the categories of "Abolition" or "Retention".

The researcher wanted to see, if older Correctional Officers, generally had a different attitude towards capital punishment, than younger Correctional Officers. The average age of the respondents was determined and used to dichotomize the group. Those above the mean were designated as "older".

Those whose age fell below the mean were designated as "younger".

A 2x2 table was used in associating age with the respondents' "stated positions on capital punishment". Responses to question 6 of Part I were dichotomized as before. Age was tested for strength of association with question 6 using Cramer's V for association and tested for significance of association using Chi-square.

The researcher used the same procedure in testing the association of education with Correctional Officer's "stated position on capital punishment". Those who had more education than the mean were designated as "more". Those who had less education than the mean were designated as "less", in dichotomizing the respondents. The researcher used the total number of years of schooling to determine this categorization. Responses to question 6 of Part I were again used in the same dichotomization and tested for strength of association using Cramer's V and tested for significance of association using Chi-square.

The researcher wanted to see if Correctional Officers, who did have Armed Forces experience, did have a "specific stand on capital punishment" compared to those without Armed Forces experience. Respondents with Armed Forces experience were separated from those, who did not have Armed Forces experience. This dichotomization along with the same dichotomization from question 6, was used in a 2x2 table and the association between Armed Forces experience and question 6 was done using Cramer's V and was tested for significance of association using Chi-square.

The researcher felt that Correctional Officers, who had known a victim of a murder, as a result, would have identified with the "Retentionist" philosophy. Correctional Officers, who never knew a murder victim, might be more sympathetic towards the murderer and hence hold to an "Abolitionist" philosophy, it was felt. Respondents, who had known a murder victim, were compared to respondents, who had not known a murder victim, as determined from question 17 of Part I. In addition to that dichotomization, they were also dichotomized as being either "Abolitionists" or "Retentionists". A 2x2 table was used to test the strength of association of the Correctional Officers' "stated positions on capital punishment" with the variable of knowing or not knowing a murder victim. Cramer's V was used to determine the strength of association and it was tested for significance of association using Chi-square.

The researcher expected most Correctional Officers in a Provincial Jail would have had personal contact with at least one person who had been charged with murder. Question 17 of Part I gave the researcher this information. The author wanted to see if the respondents felt that having known a person charged with murder was significant in influencing their views on capital punishment. Question 13 (vi) of Part I indicated whether this was significant to the Correctional Officers or not.

It was further postulated that those Correctional Officers, who indicated that having known a person charged with murder was significant in influencing their views on capital punishment, would empathize with the person charged, and hence would adopt an "Abolitionist" stand. Conversely, it was expected that Correctional Officers, who indicated that having known a person charged with murder was insignificant in influencing their view on capital punishment, would not empathize with the person charged, and hence would adopt a "Retentionist" stand.

The researcher was able to form a 2x2 table by dichotomizing the responses from question 13 (vi) of Part I as to the significance or insignificance of having known a person charged with murder and by dichotomizing the responses from question 6 of Part I, which indicated an "Abolitionist" or a "Retentionist" stand on capital punishment. Those two variables were tested for strength of association using Cramer's V and tested for significance of association using Chi-square.

At the time the research questionnaires were distributed, capital punishment was still a legal sentence for those who were convicted of murdering a Police Officer or a Prison Guard. "Since 1962, when the last hanging took place in Canada, 56 convicted murderers have had their death sentences commuted by the Federal cabinet."¹⁵⁵ The author felt that a convicted murderer, who had been sentenced to hang and who had had his sentence commuted, would have been much closer to the reality of the death sentence, than a person charged with the murder of someone other than a Police Officer or Prison Guard. The author felt that Correctional Officers who knew a convicted murderer whose sentence had been commuted, would be influenced towards the "Abolitionist" philosophy.

Those who knew and those who did not know a convicted murderer, whose sentence had been commuted, were determined from question 18 of Part I.⁶ Those two groups were dichotomized. Respondents were also dichotomized into "Abolitionists" and "Retentionists". A 2x2 table was formed and Cramer's V was used to determine the strength of association between a Correctional Officer's stand on capital punishment and whether or not he knew a convicted murderer whose sentence had been commuted. A Chi-square was used to test for significance of association.

The author would like to repeat that since there was only one respondent who answered question 6 of Part I with no spec-

¹⁵⁵The London Free Press, June 19, 1976, p. 9.

ific position on capital punishment, he was excluded from the sample dichotomization since it was difficult to rationalize his inclusion in either of the categories of "Abolitionist" or "Retentionist".

CHAPTER III

ANALYSIS OF DATA

A. Introduction

The null hypothesis states that THERE WILL NOT BE A POSITIVE CORRELATION BETWEEN THE ATTITUDES THAT CORRECTIONAL OFFICERS HOLD ON CAPITAL PUNISHMENT AND THE VALUE THAT THEY PLACE ON LIFE. In order to test this null hypothesis at the .05 level of significance, the researcher determined for each respondent his stated position on Capital Punishment, his score on the Capital Punishment scale, and his score on the Life Scale.

In addition to testing the hypothesis, Section B deals with the analysis of the respondents' stated positions on Capital Punishment, and the analysis of the scores they received on the Capital Punishment Scale and the Life Scale. Section C gives a detailed analysis of the statistics related to additional research questions.

B. Presentation and Analysis of Data Related to Testing of the Hypothesis

1. Stated Position on Capital Punishment

Question 6 of Part I of the questionnaire gave the respondents 6 statements from which they were to choose the statement most representative of their position on Capital Punishment.

The choices presented to them were:

- Capital Punishment should be fully retained.
- Capital Punishment should be abolished completely.
- Capital Punishment should be partially abolished except for a specific number of criminal offences.
- Capital Punishment should be made mandatory for an increased number of offences.
- My position on Capital Punishment is undecided at this time.
- I do not have a specific position on Capital Punishment.

Table 1 outlines the frequency and percentage of the sample's stated position on Capital Punishment according to the categories outlined in question 6 of Part I. The author has made no effort to separate respondents according to which Provincial Jail employed them. Therefore there are no sub-samples.

TABLE 1.- Stated Capital Punishment Position: Frequency and Percentage of Sample.

| Position on Capital Punishment | Frequency | Percentage |
|-----------------------------------|-----------|------------|
| Complete Abolition | 5 | 9.4 |
| Partial Abolition | 16 | 30.2 |
| Retention Increased | 6 | 11.3 |
| Full Retention | 25 | 47.2 |
| No Position | 1 | 1.9 |
| Undecided | 0 | 0.0 |
| Total | 53 | 100.0 |

From the data in Table 1, it can be seen that 39.6% of the respondents stated their position on capital punishment to be in the "Abolitionist" camp. Of these 9.4% were in favor of complete abolition and 30.2% were in favor of partial abolition.

Fifty-eight decimal five per cent of the respondents stated their position on capital punishment in the "Retentionist" camp. Of these, 47.2% felt that capital punishment should be fully retained and 11.3% felt that capital punishment should be made mandatory for an increased number of offences. Only 1 subject (1.9%) indicated that he did not have a specific position on capital punishment. None of the subjects responded to the category indicating their position on capital punishment to be undecided at the time.

From the data presented in Table I it can be concluded that the majority of Correctional Officers are in favor of retaining capital punishment. Correctional Officers stating they are in favor of complete or partial abolition are a slightly smaller group, and only one respondent had no specific stand on capital punishment.

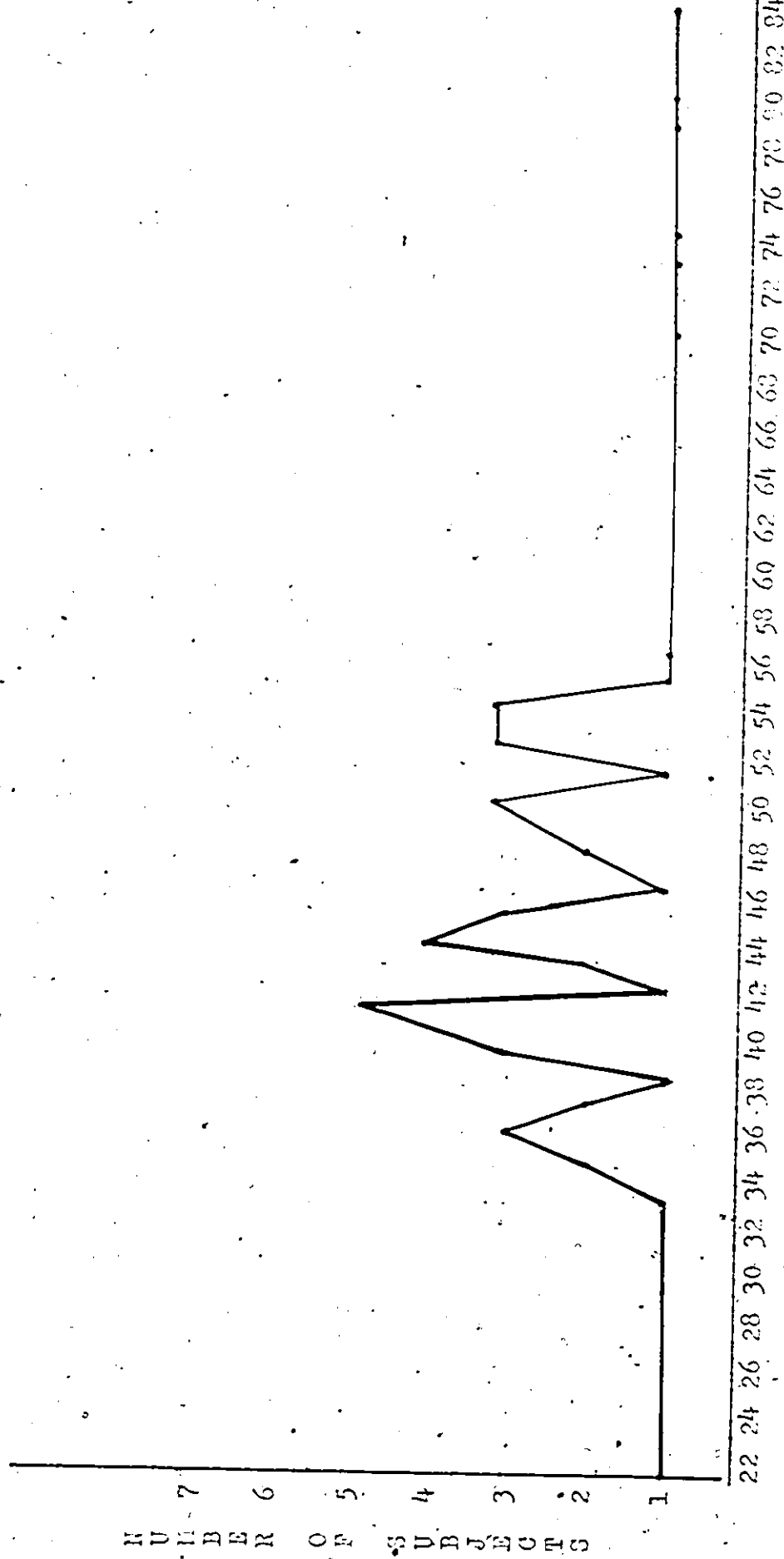
2. Scores on the "Capital Punishment Scale" and "Stated Position on Capital Punishment"

The first 21 questions of Part II of the questionnaire constitute what is called the "Capital Punishment Scale". It was possible to score a minimum of 21 points on this scale and a maximum of 105 points was possible. Tabulated weighted scores for the 53 respondents ranged from 23 to 84 with a calculated

median of 43.6 and a mean of 46.15. The mode of these weighted scores was 40.

Diagram 1 shows the distribution of scores achieved by all respondents on the "Capital Punishment Scale". It can be observed that the scores are slightly skewed in the direction of the lower range of scores. The distribution generally coincides with the respondents' slight preference for the retention of capital punishment. Some of the respondents were very close to scoring the minimum of 21 points but even the highest scoring respondent (84) was still very far from the maximum possibility of 105.

The author used the scores achieved on the "Capital Punishment Scale" to further verify the results from the Correctional Officers' "stated positions on capital punishment" in question 6 of Part I. The author was able to test the association between the respondents' scores on the "Capital Punishment Scale" and their "stated positions on capital punishment" by using Cramer's V. The author was able to analyse the responses to question 6 of Part I by dichotomizing responses into those who favored the complete or partial abolition of capital punishment and those who favored full retention or retention for an increased number of crimes. The one respondent who stated that he had no specific position on capital punishment was excluded from the analysis. Scores on the "Capital Punishment Scale" were dichotomized in terms of those scores that fell either above or below the mean on the "Capital Punishment Scale".



SCORES ON C.P. SCALE

Diagram 1

Frequency Distribution of Scores That Subject
Achieved on the C.P. Scale

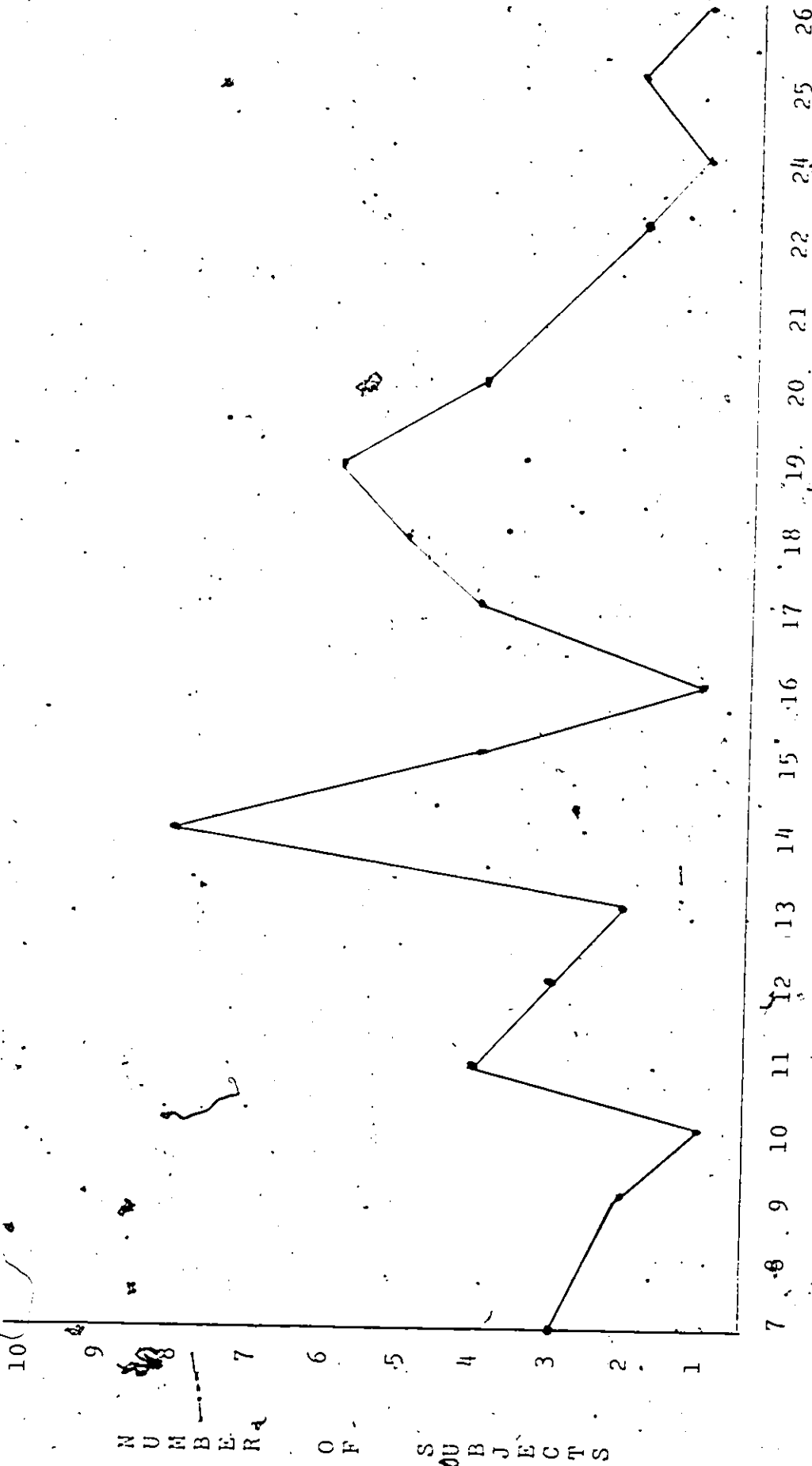
The χ^2 of 11.929 indicates significance. A Cramer's V of .479 indicates that statistically there is a moderate association between the subjects' "stated positions on capital punishment" and the scores that were achieved on the "Capital Punishment Scale". (Cramer's V=.479, $\chi^2=11.929$, d.f.=1, $p<.05$).

The "stated positions on capital punishment" held by the subjects were verified by a moderate association with scores achieved on the "Capital Punishment Scale". The association is not strong enough to conclude that the "stated position on capital punishment" could be used interchangeably with the score on the "Capital Punishment Scale" but the two do indicate a moderate association.

3. Correlation of "Capital Punishment Scale" with "Life Scale"

The seven questions that comprise the "Life Scale" were questions 26-32 of Part II of the questionnaire. A minimum of 7 and a maximum of 35 were possible to be scored on this scale. Tabulated weighted scores for the 53 respondents on the "Life Scale" ranged from a low of 7 to a high of 25 with a calculated median of 15.0 and a mean of 15.75. The mode for these weighted scores of all subjects was observed to be 14.

The frequency and distribution of these weighted scores are illustrated in Diagram 2. It would appear that these scores are also slightly skewed to the left in the direction of the lower scores as was the case with the distribution of scores achieved on the "Capital Punishment Scale" as indicated in Diagram 1.



SCORES ON LIFE SCALES

Diagram 2

Frequency Distribution of Scores That Subjects
Achieved on the Life Scale

A statistically significant positive correlation was demonstrated to exist between the respondents' scores achieved on the "Capital Punishment Scale" and the scores achieved on the "Life Scale" ($r=.613$, $d.f.=64$, $p<.05$). Because of the positive correlation on these two scales, it was concluded that the Correctional Officers demonstrated a positive relationship between their attitudes towards capital punishment and the value they place on life.

4. The "Life Scale" and Its Relationship to the "Stated Position on Capital Punishment"

In order to further test the hypothesis in terms of the respondents' "stated positions on capital punishment", scores achieved on the "Life Scale" were compared with the respondents' "stated positions on capital punishment". Cramer's V was used as a basis of association. Scores achieved on the "Life Scale" were dichotomized in terms of those that fell either above or below the calculated mean of the total sample on the "Life Scale". Respondents were also dichotomized into "Retentionists" and "Abolitionists".

A statistically significant positive moderate association was demonstrated to exist between the scores achieved on the "Life Scale" and the "stated positions on capital punishment". The χ^2 of 4.877 is significant at the .05 level. (Cramer's $V=.306$, $\chi^2=4.877$, $d.f.=1$, $p<.05$)

5. Acceptance of the Hypothesis

Statistically there is a moderately significant association between the subjects' "stated positions on capital punishment" and the scores that were achieved on the "Capital

Punishment Scale". (Cramer's $V=.479$, $\chi^2=11.929$, d.f.=1, $\phi<.05$). A statistically significant positive correlation was demonstrated by the respondents' scores achieved on the "Capital Punishment Scale" and the "Life Scale" ($r=.613$, d.f.=64, $\phi<.05$). There is also a moderately significant association between the scores respondents achieved on the "Life Scale" and their "stated positions on capital punishment". (Cramer's $V=.306$, $\chi^2=4.877$, d.f.=1, $\phi<.05$) Because of the above three statistically significant findings, the researcher rejects the null hypothesis and accepts the alternate hypothesis which states: THERE WILL BE A POSITIVE RELATIONSHIP BETWEEN THE ATTITUDES THAT CORRECTIONAL OFFICERS HOLD ON CAPITAL PUNISHMENT AND THE VALUE THAT THEY PLACE ON LIFE.

C. Additional Data Related to the Research Questions

1. Comparison of the Distribution of Capital Punishment Scores and Life Scores

Because there was a statistically significant relationship demonstrated between the attitudes that Correctional Officers hold on capital punishment and the value that they place on life, the hypothesis was accepted.

If these subjects who were categorized as "Retentionists" from their "stated positions on capital punishment", the majority of their scores fell below the mean on both the "Capital Punishment Scale" and the "Life Scale". It was found that 19.4 per cent of these scores fell above the mean on the "Capital Punishment Scale" and 35.5 per cent fell above the mean on the "Life Scale". In contrast, 80.7 per cent of these scores fell below the mean on the "Capital Punishment Scale" and 64.5 per cent fell below the mean on the "Life Scale".

From this data it would seem that for those subjects who stated their position on capital punishment in the "Retentionist" camp, their scores fell consistently below the mean on both scales. This indicates that for the majority of these subjects, the taking of life is acceptable in some circumstances at least.

The one respondent, who had no specific position on capital punishment, had a score above the mean on the "Life Scale" and below the mean on the "Capital Punishment Scale". This individual seems to place a high value on life and yet his score below the capital punishment mean score would indicate his adherence to capital punishment for certain crimes

at least.

For those subjects who had a "stated position on capital punishment" in the "Abolitionist" camp, it was found that 66.6 per cent of their scores on the "Capital Punishment Scale" fell above the mean, while 33.3 per cent fell below the mean. In addition, 66.6 per cent fell above the mean on the "Life Scale" and 33.3 per cent fell below the mean on the "Life Scale". These results show that for those who state their position in the "Abolitionist" camp, the majority score above the mean on both scales. Hence, it could be concluded, that generally, those who place a high value on life also favor the abolition of capital punishment.

2. Rationale for "Stated Position on Capital Punishment"

Question 7 of Part I asked the respondents to give reasons for their "stated positions on capital punishment". The researcher wanted to know why the subjects favored the retention or abolition of capital punishment. There were 46 responses obtained from 53 subjects. Seven subjects gave no response to that particular question. Of the 46 responses 15 were comments on capital punishment but not reasons for the subject's stand. There were 31 responses which the author has summarized and categorized in Table 2 and Table 3. Note that some subjects gave multiple reasons for their particular stands.

There were only 9 subjects who stated their "capital punishment positions" in the "Abolitionist" category who gave reasons for their stand. Five of these same subjects

gave reasons which favored partial abolition rather than total abolition. Hence their reasons were similar to what a "Retentionist" would say. This group gave 3 reasons for partial abolition: as a protection to society; as a deterrent; and the perception that crime is on the increase. There were only 4 subjects that gave reasons for total abolition. These reasons included: rehabilitation; the possibility of insanity; the possibility of error; and that capital punishment is not a deterrent.

TABLE 2. - Rationale for "Stated Position on Capital Punishment" Favoring the Abolition of Capital Punishment.

| Reasons for Position Favoring Abolition | Number of Responses | Percentage |
|---|---------------------|------------|
| 1. Partial Abolition is a protection to society | 3 | 33.3 |
| 2. Capital punishment is not a deterrent. There is possibility of error. Rehabilitation may help. | 2 | 22.2 |
| 3. Partial Abolition is a deterrent. | 1 | 11.1 |
| 4. Partial Abolition is warranted with crime on the increase. | 1 | 11.1 |
| 5. Some offenders are not entirely sane. | 1 | 11.1 |
| 6. Rehabilitation is possible. | 1 | 11.1 |
| Total | 9 | 100.0 |

Correctional Officers did not give "Abolitionist" reasons based upon moral or religious reasoning. None of the Correctional Officers referred to partial abolition as a protection to Policemen or Prison Guards with whom it was expected they would identify. Only one subject relied upon a statistical implication when he said that partial abolition is warranted with crime on the increase.

TABLE 3. - Rationale for "Stated Position on Capital Punishment" Favoring the Retention of Capital Punishment.

| Reasons for Position Favoring Retention | Number of Responses | Percentage |
|---|---------------------|------------|
| 1. Capital Punishment is a Deterrent. | 14 | 63.7 |
| 2. An eye for an eye. | 4 | 18.2 |
| 3. The Murderer is a burden to society | 1 | 4.5 |
| 4. Murderers show no remorse | 1 | 4.5 |
| 5. Capital Punishment is a Deterrent and it protects society. | 1 | 4.5 |
| 6. An eye for an eye and no remorse shown | 1 | 4.5 |
| Total | 22 | 100.0 |

From Table 3 we can see that there were 22 responses from those whose "stated position on capital punishment" was in the "Retentionist" category. The largest group of individ-

uals included 14 subjects who saw capital punishment as a deterrent. The next largest group of respondents were those who based their reason upon the concept of an "eye for an eye." Three individuals, those from category 3, 4, and 6 indirectly support retention because of their own experience with those charged with murder. These subjects saw the offender as a burden to society or as showing no remorse.

3. Age and "Stated Position on Capital Punishment"

Generally we associate wisdom with age. This attitude is reflected in sayings such as, "it is too bad you can't put old heads on young shoulders." The author was interested in learning whether older Correctional Officers, who have acquired more wisdom through life experience, maintained any different stand on the issue of capital punishment than did younger Correctional Officers.

TABLE 4. - Age and "Stated Positions on Capital Punishment."

| | "OLDER" above 42.4 yr. | AGE "YOUNGER" below 42.4 yr. | Total |
|-----------|---------------------------|------------------------------------|-------|
| ABOLITION | 9 | 11 | 20 |
| RETENTION | 18 | 13 | 31 |
| | 27 | 24 | 51 |

(Cramer's $V = .13$, $\chi^2 = .332$, d.f. = 1, $\phi = n.s.$)

From the data in Table 4 it can be seen that the mean age for the 51 respondents who provided the researcher with this

information in question 1(ii) of Part I was 42.4 years. Respondents' ages ranged from 22 to 64. One respondent did not state his age and the one respondent who did not have a specific "stated position on capital punishment" was excluded from the analysis. There were 27 men whose individual ages were older than the mean and 24 men were younger than the mean.

From Table 4 it can be seen that of the 20 "Abolitionists" 9 had an age which fell above the mean and 11 had an age which fell below the mean. Of the 31 "Retentionists" 18 were above the mean age and 13 were below the mean age. The dichotomization of "age" and their "stated positions on capital punishment" is exemplified in Table 4.

Age was tested for strength of association with question 6 of Part I using Cramer's V for association and tested for significance using χ^2 . A Cramer's V of .13 indicates that statistically there is no significant association between respondents' ages and their "stated positions on capital punishment", as measured. (Cramer's $V=.13$, $\chi^2=.332$, d.f.=1, $\phi=n.s.$) Thus knowing a Correctional Officer's age is no indicator of what his "stated position on capital punishment" is likely to be.

4. Education and "Stated Position on Capital Punishment"

The author expected more educated Correctional Officers would tend to have a better understanding of the psychology of offenders and that this would tend to make them more empathize with

the offender. Thus the researcher felt that more highly educated Correctional Officers would tend to adopt an "Abolitionist" philosophy whereas less educated Correctional Officers would tend to adopt a "Retentionist" philosophy.

TABLE 5. - Education and "Stated Position on Capital Punishment."

| | EDUCATION | | Total |
|-----------|--------------------------|--------------------------|-------|
| | "LESS" 10 yr. or less | "MORE" 11 yr. or more | |
| ABOLITION | 10 | 11 | 21 |
| RETENTION | 24 | 7 | 31 |
| Total | 34 | 18 | 52 |

(Cramer's $V=.307$, $\chi^2=4.912$, d.f.=1, $\phi<.05$)

From question 5 of Part I of the questionnaire, the author was able to determine the number of years of education a Correctional Officer had attained. The mean number of years of education completed was 10.7 years. The number of years of schooling ranged from 7 to 17. From Table 5 it can be seen that 34 respondents had completed 10 years or less of education, 18 respondents had completed 11 years or more of education. It can also be seen from Table 5 that respondents were dichotomized on their "stated positions on capital punishment". Of the 21 "Abolitionists" 10 had "less" education and 11 had "more" education. Of the 31 "Retentionists", 24 had "less" education whereas 7 had "more" education.

Education was tested for strength of association with question 6 of Part I of the questionnaire using Cramer's V for association and tested for significance using χ^2 . A Cramer's V of .307 indicates that statistically there is a low degree of association between respondents' education and their "stated positions on capital punishment". The χ^2 of 4.912 is significant at the .05 level. (Cramer's V=.307, $\chi^2=4.912$, d.f.=1, $\phi<.05$)

Correctional Officers with "more" education have a higher degree of association with the "Abolitionist" stand than do those with "less" education. Respondents with "less" education have a higher degree of association with the "Retentionist" stand than do those with "more" education.

5. Armed Forces Experience and "Stated Position on Capital Punishment"

The researcher knew that several Correctional Officers had been in the Armed Forces. Some of these men may have witnessed death during war time. The author felt that the reality of death may have influenced these Officers' stand on capital punishment.

From question 4 of Part I of the questionnaire, the author was able to determine whether or not a respondent had been in the Armed Forces. The researcher was able to dichotomize the responses into 2 categories - those who did have Armed Forces experience and those who did not have Armed Forces experience. There were 33 respondents in the former category and 19 in the latter.

TABLE 6. - Armed Forces Experience and "Stated Position on Capital Punishment."

| | ARMED FORCES EXPERIENCE | | |
|-----------|-------------------------|--------------------|----|
| | A.F. Experience | No A.F. Experience | |
| ABOLITION | 13 | 8 | 21 |
| RETENTION | 20 | 11 | 31 |
| Total | 33 | 19 | 52 |

(Cramer's $V=.026$, $\chi^2=.036$, d.f.=1, $\phi=n.s.$)

Table 6 indicates this dichotomization as well as the dichotomization of respondents into the category of "Abolitionist" or "Retentionist". Of 21 "Abolitionists" 13 did have Armed Forces experience; 8 did not have Armed Forces experience. Of 31 "Retentionists" 20 did have experience; 11 did not have experience with the Armed Forces.

Armed Forces experience was tested for strength of association with respondents' "stated positions on Capital Punishment". A Cramer's V of .026 indicates that statistically there is no significant association between respondents' Armed Forces experience and their "stated positions on capital punishment". (Cramer's $V=.026$, $\chi^2=.036$, d.f.=1, $\phi=n.s.$) Thus knowing whether or not a Correctional Officer did have Armed Forces experience is not of significance in predicting his "stated position on capital punishment".

6. Knowing a Murder Victim and "Stated Position on Capital Punishment"

The researcher felt that Correctional Officers, who had known a murder victim, would identify with the victim, and hence be more likely to take a "Retentionist" stand than a Correctional Officer who had not known a murder victim.

TABLE 7: - Knowing a Victim and "Stated Position on Capital Punishment."

| | KNOWING A MURDER VICTIM | |
|-----------|-------------------------|----------------------|
| | Knew a Victim | Didn't Know a Victim |
| ABOLITION | 8 | 5 |
| RETENTION | 13 | 8 |
| Total | 21 | 13 |
| | | 34 |

(Cramer's $V=.0036$, $\chi^2=.000456$, d.f.=1, $\phi=n.s.$)

From question 17 of Part I, the author was able to determine if each respondent had known a murder victim or not. The researcher was able to dichotomize responses into 21 who had known a murder victim and 13 who had not known a murder victim. No responses were obtained from 18 respondents and thus were excluded from the analysis of this particular association. Of the 21 respondents who knew a victim, 8 were determined to be "Abolitionists" and 13 were "Retentionists." Table 7 designates these categories.

Knowing a murder victim was tested for association with respondents' "stated positions on capital punishment" using

Cramer's V for association and tested for significance using χ^2 . A Cramer's V of .0036 indicates that statistically there is no significant association between respondents' knowing or not knowing a murder victim and their "stated positions on capital punishment." (Cramer's V=.0036, $\chi^2=.000456$, d.f.=1, p=n.s.) Thus whether or not a Correctional Officer has known a murder victim or not, has no significant association with his "stated position on capital punishment."

7. Knowing a Murderer and "Stated Position on Capital Punishment"

Responses to question 17 of Part I indicated that 47 Correctional Officers had known at least one man charged with murder. Several knew more than one man who had been charged with murder. There were 6 respondents who did not answer this question. No response may have indicated they chose not to answer the question or that they did not know a person charged with murder.

Having established that a large percentage of the respondents, namely 88.7%, had known at least one person charged with murder; the researcher wanted to see if this knowledge had influenced their views on capital punishment. Question 15(vi) of Part I indicated to the researcher whether having known a man charged with murder was significant or not in influencing respondents' views on capital punishment.

From Table 8 it can be seen that of the 47 respondents, who knew a man charged with murder, 19 were "Abolitionists"

TABLE 8. - Knowing a Murderer and "Stated Position on Capital Punishment"

| | KNEW A MURDERER | | Total |
|-----------|-----------------|-------------|-------|
| | Insignificant | Significant | |
| ABOLITION | 5 | 14 | 19 |
| RETENTION | 8 | 19 | 27 |
| Total | 13 | 33 | 46 |

(Cramer's $V=.036$, $\chi^2=.060$, d.f.=1, $\phi=n.s.$)

and 27 were "Retentionists". The one man who had no specific "stated position on capital punishment," indicated that having known several murderers was very significant in his not having a specific stand on capital punishment. Of the 19 "Abolitionists," 5 indicated that having known a person charged with murder was insignificant in influencing their views on capital punishment, whereas 14 of the 19 "Abolitionists" indicated that having known a man charged with murder was significant in influencing their views on capital punishment. Of the 27 "Retentionists," 8 indicated that having known a man charged with murder was insignificant in influencing their views on capital punishment, 19 indicated that having known a person charged with murder was significant in influencing their views on capital punishment.

Whether having known a person charged with murder was significant or insignificant was tested for strength of associa-

tion with each respondent's "stated position on capital punishment" using Cramer's V for association and tested for significance using χ^2 . A Cramer's V of .036 indicates that statistically there is no association between the significance of having known a person charged with murder and one's "stated position on capital punishment." (Cramer's V=.036, χ^2 =.060, d.f.=1, ϕ =n.s.)

It is interesting to note that a very large number (34 of 47) of respondents found the experience of having known a person charged with murder as significant in influencing their views on capital punishment, but that experience directed some towards an "Abolitionist" stand and others towards a "Retentionist" stand. This would indicate that a Correctional Officer can be influenced in either the direction of "Retention" or "Abolition" from having known a murderer. It would be of value to know what specific facts, attitudes, or behaviors about the murderer had an influence on these Correctional Officers.

8. Knowing a Commuted Murderer and "Stated Position on Capital Punishment"

At the time the research questionnaires were distributed, capital punishment was still the legal sentence for those who were convicted of murdering a Police Officer or a Prison Guard. The author felt that a convicted murderer, who had been sentenced to hang and who had had his sentence commuted, would have been much closer to the reality of the death sen-

tence than a person charged with the murder of someone other than a Police Officer or Prison Guard. The researcher wondered if and how a Correctional Officer would be influenced with regard to his "stated position on capital punishment" if he knew such a man.

TABLE 9. - Knowing a Commuted Murderer and "Stated Position on Capital Punishment."

| | KNOWING A COMMUTED MURDERER | | Total |
|-----------|-----------------------------|--------------|-------|
| | Knew | Did Not Know | |
| ABOLITION | 5 | 16 | 21 |
| RETENTION | 17 | 12 | 29 |
| Total | 22 | 28 | 50 |

(Cramer's $V=.346$, $\chi^2=5.990$, d.f.=1, $\phi<.05$)

Responses from question 18 of Part I are tabulated in Table 9 along with individual responses to question 6 of Part I indicating "stated positions on capital punishment."

From Table 9 it can be seen that 22 respondents indicated that they had known at least one person convicted of murder, whose sentence had been commuted. Of these 22 respondents, 5 (22.7%) were "Abolitionists" and 17 (77.3%) were "Retentionists." In contrast, of the 28 respondents, who stated they had not known a convicted murderer whose sentence had been commuted, 16 (57.1%) were "Abolitionists" and 12 (42.9%) were "Retentionists."

Knowing a convicted murderer whose sentence had been commuted was tested for strength of association with respondents'

"stated positions on capital punishment" using Cramer's V for association and tested for significance using χ^2 . A Cramer's V of .346 indicates that statistically there is a low degree of association between having known a convicted murderer whose sentence was later commuted and respondents' "stated positions on capital punishment." (Cramer's $V=.346$, $\chi^2=5.990$, d.f.=1, $\Phi<.05$). A χ^2 of 5.990 indicates significance of this association at the .05 level of significance.

One would therefore be likely to adopt "Retentionist" values rather than "Abolitionist" values from having known a convicted murderer, whose sentence had been commuted. The author can not conclude from the statistics that this is necessarily a cause-effect relationship. One could conclude that this attitude reflects an identification with the victim, namely a Police Officer or Prison Guard, and hence entertains little empathy for the murderer.

CHAPTER IV

SUMMARY AND CONCLUSIONS

A. Summary.

The purpose of this research project was to test the hypothesis which states: ~~THERE WILL BE A POSITIVE CORRELATION BETWEEN THE ATTITUDES THAT CORRECTIONAL OFFICERS HOLD ON CAPITAL PUNISHMENT AND THE VALUE THAT THEY PLACE ON LIFE.~~ In addition, the researcher wondered what percentage of the respondents would take a "Retentionist" stand and what percentage would take an "Abolitionist" stand. The researcher also sought to determine what factors might effect an individual's stand on capital punishment. In this regard age, education, and Armed Forces experience were tested for association with each respondent's "stated position on capital punishment." The researcher also sought to determine if having known personally, a murderer, a murder victim, or a murderer whose sentence was later commuted, bore any association with a subject's "stated position on capital punishment."

Questionnaires were distributed to all full-time male Correctional Officers in 6 jails in Southern Ontario. Of the 142 questionnaires distributed to this section of the population, 53 of the 56 returned questionnaires constituted the research sample. Three questionnaires were excluded because

they were returned after the five week cut-off date for returns. Because the researcher began to do the analysis of data after this period of time, he could not accept returns after the cut-off date. Thus 37.3% of the original population tested constituted the research sample.

The hypothesis was tested for significance at the .05 level of significance using three statistical tests. The first 21 questions of Part II comprised the "Capital Punishment Scale." Scores on this Scale were tested for association with each respondent's "stated position on capital punishment" obtained from question 6 of Part I. Questions 26-32 of Part II were questions designed to test if respondents valued life in absolute terms. This "Life Scale" was tested for association with each respondent's "stated position on capital punishment." Scores achieved by subjects on the "Capital Punishment Scale" were compared with their scores on the "Life Scale."

Thirty-nine decimal six percent of the respondents stated their position on capital punishment to be in the "Abolitionist" camp. Of these 9.4% were in favor of complete abolition and 30.2% were in favor of partial abolition. Fifty-eight decimal five percent of the respondents stated their position on capital punishment in the "Retentionist" camp. Of these, 47.2% felt that capital punishment should be fully retained and 11.3% felt that capital punishment should be made mandatory for an increased number of offenses. Only one subject (1.9%) indicated that he did not have a specific position on capital punishment. None of the subjects responded to the category indicating their position on capital punishment to be undecided

at the time. Thus it can be concluded that Correctional Officers in the sample are in favor of retaining capital punishment on a ratio of approximately 3:2.

When scores achieved on the "Capital Punishment Scale" were plotted, the curve was slightly skewed toward the lower range of values. This distribution generally coincides with the respondents' slight preference for the retention of capital punishment. Scores on the "Capital Punishment Scale" ranged from 25 to 34 with a calculated median of 43.6 and a mean of 46.15. The mode of these scores was 40.

Scores achieved on the "Life Scale" when plotted show a curve which is also slightly skewed towards the lower range of scores. Scores on the "Life Scale" ranged from a low of 7 to a high of 25 with a calculated median of 15.0 and a mean of 15.75. The mode was observed to be 14.

When the scores for the total sample on the "Capital Punishment Scale" were compared with their "stated positions on capital punishment," a moderate association, significant at the .05 level was demonstrated. The association also adds a degree of validity and reliability to the use of the "Capital Punishment Scale" as an instrument. Scores on the "Life Scale" and the "Capital Punishment Scale" were compared using a "Pearson r" test, and a positive correlation significant at the .05 level was demonstrated. Each subject's "stated position on capital punishment" was compared to his "Life Scale" score using Cramer's V to test for association. A moderate association was demonstrated and found to be significant at the .05 level.

On the basis of all 3 of these tests being significant at the .05 level, the researcher rejected the null hypothesis and accepted the alternate hypothesis, concluding that a positive association was demonstrated to exist between the attitudes that Correctional Officers hold on capital punishment and the value that they place on life.

1. Reasons for "Stated Positions on Capital Punishment"

Question 7 of Part I was used to determine the reasons for subjects' "stated positions on capital punishment." Reasons for partial abolition included: a protection to society; deterrence; and the perception that crime is on the increase. Reasons for total abolition included: rehabilitation; the possibility of insanity; the possibility of error; and that capital punishment is not a deterrent. None of the above reasons were supported by a large portion of "Abolitionists." Reasons for their capital punishment stands were very much individual. None of the Correctional Officers gave abolitionist reasons based upon moral or religious reasoning and none referred to partial abolition as a protection to Policemen or Prison Guards.

There were more responses from the "Retentionists" but their reasons for favoring capital punishment were less individualized. Sixty-three decimal seven percent of the 22 "Retentionists" believed capital punishment to be a deterrent. The next largest group of respondents were those who based their reasoning upon the concept of "an eye for an eye." Three individuals supported retention because of their own

experience with those charged with murder. They saw the offender as a burden to society or as not showing remorse.

2. Age

The mean age of the 51 respondents who provided the researcher with this data was 42.4 years. Respondents were dichotomized according to age and according to their "stated positions on capital punishment." Statistically there was no significant association between respondents' ages and their "stated positions on capital punishment." Thus knowing a Correctional Officer's age is not likely an indicator of what his position on capital punishment is likely to be.

3. Education

Of the 52 respondents who indicated their education, the mean number of years of schooling was 10.7 years. Subjects were dichotomized according to education and according to their "stated positions on capital punishment." A Cramer's V of .307 indicated that statistically there was a low degree of association between respondents' education and their "stated positions on capital punishment." The association was significant at the .05 level. From this it was concluded that Correctional Officers with "more" education have a higher degree of association with the "Abolitionist" stand than do those with "less" education.

4. Armed Forces Experience

There were 33 respondents who did have Armed Forces experience. There were 19 respondents who indicated they did not have any Armed Forces experience. These two groups were

also dichotomized according to their "stated positions on capital punishment." A Cramer's V of .026 indicated that statistically there was no significant association between respondents' Armed Forces experience and their "stated positions on capital punishment." Thus, knowing whether or not a Correctional Officer did have Armed Forces experience was not of significance in predicting his "stated position on capital punishment."

5. Knowing a Murder Victim

There were 21 respondents who had known a murder victim and 13 respondents had not known a murder victim. A Cramer's V of .0036 indicated that statistically there was no significant association between respondents' knowing or not knowing a murder victim and their "stated positions on capital punishment."

6. Knowing a Murderer

Eighty-eight percent of the respondents had known at least one person who had been charged with murder. These 47 respondents were dichotomized into 19 "Abolitionists" and 27 "Retentionists." Five "Abolitionists" stated that having known a person charged with murder was insignificant in influencing their views on capital punishment, whereas 14 "Abolitionists" stated that this same experience was significant in influencing their views on capital punishment. Eight "Retentionists" indicated that the same experience was insignificant in influencing their views on capital punishment. Nineteen "Retentionists" found their

experience significant in influencing their views on capital punishment. A Cramer's V of .036 indicated that statistically there was no significant association between the importance of having known a person charged with murder and a Correctional Officer's "stated position on capital punishment."

It was interesting to note that a Correctional Officer could be influenced in either the direction of "Retention" or "Abolition" from having known a person charged with murder. It was not determined exactly what factors about the experience influenced the respondents in their particular stands.

7. Knowing a Murderer whose Sentence had been Commuted

Twenty-two respondents stated that they knew at least one person convicted of murder whose sentence had been commuted by government. This group was compared with the 28 respondents who did not have a similar experience. A Cramer's V of .346 indicated that statistically there was a low degree of association between having known a convicted murderer whose sentence had been commuted and respondents' "stated positions on capital punishment." One would therefore be likely to adopt "Retentionist" values rather than "Abolitionist" values from having known a convicted murderer whose sentence had been commuted.

B. Limitations of the Study

It is the intention of the researcher to make the reader aware of some of the limitations of this research. Some limitations are more obvious than others.

Ideally the researcher should have drawn his sample from a wider area. If the questionnaire had been given to Correctional Officers in all Provincial jails in Ontario, the results would have been more amenable to generalizations. Because of time constraints, the sample was limited to six jails in southern Ontario.

The researcher did not include female Correctional Officers in this sample because of their supervision of female inmates exclusively. The researcher did not include part-time Correctional Officers. The latter come from a variety of work experiences and a variety of educational experiences, and thus might have been influenced less by their work in a jail than by their other jobs and experiences. Because the researcher had previously worked part-time, at one of the six jails, he may have drawn a larger number of responses from that particular jail because of having personally worked with many of these Correctional Officers. In that sense, responses may not have been returned as equally from each of the six jails, but observation of post-marks on returned envelopes did seem to indicate that there were responses from all six jails.

The author used a questionnaire which, when it was completed, gave considerable detail about the respondent. The researcher did not utilize as much of this detail as he might have. In the fourth question of Part I, the respondent supplied the researcher with information not only as to whether or not he had been in the Armed Forces, but also as to whether

or not he had been in Active Combat. Since the author was interested in the respondents' exposure to situations where death may have been present, the Active Combat designation may have been more appropriately tested. Similarly, the researcher could have utilized the data from question 17 of Part I of the questionnaire more effectively. It provided the researcher with not only the type of murderer the respondent knew but also the number of persons in each category. The number of offenders known may have been more important than the categories and could have been tested.

In most of the statistics involved, the researcher dichotomized the sample into "Retentionists" and "Abolitionists." He obtained this dichotomization by the collapsing of four specific categories into two general categories. By collapsing into one category, those who believed in complete abolition and those who believed in partial abolition, as well as blending those who believed in partial retention and those who believed in full retention into another category, the author may have distorted or lessened the strength of statistical results. This was most obvious in responses to reasons for their "stated positions on capital punishment." Some respondents were in favor of partial abolition by reason of the deterrent effect, whereas one respondent who advocated total abolition indicated that capital punishment was not a deterrent. Sample size made it necessary to collapse the four categories into two.

The current value of the results of this study is limited because of the four and a half years between the distribution of questionnaires in April of 1973 and analysis of the data finished in mid-August of 1977. Correctional Officers' attitudes may have changed dramatically during this time. Thus, the time lapse is definitely a limitation on the extent to which this data reflects the attitudes of today's Correctional Officers..

C. Conclusions.

The results of having tested the hypothesis and the analysis of additional research questions outside the specific hypothesis have led the author to present the following conclusions:

1. Capital Punishment and the Value of Life

Correctional Officers who favor partial or complete abolition of capital punishment score higher on the "Life Scale" than do those who favor full retention or retention for an increased number of crimes. The "Abolitionists" seem to place a higher value upon life in absolute terms than "Retentionists" do. The researcher draws this conclusion from the results of the hypothesis testing. The hypothesis indicated that there is a significant positive relationship between the attitudes that Correctional Officers hold towards capital punishment and the value that they place on life.

The complete "Abolitionist" emphasizes the value of the life of the offender whereas the partial "Abolitionist" empha-

sizes the value of the life of the potential victim. Although "Abolitionists" scored higher than "Retentionists," the author feels that closer examination of the specific scores indicates that even "Abolitionists" do not score anywhere near the highest possible "Life Scale" score. The highest obtained score was 25 whereas the highest possible score was 35. Those favoring complete abolition gave as reasons: the possibility of insanity; the possibility of rehabilitation; the possibility of error; and that capital punishment is not a deterrent. All these reasons indicate an appreciation for the absolute value of the life of the offender. Those favoring partial abolition give as reasons for their stand: the protection to society; and because crime is on the increase. These reasons indicate an appreciation for the value of the life of the potential victim. Thus it is appropriate to say that all "Abolitionists" value life more than "Retentionists" but it is important to distinguish between the complete "Abolitionist" and the partial "Abolitionist." The former emphasizes the value of the life of the potential victim and does not adhere as strongly to the absolute value of life.

"Retentionists" tend to see capital punishment as a deterrent. The next most popular reason for the "Retentionist" stand was based upon the philosophy of "an eye for an eye." Other respondents saw the offender as a burden to society and as showing no remorse. There was no real distinction between those who advocated full retention and those indicating

a preference for increased retention. Both of these sub-groups scored lower on the "Life Scale" than the "Abolitionists."

Three "Retentionists" scored 7, which was the lowest possible score to attain on this Scale. These individuals obviously placed a low value on life as an absolute. It may be that "Retentionists" do value the potential victim's life at a premium to the offender's life but this conclusion is not necessarily the case and can not be proven from the "Life Scale" scores. Because the "Life Scale" does not distinguish between the taking of the life of an offender and a potential victim's, we can only conclude that the "Retentionist" does not seem to place a high value on life as an absolute.

From the range of scores and the mean on the "Life Scale," the author concludes that most Officers do not place a high value on life, as an absolute, and that most endorse capital punishment at least in certain situations. "Abolitionists" do seem to place a higher value on life than "Retentionists" but even their scores show reservation regarding the absolute value of life.

2. Correctional Officers' Position on Capital Punishment and Rationale for their Position

Reasons given for complete abolition by Correctional Officers were similar to reasons given by Social Workers when given the same basic questionnaire by Young. In that study:

Seventy-one decimal one percent of the Social Workers supported abolition based on the dignity and worth of the individual, the value of life, and the potentiality for rehabilitation in the offender weighed against the finality of the death penalty and its lack of utility as a deterrent.¹⁵⁶

¹⁵⁶ Frank A. Young, Capital Punishment and Social Workers (unpublished Masters Thesis, University of Windsor, 1972), p. 101.

Reasons expressed by the 9.4% Correctional Officers who advocate total abolition in this study, include: rehabilitation; the possibility of insanity; the possibility of error; and because capital punishment is not a deterrent. Thus we can see the resemblance between this group and the majority of Social Workers in the 1972 study. It can be concluded that this 9.4% includes those Correctional Officers who hold to principles similar to those of Social Workers.

The 30.2% who advocate partial abolition give as reasons those similar to the "Retentionist" camp. "Partial abolition, in effect, was punishment by death for those who killed a Police Officer, a Warden, or a Prison Guard"¹⁵⁷ when this study was first undertaken. It is interesting that none of the respondents, despite their close physical contact with inmates, made mention of the danger to Police Officers, Wardens, or Prison Guards, if the death penalty were to be abolished completely. The author wonders if respondents have simply failed to mention this reasoning or if murderers, once they have been institutionalized, are no longer seen as a threat by the Correctional Officers?

There is no block of consensus amongst "Abolitionists." Reasons for an "Abolitionist" stand were obviously varied and were very individual. In the review of the literature, the author presented arguments from various disciplines including

¹⁵⁷ John Saywell, ed., The Canadian Annual Review, 1967 (Toronto: University of Toronto Press, 1968), pp. 95-96.

statistics on deterrence, and reasoning by philosophers, religious persons, professionals, policemen, wardens, and offenders. "Abolitionists" in the study identified with many of these arguments.

"Retentionists" advocated capital punishment rather than incarceration because they believe the former to be a deterrent. Fifty-three decimal seven percent of the "Retentionists" responses advocated a block consensus stating that capital punishment should be retained because it is a deterrent. Eighteen decimal two percent advocated "Retention" because of the philosophy of "an eye for an eye." Thus responses from the "Retentionist" camp are less individualized and strongly aligned with the deterrent argument. It is interesting to note this general belief in the effect of deterrence. The author wonders if many Correctional Officers become frustrated with incarceration when they see its ineffectiveness personified by numerous recidivists and hence resort to a philosophy of capital punishment which by its finality cancels the possibility of recidivism.

3. Conclusions from Additional Research Questions

The author was looking for some factors that might bear a strong association with a Correctional Officer's stand on capital punishment. The author tested 6 different factors for association and found that only 2 of them bore even a low association with respondents' "stated position on capital punishment."

Knowing a Correctional Officer's age or whether or not he served in the Armed Forces is not of help in predicting his stand on capital punishment.

The author's premise that those in close contact with murderers would, as a result of their experience, "take a majority stand," was not found to be true. Whether a correctional officer has known a murder victim or a person charged with murder is not significant in determining what his "stated position on capital punishment" is likely to be. Correctional officers who have known either a victim or a person charged with murder or both were found to adhere to the "abolitionist" camp in some cases and to the "retentionist" camp in others. Obviously the polarization of opinions by theorists is substantiated by Correctional Officers who also present a polarization of beliefs based upon experience. Thus theory and experience both leave the issue of capital punishment teetering back and forth on the scales of opinion.

The author also questioned respondents with respect to a special type of murderer, namely one whose sentence had been commuted. There were 22 respondents who knew at least one person whose sentence had been commuted. The researcher found that statistically there was a low degree of association between having known a convicted murderer whose sentence was later commuted and respondents' "stated position on capital punishment." The statistics indicated that one would tend to associate the adoption of "Retentionist" values rather than

"Abolitionist" values with having known a convicted murderer, whose sentence had been commuted. Obviously the respondents did not especially empathize with these murderers, who came the closest to experiencing the death penalty. It would seem that respondents had identified to a great extent with the victim in this specific type of murder situation. It should be remembered that Correctional Officers like Policemen and Prison Guards, are peace officers, and hence their identification with the Police is a strong possibility.

The educational level of the 52 respondents was found to have a mean of 10.7 years. Statistically there was found to be a low degree of association between subjects' education and their "stated positions on capital punishment." The association was significant at the .05 level. It was concluded from this that Correctional Officers with more education have a higher degree of association with the "Abolitionist" stand than do those with less education. It is impossible, from this research, to determine whether "Retentionists" are attracted to Correctional Officer positions or whether Correctional Officers, after they are hired, as a majority adopt "Retentionist" values.

If the Ministry of Correctional Services were interested in Correctional Officers being involved in the rehabilitation aspect of murderers, this study would substantiate the policy of hiring Correctional Officers with higher education because these individuals are more likely to be "Abolitionists" and hence more likely to believe in the rehabilitative aspect.

The same individuals are more likely to demonstrate favorable attitudes and more likely to provide a better quality of service in dealing not only with Capital offenders but with all offenders assuming their attitudes will be reflected in the quality of service to offenders.

It has not been possible to determine one main factor that most directly related to a respondent's stand on capital punishment. This study has struck upon "education" and "having known a convicted murderer" as two factors that have a bearing on a Correctional Officer's position on capital punishment. There may be other factors that are more strongly associated with the "Abolitionist" or "Retentionist" stand.

D. Recommendations for Further Study

As mentioned in the limitations of this study, the author concludes that the study would have been more amenable to generalization if the same questionnaire had been distributed to a wider geographical area. It would also be interesting and beneficial to distribute the same questionnaire to Penitentiary Guards. It is important to note that Provincial Correctional Officers, as were sampled, are dealing primarily with inmates who are awaiting trial or are appealing a sentence or who are on remand. Individuals in a Provincial Jail include short term offenders as well as long term offenders. Penitentiary Guards, in contrast, are dealing with inmates, who have been sentenced to at least two years. Penitentiary Guards may have a totally different outlook on the issue of capital punishment based upon their unique work experience. Thus, distributing

the same questionnaire to Penitentiary Guards would be of significance in that they also have been exposed to murderers and probably for longer periods of time than the Provincial Correctional Officers.

It would be of interest to tabulate Police Officers' responses to capital punishment. Police Officers are more likely to have seen the murderer during or shortly after the offense. They will also have had contact with the victim and relatives and friends of the murder victim. In keeping with the writer's emphasis upon the importance of personal experience, Police experience should have an input at the research level as well. The same questionnaire with an emphasis on their experience would be invaluable to research.

Murderers themselves also hold the keys to experience. If they could share what their feelings and thoughts were, prior to committing their particular crime and reveal the effectiveness or ineffectiveness of deterrence, it could help those who make the laws. Researching this type of information of course would not be easy. Legalities, confidentiality, and protection of the offender's rights to privacy, and innate cooperation could be difficult obstacles.

The author was able to test 6 factors that he thought might be directly related to a Correctional Officer's stand on capital punishment. Identifying other factors may help researchers understand why a person has a specific position on capital punishment.

5

2

APPENDIX

QUESTIONNAIRE ON CAPITAL PUNISHMENT

106.

Part I

Date: _____

1. PLEASE INDICATE THE FOLLOWING:

- i) Sex. Male _____ Female _____
- ii) Age. _____ years
- iii) Canadian citizen _____, or
Other citizenship (please specify) _____
- iv) Length of time lived in Canada _____ years.
- v) Marital Status _____
- vi) Please state the number of children _____
- vii) Religious Preference (specify please) _____
- viii) Do you practice the religion of your preference?
YES _____ NO _____

2. Please state how long you have worked as a Correctional Officer
_____ years _____ months

3. Have you had work experience in any other

- Correctional setting, YES _____ NO _____
- Rehabilitation, YES _____ NO _____
- Social Work, YES _____ NO _____
- Security or Protection YES _____ NO _____

If you stated yes to above, please state:

Type of Employment and Length of Employment

4. Were you ever a member of The Armed Forces?

YES _____ NO _____

If yes, were you ever in Active Combat?

YES _____ NO _____

5. Last grade completed in school _____, Community College _____
University _____, or Other _____

6. Which of the following statements is most representative of your position on Capital Punishment?

☐ Capital Punishment should be fully retained.

☐ Capital Punishment should be abolished completely.

☐ Capital Punishment should be partially abolished except for a limited number of specific criminal offences.

☐ Capital Punishment should be made mandatory for an increased number of criminal offences.

☐ My position on Capital Punishment is undecided at this time.

☐ I do not have a specific position on Capital Punishment.

7. What are your reasons for the above response?

8. How long have you held your present views on Capital Punishment? PLEASE CHECK ONE OF THE FOLLOWING:

☐ less than 6 months

☐ between 6 months and 1 year

☐ between 1 year and 3 years

☐ between 3 years and 5 years

☐ more than 5 years

COMMENTS:

9. Do you consider your views on Capital Punishment to be the same as those of the majority of Canadian Correctional Officers?

☐ YES ☐ DO NOT KNOW ☐ NO

10. What are your reasons for the above response?

11. Do you consider your views on Capital Punishment to be consistent with the views of the majority of Canadian Citizens?

☐ YES ☐ DO NOT KNOW ☐ NO

12. What are your reasons for the above response?

13. Please indicate those factors which have influenced your present views on Capital Punishment. INDICATE AS MANY FACTORS AS YOU CONSIDER APPLICABLE AND POINT OUT THE SIGNIFICANCE OF THEIR INFLUENCE.

| | INSIGNIFICANT | MODERATELY SIGNIFICANT | VERY SIGNIFICANT |
|-----------------------------|---------------|---------------------------|---------------------|
| Parents' views | _____ | _____ | _____ |
| Religious Teachings | _____ | _____ | _____ |
| Attitudes of Society | _____ | _____ | _____ |
| Courses Taken | _____ | _____ | _____ |
| Knowing a Victim | _____ | _____ | _____ |
| Knowing Murderers | _____ | _____ | _____ |
| News Media | _____ | _____ | _____ |
| Armed Forces Experience | _____ | _____ | _____ |
| Police | _____ | _____ | _____ |
| Other Correctional Officers | _____ | _____ | _____ |
| Parole Officers | _____ | _____ | _____ |
| Social Workers | _____ | _____ | _____ |
| Other (specify) | _____ | _____ | _____ |
| | _____ | _____ | _____ |

14. What do you consider appropriate alternatives to Capital Punishment?

15. If Capital Punishment is retained, for what offences do you think it should be applied?

16. If Capital Punishment were retained, what form of execution would you advocate? PLEASE CHECK ONE OF THE FOLLOWING:

☒ Drugs ☐ Hanging ☐ Firing Squad
☐ Electrocution ☐ Lethal Gas ☐ Other _____

17. Have you ever had personal contact with any of the following? If so, how many individuals in each case. PLEASE BE AS ACCURATE AS YOU CAN BE.

_____ A convicted murderer. How many _____
 _____ A paroled murderer. How many _____
 _____ An individual accused of murder but charge dropped, reduced, or found innocent. How many _____
 _____ An individual who later became a murder victim. How many _____
 _____ The family of a convicted murderer. How many _____
 _____ The family of an individual accused of murder but whose charge was later dropped, reduced, or found to be innocent. How many _____

18. Have you ever had personal contact with a convicted murderer, who had been sentenced to hang but whose sentence was later commuted? YES NO

If yes, did you agree that his sentence should have been commuted? YES NO

What is your reason for the above response?

Part II

In the following section, please read each statement carefully and then check the response that most closely coincides with your opinion.

| | Strongly Agree | Agree | Uncertain or Undecided | Disagree | Strongly Disagree |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. The murder rate would increase greatly if the death penalty was abandoned. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Respect for the law would decrease with the abolition of the death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The possibility of the death penalty acts as a deterrent for a person. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The death penalty is necessary to maintain law and order in our society. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Murder is a spontaneous and impulsive act of passion: therefore the death penalty should not be used. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Because of the nature and severity of the crime, the death penalty is the only just punishment for the crime of murder. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Murderers are mentally ill and therefore should receive treatment. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Premeditated murders should require a mandatory death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | Strongly Agree | Agree | Uncertain or Undecided | Disagree | Strongly Disagree |
|---|--------------------------|--------------------------|------------------------------|--------------------------|--------------------------|
| 9. Murders committed in the course of carrying out another crime involving force and deliberation should require a mandatory death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. The murder of police personnel should require a mandatory death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Rape should be considered a crime punishable by the death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Killing an infant is a crime that should be punishable by the death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. The murder of prison personnel should require a mandatory death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Persons convicted of mercy killings should face a mandatory death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Persons convicted of carrying out an abortion should face a mandatory death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Crimes such as piracy and skyjacking should require a mandatory death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Hired murderers should face a mandatory death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | Strongly Agree | Agree | Uncertain or Undecided | Disagree | Strongly Disagree |
|---|--------------------------|--------------------------|------------------------------|--------------------------|--------------------------|
| 18. Under some circumstances, young people under the age of 18 (sec.206b, C.C.C.) should be sentenced to the death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Under no circumstances should young people under the age of 18 (sec.206b, C.C.C.) be sentenced to death. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. No person, institution, group or organization has the right to take a man's life. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. In accordance with the law, the state should have the power to take a man's life. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. The taking of a life is acceptable only in time of war. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. The Government should have the power to commute the death sentence prescribed by any court of law. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. The death penalty should be used in time of war for such crimes as espionage, treason, cowardice under fire, etc. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 25. The death penalty is the only way in which murderers can give satisfaction to society for their crimes. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | Strongly Agree | Agree | Uncertain or Undecided | Disagree | Strongly Disagree |
|--|--------------------------|--------------------------|------------------------------|--------------------------|--------------------------|
| 26. If a member of my family were murdered, I would wish the murderer to face the death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. I would be prepared to kill an individual in order to protect my property. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. I would be prepared to kill an individual in order to protect another person's life. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 29. I would be prepared to kill an individual in order to protect my life. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. I would be prepared to kill an enemy in time of war. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. If I were called upon for jury duty in a murder case, I would be prepared to condemn a man to death if he were found guilty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. I could carry out an execution in the line of duty if called upon to do so. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 33. I would be willing to help a person who had been convicted of murder. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. I would be willing to invite a paroled murderer into my home. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | Strongly Agree | Agree | Uncertain or Undecided | Disagree | Strongly Disagree |
|---|--------------------------|--------------------------|------------------------------|--------------------------|--------------------------|
| 35. I would permit my children to play with the children of a paroled murderer. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. I would permit a paroled murderer and his wife to adopt a child. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 37. Other things being equal, I would consider hiring a paroled murderer to work for me. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. Other things being equal, I would consider hiring a paroled murderer as a Correctional Officer. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. Convicted murderers would be suitable candidates for parole. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 40. A life sentence without the opportunity for parole would be a fitting substitute for the death penalty. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 41. I am personally involved in rehabilitation of some murderers. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 42. I would like to be more involved with the rehabilitation of convicted murderers. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 43. Correctional Officers should not be concerned about rehabilitation of convicted murderers. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please make any additional comments concerning capital punishment or concerning the questionnaire, on the reverse side of the questionnaire.

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Mr. Hodgson received his General B.A. in Psychology and English from the University of Windsor in 1969. It was during his final year that he worked as a part time Correctional Officer at the Windsor Provincial Jail. He spent the following two years as a Field Worker with the Ministry of Community and Social Services. Mr. Hodgson then entered the Bachelor of Social Work Program and graduated in the summer of 1972. He returned the following semester in the Master of Social Work Program and finished his courses and placement in the summer of 1973 but he failed to complete his thesis at that time. Mr. Hodgson worked one year at the Protestant Childrens' Aid Society of Essex County and has worked the past three years as a Social Worker with the St. Marys Medical Clinic in St. Marys.

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