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## Death and Politics: The Role of Demographic Characteristics and Testimony Type in Death Penalty Cases Involving Future Dangerousness Testimony

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# Death and Politics: The Role of Demographic Characteristics and Testimony Type in Death Penalty Cases Involving Future Dangerousness Testimony

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## Introduction

### Future Dangerousness Testimony

The landmark U. S. Supreme Court decision in *Barefoot v. Estelle* (1983) upheld the constitutionality of a Texas death sentence based on mental health practitioners' predictions of the defendant's future dangerousness. Since that time, future dangerousness testimony has become commonly used in death penalty trials.

### Actuarial Versus Clinical Testimony

Previous research has demonstrated that jurors appear to be more influenced by pure clinical predictions of future dangerousness than by scientifically-based actuarial predictions, that utilize standardized risk-assessment instruments, and have greater reliability (Krauss & Lieberman, 2007).

Previous research has identified cognitive factors that can potentially be manipulated during a trial to increase the persuasiveness of actuarial testimony on jurors. However, it may be useful to explore demographic factors that can predict differences in receptivity to the more reliable actuarial testimony.

### Demographics

In general, demographic characteristics including ethnicity, gender, socio-economic status, occupation, age, and marital status have been shown to account for some degree of jury verdict variance. For example, greater conviction proneness and stronger support for the death penalty is generally seen among males, whites, and conservatives (Cutler, 1992, Lieberman & Sales, 2007; Moran and Comfort, 1986; Unnever & Cullen, 2007).

### The Present Study

In the present study, we attempt to extend these findings by exploring the relationship between demographic factors and the persuasiveness of future dangerousness testimony in a death penalty case.

## Methods

### Participants

- 305 death qualified mock jurors (154 females, 149 males) drawn from a student sample.

### Procedure

- Participants presented with written materials based on a Texas capital murder case including: background information about the guilt phase of the trial, expert testimony, and sentencing instructions.

### Independent Variables

- Expert stated that the defendant was a future danger based on assessment type:
  - Clinical vs. Actuarial (relying on Violence Risk Appraisal Guide – VRAG).
- Demographic factors obtained from participants including race/ethnicity, gender, and political orientation.

### Dependent Variables

- Future dangerousness decision (“yes” or “no”).
- Sentence of “life in prison without parole” or “death penalty.”
- Confidence in sentence measured on a scale ranging from 1 (*not very confident in sentence decision*) to 10 (*extremely confident in sentence decision*).
- Sentence x Confidence composite variable created ranging from - 9 (*extremely confident defendant should receive the death penalty*) to 9 (*extremely confident defendant should receive life in prison*).

### Coding

- Political affiliation converted from party identity to liberal/conservative status (independents removed from sample).
- Race/Ethnicity recoded as white/non-white.

### Analysis

- Four-way (political affiliation x gender x race x testimony type) Analysis of Variance conducted on sentence composite variable.

## Results

### Significant main effects for:

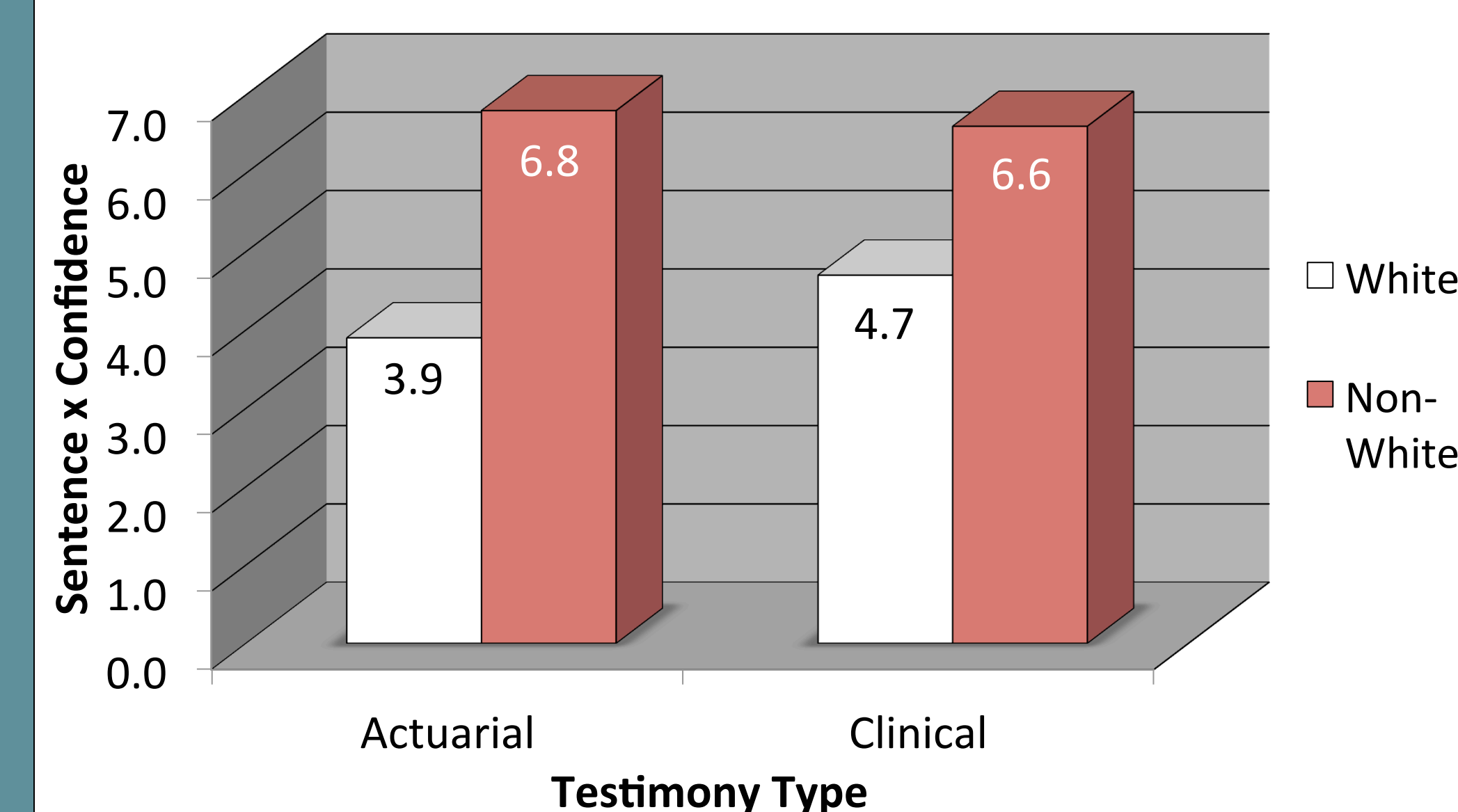
- Political affiliation** ( $p < .001$ )  
Liberal  $M = 5.47$  vs. Conservative  $M = 1.89$
- Gender** ( $p < .01$ )  
Male  $M = 2.37$  vs. Female  $M = 5.00$
- Race** ( $p < .05$ )  
White  $M = 2.49$  vs. Non-White  $M = 4.88$

### Significant two-way testimony type x gender interaction ( $p < .05$ )

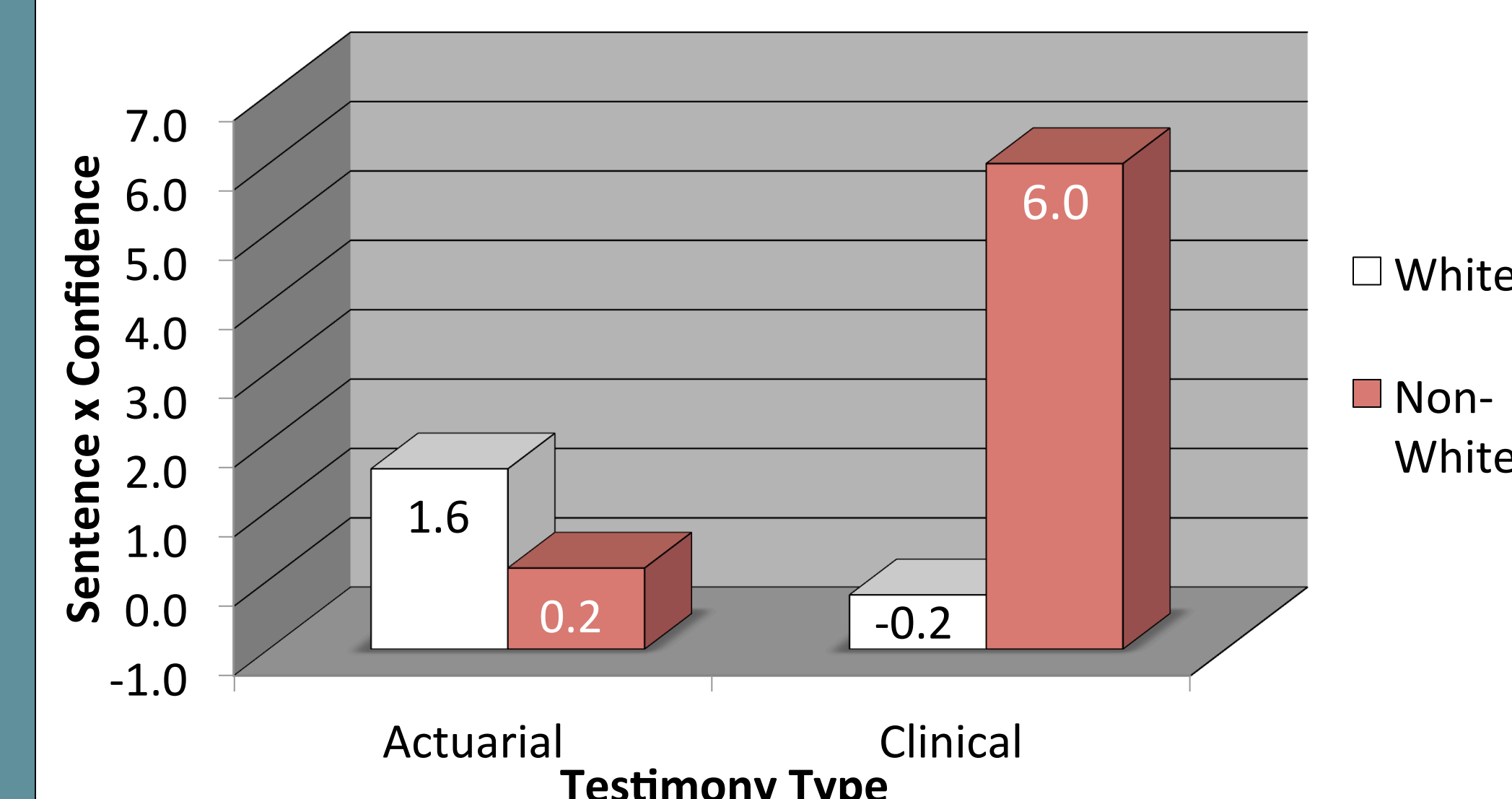
- Female jurors – No effect of testimony type on sentence decisions (Clin.  $M = 4.46$ , Act.  $M = 5.54$ ).
- Male jurors – Greater inclination toward death sentences among clinical group ( $M = 0.71$ ) than actuarial group ( $M = 4.03$ ).

### Significant three-way political affiliation x testimony type x race interaction ( $p < .05$ )

#### Liberal Jurors' Sentence Decisions



#### Conservative Jurors' Sentence Decisions



Greater numbers = more confidence in “life in prison” sentence

## General Findings

- Conservative non-whites more persuaded by actuarial testimony, exemplifying careful use of the evidence.
- Conservative whites not influenced by testimony type.
- Liberals not influenced by testimony type when rendering sentence.
- Non-significant trend for white liberals to be more death penalty-oriented than non-whites, regardless of testimony type.
- 65% of sample inappropriately rendered life imprisonment sentence after finding defendant to be a future danger.
- This trend was more pronounced among liberals (80%) than conservatives (47%).
- Replicates previous findings that jurors do not correctly apply sentencing instructions in death penalty cases.

### Limitations

- No mitigating factors were presented in the case evidence.
- Generalizability limited by the college student sample.

### Future Research

- Explore the competing decision-making motivations of non-white conservatives.
- Further investigate the circumstances under which conservatives are not more death penalty-oriented than liberals.
- Explore how the combined presentation of both future dangerousness and mitigating factors testimony affects jury decision-making in capital cases.

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