

## “Capital Punishment Attitudes among Criminal Justice Professionals “

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### Abstract

Capital Punishment has been continuously debated and researched by policy makers and citizens due to the impact it has on human life. The present study explored capital punishment attitudes among criminal justice professionals. The study contained thirty-five corrections officers and twenty-five sheriff's officers from Northwest Ohio. The subjects were administered a twenty-nine item survey regarding demographics and capital punishment attitudes towards the special subgroups of women, juveniles, the mentally ill and the mentally retarded. It was predicted that corrections and sheriff's officers would oppose capital punishment for juveniles, the mentally ill and the mentally retarded. It was also predicted that corrections officers would have a more supportive view than sheriff's officers on capital punishment for women. The prediction that correction officers and sheriff officers would oppose capital punishment for juveniles and the mentally ill was not supported. The prediction that correction officers and sheriff officers would oppose capital punishment for the mentally retarded was supported. However, the hypothesis that correction officers are more supportive of capital punishment for women than sheriff officers was not supported. Future research needs to address these issues.

Capital punishment, commonly known as the death penalty, is imposed in thirty five states and by the United States federal government and military. Capital punishment is defined as the punishment of an individual by death. In 1988 *Thompson versus Oklahoma* stated that the execution of offenders aged fifteen and younger at the time of the crime was unconstitutional for states without a minimum age limit (*Thompson v. Oklahoma, 1988*). In 1989 *Stanford versus Kentucky* and *Wilkins versus Missouri* stated that the eighth amendment does not prohibit the death penalty for crimes committed at the age of sixteen or seventeen (*Stanford v. Kentucky, 1989; Wilkins v. Missouri, 1989*). *Roper versus Simmons* in 2005 declared the practice of executing defendants whose crimes were committed as juveniles as unconstitutional (*Roper v. Simmons, 2005*). *Ford versus Wainwright* in 1986 banned the execution of an insane person and also required an adversarial process for determining mental competency (*Ford v. Wainwright, 1986*). In 2002 *Atkins versus Virginia* stated that the execution of the mentally retarded violates the eighth amendment as cruel and unusual punishment (*Atkins v. Virginia, 2002*). Policy makers and citizens have debated the use of capital punishment due to the impact it has on human life. Due to the controversial nature of capital punishment it has become an area of interest for research. Various aspects have been studied in relation to capital punishment (*Unnever, Cullen & Roberts, 2005, pp. 187-216; Sandys & McGarrell, 1995, pp. 191-213; Lester & Maggioncalda-Aretz, 1997; Vollum, Longmire & Buffington-Vollum, 2004, pp. 521-546; Valliant & Oliver, 1997, pp. 161-168; Phillips, 2009, pp. 717-755; Young, 1992, pp. 76-87; Barkan & Cohn, 1994, pp. 202-209; Vogel & Vogel, 2003, pp. 169-183; Moon, Wright, Cullen & Pealer, 2000, pp. 663-684; Kalbeitzner & Goldstein, 2006, pp. 157-178; Boots, Heide & Cochran, 2004, pp. 223-238*).

Researchers have examined the personality types that are associated with capital punishment attitudes (Valliant & Oliver, 1997, pp. 161-168). Legal disparities in the sentencing and use of capital punishment have also been researched (Phillips, 2009, pp. 717-755). Religion and race have been studied to determine if there is a connection between a certain religion or race and capital punishment attitudes (Young, 1992, pp. 76-87; Barkan & Cohn, 1994, pp. 202-209). Capital punishment attitudes have been examined among differing populations. These populations include varying ages, varying professional positions and varying geographical locations (Unnever, Cullen & Roberts, 2005, pp. 187-216; Sandys & McGarrell, 1995, pp. 191-213; Lester & Maggioncalda-Aretz, 1997; Vollum, Longmire & Buffington-Vollum, 2004, pp. 521-546). Capital punishment has also been studied in relation to special subgroups. These special subgroups include the mentally retarded, the mentally ill and juveniles (Vogel & Vogel, 2003, pp. 169-183; Moon, Wright, Cullen & Pealer, 2000, pp. 663-684; Kalbeitzer & Goldstein, 2006, pp. 157-178; Boots, Heide & Cochran, 2004, pp. 223-238).

There is a growing body of literature that has examined individual's attitudes towards capital punishment. Research has examined personality types that are associated with capital punishment attitudes, legal disparities in the sentencing and use of capital punishment, religion and race as related to capital punishment, capital punishment attitudes in general and capital punishment attitudes towards special subgroups (Unnever, Cullen & Roberts, 2005, pp. 187-216; Sandys & McGarrell, 1995, pp. 191-213; Lester & Maggioncalda-Aretz, 1997; Vollum, Longmire & Buffington-Vollum, 2004, pp. 521-546; Valliant & Oliver, 1997, pp. 161-168; Phillips, 2009, pp. 717-755; Young, 1992, pp. 76-87; Barkan & Cohn, 1994, pp. 202-209; Vogel & Vogel, 2003, pp. 169-183; Moon, Wright, Cullen & Pealer, 2000, pp. 663-684; Kalbeitzer & Goldstein, 2006, pp. 157-178; Boots, Heide & Cochran, 2004, pp. 223-238).

The effects of differences in personality and leadership styles on capital punishment attitudes were studied by Valliant and Oliver (1997) using a survey. They found with an ANOVA that submissive and aggressive personality types had harsher attitudes towards punishment. The younger the subject was, the more harsh the subject's attitude towards capital punishment. Seventy-three of the subjects agreed with the implication of the death penalty and twenty-seven disagreed with the death penalty (Valliant & Oliver, 1997, pp. 161-168). The agreement or disagreement of subjects with the implication of the death penalty was further studied using a survey to find out whether issues of wrongful executions and administrative lack of fairness were related to capital punishment attitudes. A logistic regression found that fifty-five percent of the subjects strongly supported capital punishment and forty-five percent of the subjects had reservations about their support for capital punishment due to wrongful executions and administrative lack of fairness (Unnever, Cullen & Roberts, 2005, pp. 187-216).

Vollum, Longmire and Buffington-Vollum (2004) used a survey to look at the acceptance of the implication of the death penalty by the administration of a state. This study examined the general public's support for capital punishment as related to the state's implication of the death penalty. It was found using a Spearman Rho correlation that overall, eighty-two percent of the subjects supported capital punishment. However, forty-eight percent of the subjects indicated little or no confidence in the death penalty system (Vollum, Longmire & Buffington-Vollum, 2004, pp. 521-546).

Research expanded on the legal system and the implication of the death penalty in examining mock jurors' decisions on a survey to impose death sentences against adult defendants indicted for capital murder. The mock jurors' decisions were also examined in association with the impact of legal counsel. It has been found using a logistic regression that no

defendant with a hired private counsel received a death sentence. Twenty-three percent of the defendants with an appointed counsel were given a death sentence (Phillips, 2009, pp. 717-755).

Young (1992) did not examine the legal system, but instead used a survey to examine religion as related to capital punishment attitudes. This study addressed whether or not there is a relationship between religious orientation and race with capital punishment attitudes. A fundamentalism religious association was found to be related to increased support for capital punishment using a logistic regression analysis. Evangelism was associated with reduced support for capital punishment. Age, education and region of residence did not affect the level of support for capital punishment. It was found that whites and males were more supportive than African Americans and females (Young, 1992, pp. 76-87). The association of race with capital punishment attitudes has been further examined with surveys to specifically look at whether white support for the death penalty is associated with racial prejudice. This study found that white support for the death penalty is associated with prejudice to African Americans and with racial stereotyping (Barkan & Cohn, 1994, pp. 202-209).

The issues of personality type, legal disparities, implication of the death penalty, fairness, juror's decisions, race and religion have all been previously studied. Along with these issues capital punishment attitudes have also been studied in general. Researchers have studied varying age groups to determine capital punishment attitudes associated with each age group (Unnever, Cullen & Roberts, 2005, pp. 187-216; Sandys & McGarrell, 1995, pp. 191-213; Lester & Maggioncalda-Aretz, 1997; Vollum, Longmire & Buffington-Vollum, 2004, pp. 521-546; Valliant & Oliver, 1997, pp. 161-168; Phillips, 2009, pp. 717-755; Young, 1992, pp. 76-87; Barkan & Cohn, 1994, pp. 202-209; Vogel & Vogel, 2003, pp. 169-183; Moon, Wright, Cullen

& Pealer, 2000, pp. 663-684; Kalbeitzer & Goldstein, 2006, pp. 157-178; Boots, Heide & Cochran, 2004, pp. 223-238).

Lester and Maggioncalda-Aretz (1997) studied the specific age groups of adolescents and college students in regards to their capital punishment attitudes with a survey. A two-tailed t-test found that adolescents were more likely to assign the death penalty than college students. A Pearson's r did not find gender to be associated with assigning the death penalty (Lester & Maggioncalda-Aretz, 1997).

Research then expanded beyond adolescents and college students attitudes on capital punishment to look at the imposition of capital punishment for the special subgroups of juveniles or adolescents and the mentally retarded with surveys and telephone interviews. An ordinary least squares regression found that seventy-four percent of the subjects did not favor the death penalty for the mentally retarded. It was also found that fifty-one percent of the subjects did not favor the death penalty for juveniles and forty-two percent of the subjects did favor the death penalty for juveniles (Sandys & McGarrell, 1995, pp. 191-213).

Further research on the imposition of the death penalty for special subgroups looked at the public's opinion of the death penalty for the mentally retarded, the mentally ill and juveniles with a survey. It was found with a logistic regression that twenty-nine percent of the subjects strongly agreed or agreed with using the death penalty for the mentally retarded. Seventy percent of the subjects disagreed or strongly disagreed with executing mentally retarded offenders. Fifty-seven percent of the subjects supported the death penalty for the mentally incompetent. Sixty-three percent of the subjects supported the use of the death penalty for juveniles age sixteen and

above, thirty-five percent of the subjects supported the death penalty for offenders age fifteen years and younger (Boots, Heide & Cochran, 2004, pp. 223-238).

In expanding on the specific subgroup of juveniles, research examined if the public is willing to allow a juvenile to be executed and at what age execution is determined to be publically acceptable with telephone interviews. A wilcoxon t-test found fourteen percent of the subjects favored the death penalty for juveniles. Twenty-eight percent of the subjects opposed the death penalty for juveniles. Four percent of the subjects felt that there should be no minimum age for the death penalty. Twenty-one percent felt that the minimum age for the death penalty should be between the ages of five and fifteen. Twenty-seven percent of the subjects felt the minimum age a juvenile to be executed should be sixteen or seventeen (Vogel & Vogel, 2003, pp. 169-183).

Moon, Wright, Cullen and Pealer (2000) also looked at the imposition of a juvenile death penalty. This study also looked at the age at which a juvenile should be executed and the public's support of capital punishment for juveniles in a survey. In this study it was found that the subjects supported the death penalty for juveniles more than the subjects in the previous study done by Vogel and Vogel (Vogel & Vogel, 2003, pp. 169-183; Moon, Wright, Cullen & Pealer, 2000, pp. 663-684). A chi-square analysis found that fifty-three percent of the subjects supported the death penalty for juveniles. Twenty-three percent of the subjects felt that there should not be a minimum age, twenty-one percent of the subjects felt that the ages of nine to twelve were appropriate and fifty-six percent felt that the ages of thirteen to seventeen were appropriate for the imposition of the death penalty (Moon, Wright, Cullen & Pealer, 2000, pp. 663-684).

Research also expanded on the imposition of the death penalty for juveniles to examine whether or not subjects would render a death sentence for juveniles using a survey. A chi-square analysis

revealed that sixty-three percent of the subjects in the study rendered a life sentence for juveniles (Kalbeitzler & Goldstein, 2006, pp. 157-178).

It has been found that a submissive or aggressive personality type is more likely to have a harsher attitude towards punishment (Valliant & Oliver, 1997, pp. 161-168). When examining the legal disparities of capital punishment it has been found that subjects have reservations about their support for capital punishment due to wrongful executions and administrative lack of fairness (Unnever, Cullen & Roberts, 2005, pp. 187-216). Further research in the legal disparities of capital punishment revealed that subjects indicate little or no confidence in the death penalty system (Vollum, Longmire & Buffington-Vollum, 2004, pp. 521-546). In expanding the research to examine the legal system it was found that no defendant with a hired private counsel received a death sentence and defendants with an appointed counsel were given a death sentence (Phillips, 2009, pp. 717-755). When the research on capital punishment was expanded to examine religion and race associations with capital punishment it was found that a fundamentalism religious association was related to an increased support for capital punishment. Evangelism was associated with reduced support for capital punishment. Age, education and region of residence did not affect the level of support for capital punishment. It was also found that whites and males were more supportive than African Americans and females (Young, 1992, pp. 76-87). The issue of race has been studied in depth to determine if Caucasians or African Americans have differing views. It was found that Caucasian support for the death penalty is associated with prejudice to African Americans and with racial stereotyping (Barkan & Cohn, 1994, pp. 202-209). Capital punishment research has been conducted with various age groups to determine the effects of these age groups on capital punishment. It was found that adolescents were more likely to assign the death penalty than college students (Lester & Maggioncalda-Aretz, 1997). The research on

capital punishment has been further expanded to include special subgroups. These subgroups include the mentally ill, the mentally retarded and juveniles. It has been found that subjects are more supportive of the imposition of the death penalty for juveniles than the mentally ill or mentally retarded. However, those that support the death penalty for juveniles have varying views on the age at which a juvenile should be executed. These ages include between the ages of five and seventeen (Sandys & McGarrell, 1995, pp. 191-213; Boots, Heide & Cochran, 2004, pp. 223-238; Vogel & Vogel, 2003, pp. 169-183; Moon, Wright, Cullen & Pealer, 2000, pp. 663-684; Kalbeitzner & Goldstein, 2006, pp. 157-178).

These findings could aid colleges in their education programs to better inform their students of pertinent criminal justice issues. Policy makers could also benefit from these findings. The findings could aid policy makers in creating laws that suit their constituent's attitudes. The policy makers could also use the research to discover their own attitudes and to try to keep their personal opinions out of their practices. These findings can also explain where and why capital punishment sentences are given. The history of the state that the sentence is given in may be an indication of the capital punishment attitudes of that state's residents. These findings could also be used to predict the capital punishment attitudes of jury members, attorneys and judges. Knowing this information could possibly predict the outcome of an individual criminal case. These findings could change the outcome of cases and the selection of jury members, judges and attorneys.

To this point there has not been any research on the capital punishment attitudes of criminal justice professionals. The capital punishment attitudes of criminal justice professionals towards special subgroups have also not been researched. This research could lead to the study of the effect of professional experience on capital punishment attitudes. This research could also aid

college professors in their teaching of criminal justice students. The professors would have the opportunity to better inform the student and aid the student in developing an unbiased opinion before venturing into the criminal justice system. The present research study examined the capital punishment attitudes of criminal justice professionals towards special subgroups.

## **Method**

### **Participants**

Participants were twenty-five sheriff officers (six female and nineteen male) and thirty-five corrections officers (sixteen female and nineteen male) from Northwestern Ohio. The ages of the subjects ranged from twenty-one to sixty-nine. The ethnicity of the subjects included one African American subject (correction officer) and fifty-nine White/Caucasian subjects (twenty-five sheriff officers and thirty-four corrections officers). The subjects volunteered to complete the questionnaire during shift briefing and no incentive was given for their participation.

### **Materials and Procedure**

An eight-page questionnaire was completed by all of the participants. Twenty-nine items pertained to attitudes about capital punishment, religious belief and demographic information. A Likert scale was used to determine capital punishment attitudes. The scale ranged from one, strongly opposed, to six, strongly supportive. The questionnaire was handed out during briefing time between shifts by the researcher, the sheriff or the human resource manager. Participation in the study was voluntary and there was no incentive given to the participants. The subjects signed a consent form prior to completing the questionnaire.

## Results

The traditional alpha level of .05 was used to determine the significance of the results of all statistical tests. An independent-samples  $t$  test was used to test the effect of career on the capital punishment attitudes towards the special subgroups of capital punishment. These special subgroups include juveniles, the mentally retarded, the mentally ill and women.

The prediction that corrections officers and sheriff officers would be opposed to capital punishment for juveniles was not supported with a result of  $t(57)=.285$ ,  $p=.777$ . The mean score for correction officers was 3.43 (SD=1.63) and sheriff officers mean score was 3.32 (SD=1.31). These means indicate correction officers and sheriff officers were slightly opposed to capital punishment for juveniles.

The prediction that correction officers and sheriff officers would be opposed to capital punishment for the mentally ill was not supported with a result of  $t(56)=.671$ ,  $p=.505$ . The mean score for correction officers was 3.71 (SD=1.71) and the mean score for sheriff officers was 3.44 (SD=1.45). These means indicate correction officers and sheriff officers were slightly opposed to capital punishment for the mentally ill.

The prediction that correction officers and sheriff officers would be opposed to capital punishment for the mentally retarded was supported with a result of  $t(57)=2.127$ ,  $p=.038$ . The mean score for correction officers was 3.37 (SD=1.72) and the mean score for sheriff officers was 2.50 (SD=1.25). These means indicate that correction officers were slightly opposed and sheriff officers were moderately opposed to capital punishment for the mentally retarded.

The prediction that correction officers would be more supportive of capital punishment for women than sheriff officers was not supported with a result of  $t(58)=1.88$ ,  $p=.066$ , however it

was close to being significant. The mean score for correction officers was 4.46 (SD=1.70) and the mean score for sheriff officers was 5.20 (SD=1.19). These means indicate that correction officers were slightly supportive and sheriff officers were moderately supportive of capital punishment for women.

### **Discussion**

The prediction that correction officers and sheriff officers would oppose capital punishment for the mentally retarded was supported. The prediction that correction officers and sheriff officers would oppose capital punishment for juveniles and the mentally ill was not supported. The prediction that correction officers would be more supportive of capital punishment for women than sheriff officers was not supported; however the analysis was close to being significant, with a larger sample this analysis might be significant.

The results of this study mirror the results of previous studies. In previous studies participants were opposed to capital punishment for juveniles and the mentally retarded and the present study also found the same result (Sandys & McGarrell, 1995, pp. 191-213; Boots, Heide & Cochran, 2004, pp. 223-238; Vogel & Vogel, 2003, pp. 169-183). In the present study correction and sheriff officers were slightly opposed to capital punishment for juveniles. Correction officers were also slightly opposed to capital punishment for the mentally retarded, but sheriff officers were moderately opposed to capital punishment for the mentally retarded.

The present study had some strengths. The results of this study could lead to a better understanding of the capital punishment attitudes of criminal justice professionals. The results of this study could also aid colleges in their education programs to better inform students of pertinent criminal justice issues.

The present study had some limitations as well. The study did not select participants on a random basis, the participants were chosen by convenience sampling. This may have affected the results of the study in that it was not a representative sample. Another limitation would be the ethnicity of the subjects. The sample was mainly white/Caucasian with only one African American and no other ethnicities represented. The distribution of the surveys by a human resource manager and the sheriff might have created some bias in the subject's responses. A limitation would be the gender makeup of the two careers analyzed in the study. The study included six female sheriff officers, nineteen male sheriff officers, sixteen female correction officer and nineteen male correction officers. The male subjects represented in the study were equal but the female subjects were not and the sample did not fall into an equal distribution of gender makeup. This could be the reason why more significance was not found in the results of the study. In previous research males have been found to show stronger support for capital punishment than females (Young, 1992, pp. 76-87). Future research in this area of study would be beneficial with a larger sample size that is representative of the general population.

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**Appendix A.**

**T-Test**

**Group Statistics**

Career	N	Mean	Std. Deviation	Std. Error Mean
DeathJuveniles Corrections	35	3.4286	1.63214	.27588
Law Enforcement	25	3.3200	1.31403	.26281

**Independent Samples Test**

	Levene's Test for Equality of Variances		t-test for Equality of Means	
	F	Sig.	t	df
DeathJuveniles Equal variances assumed	1.497	.226	.275	58
Equal variances not assumed			.285	57.097

**Independent Samples Test**

	t-test for Equality of Means		
	Sig. (2-tailed)	Mean Difference	Std. Error Difference
DeathJuveniles Equal variances assumed	.784	.10857	.39506

**Independent Samples Test**

	t-test for Equality of Means		
	Sig. (2-tailed)	Mean Difference	Std. Error Difference
DeathJuveniles Equal variances assumed	.784	.10857	.39506
Equal variances not assumed	.777	.10857	.38102

**Independent Samples Test**

	t-test for Equality of Means	
	95% Confidence Interval of the Difference	
	Lower	Upper
DeathJuveniles Equal variances assumed	-.68223	.89937
Equal variances not assumed	-.65438	.87153

**T-Test**

**Group Statistics**

Career	N	Mean	Std. Deviation	Std. Error Mean
DeathMentallyI II Corrections	35	3.7143	1.70762	.28864
Law Enforcement	25	3.4400	1.44568	.28914

**Independent Samples Test**

	Levene's Test for Equality of Variances		t-test for Equality of Means	
	F	Sig.	t	df
DeathMentallyI II Equal variances assumed	1.059	.308	.653	58
Equal variances not assumed			.671	56.242

**Independent Samples Test**

	t-test for Equality of Means		
	Sig. (2-tailed)	Mean Difference	Std. Error Difference
DeathMentallyI II Equal variances assumed	.516	.27429	.42014
Equal variances not assumed	.505	.27429	.40855

**Independent Samples Test**

	t-test for Equality of Means	
	95% Confidence Interval of the Difference	
	Lower	Upper
DeathMentallyI ll	Equal variances assumed	-.56671 1.11528
	Equal variances not assumed	-.54406 1.09263

**T-Test**

**Group Statistics**

Career	N	Mean	Std. Deviation	Std. Error Mean
DeathMentallyRetarde d	35	3.3714	1.71646	.29013
Law Enforcement	24	2.5000	1.25109	.25538

**Independent Samples Test**

	Levene's Test for Equality of Variances
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	F	Sig.
DeathMentallyRetarde d Equal variances assumed	6.746	.012
Equal variances not assumed		

**Independent Samples Test**

	t-test for Equality of Means		
	t	df	Sig. (2-tailed)
DeathMentallyRetarde d Equal variances assumed	2.127	57	.038
Equal variances not assumed	2.255	56.743	.028

**Independent Samples Test**

	t-test for Equality of Means	
	Mean Difference	Std. Error Difference
DeathMentallyRetarde d Equal variances assumed	.87143	.40963
Equal variances not assumed	.87143	.38652

**Independent Samples Test**

	t-test for Equality of Means

	95% Confidence Interval of the Difference	
	Lower	Upper
DeathMentallyRetarde d	Equal variances assumed	.05116 1.69170
	Equal variances not assumed	.09737 1.64549

**T-Test**

**Group Statistics**

Career	N	Mean	Std. Deviation	Std. Error Mean
DeathWomen Corrections	35	4.4571	1.70368	.28797
Law Enforcement	25	5.2000	1.19024	.23805

**Independent Samples Test**

	Levene's Test for Equality of Variances		t-test for Equality of Means	
	F	Sig.	t	df
DeathWomen Equal variances assumed	4.204	.045	-1.876	58

**Group Statistics**

Career	N	Mean	Std. Deviation	Std. Error Mean
DeathWomen Corrections	35	4.4571	1.70368	.28797
Equal variances not assumed				-1.988
				57.985

**Independent Samples Test**

	t-test for Equality of Means		
	Sig. (2-tailed)	Mean Difference	Std. Error Difference
DeathWomen Equal variances assumed	.066	-.74286	.39607
Equal variances not assumed	.052	-.74286	.37363

**Independent Samples Test**

	t-test for Equality of Means	
	95% Confidence Interval of the Difference	
	Lower	Upper
DeathWomen Equal variances assumed	-1.53567	.04996
Equal variances not assumed	-1.49075	.00504

