



## Psychiatry & Behavioral Science Section - 2016

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### I6 Ethical Responsibilities of Physicians: Capital Punishment in the 21st Century

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After attending this presentation, attendees will have a concept of the history of the death penalty in the United States, the practice of physician involvement in death penalty cases, and the American Medical Association (AMA) and this presentation's ethical point of view on direct participation of physicians in the death penalty.

This presentation will impact the forensic science community by illustrating the current discrepancy between the law and medical ethics with regard to capital punishment in the United States.

Per Amnesty International the United States is in the company of 22 other countries, such as Afghanistan, Algeria, and South Korea, having reported death sentences in 2014. The AMA is one of many medical professional organizations that prohibit the participation of physicians in the actual act of execution per AMA Code of Medical Ethics, Opinion 2.06. This code specifically states, "An individual's opinion on capital punishment is the personal moral decision of the individual. A physician, as a member of a profession dedicated to preserving life when there is hope of doing so, should not be a participant in a legally authorized execution." Despite these clear guidelines for physicians, there is debate within the medical field about physician involvement in various aspects of death penalty cases.

As recently as June 29, 2015, in *Glossip vs. Gross*, the United States Supreme Court upheld the death penalty, specifically the use of the controversial sedative midazolam. The injection of this sedative had contributed to several botched executions. For lethal injection to be considered humane, there must be physician involvement. Historically, there has been physician involvement in executions. The three-drug regimen used in lethal injections was initially proposed by a physician. Forensic psychiatrists have a primary duty to answer legal questions presented to them to foster justice; however, they also have a secondary duty as physicians to do no harm. In death penalty cases, physicians have been asked to participate as expert witnesses by both the defense and the prosecution in various capacities. In this presentation, different positions that physicians and specifically forensic psychiatrists have taken on this issue will be outlined. This presentation's position is that given the overwhelming secondary duty related to their physician role and biomedical ethical considerations, specifically to do no harm, forensic psychiatrists should not utilize their expertise if they believe their involvement will be used for the primary purpose of obtaining a death penalty.

In this presentation, there will be an overview of the history of the death penalty, a discussion of the use of lethal injection and physician involvement, forensic psychiatrist's participation in death penalty cases, the problem of execution of mentally ill individuals, and the position this study takes on participation of physicians in death penalty cases. There will also be a discussion regarding the above ethical issues.

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#### Capital Punishment, Ethics, Death Penalty