

UVU Students Attitudes
About the Death Penalty

THE DEATH PENALTY

FOR OR AGAINST?

CJ 4990 - Professor M. Duffin
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Introduction:

When a child is brutally abused, we, as a society, are shocked and disturbed because of the cruelty carried out against someone who is defenseless and can't break free of what is going on around them - most of which at the hands of those who are supposed to be the ones protecting them. When an adult murders another person, we, as a society, are angered because of the violence perpetrated upon "the innocent" victim. But what if that abused child is the one who becomes the cold blooded murderer? Obviously, these two related scenarios have messages which conflict within our alleged value system. However, how can we truly get to the root of any problem and come up with and implement evidence-based solutions when we only focus our efforts and the majority of resources on the adult who in the eyes of most have been labeled "bad, sick and wrong" yet where were our eyes, focus and resources at when s/he was being victimized at the hands of the adults in their lives?



Introduction to Adverse Childhood Experiences (“ACEs”):

According to James Garbarino, PhD, “It is one thing to say a killer has made ‘bad choices’ (which is the foundation of the entire criminal justice system), but do the 10 Adverse Childhood Experiences (ACEs) items really represent ‘bad choices’ on the part of a child? Do children really choose to accumulate risk factors, trauma, and toxic stress assessed by the 10 ACEs questions - for example, to have separated or divorced parents, parents with mental health problems, substance-abusing parents, suicidal parents, or to be sexually or physically abused, to witness domestic violence or to be emotionally neglected or to have a parent or a sibling go to prison? Inmates on death row have an average ACE score of 8, 9 or 10 which would tell you their childhood was worse than 999 of 1000 people in America and therefore it should constitute “a mitigating factor” in a death sentencing decision and shouldn’t just be played off by a prosecutor with words to the effect of “lots of kids have bad childhoods and they never kill (Garbarino, PhD, J., 2016).” Dr. Garbarino has over 20 years of experience and is considered a psychological expert witness in murder cases. He continued to state, “Over the past 20 years I have sat with more than 100 killers, many of them adolescents or young adults at the time they committed murder. I ask questions. I listen to their stories. I read the records in the files that document their lives. And, I ask them the 10 adverse childhood experiences (ACEs) questions. Low scores are the exception; high scores are the rule. I have come away from these experiences with the conviction that the best starting hypothesis in dealing with most killers is that they are “untreated traumatized children inhabiting and controlling the dangerous adolescents and adults that stand accused of murder. Approximately only 0.01% of Americans (1 in 1000) report an ACEs score of 8, 9, or 10. The scores reported by the last 10 killers I interviewed had an average score of 8.”



Literature Review:

There has been a sizable amount of studies done which have gathered information from college students regarding their varying degrees of support for the death penalty, but few have explored the connection between two tragedies childhood abuse and adult murder. It has been shown through other research that college students are less likely to support the death penalty especially relating to the academic standing of students. This conclusion came up as the result of a study of college kids in specific majors: Criminal Justice and Law Enforcement. The results of this study indicated that law enforcement majors were not significantly different from criminal justice majors on measures of support or opposition to capital punishment, but they saw some notable differences found related to the academic standing of the students (Sethuraju, R., Sole, J., & Oliver, B.E., 2016). However, in the study entitled: Assessing punitiveness among college students: A comparison of criminal justice majors with other majors, it showed that criminal justice programs approved of more punitive punishments than those of the other majors and similar to the previous study, the level of support of the death penalty also varied between grade levels of the students (Mackey, D.A. & Courtright, K.E., 2010).

Students at Midwestern University participated in the survey titled “Reasons for Supporting and Opposing Capital Punishment in the USA: A Preliminary Study” which measured multiple possible reasons that the students would support or oppose the death penalty. Among those reasons found statistically significant were “emotional retribution, emotional opposition, morality, and law and order.” Interestingly enough “fear of crime, religious measures, other punishment ideologies, and personal characteristics” were found to not have a statistically significant impact on the results of this survey (Lambert, E, Clarke, A & Lambert, J., 2004).



Literature Review Continued:

There have only been limited studies with regards to college students having knowledge about childhood trauma (aka: Adverse Childhood Experiences (ACEs) and their attitude on whether or not this trauma should be a mitigating factor in capital sentencing cases. In the study, involving youthful and non-youthful offenders. This topic is relatively unexplored. In this study, ACEs and Their Roles as Mitigators for Youthful and Non-Youthful Offenders in Capital Sentencing Case, they used data which was compiled by the North Carolina Capital Sentencing Project, and explored the roles of ACEs as mitigating factors for youthful and non-youthful capital offenders. They were looking at whether youthful offenders are less likely to be sentenced to death, whether or not ACEs are effective as mitigating factors, and whether or not ACE mitigators are more effective for youthful or non-youthful offenders. Their results showed that youthful capital offenders are less likely to be sentenced to death than adult capital offenders, and while ACE variables effectively mitigate against a death sentence, they do not mitigate more effectively for youthful offenders than non-youthful offenders (Trapassi, J.R., 2017.)



Research Design:

- ❖ To collect our data, we administered a clear and easy 40 question survey to students of Utah Valley University to obtain their attitudes about the death penalty and what may sway their attitude based on certain questions regarding mitigating factors. This survey took approximately 8 to 15 minutes for the 49 respondents to complete.
- ❖ Our survey was anonymous which was made clear to the participants in the consent form.
- ❖ Our survey contained closed and open ended questions as well as scenario based questions that gave the respondent additional information to consider and/or think about while answering questions on their insights, experiences and opinions about the death penalty.



IRB Experience:

We had to change our survey a few times before receiving an approval from the IRB. We initially submitted our IRB Application to the IRB Board on July 8, 2018 and was asked to remove all non-English language which we did and then resubmitted it on July 12, 2018, following up with them by telephone and email. After hearing nothing and getting an automatic response to another follow-up email we sent on July 17, 2018, we were advised that the IRB Office would be closed from July 16 through July 20 and would return emails when they return the week of July 27 - 31st. We were instructed if you need immediate assistance please email the IRB Director- which we did on July 18, 2018. On July 18, 2018 we were advised by Dr. Slezak that our IRB application “requires an “expedited review” which meant an additional review by an IRB Board. He then stated that “Unfortunately, sometimes the turnaround time for reviews is longer over the summer months as faculty aren’t as readily available.” With our continued persistence and Professor Duffin’s assistance, we were finally able to get Dr. Slezak to approve our IRB Application - after we deleted the Adverse Childhood Experiences (ACEs) Questionnaire due to the IRB Board believing these 10 questions regarding ACEs had a significant potential risk ranging from personal discomfort to retraumatization, which they stated would apply even if these questions only applied to very few participants. After we deleted these 10 specific questions from our survey, and resubmitted to the IRB via email, we were advised by Dr. Slezak that we had been approved to proceed with our research. This finally occurred on July 31, 2018.



Sample Size and Response Rate:

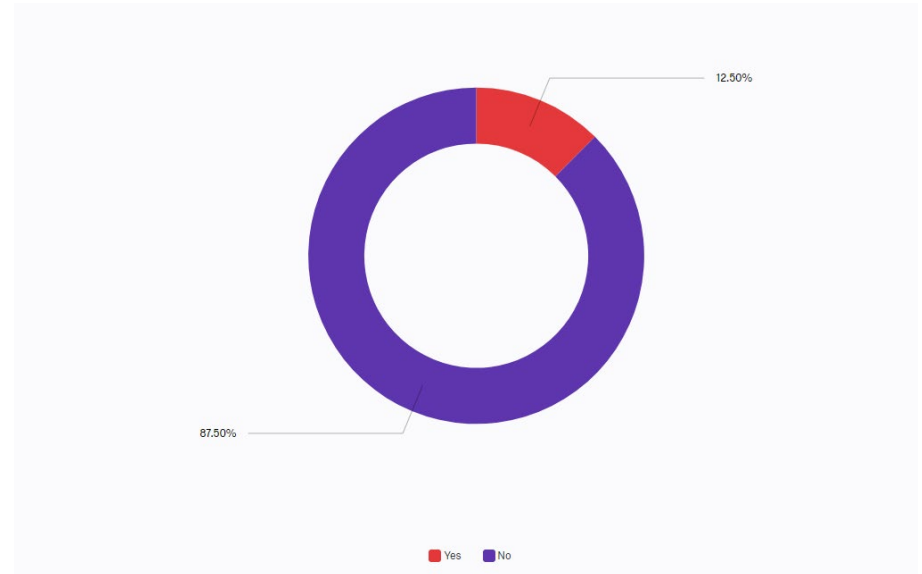
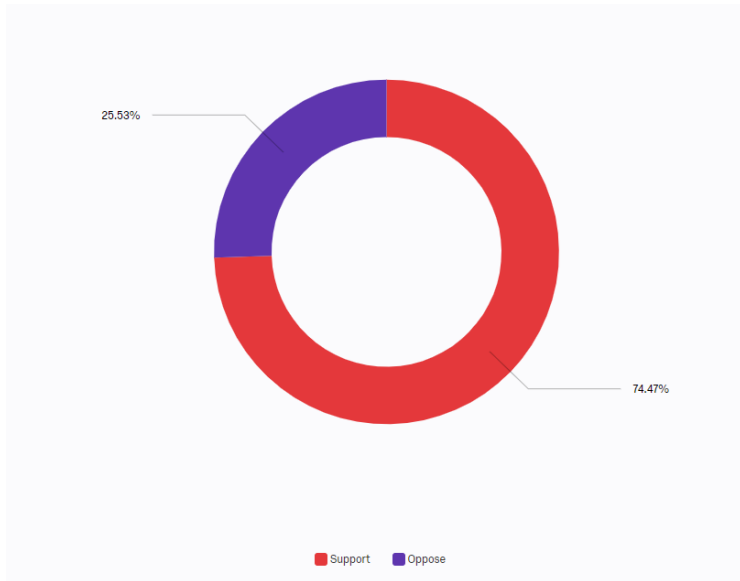
With a college population of approximately 37,282 students, we would need a sample size of approximately 381 respondents to reach a 95% confidence level. Our margin of error based on the 49 respondents (so a response rate of .098%) who completed our survey and 95% confidence level produces a 13.99% margin of error

After the initial email was sent out, two additional email reminders went out. Due to the unforeseen issues we had with the IRB Board, we literally ran out of time to allow additional respondents to complete our survey, but we believe had we of had more time we could have received more responses which could have lowered our margin of error.



Research Findings:

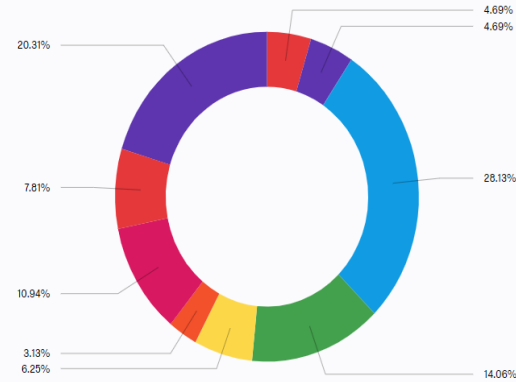
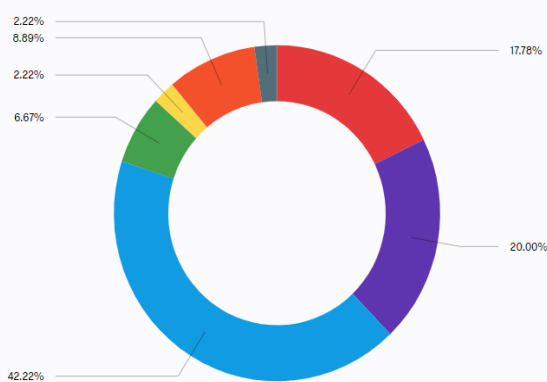
Our data showed that 74.47% of those who took the survey were in support the death penalty with 25.53% opposed to it. Our data also showed that 45% of those who took the survey knew what Adverse Childhood Experiences (ACEs) are, but only 12.5% knew how ACEs are scored and measured.





Research Findings Continued:

Of the 74.47% who support the death penalty, 17.78% of them “strongly supported” the death penalty the remainder 56.69% stated they would be swayed towards opposing the death penalty if they were aware about the one receiving the death sentence mitigating adverse childhood experiences (ACEs) (i.e., serious mental health issues; child abuse which was never disclosed, lack of assistance/help given as a child, adolescent, teenager, etc., a defendant being 16 years old when the violent crime was committed, etc.).

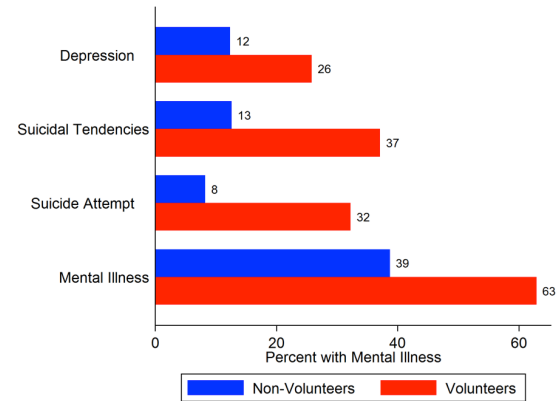
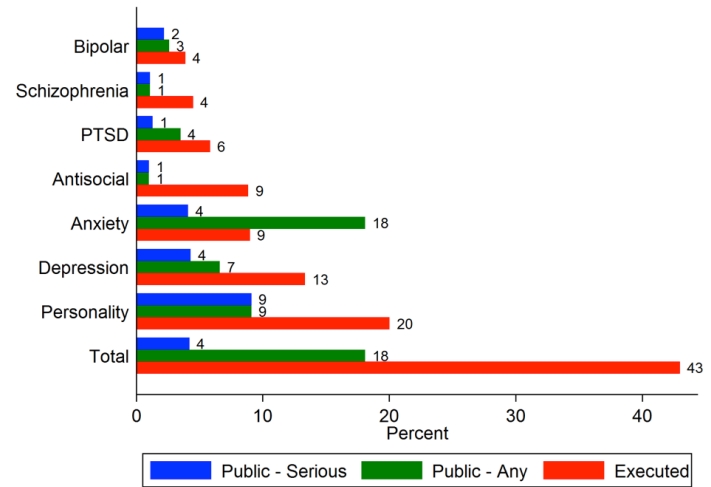
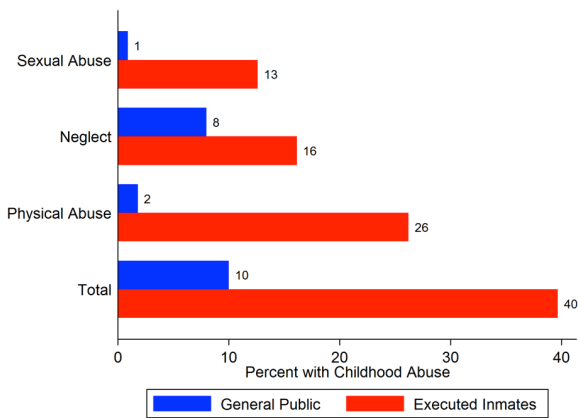


■ Very strongly support
 ■ Strongly support
 ■ Somewhat support
 ■ Uncertain
 ■ Somewhat oppose
 ■ Strongly oppose
 ■ Very strongly oppose

■ Education regarding cruel & unusual punishment
 ■ Seeing family members of the one executed suffering
 ■ Serious Mental Health Issues
 ■ Lack of assistance/help given as a child, adolescent, teenager, etc.
 ■ If the one on trial was a close relative or friend
 ■ DCFCS Records
 ■ Higher ACEs Score
 ■ Child abuse which was never disclosed
 ■ Training regarding how trauma affects the brain
 ■ The defendant was 16 years old when the crime was committed

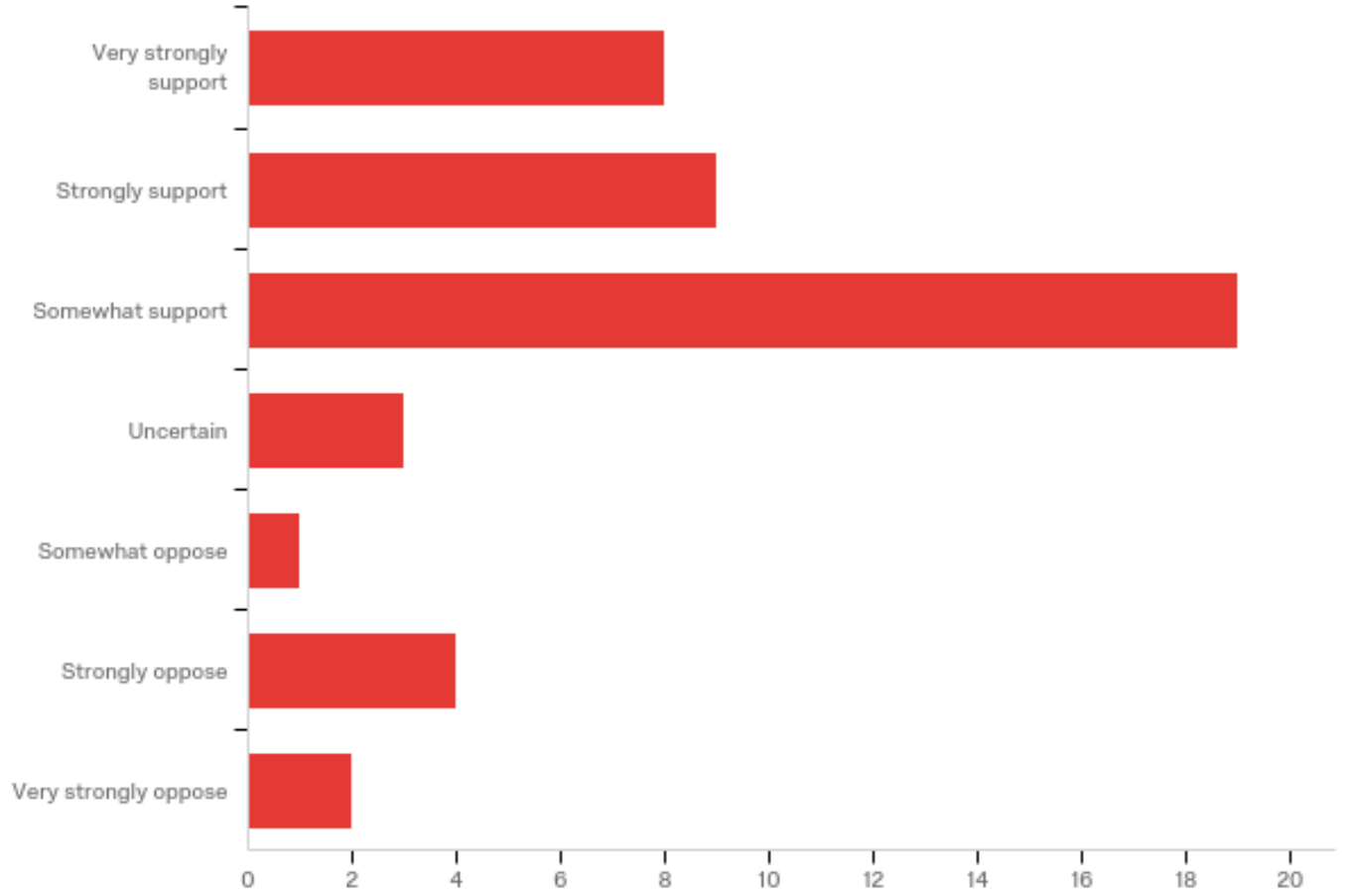


Does the Death Penalty Target Individuals Who Are Mentally Ill?

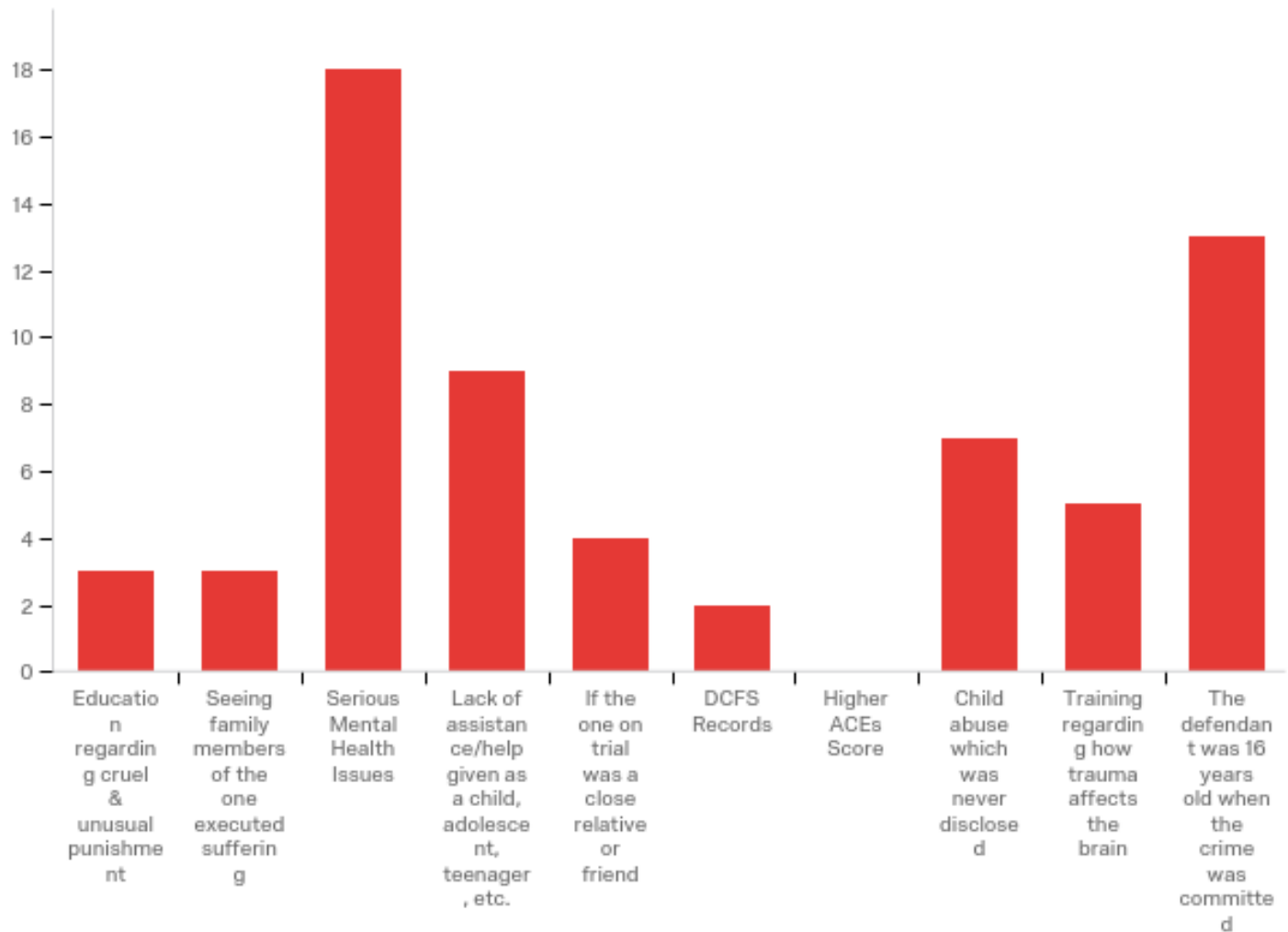


When asked to what degree do you support or oppose the death penalty the highest response with a rate of 41% was somewhat support, the lowest was somewhat oppose at 2%.

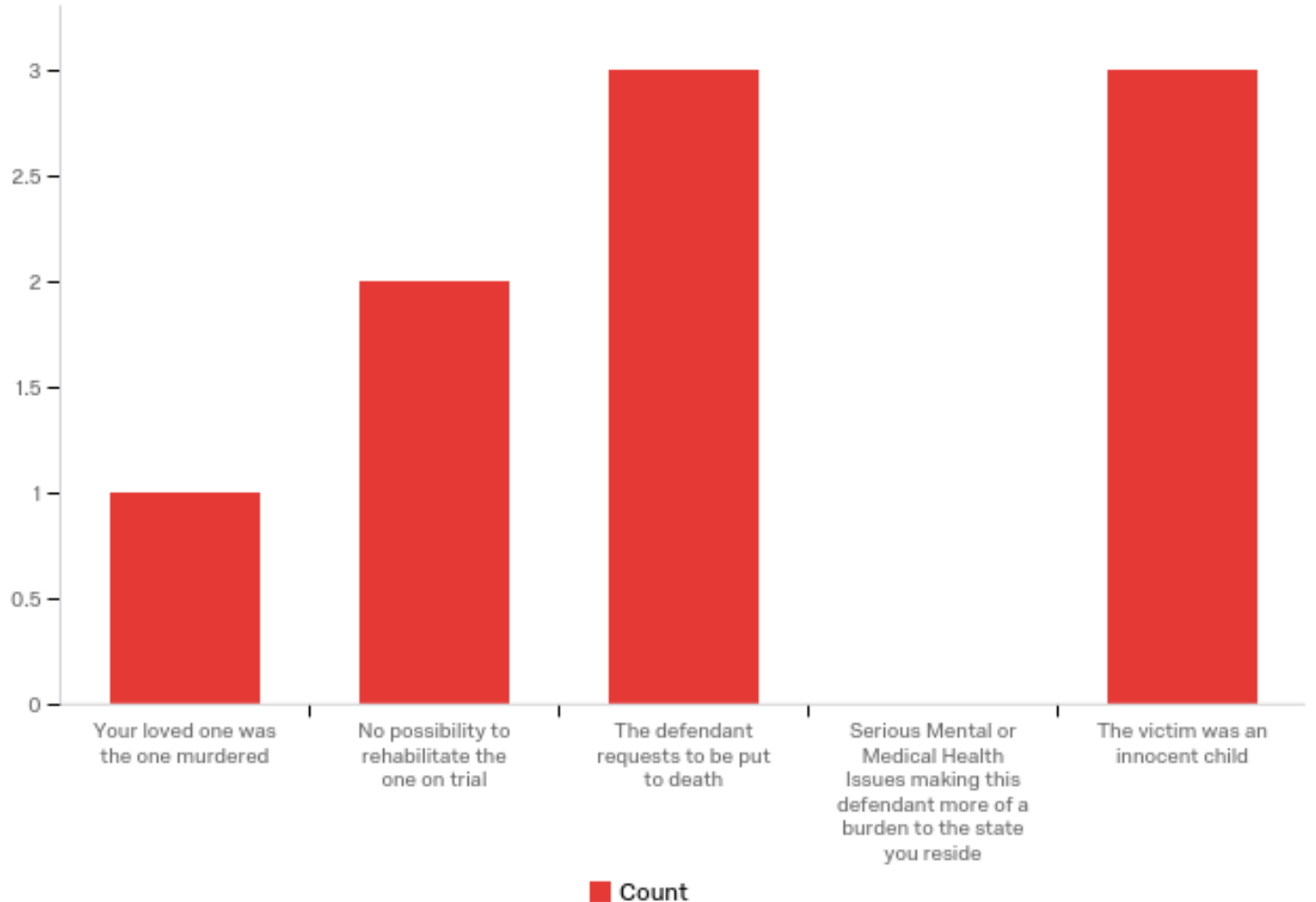
These results lead us to believe that many respondents are not fully confident in their support and may at some time change their opinion on the death penalty.



When asked if they supported the death penalty what may sway them to oppose it - the top answer was serious mental health issues.



When asked if they opposed the death penalty what may sway them to support it - the top answer was a tie of the defendant requests to be put death and the victim was an innocent child.






Final Conclusions:

Of the 74% of survey respondents who support the death penalty, 28% of those individuals would be swayed to oppose the death penalty if they knew the defendant had serious mental issues and another 25% of them (for a total of 53% of the survey respondents) would be swayed to oppose the death penalty if they knew the defendant had been abused as a child which was never disclosed and/or lack of assistance/help as a child, adolescent, teenager, etc.

This is important because many defendants are sent to be rehabilitated to be “competent” to assist in their own trial, yet they still have the underlying mental health issues more likely than not stemming from untreated and/or disclosed child abuse. According to Dr. Dorothy Lewis, “A person’s ability to make appropriate judgments, to understand adequately the consequences of his actions and make logical choices, or to control his impulses may be so impaired that in stressful, unfamiliar, or threatening situations he will overreact and engage in impulsive and inappropriate aggressive behavior. There is an underlying moral issue that is not getting addressed concerning how society addresses the connection between two tragedies of childhood abuse and adult murder. A child is not blamed for being physically abused - society holds the abusers responsible for the violence they inflict on him/her. At the same time, the community acknowledges that it shares that responsibility because it did not protect the child. When that child grows up and, as an adult, commits his/her own act of violence, the community’s sense of shared obligation is not the same. Despite the recognition that childhood abuse may traumatize a person for life, when that person commits an extreme act of violence, such as murder, society is inclined to distance itself and hold the person solely accountable. By denying the relationship between the childhood experience of violence and the later adult act of violence, society tells the defendant, in effect, that s/he is responsible for his/her abuse and for failing to overcome its damaging consequences. The moral tension between holding an adult responsible for his/her actions and acknowledging the result of society’s failure to protect a child from harm is particularly pronounced in the context of deciding whether to sentence a defendant to death. Childhood abuse takes a tremendous toll on individuals and on our society as a whole. When a defendant who faces the death penalty was also abused as a child, the jury’s assessment of punishment ought to reflect society’s understanding and appreciation of the connection between the childhood abuse, the murder, and the sentence (Crocker, P.L., 1999).” The data obtained as a part of our research study supports the same.

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