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PENNSYLVANIA ADULT CORRECTIONAL TRAINING INSTITUTES (P.A.C.T.)

Developed by the
Center for Law Enforcement and Corrections
College of Human Development
The Pennsylvania State University
University Park, Pennsylvania

A Training Module for Trainers of Personnel
in the Administration of Criminal Justice

Designed as Part of the Statewide Training Program for
Executive and Managerial Correctional Personnel

CAPITAL PUNISHMENT

Training Module 6909

June, 1969

The Statewide Training Program
for Correctional Personnel is supported
by a grant from the Law Enforcement

Assistance Act, U.S. Department of Justice No. 357-(222)

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A FOREWORD TO THE INSTRUCTOR

The training module, "Capital Punishment" was developed into a course outline from material originally brought together by Superintendent Joseph R. Brierley of the State Correctional Institution at Pittsburgh. The Center for Law Enforcement and Corrections wishes to express its deep gratitude to Superintendent Brierley for both his generosity and assistance in making this material available.

All of the material has been edited, updated and incorporated into a series of training modules developed by the Pennsylvania Adult Correctional Training (P.A.C.T.) project. The entire series are intended to provide participants with the following:

1. An understanding of the administration of justice as a system, the interdependence of its elements, and the successful operation of the system;
2. An understanding of the goals of the system and the role-relevancy of universally applicable principles, concepts, and procedures in providing protection for the community and rehabilitative services to the offender;
3. An understanding of the ways in which they may improve role performance consistent with the system's needs for increased understanding, cooperation, coordination, and improved service capabilities.

This training module on capital punishment can be used independently as a short course of several hour's duration or it can be incorporated into the full series which P.A.C.T. has produced. This module would be the ninth course presented when the entire series is used. The series would begin with "History of Law Enforcement and Correction in Pennsylvania" (T.M. No. 6901), followed by "The Administration of Justice" (T.M. No. 6902), and then "Criminal Law, The Laws of Arrest, and Detention" (T.M. No. 6903), "The Police--Its

History and Contemporary Place in Society" (T.M. No. 6904), "Pennsylvania Judicial System: The Courts, The Judge, The Jury" (T.M. No. 6905), "Sentencing--Two Views" (T.M. No. 6906), "Probation and Parole" (T.M. No. 6907), "Jails and Prisons" (T.M. No. 6908), "Capital Punishment" (T.M. No. 6909), and finally, "The Dynamics of Human Behavior" (T.M. No. 6910). Following this suggested order a cohesive picture of the offender, the arrest, sentencing, punishment, and corrections would be presented.

In order that each module be utilized to its fullest potential, the trainer or instructor first should have a sound background, preferably with field experience in the area in which he will be instructing. Secondly, he should have in-depth knowledge of the bibliographical material listed at the end of the training module, as well as other literature sources. With this basic preparation, the trainer can be in a position to employ the training module as a "road map" for the direction and substance of the course. Throughout the preparation and presentation of the course, the trainer should keep in mind the general objectives of the course as set forth at the outset of the outline.

As the course is presented, each heading and subheading should be treated by the instructor as a theme for expansion. The headings are meant only to provide the structure to the trainer, who should then build on them, expanding and enlarging as the needs of the class are demonstrated and his time and ability permits. Many examples and illustrations should be provided to the class. An abundance of case material and other examples carefully prepared by the instructor is essential. It is the illustrative material that concretize concepts

and enhance learning. The trainer should draw upon his own professional experience as well as the bibliographical material for much of this expansion. Obviously, the trainer should capitalize on the experiences of his class in order to make the material more viable.

While the trainer is preparing for the course, certain chapters and sections of the readings will suggest themselves to him as so basic or important that he will want to assign them to the class. Therefore, the bibliography will serve two purposes: preparation of material for the instructor, and training material for the class. No attempt was made on the part of those developing the training modules to dictate what, if any, the class assignments should be. The trainer will know his class and its needs better than anyone else, and should have full discretionary power on assignments, drawing from the bibliographical references or any other sources which he deems relevant.

We, of the staff of the Center for Law Enforcement and Corrections, hope that these training modules can serve an effective role in providing assistance to those who have the responsibility for training operating personnel. If the material has the potential to serve as a catalyst, it is, nevertheless, the instructor who stands before the class who carries the burden of teaching success. It is to him that we say "Good luck."

Charles L. Newman, Project Director

William H. Parsonage, Associate Project Director

Barbara R. Price, Assistant Project Director

Training Module 6909

CAPITAL PUNISHMENT

Course Objectives: To explore the concept of capital punishment, its history, development and present direction as a form of punishment.

I. Definition.

- A. Capital punishment is the infliction of the death penalty upon a person convicted of a crime. In Pennsylvania two crimes are so punishable.
 - 1. Murder in the first degree.
 - 2. Assault by life prisoner.
- B. The death penalty is in effect in thirty-seven states.

II. Historical development.

- A. Pre-prison punishments.
 - 1. Mostly physical or corporal.
 - 2. Capital punishment used in order to eliminate offender from the group.
 - 3. Corporal treatment satisfied a desire for revenge on the part of the family or clan of the injured party.
 - 4. Methods of capital punishment.
 - a. Throwing offenders from cliff.
 - b. Crucifixion.
 - c. Beheading.
 - d. Poisoning.
 - e. Hanging.
- B. Developments in Pennsylvania.
 - 1. The "Great Act of William Penn"--1682.
 - a. Reduced capital offenses to one--premeditated murder.
 - b. Fines and imprisonment were substituted for the corporal punishments of the English Code.

2. Return to harsher provisions of English Code--1718.
 - a. With the death of William Penn the harsher provisions returned.
 - b. Thirteen capital offenses were listed.
 - c. Larceny was the only felony that escaped the death penalty.
3. In 1786 the English Code was modified by a statute of the new Commonwealth.
4. The state of Pennsylvania adopted a criminal code in 1794.
 - a. Abolished the death penalty for all crimes except murder in the first degree.
 - b. Substituted fines or imprisonment for all other crimes in place of corporal punishment.

III. The controversy over capital punishment.

A. The case for capital punishment.

1. Based on the contention that its existence deters homicide.
2. The data does not support this.
 - a. Indications are that the existence of capital punishment makes no difference in the amount of murders committed in any given state.
 - b. Murder rates do closely parallel those of adjoining states where conditions of life and socio-cultural attitudes are similar.

B. The case against capital punishment.

1. The statistics show that the death penalty does not deter potential murderers.
2. The claim is made that it is meted out unfairly to minorities and to the poor.
 - a. Statistics show that between 1930 to 1969, 3,860 prisoners were executed.
 - b. 53.5% were black.
 - c. 45.4% were white.
 - d. 1.1% were of other races.
 - e. The 1960 census population figures show 88.6% of population is white, 10.5% black, and .9% other races.

3. Public opinion indicated in a Harris poll in 1967 that 47% of those questioned were opposed to capital punishment while 38% were in favor of retaining it.

C. The struggle really centers on two separate philosophies.

1. Ancient and deeply rooted beliefs in retribution, atonement, and vengeance.
2. Belief in personal dignity and worth of every man.
 - a. Emerging interest in scientific approach to an understanding of motivating forces in human behavior.
 - b. Growth of the behavioral sciences.

IV. Indications of future direction of capital punishment.

A. Steady decline in number of executions.

1. 1935 was the peak year with 199 persons put to death in the United States.
2. In the last four years (1965-1969) there have been three executions.
3. Currently there are about 450 men waiting on death rows in the 37 states.

B. Two developments explain the decline.

1. Growing and to a large extent organized opposition to capital punishment by diligent and vociferous groups.
2. The new trend in judicial decisions and procedures.
 - a. Courts reflect shift in public attitude calling for abolition of capital punishment.
 - b. For past ten years appeal courts have been making it a practice to hear almost any argument which might save a condemned person.
 - 1) Courts, as a result, have been deluged with appeals.
 - 2) These appeals have resulted in stays and delays in the execution process.
 - c. From these appeals new interpretations of the law and the rights of the accused have been produced.
 - d. Major changes in criminal legal practice in this country include:

- 1) Escobedo and Miranda decisions--which deal with right to counsel during interrogation by police and the inadmissibility of confessions taken when counsel was not present.
 - 2) Brady--deals with right of defendants to know all the evidence in the hands of the prosecution.
 - 3) Mapp--deals with illegal search and seizure of evidence by police.
 - 4) Witherspoon--unconstitutional to bar from juries persons opposed to capital punishment.
- C. There is a growing conviction among most experts that execution chambers throughout the country may have claimed their last--or near to last--lives.

V. Summary.

- A. Capital punishment had its onset in the earliest history of man as a social animal.
 1. Roots firmly established in tradition and Biblical writings.
 2. In Pennsylvania the earliest liberalization trend recorded on capital punishment is found in the "Great Act of William Penn."
- B. Controversy over use of capital punishment in current law enforcement and corrections practice.
 1. The practice of capital punishment is legal in thirty-seven states.
 2. Since peak year in 1935 its use has been on the decline.
 3. Controversy centers currently on the value of capital punishment as a deterrent vs. rising public opinion and judicial decisions based on belief that the practice is abhorrent in civilized society as well as unjustified in terms of deterrence.

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