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“I THINK I SENT MY THERAPIST TO THERAPY” THE WAYS FAMILIES OF DEATH  
ROW INMATES EXPERIENCE THE CRIMINAL JUSTICE SYSTEM

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### **Abstract**

Previous research indicates that the experiences of family members of the condemned warrants further exploration, as comparatively very little sociological analysis has been conducted on this population. This project further examines an element of their experience which has not yet been fully explored – the ways family members of death row inmates experience the U.S. criminal justice system. Further, this research aims to explore the potential of these family members as victims, through an analysis of the formal definition of victimhood as characterized by victimologists. The research for this thesis is conducted using qualitative methods, including interviews and content analysis. I code these interviews to develop a set of theme categories established by family members; the coding method utilized is informed by Polletta's (2011) narrative criminology literature. Implications for resources to provide family members of the condemned, as well as suggestions for adaptations to the interactions between family and the criminal justice system are explored.

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## Chapter 1: Introduction

Previous studies have found that the experience of family members of death row inmates is a unique one, one that deserves further examination and attention by sociologists. A number of studies have focused largely on the psychological and social impact, and oftentimes focus on the accused individual themselves, with little focus on the emotional experience and the way in which the family members cope with this tragedy (Beck & Jones, 2007; Beck & Jones, 2008) Long 2011; Radelet, Berardo, & Vandiver, 1983; Sharp 2005; Adcock, 2009; Beck, 2002; Sheffer 2015; Smykla, 1987; Borg, 1998). This study aims to provide a more comprehensive perspective of the experience of family members of the condemned, with a focus on how they experience the criminal justice system and how they make meaning of their experience. The researcher hopes to provide more clarity about the experience of the family members, while also shedding more light on this community and assessing the ways in which the system has failed at providing proper resources to these hidden victims of the criminal justice system.

In this study, I conducted 7 interviews and assessed the ways in which family members of death row inmates experience the criminal justice system. The interview method is the strongest way to design a study of this nature, as interviews are the only way to get detailed, personal data from the participants, something that a survey could simply not capture. The design of this study allows for the participant to elaborate as much as they would like in response to the questions asked, as well as for the researchers to follow-up on things mentioned by the participant that appear to be particularly important. The research question of this paper is one that can truly only be answered through interviews, as there is such little data available that details the experience of the population being interviewed.



Chapter 2 provides a background of the demographics of death row, to give some context as to the demographics of death row family members (Rosen, 2014). Chapter 3 outlines the previous literature on this topic, including the general background on family members of death row inmates, the grieving and coping processes as explored by Sharp (2005), and background on victimology and the four dominant perspectives of the field – positivist, critical, radical, and cultural. Furthermore, the researcher outlines the kinds of victimization victimology currently recognizes – primary, secondary, and newly, indirect – as well as the “ideal victim” as described by Christie (1989). Lastly, narrative victimology is summarized, demonstrating the lens through which the current research is completed through.

Chapter 4 outlines the theoretical framework of this research, social constructionism and the claimmaking process, which is later used to understand how family members of the condemned self-characterize based upon their experiences with the criminal justice system. Chapter 5 provides an explanation of the current study, situating the work in sociology and victimology through theoretical frameworks and methodology. Chapter 6 outlines the methods used in this study, identifying the research questions which it focuses on, and how the interviews were conducted, and Chapter 7 demonstrates the coding process of the researcher.

Chapter 8 presents the results of the study, highlighting seven emerging themes from the data. Chapter 9 provides a discussion of the implications of the findings, putting them in the context of narrative victimology and sociology. Chapter 10 presents policy implications of the findings based upon the data and previous literature. Lastly, Chapter 11 closes the research, highlighting the limitations of the study and future research directions for the study of this population.

## **Chapter 2: Background**

### **A Background on Death Row Demographics**

While the following research focuses directly on the family members of death row inmates and not the inmates themselves, it is important to provide some background on who is currently on death row. This will provide context on the issue, because the demographic make-up of death row emulates those who are impacted by being a family member of a death row inmate, thus indicating who is experiencing these hardships. Disparities on death row reveal themselves in two major areas – race and socioeconomic status.

Men of color, specifically Black men, are overrepresented in disadvantageous social demographics in the United States generally, including unemployment, poverty, and low educational attainment (American Psychological Association, 2017; Death Penalty Information Center, 2021). This overrepresentation extends to both the general prison population and death row; despite making up around 13.4% of the United States population, Black men account for 41.38% of the population on death row, three times that of their representation in the general American population (Amnesty International, 2003; Death Penalty Information Center, 2021; U.S. Census Bureau, 2021). Furthermore, almost without exception, individuals on death row are of low socioeconomic status (Costanzo, 1997; Culver, 1999; Death Penalty Information Center, 2017). This is relevant background information to the study of family members of death row inmates because there is a high likelihood that if the individual who received capital punishment is of low socioeconomic status, their family will be as well, as most people have the same socioeconomic status of the family they were born into (Rosen, 2014). Thus, by being aware of the demographics of death row inmates, one can develop an understanding of the general demographics of the population currently being studied in this research – the family members.

## Chapter 3: Literature Review

### Overview of the Previous Research

There is limited research on the experiences of family members of the condemned, and what research has been previously done on this topic is limited, focusing primarily on intimate, individual experiences of the family members (Adcock, 2009; Amnesty International, 2003; Beck et. al., 2002; De La Ray, Parekh, & Van Rooyen, 1994; Jones & Beck, 2007; Kearney, 2012; Radelet, 1983; Schweizer, 2013; Sharp, 2005; Sheffer & Cushing, 2006; Texas After Violence Project, 2019; Vandiver, 1989). The previous research has specifically analyzed the psychological impacts of the death penalty on family members of the condemned, including explaining how these individuals undergo the grieving process - experiencing disenfranchised grief and anticipatory grief (De La Ray, Parekh, & Van Rooyen, 1994; Doka, 1989; Jones & Beck, 2007; Long, 2011; Schweizer, 2013; Sharp, 2005; Sheffer, Cushing, & Murder Victims' Families for Human Rights, 2006; Sheffer, 2015) - and the coping stages/types of coping they experience.

Furthermore, previous research has focused heavily on the grieving process that family members of death row inmates endure, and has found that the currently accepted grief process is not necessarily applicable to family members of the condemned, (and thus, a new process is outlined) and that these family members experience “disenfranchised grief,” both of which will be explained in detail below (Beck & Jones 2007; Doka 1989; Adcock 2009; Long 2011; Sheffer 2015). There has been an emphasis on explaining how the process has been complicated for these individuals, and thus the grief cycle itself is longer and more specialized than conventional grief. Furthermore, the way that family members cope with this grief is another topic that has been explored previously (Sharp 2005; Sheffer 2019). It has been found that there is a basic

categorization of ways in which the family members cope with this grief, being either withdrawers, fighters, or joiners (Sharp 2005). Thus, family members either withdraw from extended family, friends and neighbors as “withdrawers,” attacking the government and legislation as “fighters,” or become members of supportive organizations or groups as “joiners.” Family members often move between these categories, depending on what they have access to and the current situation they face. Coping responses are very personal, and though they tend to fall into these three categories, whether they remain in one category or move back and forth between categories is unique to that family member. Lastly, there have been findings to support that the negative social response experienced by family members has a strong impact on the way that they are able to process their grief and cope, further complicating the process and causing them to feel out of place with society (Borg 1998; Sharp 2005; Smykla 1987). The sections below will provide more specific background on what this research has found.

### ***The Grief Process for Family Members***

The death penalty affects the grieving process for family members of death row inmates in a variety of ways. Sharp’s (2005) study, in which family members of the condemned are interviewed at length, found that the death penalty complicates the process of grief, as it is not a straightforward progression of dealing with loss; family members of the condemned experience loss at different stages, including while the family member is still alive. Because this experience is more complex than “ordinary” grief, there are additional phases added to the process, rather than the standard denial, anger, bargaining, depression and acceptance. Sharp (2005) chronicles the grief process of these family members and categorizes them into 4 Stages: denial and horror, the BADD Cycle (bargaining, activity, disillusionment and desperation), surrender, and picking up the pieces. Her research found that family members often regress throughout the grieving

process and repeat stages of the BADD Cycle, as a result of the grief process being extended and complicated by moments of temporary hope due to the possibility of hope being introduced through the appeals process, but then ultimately resulting in the bereavement process being more arduous as the hope turns to despair when the appeals fail (Sharp 2005).

Disenfranchised grief is a key component of the experience of family members of death row inmates (Beck & Jones 2007; Doka 1989; Adcock 2009; Long 2011; Sheffer 2015). Research has shown that family members feel as though they are not allowed to mourn the loss of their family member because of the complicated circumstances surrounding the person's death. Furthermore, societal pressures worsen this feeling of guilt. By making the family feel as though they have no right to mourn the loss of the person's death, the family members experience their grief in a manner that is outside of the "grieving rules" of the United States. This grief experienced outside of social norms comes as a result of the stigma surrounding not only the condemned, but the relationship that family member has to the condemned (Beck & Jones 2007). Research has also found that the inability to properly mourn the loss of a loved one by participating in a public ritual of acknowledgment of the death further infringes upon the family's ability to go through the grieving process (Sheffer 2015). Adcock (2009) coins the phrase "murder victim trauma plus" to describe the effect that the death penalty has on family members of the condemned; not only does the family member have to deal with the death, but also the media, the community, the underlying offense, the court, the notification that the State is seeking the death penalty against a loved one, and the notice of the execution.

An additional complication to the grieving process for family members is the experience of anticipatory grief. Anticipatory grief is defined as the grief associated with awaiting the potential execution of their loved one at the hands of the state (De La Ray, Parekh, & Van

Rooyen, 1994; Jones & Beck, 2007; Schweizer, 2013; Texas After Violence Project, 2019). Furthermore, family members themselves have described this experience of anticipatory grief as being the catalyst for the “chronic dread,” that comes as they await the execution of their family member (Jones & Beck, 2007). While previous research suggests the similarity in experiencing this form of grief between death row families and family members of those with terminal illnesses, Schweizer notes that there is a key difference one must be aware of (hence the need for further study):

Terminal illness is an accepted form of death in society, and family members going through this process often receive various types of support. Execution, however, is viewed as a shameful way to die. This leaves the family members to suffer in silence (Schweizer, 2013).

The contributors to the Texas After Violence Report advance the description of anticipatory grief as the impact of having both knowledge and uncertainty that is inherently part of the often-repeated cycle of death sentence, litigation, and temporary reprieve, with this grief occurring over an extensive period of time, especially in comparison to the “typical” grief process (Texas After Violence Project, 2019).

The anticipatory grief these individuals experience is one of the primary components that complicates the grieving process for family members of the condemned – they must grieve not only the loss of their family member once the execution occurs, but also for the years they wait for the execution, thus grieving a loss that has not yet occurred (Schweizer, 2013).

### ***How Family Members Cope***

The way that family members cope is another process that is complicated by the death penalty. Not only must the family members cope with the loss of a loved one, but they must cope

with the fact that their loved one committed a horrendous crime (Sharp 2005). Research has found basic patterns among the family members' experiences: withdrawal, anger (being a fighter), or supportive groups. Withdrawers cope with the strain of having a family member on death row by isolating themselves from other people, eliminating social interaction with all but close family; fighters respond to their trauma by attacking the system which they believe is responsible for their grief; and joiners cope with their circumstances by joining organizations for emotional support (Sharp, 2005). Sharp (2005) found that the way in which families cope is not static; they move between the categories of coping and this movement is dependent upon their resources as well as the situation at hand. Whether or not a family member responded by coping through withdrawal (for example) the majority of time, or moved amongst the different types of responses (withdrawal, anger/being a fighter, or supportive groups) is subjective – meaning that there is while there is no set way all family members will cope, however, the categories that emerged through Sharp's research demonstrate that there are indeed three overarching categorical types of coping which family members do fall into at some point during their grieving process.

Those who cope with the strain of having a family member on death row by withdrawing from others tend to do so by stepping away from all of those aside from close family members. Withdrawers might also go a step further in this process, depending on their relatives' feelings about the accused, and withdraw from all of those except for immediate family (Sharp, 2005). Furthermore, fighters are those who respond to the strain they're facing by attacking the criminal justice system. Coping in the way of a fighter is, understandably, quite emotionally and physically exhausting, thus, Sharp found that most who cope in this manner end up withdrawing or joining. One is considered to cope by being a joiner if they join support groups, abolitionist

organizations, and/or becoming active in churches. Sharp's study revealed that oftentimes those who cope through joining had a cathartic experience, being surrounded by others who understand the complicated grief they are experiencing and are willing to listen as they learn how to cope (Sharp, 2005).

Removal of key processes during the grieving process has also been found to cause a hindrance in the family of the condemned's ability to cope with the loss (Sheffer 2015). The ability to have their grief publicly acknowledged is not possible because of the stigma they receive as a result of grieving the loss of a person sentenced to death. Thus, the ability to hold a public ritual is essential in the grieving process, allowing the family members to gain closure, acceptance, and continue their lives. Some family members have found a community in those who have also lost a family member by execution and have held public rituals to honor those lost. For example, a ceremony during which roses are placed in a vase to represent the family member's passing. By engaging in activities such as this, it not only provides closure and honor, but demonstrates that this is a shared experience, as the rose is placed amongst other roses (Sheffer 2015).

### ***The Social Impact***

The social response to family members of death row inmates shapes their experience and ability to process the loss of their loved one (Sharp 2005; Smykla 1987). Research has found that family members often experience feelings of ostracism and shame from others, as well as extremely negative reactions. These responses complicate the situation that these persons experience further, as they face pressures from themselves as well as society to react in a specific way to the loss of their loved one. The family members become "othered" by society solely based upon their relationship to the offender. Once a family member becomes "othered," it



results in them feeling even more isolated and alone, despite having no part in the crime itself that was committed. They become “vicarious offenders” through association with the offender, which can result in the family members being publicly shunned or shamed (Borg 1998; Sharp 2005). This ostracism, resulting in social isolation, has made family members feel like prisoners in their own homes, intensifying their feelings of anger and frustration, and resulting in more physical, emotional, and social problems (Smykla 1987).

### ***Victimology***

The experiences of family members of death row inmates have yet to be explored through the lens of victimology. Thus, it is important to provide a background of this area of study, so as to later demonstrate how this is a valid perspective from which to view this population. The origins of victimology date back to the late 1940s, during which time criminologist Hans von Hentig published one of the first pieces of literature to examine crime victims titled *The Criminal and His Victim* (Hentig, 1948; McGarry & Walklate, 2015; Wemmers, 2010). Von Hentig’s work, however, was not focused on the experience of the victim or how the victim was impacted by crime, rather, he was interested in studying victims to get a better understanding of crime and criminals – thus doing victimology through a largely criminological lens (Wemmers, 2010).

The discipline was not named until Benjamin Mendelsohn, considered to be the father of victimology, coined the phrase in the 1940s. It was at this time that Mendelsohn published, *A New Branch of the Bio-Social-Science: Victimology*, in which he makes the case for a new area of social science study which is starkly separate from criminology, focusing on the victim’s experiences beyond researching the victim to simply gain a better understanding about crime (Mendelsohn, 1956; Wemmers, 2010). Importantly, Mendelsohn created the first typology in victimology – a typology of victims – including six categories: (1) completely innocent victim,

(2) victim with minor guilt, (3) voluntary victim, whose guilt is equal to that of the offender, (4) victim more guilty than offender, (5) victim who alone is guilty – the attacker who is killed in self-defense, and (6) the imaginary victim – who has suffered nothing but who falsely accuses another (McGarry & Walklate, 2015; Mendelsohn, 1956; Sengstock, 1976). Mendelsohn's typology is a critical contribution to consider for the current study, as this typology provides insight into the way victims and the victim experience is socially constructed, not only by researchers, but also by the family members of the condemned.

There are four primary perspectives of victimology, including: positivist, critical, radical, and cultural victimology. The origins and main components of each are outlined below. As will be revealed through each section, the definition of victim adopted changes depending on which perspective is being utilized, thus, there is not a single definition of "victim" in victimology, *per se*. In relation to the current study, it is important to discuss the primary perspectives, as not only does it allow for this paper to situate itself in critical and cultural victimology, but also to explain how the field has grown from its positivist roots into an area of study in which family members of death row inmates can, in fact, be viewed as victims, and as such be studied through the lens of victimology.

### **Positivist Victimology**

Positivist victimology was first named as such by David Miers in 1989. He defined the positivist victimological perspective as focusing on the identification of factors, which contribute to a non-random pattern of victimization, a focus on interpersonal crimes of violence, and a concern to identify victims who may have contributed to their own victimization (McGarry & Walklate, 2015, p. 10).

The positivist perspective takes the most conservative approach to studying victims, defining victims in the same way that victim is defined in criminal law. The focal point of this perspective is victim proneness and lifestyle, gauging an understanding of the role which the victim may have played in their victimization, often relating back to the offender/conventional crime in some way. Furthermore, as this perspective is the most traditional in the sense of how scholars of this type of victimology define victims, it is logical that this perspective is rooted in the ideals of the founding fathers of victimology. Of all of the perspectives of victimological research, it is worth noting that the positivist perspective has the most influence on policy changes, making it the most “mainstream” and thus the most widely accepted perspective (McGarry & Walklate, 2015). Therefore, it is easy to see how family members of the condemned’s experiences might be impacted by such overwhelming acceptance for the positivist perspective, as those who subscribe to this belief system regarding victims would not view these families as victims, and thus would not believe any resources ought to be given to them to help ease their coping with such a situation. Positivists utilize quantitative methods, especially surveys, the most in their research – making quantitative study the dominating methodological approach in this area. It does not take into consideration victims of state, corporate, or oppression related offenses and also denying the possibility of a ‘delinquent’ victim (an individual who was engaging in crime and other risky behaviors at the time of the crime) (McGarry & Walklate, 2015; Miers, 1989).

### **Radical Victimology**

Quinney is the scholar credited most with the creation of radical victimology, after the publication of his “Who is the Victim” essay. In this piece, Quinney stated that, “our conceptions of victims and victimization are optional, discretionary and are by no means given” (Quinney,

1972, p. 314). The focal point of radical victimology is power and power relations – how power contributes to claims of victimhood and how power relations might play into the suffering resulting from victimization, depending on whom the offender is (McGarry & Walklate, 2015). This area of victimology acknowledges victims of state crime, corporate crime, and victims of oppression – described as McGarry and Walklate (2015) as the, “harm that goes on ‘behind our backs.’” Radical victimology is rooted in human rights ideology rather than in criminal law, which assists in the expansion of who can be studied through the lens of victimology, as it was no longer constrained to the definition provided by criminal law.

### **Critical Victimology**

Critical victimology blends the concepts of power, choice, and suffering differently than positivists and radicals do; the focus of critical victimology is to understand the systems, which create the victims we ‘see’ as well as the victims we do not typically recognize (Mawby & Walklate, 1994; McGarry & Walklate, 2015; Walklate, 1990). Furthermore, critical victimology acknowledges the victim as a human agent who can be active and/or passive in their suffering, and this process is in and of itself influenced by power and choice (McGarry & Walklate, 2015). Arguably one of the most important contributions of critical victimology is that “who becomes a victim and who might embrace a victim identity or indeed who might resist such an identity is neither simple nor straightforward and cannot be read from the patterns of criminal victimization per se” (McGarry & Walklate, 2015, p. 14; Rock, 2002; Walklate, 2011). Chouliaris (2011) describes the goals/practices of this perspective as:

Engag(ing) in a twofold task: to cast light on the institutions and structural relations that favor specific images of victimization at the expense of others (contextualization); and to

draw attention to situations that, despite producing serious victimization, are not designated as such (p. 38).

### **Cultural Victimology**

The newest of the perspectives of victimology comes with the cultural ideology. This shift to adopting a cultural victimology resembles a similar turn that occurred in criminology thanks to Ferrell (1999), the latter of which is defined as the “increasing analytic attention that many criminologists now give to popular cultural constructions, and especially mass media constructions, of crime and crime control” (p. 395-296). Thus, Ferrell argues that with the move in criminology to consider the role popular culture phenomena plays in constructing crime and crime control, and how such might contribute to the ways society constructs media depictions of crime, a new form of criminology has emerged that is worth distinguishing from other subgenres – cultural criminology. The turn toward a cultural victimology was identified by Mythen (2007), in which he argues that the path to being or becoming a victim or identifying with the victim title is not a “neat or absolute journey,” thus the role that culture and context play must be considered in victimological research (p. 466). Mythen (2007) highlights one of the ways in which scholars practicing cultural victimology might borrow from cultural criminology, looking at, “the way in which victims are geographically and experientially located, institutionally labeled and represented in the media” (p. 467). Furthermore, he suggests that through this perspective, scholars can come to understand how the victim becomes culturally constructed/defined and socially remade.

McGarry and Walklate (2015) made the case for the utilization of the use of testimony in cultural victimology research, borrowing from some of the ideals set by Presser (2008; 2012; 2016) in narrative criminological research, emphasizing the ways in which analysis of victim

testimony lends itself to a deeper understanding of the ways in which the victim constructs themselves and is impacted by culture.

It is the assumption of this project that family members of death row inmates can experience victimization, therefore viewing it through the cultural/radical lens makes sense etc. Given that this project is exploring potential victimization experienced by these families, it is important to outline types of victimization that can be experienced.

### *Types of Victimization*

There are three kinds of victimization most often analyzed by victimologists: primary victimization, secondary victimization, and indirect victimization. Primary victimization is the most well known, and it refers to the “direct impact that crime has on a victim” (McGarry & Walklate, 2015, p. 35). It is any kind of victimization that results directly from crime, whether physical injury as a result of an assault, financial issues as a result of burglary, or mental health issues that begin after crime victimization has occurred (Hall & Shapland, 2007; Maguire & Bennett, 1982; McGarry & Walklate, 2015). The effects of primary victimization have been characterized by Hall and Shapland (2007) as being the following:

Shock and a loss of trust/faith in society; guilt, often associated with feelings of anger and/or fear; physical injury, minor to severe; financial losses; fear; anger; depression; and changes to lifestyle induced by perceptions of the likelihood of future victimization (p. 3-4).

Previous research has found that the impact of primary victimization is variable and individual, and the responses to such victimization vary depending on the individual’s coping skills and their support system (or lack thereof) (Erez & Meroz-Aharoni, 2011; Hagan & Rymond-Richmond,

2009; Hall & Shapland, 2007; Maguire & Bennett, 1982; McGarry & Walklate, 2015; Rothe & Kauzlarich, 2014; Spalek & King, 2007; Tombs & Whyte, 2006; Van Wijk, 2013).

Secondary victimization is defined by Victim Support (2002) as:

When a victim of crime feels they have been subjected to inadequate, insensitive or inappropriate treatment, attitudes, behavior, responses and/or practices by criminal justice and social agencies that compound their original trauma (quoted by Gekoski et. al., 2013, p. 308).

Secondary victimization, as implied by the above definition, is most often recognized when victims of crime experience such victimization, most often victims of sexual assault or intimate partner violence, though it is not always described as “secondary victimization” (rather, victims describe their experience of mistreatment by the CJS and other social agencies, but do not refer to it as secondary victimization by name) (Clay-Warner & Walklate, 2015; Loseke, 2001; Mawby, 2007; Meyer, 2015). Though no research has yet described the experience of family members of the condemned as being secondary victimization, the previous research detailing these family members is indicative of such victimization, thus the current paper will explore this idea (Amnesty International, 2001; Armour, 2002; Beck, Blackwell, Leonard & Mears, 2003; King & Norgard, 1999; Schweizer, 2013; Texas After Violence Project, 2019; Williams, Bischoff, Casey & Burnett, 2014; Wright, 2018).

Secondary victimization has also been characterized as “re-victimization,” as not only is the potential reliving of the trauma endured by the victim challenging, but also the harsh treatment and confusing processes of the CJS make it difficult to understand the role the victim plays and can lead to stressful expectations (Dunn 2007; Clay-Warner & Walklate, 2015; McGarry & Walklate, 2015). Condry (2007) found, however, that families of serious offenders

generally do, indeed, experience secondary victimization. Furthermore, Howarth and Rock (2000) specifically identified the complicated victimization process of family members of murderers,

Unlike many other traumatized people they ... cannot distance themselves from the other and align themselves morally in a newly polarized world. On the contrary they are stuck between the offender whom they may not have renounced and his victim for whom they may well feel compassion (p. 70; McGarry & Walklate, 2015).

The findings by Condry (2007) and Howarth and Rock (2000) indicate that further research specifically related to family members of the condemned in regard to whether they experience secondary victimization is warranted.

There has been some question as to whether primary and secondary victimization need be distinct from one another, especially upon the completion of research on genocide, war crimes, and other atrocities related victimization, as referring to the victims of such atrocities as 'collateral damage' can delegitimize and neutralize the impact that such events had on these victims (McGarry & Walklate, 2015). However, some victimologists have made efforts to explain the value in such a distinction, so as to have the ability to describe the direct impact and extent of primary victimization and thus use the findings to advocate for significant international recognition and response to such impacts (Erez & Meroz-Aharoni, 2011; Hagan & Rymond-Richmond, 2009; McGarry & Walklate, 2015).

The existence of secondary victims lends itself to the notion that the third type of victimization, indirect victimization, is a worthy one of study and one that can allow for more holistic legislation to be passed to benefit all victims. Indirect victimization can occur to either the victim of a crime, or even a wider audience who were not the victim of said crime but have



been significantly impacted by it in some way (McGarry & Walklate, 2015; Spalek 2006). Spalek (2006) specifically describes the latter as having possibly been indirectly victimized by a crime as having had a shared “subject position” with the victim. Eagle and Kaminer (2014) importantly found that the result of a particularly horrendous cultural moment, such as genocide, can result in traumatization that can be intergenerational, of course depending on the significance of such an event (p. 5).

### ***The Ideal Victim***

The coining of the phrase “ideal victim” by Christie (1986) was groundbreaking in developing an understanding of how the possession certain characteristics might impact the victim experience. Christie described the “ideal victim” as one who is seen as: weak or vulnerable; involved in a respectable activity at the time of victimization, blameless in the circumstances of his/her victimization; having been victimized by a big bad offender who is unknown to him/her (Christie, 1986, p. 19; Meyer 2015). The implications of an existence of an ‘ideal victim’ on a victim’s treatment throughout the victimization process are significant; additional research on this concept has found that those who receive social support and empathy are those who are seen as innocent and vulnerable throughout the victimization process (Carpenter, 2005; Dignan, 2005; Kogut, 2011; Meyer, 2015). Furthermore, it has been found that a victim whose behavior is seen as morally questionable or risky (thus seen as potentially contributing to one’s own victimization) are seen as not worth of empathy by society (Carpenter, 2005; Christie, 1986; Meyer, 2015; Strobl, 2004). No existing research has yet looked at the significance of the potential view of family members of the condemned as non-ideal victims, thus, the current study will explore this idea and the potential implications of such a relationship.

## **Narrative Victimology**

Hourigan (2019) defines narrative victimology as the scholarly use of victim narrative as data, focusing on “uncover(ing) the meaning-making processes underneath and behind the story, its construction, delivery, effects and connection to one’s identity and social world” (p. 259).

Narrative victimology takes after the expansion of criminology established by Presser (2008), who, in making a case for the field of narrative criminology, argued that when an individual tells a story, the self is created, as the speaker deliberately chooses (whether consciously or unconsciously) how they construct their narrative in order to convey the impression they desire about themselves to the listener (Hourigan, 2019). Narrative analysis is rooted in symbolic interactionism, which can explain the processes which influence the speaker’s construction of their story, as previously stated (Cooley, 1902; Mead, 1934; Presser, 2008, Stryker, 1980 [2002]). Pemberton et. al. (2018) and Sarbin (1986) emphasize the potential for studying victims through narrative analysis, as such narratives are focused on the actors’ intentions have an inherent moral quality, and thus, because individuals make moral choices based upon the narratives they construct and share, victim narratives provide insight into the motivation behind the actions following one’s victimization (Hourigan, 2019).

Hourigan (2019) established three narrative types in narrative victimology, including: victim, survivor, and transcender. The victim narrative is described as one that is “inward, directed at self and the crime’s effects upon the self” (p. 263). The survivor narrative focuses on portraying, “the storyteller’s personal tragedy as a catalyst for action towards healing the trauma that follows criminal victimization” (Hourigan, 2019, p. 263). Lastly, the transcender narrative is the broadest of the definitions, in which, “the original crime is only discussed as the impetus for subsequent action, and the offender, the criminal act, and the direct victim are peripheral or

secondary within the plot of the narrative” (Hourigan, 2019, p. 263). It is worth noting that Hourigan’s (2019) definitions of the types of victim narratives refer directly to crime victims and have not yet been expanded to apply to indirect, secondary, or co-victims.

## Chapter 4: Theoretical Framework

Social constructionism was first described as a way of conceptualizing societal knowledge by Berger and Luckmann (1967) in their book titled, *The Social Construction of Reality*. In this piece, the authors state that in order to sociologically understand public knowledge, one must consider all things deemed to be 'knowledge' by a society, whether or not it is fully valid (Berger & Luckmann, 1967). Thus, to view things from a social constructionist approach, they argue one must look at the way society/society's actors attach meaning to things, no matter how factual they are, as it is still relevant because it is viewed as reality for the social actors. Much of the focus in their work was focused on the "externalization" subjectivity, as these subjective interactions with the world become understood by society as objective, even if they are not (Berger & Luckman, 1967, p. 52). The ideology behind social constructionism corresponds directly with the Thomas theorem, which states that "if men define situations as real, they are real in their consequences" (Merton, 1995, p. 380; Thomas & Thomas, 1928, p. 572). It reiterates the notion that, to analyze a social instance sociologically, one must take the viewpoint of a social constructionist to understand that humans have socially constructed phenomena and attach meaning to things that are not necessarily in existence by nature.

An important extension of social constructionism that was made by Spector and Kitsuse (1977) regards the role that social construction plays in the creation of social problems, in which the authors analyze the claims-making process, how such claims are relative by nature, and the processes by which a claim can progress and result in the emergence of a social problem. They begin by outlining key assumptions in the social problem creation process, including recognizing the conditions of the problem, and acknowledging that these conditions create a public issue (a distinction from a private issue) (Spector & Kitsuse, 1977). Claimsmakers are defined as those

who identify and define a social problem, who then go on to engage in activities related to the problem, such as making claims about the issue and the creation of social movements regarding the problem (like Mothers Against Drunk Driving, or M.A.D.D.) (Spector and Kitsuse, 1977).

The current study argues that the role claimsmakers play in the social construction of victimhood plays a critical role in how family members of death row inmates experience the criminal justice system, especially in comparison to those who have experienced primary victimization as opposed to secondary and indirect victimization (Clay-Warner & Walklate, 2015; Condry 2007; Gekoski et. al., 2013; Hall & Shapland, 2007; Loseke, 2001; Mawby, 2007; Maguire & Bennett, 1982; McGarry & Walklate, 2015; Mendelsohn, 1976; Meyer, 2015; Sengstock, 1976). Furthermore, as Christie (1989) outlined, society has already socially constructed the “ideal victim” being someone who is: weak or vulnerable; involved in a respectable activity at the time of victimization, blameless in the circumstances of his/her victimization; having been victimized by a big bad offender who is unknown to him/her (Christie, 1986, p. 19; Meyer 2015). Therefore, research has already shown the concept of victimhood and who is ‘granted victim status’ is a product of social construction by claimsmakers, and thus the current study will see whether or not this is relevant with the population of family members of death row inmates. Through theoretically informed questions, the analysis of the participants’ responses will be used to determine which social actors, in their experiences, can be identified as claimsmakers, and the impact such individuals have on their overall experiences and the ways in which the family socially construct such experience. Having an understanding of social constructionism as a perspective of meaning making is important to this study because I am interested in determining whether families of the condemned are victims.

The issue of subjectivity and objectivity directly corresponds with scholars who contend for the use of in scientific study (Aarten et. al, 2017; Hourigan, 2019; Loseke, 2001; Maruna & Matraers, 2007; McGarry & Walklate, 2015; Polletta, 2015; Polletta et. al., 2011; Presser, 2012; Presser, 2016; Sandberg, 2010). These scholars have all made the case for a transition from the oversaturation of quantitative research in social science, and argue that qualitative research, though having been criticized by some as being overly subjective and not necessarily factual, has a significant role to play in research because of social constructionist theory – the narratives which participants share are legitimate because they come to be understood by themselves and others as objective (BMJ, 1995; Sandberg, 2010). Sandberg (2010) tackles this criticism on the so-called lack of objectivity/fact through an analysis of the ways in which scholars can learn and take value from the lies potentially told by participants. He provides the example of Wider’s (1974) study of the use of inmate codes, in which the research goal was not to assess the correctness of a statement, rather, to understand “what is achieved by using it [inmate codes] and what function it has in concrete interactions” (Sandberg, 2010, p. 455). Thus, the nature of using narrative and assessing narrative data in a way which analyzes how participants attach meaning to their experiences, rather than focusing on the correctness of what is being described to the researcher, is directly rooted in social constructionism as it places the focus of the analysis directly on the way societal actors create objective understandings to otherwise subjective phenomenon (Berger & Luckmann, 1967; Sandberg 2010; Wieder, 1974).

The theory and methodology used by narrative criminologists and victimologists is rooted in social constructionism. For example, when looking specifically at Presser’s (2016) explanation of narrative criminology, she addresses the fact that those using this framework are/should be concerned with the role which cultural constructions play in the act of doing harm,

such that these constructions guide one's actions, whether or not they hold truth (p. 138). Thus, doing/using narrative criminology (and, by extension narrative victimology, as this practice holds inspiration from its criminological predecessor) itself serves as another extension of social constructionism, as it provides the path to focus on the way individuals make sense of their experiences and behaviors, and thus view the causal role of narrative in the act of doing harm (for narrative criminologists) or in the act/methods of coping used by victims (in victimology) (Hourigan, 2019; McGarry & Walklate, 2015; Pemberton et. al., 2018; Presser 2012; Presser, 2016; Richardson, 1990; Sandberg, 2010; Smith, 2005; Walklate et. al., 2019).

Thus, the current research will be taking a social constructionist approach to understanding the ways in which family members of death row inmates experience the criminal justice system, as I will analyze the data through a social constructionist lens, thus considering how these individuals attach meaning to interactions and their circumstances, to get the most holistic understanding of their experience. By taking a social constructionist approach, the experiences of family members will be illuminated as it will allow for the analysis to take into consideration the context in which these persons are experiencing this institution – something that has not yet been considered in a study on this population. Furthermore, as this study is focusing not only on the ways in which family members of the condemned experience the criminal justice system, but also whether or not they are viewed (by themselves or others) as victims, taking into consideration the theoretical perspectives of both general social construction and the extension of social problems creation is key, as it will allow for an informed analysis of whether or not this experience is viewed as a social problem, and the subsequent reasons why this may or may not be the case.

Social constructionism along with the foundation laid regarding the value of narrative by Pressor (2013) and McGarry and Walklate (2015) is also used to guide the questions asked of the participants, as well as the analysis of their responses, the specifics of which will be further outlined in the methods section of this work. All of the previously stated perspectives are critical considerations to be taken in the study of this population. This population has never been considered through the lens of social constructionism; the author of this current research contends that for proper understanding of the unique situation these family members are in, one must not approach their condition through a black and white lens. Rather, one must keep in mind the Thomas theorem throughout analysis, considering context and regarding the feelings and testimony provided by these individuals as real because they are believed to be real to the individual, and are thus real in its consequences (Thomas & Thomas, 1928, p. 572).



## Chapter 5: The Current Study

The experience of family members of death row inmates is a complicated and intense issue, differing from the grief that most people deal with in a variety of ways throughout their lifetime. Prior research has not fully explored the specific experience of the family members, as much of the focus tends to be on the relationship to the inmate and the criminal offense.

Developing an understanding of the general experiences of these family members is important to develop a foundation for this area of study, however, the current study will focus on developing an understanding specifically on how these family members experience the American criminal justice system, a topic which has not yet been researched. The current study focuses on these underexplored topics, including the difficulties family members have with coping with the circumstances they are dealing with, the difficulties they have with processing their grief as a result of the feelings of temporary hope, and the social pressures they face to grieve in a specific way. To provide answers to the research questions below, I conducted interviews with family members and close family friends of the condemned, exploring their perspective of what life has been like since this event occurred. This study will analyze the interviews to identify similarities between the experiences, to create a clearer understanding of the experiences of the family members, while also providing insight on ways to potentially improve this experience.

The research questions the current study aims to answer are:

1. How do family members of the condemned experience the criminal justice system?
2. How do family members of the condemned make meaning of their experiences?
3. In what ways do the circumstances they are faced with align with the current definition of victimhood?
4. How do family members characterize themselves in the context of their experience with the criminal justice system?

## Chapter 6: Methods

Seven semi-structured interviews were conducted, loosely following an interview guide (see appendix 1). Participants were recruited through reaching out to organizations whose goal is to provide resources to families of the condemned, or death penalty abolition, as well as the snowball method, which included participants reaching out to potential participants after involvement in the study, assisting the researcher in identifying potential subjects (Oregon State, 2010). Prior to the interviews, participants were sent the IRB approval letter (see appendix 1), the verbal consent form (see appendix 2), a recruitment flyer (see appendix 3), and the interview guide (see appendix 4). The interviews began by explaining that any participation in this study is voluntary, and that the participant may choose not to answer any question and end the interview at any time if they would no longer like to participate. Further, if participants had not yet read the consent form, the form was read to them, and they then provided verbal consent.

Each family member was interviewed individually. The questions included in the interview guide were loosely outlined to allow each interviewee to tell his/her own story so that the researcher could get information about their personal experiences and the issues they have faced as a result of the death penalty. The interviews took place either through Zoom, or in person, all in a private office on a large public university campus in the mid-western United States. Interviews ranged from 45 minutes to 2 hours in length. After the completion of the interview, resources were provided to the participants that could be used to help them to cope with the unfortunate situation they have been placed in (see appendix 5).

## Chapter 7: Analysis

The interviews were recorded, with the permission of the participant, using the Zoom record feature and a backup recording on my tablet using voice memos. The interviews were then transcribed word-for-word using Otter.A.I., and then the researcher conducted a validity check to ensure the transcription matched the recording. The researcher took brief notes during the interview, and immediately after the interview discussed the interview with their advisor, who was present for most interviews. For data analysis, the researcher used an open-ended approach, allowing the respondents to dictate the issues that are of importance in relation to the death penalty and their family member on death row. All seven transcripts were analyzed for themes initially by hand, first using an open-ended approach. Following the hand code, the researcher then used NVivo (a qualitative software program) to conduct another theoretical thematic analysis of each interview. NVivo allowed the researcher to highlight interview text and label these sections (referred to as coding in social science analysis). The researcher first coded the interview line-by-line looking for common themes throughout the interviews, resulting in dozens of codes (initial coding). The initial codes were narrowed to more specific emerging themes, all of which were dictated by the interviewees themselves, and each one of these focus codes are discussed in the findings section of this paper, along with emerging subthemes of the emerging themes. The researcher then coded the interviews again using the focused codes. Each one of the focused codes was broken down using a similar process of coding the focused codes line-by-line and came up with sub-focused codes. After the coding process was complete, the coded quotes that represented each emerging theme were extracted.

During the initial coding process, 178 codes were identified. These codes represented immediate initial perception of the data, based upon the emerging themes. Each interview was at

first read without any theoretical paradigms in mind, to allow for a complete general code to start. After these initial codes were created, a second, focused code was conducted. This code was guided by the research questions:

1. How do family members of the condemned experience the criminal justice system?
2. How do family members of the condemned make meaning of their experiences?
3. In what ways do the circumstances they are faced with align with the current definition of victimhood?
4. How do family members characterize themselves in the context of their experience with the criminal justice system?

Not all the interview questions were used in the focused data analysis, given the broad nature of the questions asked to allow for the participants to take their narrative in any direction they choose, some of the data was not related to experience with the criminal justice system or victimization. Following the focused code, themes, and the number of interviews they were referenced in were extracted and analyzed in Excel. Codes which were referenced in three or more interviews were highlighted as themes. Themes were then extracted and placed into another spreadsheet, and condensed into relevant themes and subthemes where appropriate. 7 main themes emerged: 1) experience at trial, 2) experience at visit, 3) execution, 4) coping responses, 5) impact experience had on view of criminal justice system, 6) race, and 7) victimization. Within these 7 primary themes, subthemes which represented a component of these themes were highlighted and organized based on relevance.

Table 1 provides a breakdown of the racial and sex identifications of the sample. The sample consisted of seven total participants, five women and two men. Most participants

identified as white, with one Black identifying man and one Hispanic identifying woman in the sample.

Table 1. Demographics of Sample

	<b>White</b>	<b>Black</b>	<b>Hispanic/Latino</b>	<b>Other</b>
<b>Female</b>	4	0	1	0
<b>Male</b>	1	1	0	0

## Chapter 8: Results

All of the participants in this study described experiences with the criminal justice system (CJS) which align with the current study's hypothesis that a lack of support from the CJS negatively impacted their ability to cope with their circumstances. Furthermore, the characterization of the family members' treatment, whether by the CJS, media, community, religious institutions, or a combination of all, is consistent with the definition of victimization as defined by cultural victimologists.

Overall, the data is also consistent with previous findings of coping styles of families of the condemned. However, only two of the three categories were demonstrated significantly in the data – joiners and fighters. As this research focused on experience in relation to the CJS, this finding makes sense, as the beginning stages of a family member's time with the death penalty are the most intensive.

For each question asked of the participants, family members were asked to "tell a story about" an experience within the CJS. Thus, their answers are skewed toward personal perception, which aligns with the researcher's goal of highlighting narrative with this population (Presser, 2009; Polletta, Chen, Gardner, & Motes, 2011; Polletta, 2015). Relationships of the participants in the current study to someone on death row or formerly on death row varied, but all characterized a close relationship with the individual.

Table 2. Relationship to Death Row Inmate

	Number of Participants
Parent	1
Sibling	3
Spouse/Partner	1
Friend	2
Total	7

### Experience at Trial

Each participant was asked to describe their experience during the trial of their family member.

There was variation among the responses, due to differences in relationships. For those who knew their family member prior to/during the trial phase, the experience was described.

*Arthur:* We went 25 years dragged on through the courts...For 25 years, those people were terrible... the prosecutors and everybody go into court, they were dicks. I mean, they were the ones that were getting the elevator going to a hearing for [redacted]. And this happened many, many times over the years. While we're gonna win this round is, you know, it became a game for them.

*Susan:* We were told we couldn't make any noise. So, if we cried or you know, coughed, they would look at us funny. And, you know, if you make too much noise, they throw you out. When the hearings were over, they made us sit while the other family left the room. We weren't allowed to leave at the same time. Yeah, we were, we were made to feel like we were bad. I've never been in trouble in my life. Yeah. So it was. It was it was tough. It was It was rough couple of weeks.

*Will:* I have never seen a trial, a mockery of a trial like that in my entire life.

The data demonstrate that a belief that the courtroom experience was not fair to the families of the condemned. As death penalty trials are bifurcated, with a trial phase and then a punishment phase, the length of the trial compared to a non-capital trial provides for another form of trauma the families must endure.

The treatment by the prosecutor was particularly relevant in the data. Feeling that the prosecutor was not taking their family member's case seriously/treating it like a game, evidence being hidden from the defense by the prosecutor, and feeling that resources were not equally allocated to both sides of the case – prosecution and defense – appeared throughout the data.

*Susan:* Prosecutors get all kinds of support and all kinds of money to spend in order to get your deaths, death sentence, but the defense only gets the money that the family pays them more. Or if they're appointed by the courts, they get very little money... the judge, the jury, and the judge, you could tell that the judge was more agreeable to the prosecutor than it was to be a defense attorney.

*Will:* But when you're going to criminal justice system, you know, you have prosecutors that that lie to get people killed, you know, you have them make up evidence and do things to get people killed. And one of the things that tore me up the most is the fact that you could go into the criminal justice system and tell lies and do shenanigans and it would cost that person in their life and in the streets.

*Dottie:* the withholding of evidence, I think is what they would overturn a case for is that they withheld 17 boxes of evidence, and the truth is probably in there.



These statements align with the current research on experiences of families of the condemned, particularly feeling that the process itself does not lend itself to justice being found (Beck & Jones 2007). It is important here to note that many of the families interviewed maintained the stance their family member was not guilty, so further research might look into focusing on a population of families who do believe their family member is/was guilty, to see how these experiences might vary within the population itself.

### **Experience at Visit**

All participants described the types of visits they encountered with their family member. A surprising finding from the data was that many family members mentioned overall favorable experiences during their visits to death row. Participants described learning from their family member who is/was on death row about which days to visit to get a more friendly correctional officer, and how to behave during the visits, so as to have the most positive experience, which differs from the previous findings of Jones and Beck (2006) on families of the condemns' experiences with guards during visits.

The distance to death row from their place of residence came up frequently in the data.

*Julie:* typical visits would be my dad and I getting up and leaving [redacted] at about five o'clock in the morning... [a] four hour drive up to [redacted], having our either full contact or semi contact visit, we would be in the prison for probably at least four hours...it's an all-day experience.

*Rose:* And I wrote him and I [said] [redacted], I'm coming to see you...I have another friend to visit in California. So, I made the trip to Texas and then to California to San Francisco and then to San Quentin.

*Martha:* And she said, “Where are you from?” I don't have the Texas accent that she knew I wasn't from Texas, I said, “California.” And she was like, “I don't know why anyone would come down here to do this [visit a death row inmate].”

Furthermore, all the white-identifying participants who had favorable experiences visiting their family member, mentioned that they would not be surprised if those who were not white had different, more negative experiences than they did.

*Julie:* I mean, I've never had a really negative experience...with the correctional officers.... I mean, they would, they would have exchanges, and they'd laugh and kind of joke...but I think my experience was probably radically different. Because my dad and I are white. You know what I mean? I can't not acknowledge that...being two white individuals...coming into our prison, I'm sure we are treated much better than other individuals...So we never really had any heavy issues or problems, correctional officers, administrators we'd run into were really pretty friendly.

*Martha:* Being a person of privilege, who presents a certain way, I am not the typical visitor and I often get mistaken for an attorney... because if the prisoner comes from an impoverished background, or a background where there's addiction or something like that, there, people are generally going to fall into that category in one way or another too.

This awareness of the role of race and how it impacts/shapes experiences with the criminal justice system seems to result from having had a significant association with the criminal justice system. As most family members had never before had much knowledge about the CJS, the learning process began with their experience at their family member's trial. Thus, by joining organizations with others who've shared similar experiences, these inequalities experienced in

the criminal justice system become far more apparent to this population, even if not directly experienced.

## **Execution**

Execution was an inevitable theme of the data, given the circumstances of the participants.

Though there was some variation of the types of situations the family members were in depending on appeals, innocence, and location, the execution itself always came up as the most traumatizing part of the experience with the CJS.

### Execution Dates

Execution dates emerged as a relevant subtheme of executions. It's worth noting that execution dates were never explicitly asked about – each family member that mentioned the notification of an execution date did so on their own, indicating its importance in their narratives (Presser, 2016).

*Will:* Well, when my brother was in there, he you know, they started executing guys, he says, [redacted], you know, you don't want an out date on death row, because that means you're dead.

*Julie:* The day I found out that he had an execution date. I was in the grocery store parking lot...I'll never have the opportunity for him to ever meet my children in person. To not have that support, to not have that love. That's pretty devastating. I mean, yeah, I will lose a family member.

*Dottie:* I don't think that it's going to get I think it's going to get ugly before it gets better for us. Because in most cases, they will just go ahead and set an execution date and kill people in my brother's case, because I have tried so hard to stay calm and professional

about it, and just educate everyone and just try desperately to get to the bottom to get to the truth.

Previous research indicates the role these execution dates has on the coping process for families of the condemned, particularly in the development of anticipatory grief (De La Ray, Parekh, & Van Rooyen, 1994; Jones & Beck, 2007; Schweizer, 2013; Texas After Violence Project, 2019). Thus, the negative significance of the execution date for this population is an expected finding.

### Characterization of the State as a Murderer

Another emerging theme of note was the characterization of the State as a murderer. This result is consistent with former research on the death penalty, indicating one of the harms of the death penalty is the way it gives the state the power to commit murder (Williams, Bischoff, Casey, & Burnett, 2014).

*Arthur:* Now, it all boils down to is the government shouldn't be killing people like this.

*Will:* if you look at your top killer, in your state, the governor's names at the top. The state's top killer, number one killer, [is the] Governor.

*Julie:* And this is not just any type of loss. This is not somebody that is sick and is going to pass away. This is someone who is going to be murdered by our government.

This characterization of the State as murderer is indicative of broader impacts capital punishment has had on families of the condemned and their view of the CJS and the United States government. It demonstrates the collateral damage of the death penalty – not only losing a family member, but also losing the relationship one once had with their country (Jones & Beck, 2007; Texas After Violence Project, 2019).

### **Impact Experience had on View of Criminal Justice System and U.S. Government**

Participants were all asked to describe the impact their experience with the CJS had on their view of the CJS and the State. All participants indicated that the experience in some way negatively impacted their view of the criminal justice system, and the United States beyond.

*Julie:* It shapes the way in which I view prosecutors the ways in which I view judges not all law enforcement is bad but that doesn't mean I don't miss trust law enforcement

*Susan:* You know, how do we look at our justice system and look at the unbalanced things that go on and think that it's fair?

*Will:* Had to educate myself, I had not a clue what was going on, I thought the system was somewhat honest, and especially a capital murder, or this thing would be taken care of, in a matter of time, especially once someone else's eyes get a hold of this. But I've seen how political it became, I see how very few people got off death row, especially if there was an agenda attached to it.

The association of the criminal justice system with a lack of fairness seems to have played a role in the worsening of the view participants had of the State, particularly with those who believe their family member was innocent and formerly believed the CJS functioned to find justice and the truth.

### **Coping Responses**

Participants were asked to describe the ways in which they coped with the trauma of witnessing their family member going through the criminal justice system, specifically with the prospect of execution. The coping responses of 'joiners' and 'fighters,' as identified by Sharp (2005), were relevant in the context of the criminal justice system. Participants described two kinds of joining – joining organizations whose membership included those in similar positions as theirs, such as

Journey of Hope, and joining ‘fighter’ type organizations, or “fighter organizations” which work toward death penalty abolition. As all the organizations described corresponded with understanding and fighting the system which caused their pain, the data indicates the coping style as being joiner-fighters, as joiner and fighter coping styles were often intertwined with one another.

*Susan:* I thought I can either sit in the corner and cry, or I get up and do something. And so, I got involved with Virginian’s for Alternatives to the Death Penalty, and tried to figure out, you know, how does this work and hoping that by getting involved in these organizations, I would find the answers that I need and the things that need to be done in order to save my son and connect with the right people.

*Rose:* we are all united and I want to be there when we have this [protest] because...we are...free people...fighting in the street against you know, we go to the house of the governor to ask to stop the death penalty and that [the death penalty] [is] just revenge.

*Arthur:* I think being in the abolition movement and got me around other people that were doing the same kind of work and fighting against the death penalty, like I said, I didn't think there was really that many people fighting against it.

Joining “fighter organizations” allows for families of the condemned to create pseudo families with those who are in similar situations to them. This is important when considering the grieving and coping process of the families of the condemned, as previous research indicates that only those who have experienced this trauma or have an understanding of it through research can truly comprehend what they are going through (Sharp, 2005) .

## Race

The researcher anticipated race being relevant in the study, given what is currently known about capital punishment. The prevalence of race throughout the data, however, was unexpected – all participants discussed racial bias as a problem in the CJS. The most prolific of descriptions are included below:

*Julie:* seeing how some of these cases have played out seeing the inequities that are involved within the criminal justice system, seeing how things like race and class can impact a case, when really those shouldn't be relevant factors. Those have all had a profound influence in how I view how I view the process

*Rose:* People, you know, they are racist. You know, my husband is one of the six men in Texas to be accused, [as if], black men [are] dangerous [to] society.

*Will:* How would you feel going up against all white jury? Nobody - Black, white, Latino, no one, wants to face the all-white jury. And that's what [redacted] faced. And you know, there was so many shenanigans with the jurors.

*Susan:* it is extremely broken. It's very racially biased. It's, you know, it's it shouldn't matter where you live, or what color your skin is as to whether or not you're going to face a death sentence or a life sentence or no sentence as in Kyle Rittenhouse.

The relevance of race as a theme throughout the data, demonstrates the interconnectedness of many of these themes – the prevalence of racism in the CJS creates a negative view of the CJS and government for those impacted by it, and to cope with the negative views and experiences with the CJS, family members of the condemned join fighter organizations.

## **Victimization**

As family members of the condemned have not yet been considered to be victims by sociologists or victimologists, the researcher did not directly ask family members if they considered themselves victims, so as to avoid skewing the data. Thus, the self-characterization of “victim” was one of the most prolific findings in the data.

*Will:* I was just gonna say that their minds and their skills as the criminal justice system, they used as weapons. We were poor. We were uneducated, and we were their victims. And they didn't hesitate to attack.

*Arthur:* they don't look at us as victims I kind of started to use the word collateral damage after a year or so because people would be ruined, you know, all poor, poor pitiful you you're a victim of something your brother did just really mean shadow. If you probably wouldn't, didn't that you wouldn't be a victim. So you're really not a victim, you know, and it's where we're no different than the person that my brother killed. We are victims of state sanctioned murder

*Susan:* I think I think there are victims on both sides of any crime...I do feel like we've also been victimized by the system. It wasn't fair, the trial wasn't fair.

This victimization at the hands of the criminal justice system and the State seems to contribute to the characterization of the CJS by this population. This reiterates the notion that all of these experiences and emerging themes seem to be intertwined.



## Chapter 9: Discussion

This research focused on an exploratory approach, given that the ways families of the condemned experience the criminal justice system was a gap in the literature prior to this study. This study revealed the impact negative experiences with the criminal justice system, starting as early as the criminal trial process, has on one's view of the CJS. All the interviews were conducted with people whose family member had been sentenced to capital punishment years prior. Thus, the interviews ended up demonstrating how the criminal justice system impacted this population in the long term. These traumatic experiences were worsened by a lack of support by the government while going through the process, which contrasts from the experience of the traditional crime victim's families' experiences, though it's worth note that traditional crime victim's families report not receiving enough support from the criminal justice system – the contrast is present because families of the condemned receive none, no matter the metric (Armour, 2002).

A lack of fairness and justice and the overwhelming role that race plays in the CJS emerged in the data as a component of the CJS experience which made coping more difficult for families of the condemned. Thus, turning to the coping styles of joiners and fighters was prevalent in the data. The data indicates an extension in Sharp's (2005) typology, as joiners and fighters seem to be intertwined – this population seems to respond to trauma by joining “fighter organizations” or organizations which are tied to fighting the system which caused their trauma.

The characterization of participants' personal experiences with the CJS, specifically being “victimized,” indicates that this population falls into the category of victim. As none of the participants were directly asked if they felt they had been victimized by the CJS (unless already stated by the participant, in which case the researcher asked the participant to elaborate), it is

evident that continued investigation of the victim characterization in relation to families of the condemned is worthy of further study, and that this title is relevant to this population. The researcher posits the creation of a new typology of victim for this and similar populations, *the non-ideal, indirect victim*. This typology would recognize victims who do not meet the social or legal standards for victimization, while still allowing for acknowledgement of such victimization. As is indicated by the data, and nature of this population, these family members fall into the definition of indirect victim as described by McGarry and Walklate (2015) and Spalek (2006). Christie's (1989) typology of the ideal victim provides an important framework of how victimization and who is allowed to claim the victim title is socially constructed. Thus, as this population has an affiliation to a heavily stigmatized population, someone on death row, there has likely been a hesitation by victimologists and sociologists alike to attach this title to this population. However, the data in the current study directly addresses this notion, demonstrating the possibility that, especially in the context of treatment by the criminal justice system, families of the condemned are victimized.

## Chapter 10: Policy Implications

At the conclusion of each interview, participants were asked to describe what would have been helpful for them during their time going through the system with their family member. Every single participant indicated that therapeutic counseling would have been helpful, especially during the most emotionally trying periods of time. Two barriers emerged during this discussion: the cost of therapy, and a lack of education therapists have on the circumstances family members are dealing with. A quote from *Susan* demonstrates how it felt going to therapy as a family member of the condemned,

So I went to talk to a therapist, and by the time I told her everything that I had been through so far, that past six months, I mean, her jaw just kept getting further onto the floor and I when I left I thought, I think I just sent her therapy; she's gonna need help now just to cope with what I've told her, so I never went back.

One family member described a positive experience with their therapist; however, they indicated having to educate their therapist on this experience. Thus, court provided therapists who are specifically trained to respond to the trauma families of the condemned experience and teach coping mechanisms relevant to this experience is essential in helping this population cope with their trauma, which is a consistent finding with previous research (Texas After Violence Project, 2019).

“Lacking” was an emergent theme throughout the data; a lack of financial support, community support, information, knowledge on the criminal justice system, and justice all were described by participants in this study. For families who choose to be present in their family member’s trial, providing educational materials, which explain the capital trial process would be helpful. Court provided therapy would help to address the lack of community support, given that therapists can teach coping techniques to combat negative community responses. Though this

study did not focus on community experiences, the impacts of negative media coverage of their family member was still mentioned by participants, and thus is worthy of mention. Lastly, equal distribution of funds to prosecution and public defenders or court appointed attorneys would address the feeling of inequality during the trial as a result of not having the financial means to contribute more resources to their family member's case.

## Chapter 11: Limitations and Future Research

The current study was limited in sample size,  $n = 7$ . While the population itself is not large, future research might consider extending the data collection period and broadening the sample size. Further, as the sample size was not very large, it lacked variation in race, gender, and relationship, thus, a larger sample size would help to diversify perspectives. As this study was conducted for exploratory purposes, given the sparsity of research done on this population, qualitative methodology was determined to be the most effective means of data collection. Future research might consider taking a mixed methods approach, so as to diversify the kinds of data collected and strengthen what is known about this phenomenon.

Furthermore, a focused study on close friends of the condemned, rather than grouping close friends with direct family members, might help to highlight the differences and similarities which exist in the population itself. Along similar lines, this study included a mix of family members and close friends who had varied views on their family member's/friend's innocence – some maintained the belief that their family member/friend was innocent, while others “knew” their family member/friend was guilty. Thus, focusing on a population with just family members of those who are guilty, as well as another study focusing on a population of family members of only those who maintain their innocence, can help to develop knowledge about these experiences. The data suggest that continuing to develop the question of whether family members of the condemned are victims would be worth of study, thus future research might further explore the definitions of victims in relation to this population. Lastly, religious coping mechanisms were mentioned throughout the interviews, however, these themes were not the focus of the current research and thus not explored. Future research might explore the relationship between religion and coping for families of the condemned.

## **Chapter 12: Conclusion**

This study explored the ways families of the condemned experience the criminal justice system, a phenomenon which was identified by the researcher as a gap in the current literature. The researcher used qualitative methods to conduct this study, to provide a sufficient ground work for future research in this area through direct narratives by the population. Seven primary themes emerged from the data: 1) experience at trial, 2) experience at visit, 3) execution, 4) coping responses, 5) impact experience had on view of criminal justice system, 6) race, and 7) victimization. These themes provide context to the study of families of the condemned, especially in relationship to the criminal justice system. Further, they indicate the need for future research on this topic, specifically on whether or not family members are victims, continuing to use the lens of victimology as a framework.

## Appendix 1: IRB Approval Letter

Project Number	20-F-13
Project Status	APPROVED
Committee:	Social/Behavioral IRB
Compliance Contact:	Rebecca Cale ( <a href="mailto:cale@ohio.edu">cale@ohio.edu</a> )
Primary Investigator:	Sydney Borsellino
Project Title:	Unheard Victims: The Experience of Families of Death Row Inmates
Level of Review:	FULL

The Social/Behavioral IRB reviewed and approved the above referenced research.

IRB Approved:	04/20/2021 09:55:26 AM
Expiration:	04/20/2022

**Waivers: A waiver of signature is granted on the consent form for virtual or phone interviews.**

If applicable, informed consent (and HIPAA research authorization) must be obtained from subjects or their legally authorized representatives and documented prior to research involvement. In addition, FERPA, PPRA, and other authorizations / agreements must be obtained, if needed. The IRB-approved consent form and process must be used. Any changes in the research (e.g., recruitment procedures, advertisements, enrollment numbers, etc.) or informed consent process must be approved by the IRB before they are implemented (except where necessary to eliminate apparent immediate hazards to subjects).

The approval will no longer be in effect on the date listed above as the IRB expiration date. A Periodic Review application must be approved within this interval to avoid expiration of the IRB approval and cessation of all research activities. All records relating to the research (including signed consent forms) must be retained and available for audit for at least three (3) years after the research has ended.

It is the responsibility of all investigators and research staff to promptly report to the Office of Research Compliance / IRB any serious, unexpected and related adverse and potential unanticipated problems involving risks to subjects or others.

This approval is issued under the Ohio University OHRP Federalwide Assurance #00000095. Please feel free to contact the Office of Research Compliance staff contact listed above with any questions or concerns.

The approval will no longer be in effect when the Primary Investigator is no longer under the auspices of Ohio University, e.g., graduation or departure from Ohio University.

## **Appendix 2: Adult Verbal Consent Form**

### Ohio University Adult Consent Form Without Signature

Title of Research: Unheard Victims: The Experience of Families of Death Row Inmates

Researcher: Sydney Borsellino

IRB number: IRB number 20-F-13

You are being asked by an Ohio University researcher to participate in research. For you to be able to decide whether you want to participate in this project, you should understand what the project is about, as well as the possible risks and benefits in order to make an informed decision. This process is known as informed consent. This form describes the purpose, procedures, possible benefits, and risks of the research project. It also explains how your personal information/biospecimens will be used and protected. Once you have read this form and your questions about the study are answered, you will be asked to sign it. This will allow your participation in this study. You should receive a copy of this document to take with you.

#### **Summary of Study**

This project examines the social and emotional impacts that the death penalty has on family members of death row inmates. I will interview 10-30 family members or close friends of death row inmates. My goal is to gain a deeper understanding of the emotional, social, and physical impacts that the death penalty has, through the perspective of family members and close family friends.

#### **Explanation of Study**

This study is being done because we are interested in adding the perspective of family members of death row inmates to the discussion of the death penalty and its continuing existence in the United States, to provide a more wholistic understanding of the impacts that the death penalty has.

If you agree to participate, you will be asked to talk about your experiences, your relationship to/with the inmate, what it has been like to cope, and any other emotional/social impacts that the death penalty has had on your life.

You should not participate in this study if you have no relationship to an individual on death row.

Your participation in the study will last anywhere between 45 minutes to 2 hours.

To increase the effectiveness of our research, you might be asked for a follow-up Interview. This could include being asked about topics that analysis of the data has deemed worthy of further research, as well as seeing if there have been any changes to your situation, in relation to your family member on death row (changes in appeals, exoneration, execution).

#### **Risks and Discomforts**



Risks or discomforts that you might experience are: the topics that will be discussed with you are potentially harmful, as they bring up what is likely some of the most difficult times you have had to go through in your life. Explaining again the trauma that you have endured can potentially be discomforting, and we will be sure to provide them with resources (a separate list of counseling resources will be provided) to help you should you experience any psychological harm. We also want to make clear that you are not required to answer any questions, and that you are allowed to pause or stop the interview at any time, and ask us any questions at the beginning about anything you are worried about so that we take steps to avoid causing any discomfort.

## **Benefits**

This study is important to science/society because it will provide a perspective about the death penalty that is fairly unknown, thus allowing for more informed decisions when determining opinions about the punishment.

Individually, you may benefit from the ability to share your story, as so often family member's in a situation similar to yours are not able to fully cope with the situation you're facing or be understood by others, as you typically receive major backlash from society as a result of the actions your family member has allegedly done. You might also feel a sense of relief as a result of being able to explain their side of what happened in this situation and be provided with resources that you have before not been aware of/not been provided. You will also potentially benefit from reflecting on their life experiences.

## **Confidentiality and Records**

Your study information will be kept confidential by keeping any identifiable information out of the research paper. Pseudonyms will be used as default so that no real names are shown. If you would like to go on the record, your name may be included, but unless you explicitly state that you would like your real name to be included, pseudonyms will be used. The master code list for this study, which includes the data collected from these interviews and indirectly identifying information, will be stored in a locked office on a password protected computer, and further located in a folder on that computer that is password (different password) protected. Those who will have access to the data include the Researcher (Sydney Borsellino) and the Advisor (Dr. Amanda Cox).

Additionally, while every effort will be made to keep your study-related information confidential, there may be circumstances where this information must be shared with:

- \* Federal agencies, for example the Office of Human Research Protections, whose responsibility is to protect human subjects in research;
- \* Representatives of Ohio University (OU), including the Institutional Review Board, a committee that oversees the research at OU;

## **Future Use Statement**

Identifiers will be removed from data/samples collected (unless you have stated you would like your real name to be included) and after such removal, the data may be used for future research studies or distributed to another investigator for future research studies without additional informed consent from you or your legally authorized representative.

## Contact Information

If you have any questions regarding this study, please contact the investigators **Sydney Borsellino**, [sb227617@ohio.edu](mailto:sb227617@ohio.edu), (203) 321-6750; **or the advisor Dr. Amanda Cox**, [coxa@ohio.edu](mailto:coxa@ohio.edu), (814) 327-5423].

If you have any questions regarding your rights as a research participant, please contact Dr. Chris Hayhow, Director of Research Compliance, Ohio University, (740)593-0664 or hayhow@ohio.edu.

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By agreeing to participate in this study, you are agreeing that:

- you have read this consent form (or it has been read to you) and have been given the opportunity to ask questions and have them answered;
- you have been informed of potential risks and they have been explained to your satisfaction;
- you understand Ohio University has no funds set aside for any injuries you might receive as a result of participating in this study;
- you are 18 years of age or older;
- your participation in this research is completely voluntary;
- you may leave the study at any time; if you decide to stop participating in the study, there will be no penalty to you and you will not lose any benefits to which you are otherwise entitled.

Version Date: [4/16/20]

## Appendix 3: Recruitment Flyer



# Unheard Victims: The Experiences of Families of Death Row Inmates

IRB protocol number 20-F-13, Ohio University

## Principal Investigator: Sydney Borsellino

Under the supervision of Dr. Amanda K. Cox, Assistant Professor of Instruction

The purpose of this study is to understand the impacts of having a family member on death row & how family members of death row inmates experience the criminal justice system

To participate in this research, you must:

- Be 18 years old or older
- Have a family member or close family friend currently on death row OR have had a family member who was previously been on death row but has since been executed or exonerated.

Participation in this study involves:

- An interview of about 1 hour via phone call or Zoom video call
- Information about State and national counseling resources to help with the coping process participants might currently be going through

Goals of this study

- To understand the harm the death penalty causes beyond the defendant
- Provide resources to family members of the condemned, as currently there are none
- Provide recommendations to improve the way family members are treated in the criminal justice system

## Contact Information

To find out more about this study, please contact:

- Sydney Borsellino

[dpfamilymemberresearch@gmail.com](mailto:dpfamilymemberresearch@gmail.com)

(740) 762-0939

### **Appendix 4: Interview Guide**

1. Please explain your relationship with death row – your relation to the current/exonerated/previous inmate?
2. Tell me about how you were treated throughout your family member's trial – how did the prosecutor treat you? The judge? The victim's family? The media?
3. Describe a typical visit with your family member.
  - a. Could you tell a story about a particular moment while visiting your family member which stands out to you? How you were treated by the guards, how you were left feeling?
4. What kinds of support do you wish you had while going through the legal system? During the aftermath of your family member's sentence?

## Appendix 5: Resource List

<b><i>Counseling Resources</i></b>	
<b>IF THIS IS AN EMERGENCY Call 911 or go to your local emergency room</b>	
Toll-free, 24-hour hotline of the National Suicide Prevention Lifeline <b>1-800-273-TALK (1800-273-8255)</b>	
NATIONAL RESOURCES	
<b>Mental Health Services Locator</b>	<a href="http://store.samhsa.gov/mhlocator">http://store.samhsa.gov/mhlocator</a>
<b>Substance Abuse and Mental Health Services Administration</b>	<a href="https://www.samhsa.gov/find-help/national-helpline">https://www.samhsa.gov/find-help/national-helpline</a>
<b>Top Helpline Resources</b>	<a href="https://www.nami.org/Find-Support/NAMI-HelpLine/Top-HelpLine-Resources">https://www.nami.org/Find-Support/NAMI-HelpLine/Top-HelpLine-Resources</a>
<b>Heal Grief</b>	<a href="https://healgrief.org/grief-support-resources/">https://healgrief.org/grief-support-resources/</a>
<b>Courage to Caregivers</b>	<a href="https://www.couragetocaregivers.org/grief-resources">https://www.couragetocaregivers.org/grief-resources</a>
<b>Eluna National Bereavement Resource Guide</b>	<a href="https://elunanetwork.org/national-bereavement-resource-guide">https://elunanetwork.org/national-bereavement-resource-guide</a>

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