

## Background

Adverse Childhood Experiences (ACEs), such as abuse or neglect, are risk factors for future criminal and violent behavior, [recent scholarship suggests](#). ACEs appear to be more prevalent among justice-involved people compared to the general public, and prevalence of multi-generational physical and sexual abuse is [particularly high for people sentenced to death](#). While attorneys may raise these childhood circumstances in capital cases, little is known about how juries factor them into their sentencing decisions. There also is a lack of understanding about the way emotions, such as sympathy, may function when jury members are considering ACEs. This is an important gap in knowledge given the importance of understanding how juries draw on different forms of evidence in making decisions in capital cases.

## Research Question

How do defendants' ACEs affect jurors' sentencing decisions in death penalty cases?

## Study Strategy

The authors used a sample of 1,493 people to create a pool of mock jurors. Each participant received a set of facts about a hypothetical criminal case that varied in terms of the following features:

- the crime committed: murder of a police officer, murder of multiple victims, murder of a child, or murder during a robbery
- the race of the defendant: Black or White
- the defendant's ACE background: no ACE information provided, low level of ACEs that included parental abandonment and emotional neglect, high level of ACEs that included severe physical abuse, or high level of ACEs that included severe sexual abuse

Assignment to these case facts was randomized, so that each participant had an equal chance of seeing a particular combination of crime, defendant race, and ACE background. After examining a case with a mixture of these conditions, participants were asked about the defendant in terms of culpability, future dangerousness, and how much sympathy they felt for the defendant, as well as a sentence of either life in prison without parole or the death penalty. By asking respondents to judge culpability, future dangerousness, and sympathy prior to selecting a sentence, the authors were able to calculate how much the respondent drew on each factor in their sentencing decision. In addition, by varying the ACE conditions randomly, the authors could compare how different ACE backgrounds shaped the sentencing decisions the participants handed down.

## Findings

The researchers found that presenting ACE evidence considerably reduced the likelihood that a mock juror would choose a death sentence. Participants given no ACE information on the defendant preferred a death sentence 36% of the time; this number dropped to 23% for a defendant described as having low-level ACEs, 19% for defendants who experienced severe sexual abuse, and 17% in the case of severe physical abuse.

"The probability of a juror voting for death was reduced by 35–50% when ACEs evidence was presented, with steeper reductions when the hypothetical defendant was exposed to more childhood adversity."

- Vaughan & Holleran (2022)

In examining the motivation for this reduction, the analysis indicated that participants viewed defendants as less culpable and more sympathetic in light of ACEs, with these judgments making a death penalty sentence less preferable. Feelings of sympathy were particularly important, accounting for 82% to 84% of the indirect effect of ACE evidence on sentencing decisions. In contrast, ACEs had no influence on perceptions of future dangerousness. The defendant's race had no measurable impact on the sentencing decision, and choosing the death penalty was most likely when the murder victim was a child.

## Implications

ACE prevalence is high in the criminal justice system, and these results show that ACEs may play an important role in shaping capital sentencing decisions by jurors. In addition, the study makes clear that sympathy plays a particularly decisive role in influencing juror judgments when ACEs are invoked. The study also leaves several open questions because it excludes dynamics that might be present in real cases. For example, some states specifically instruct capital [jurors not to consider sympathy](#) and it is unclear if these guidelines would shift the impact found here. In addition, ACEs were provided as an isolated mitigating factor in the study; more typically, they would be discussed among a range of other factors. Thus, it may be that ACE evidence is not as impactful when it is included alongside other important issues. As researchers continue the important work of identifying how capital juries reach their decisions, they might wish to factor these additional limitations into their analysis.

"The practical implication is that investigation into adverse childhood experiences and the presentation of this evidence by the defense is critical in eliciting leniency in capital cases and establishing effectiveness of counsel."

- Vaughan & Holleran (2022)

## Article Citation

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