Are the Effects of Juvenile Offender Stereotypes Maximized or Minimized by Jury Deliberation?

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Although trial judges admonish jurors to avoid being influenced by personal biases, social psychological theories suggest that stereotypes can influence jurors’ case judgments. Further, such effects might be stronger or weaker after jury deliberation. In the current study, we examined the effect of stereotypes on pre- and postdeliberation case judgments in a mock trial. Jurors’ stereotypes of juvenile offenders (“Wayward Youth” and “Superpredator”) were measured and, in some conditions, activated by attorneys’ arguments. Jurors provided pre- and postdeliberation case judgments. Results indicated that the more jurors held preexisting Superpredator stereotypes about juvenile offenders, the more likely they were to find the defendant guilty and the less likely they were to believe the defendant should have been tried in juvenile court. There was some evidence that the effects of preexisting biases were minimized after jury deliberation. We also found that jurors’ juvenile offender stereotypes could be activated experimentally within the context of the trial. Compared to jurors in a control condition, jurors with an activated Superpredator stereotype were more likely to find the defendant guilty; jurors with an activated Wayward Youth stereotype were less likely to believe that the defendant should have been waived to criminal court. There was some evidence that experimentally activated biases were maximized after jury deliberation. We discuss theoretical explanations for why group deliberation might minimize the effect of jurors’ preexisting stereotypes, but maximize the effect of stereotypes experimentally activated during trial.

Keywords: jury, stereotype, deliberation, juvenile, court

Trial judges admonish jurors to apply relevant law to case facts without being influenced by personal biases. Yet, jurors use both evidential and nonevidential information during the course of a trial, and jurors’ preexisting beliefs and knowledge can bias verdicts (Kaplan & Kemmerick, 1974). A stereotype, a form of nonevidential information, is a cognitive structure comprising knowledge and beliefs about groups of people (Hamilton & Trolier, 1986, p. 133). When jurors encode and interpret evidence presented during a trial, stereotypes can lead to biased attention, encoding, and recall of evidence in line with those stereotypes and affect case judgments (Bodenhausen, 1988).

It is unclear, however, whether the effect of stereotypes on case judgments is minimized or maximized by jury deliberation. Although jury verdicts are often representative of the individual jurors’ verdicts prior to deliberation (e.g., Kalven & Ziesel, 1966; Sandys & Dillehay, 1995), this is not always the case (e.g., Bray & Noble, 1978; Davis, Spitzer, Nagao, & Stasser, 1978). Previous mock jury studies have found that some variables have an effect on predeliberation—but not postdeliberation—judgments (e.g., Brekke, Enko, Clavet, & Seelau, 1991), and others have found the reverse (e.g., Salerno & McCauley, 2009; for review see Salerno & Diamond, 2010). Thus, the impact of jurors’ stereotypes on case decisions could be “maximized” or “minimized” by the deliberation process.

In the current study, we examine the effects of stereotypes on mock jurors’ judgments pre- and postdeliberation in a novel context: a criminal case with a juvenile defendant. Although they are practically important to examine, researchers have not yet investigated the effect of stereotypes of juvenile defendants on case judgments. Juveniles’ cases are usually adjudicated in juvenile court, but many states have amended their statutes to allow the transfer (or “waiver”) of younger, nonviolent offenders to adult criminal court where there are fewer protections for defendants (Heilbrun, Leheny, Thomas, & Huneycutt, 1997). In 2005, eight of every 1,000 delinquency cases were judicially waived to criminal court (Adams & Addie, 2009). Although less than 1% of cases were judicially waived, a substantial number of juvenile cases (6,900) were tried in criminal court. In the absence of expertise about juvenile offenders (e.g., knowledge about juvenile offending precursors, patterns, and mitigating factors), novice jurors could be swayed by extralegal biases such as stereotypes (Kalven & Ziesel, 1966). Determining jurors’ stereotypes and their influence on case judgments is essential because case outcomes for juvenile offenders can be severe: Youth in criminal courts receive more severe sentences than their counterparts in juvenile courts (Strom, Smith,
& Snyder, 1998) and serve longer sentences than their adult counterparts tried in criminal courts (Snyder & Sickmund, 1999). We are unaware of any published research directly measuring or manipulating of jurors’ stereotypes about juvenile offenders. Prior research, however, has demonstrated that increasing a hypothetical defendant’s age and trying a young defendant in a criminal court rather than juvenile court leads mock jurors’ to render more punitive case judgments (Crosby, Britner, Jodl, & Portwood, 1995; Tang, Nunez, & Bourgeois, 2009; Warling & Peterson-Badali, 2003). And, when adults believe juveniles are as responsible as adults, they prefer more punitive sentencing options (Allen, Trzinski, & Kubiak, 2012). One potential explanation for the effect of these variables might be activation of stereotypes related to crime seriousness, offender culpability and dangerousness, and chronicity of offending.

We directly examine the effects of stereotypes of juvenile offenders on mock jurors’ case judgments in a criminal court case. We examine both pre- and postdeliberation judgments to determine how group discussion might influence the effects of stereotypes on decisions. Because stereotypes can be either preexisting or activated during the course of a trial, we examine the effects of both preexisting and experimentally activated stereotypes. Next, we present our theory about the content of jurors’ stereotypes of juvenile offenders. This review is followed by a discussion of the theoretical reasons why such stereotypes might affect case judgments, and how group deliberation could minimize or maximize their effect on judgments.

**Juvenile Offender Stereotypes**

Based on a review of the literature on attitudes and perceptions of juvenile offenders, and how the media, popular culture, and literature portray juvenile offenders, we theorize that stereotypes of juvenile offenders are comprised of beliefs about juveniles’ (a) decision-making abilities, (b) competency to understand the court process, (c) reasons for offending, (d) patterns of offending, and (e) recidivism and rehabilitation potential. We further propose that the constellation of these beliefs further form two “subtypes” of the juvenile offender stereotype.

**Characteristics of Juvenile Offenders and Stereotype Content**

Adults’ assumptions and perceptions of juvenile offenders sometimes reflect actual characteristics of juvenile offenders. For example, juvenile offenders’ legal competency is less sophisticated than what the adult criminal system has assumed, in terms of ability to understand legal vocabulary, reason through differing trial options, understand courtroom procedure, communicate with an attorney, and understand the consequences of charges (Cooper, 1997; Hughes, Denney, & Cassidy, 2000; Savitsky & Karras, 1984). Adults do, in fact, perceive young offenders as less competent than older offenders (Ghetti & Redlich, 2001). Further, juvenile offenders have different delinquent histories, psychological and social histories, motivations, and contexts for their crimes (Cornell, Benedek, & Benedek, 1989; Wisnower & Windle, 2004). Adults appear to recognize these different causes of juvenile offending—they make internal attributions (e.g., instability; genetic defect) as well as external attributions (e.g., inappropriate socialization, failings in education and parenting) about juvenile delinquency (Furnham & Henderson, 1983; Hollin & Howells, 1987; Mohr & Luscri, 1995).

Even so, adults’ assumptions and perceptions of juveniles do not always reflect actual characteristics of juvenile offenders. For example, adolescents differ from adults in many legally relevant ways (e.g., understanding and reasoning abilities, choices about illegal behavior, decision making about risk, susceptibility to peer pressure, etc.; for review, see Bottoms, Reppucci, Tweed, & Nysse-Carris, 2003; Grisso, 1996). Although in some research adults perceive the cognitive abilities of children under the age of 12 or 13 to be less sophisticated than adults’ cognitive abilities (Bottoms, 1993; Leippe & Romanczyk, 1987; Yarmey & Jones, 1983), in other research, adults overestimate children’s cognitive abilities (e.g., Hunt & Parakevopoulos, 1980; Miller, White, & Delgado, 1980). In another example, only a minority of murders are committed by juvenile offenders with records of habitual offending (Grisso, 1996), and only a small percentage of all juvenile offenses are violent (Snyder, 2008). Although, in some research, the community can be accurate in estimating the categorical rate of some types of juvenile offenses (Warr, 1982), in other research, adults grossly overestimate the amount of violent youth crime (e.g., estimating that 70% of juvenile offenses in a community were violent while only 22% were; Sprott, 1996). Finally, a small proportion of juvenile offenders are serious, chronic, violent offenders (Loeber, Farrington, & Waschbusch, 1998) and continue as “life-persistent” offenders (Moffit, 1993)—most juvenile offenders desist as they age, and are responsive to interventions (Lipsey & Landenberger, 2006; Reppucci, Woolard, & Fried, 1999). Although, in some research, juvenile justice personnel and community members favor rehabilitation rather than punishment for juveniles (Mulvey & Reppucci, 1984; Schwartz, 1992; Sundt, Cullen, Applegate, & Turner, 1998), in other research, 59% of the respondents indicated that they believed juveniles between the ages of 14 and 17 should be treated to the same as adults—only 32% favored more lenient treatment for juveniles in a juvenile court (Gallup, 2003).

**Juvenile Offender Subtypes?**

There are differences in how people view juveniles’ decision-making abilities, competency, reasons for offending, patterns of offending, and recidivism and rehabilitation potential. Further, juvenile offenders are a diverse group and not all offenders might be captured by one stereotype. Thus, jurors may break down juvenile offenders into more manageable basic-level categories, or “subtypes” (Weber & Crocker, 1983). We propose that these subtypes include the “Superpredator” subtype and the “Wayward Youth” subtype (terms originally discussed by Gluck, 1997, but also revived in recent science and policy analysis; Dodge, 2008; Owen-Kostelnik, Reppucci, & Meyer, 2006). These subtypes can be viewed as opposite ends of a continuum: on one side, a subtype of offenders that are ruthless and unconcerned about the consequences of their actions and should be treated as culpable adult offenders (the Superpredator); on the other side, a subtype of offenders that are immature adolescents who are inherently good but strayed from the right path and should be rehabilitated rather than punished (the Wayward Youth).
The Superpredator subtype is best illustrated by dominant negative portrayals in the media and popular press, conceptualized by DiIulio (1995):

On the horizon, therefore, are tens of thousands of severely morally impoverished juvenile Superpredators. They are perfectly capable of committing the most heinous acts of physical violence for the most trivial reasons . . . They fear neither the stigma of arrest nor the pain of imprisonment. They live by the meanest code of the meanest streets, a code that reinforces rather than restrains their violent, hair-trigger mentality. In prison or out, the things that Superpredators get by their criminal behavior—sex, drugs, money—are their own immediate rewards. Nothing else matters to them. So far as long as their youthful energies hold out, they will do what comes “naturally”: murder, rape, rob, assault, burglarize, deal deadly drugs, and get high (p. 31).

The Superpredator subtype portrays an image of a serious and violent juvenile offender who is a threat to public safety, is cold and calculating. We propose that this stereotype also includes the belief that juvenile offenders have the same decision making abilities as adults, are competent to understand the court process, have little rehabilitation potential, and are a homogeneous group of serious, violent, and repeat offenders. In contrast, the Wayward Youth subtype is one of a disadvantaged youth who has been failed by parents and schools, and has inferior decision-making abilities compared to adults, does not understand the court process, and should be rehabilitated rather than punished. Through this subtype, offenders might be seen as a homogeneous group of nonviolent offenders that are the product of social and economic conditions that threaten family and community stability. This belief system is consistent with theories of reformists such as Jane Addams that emerged over 100 years ago and served as the foundation of the first juvenile courts that assumed that juvenile offenders should be treated and rehabilitated, not punished (Addams, 1909/1972; Feld, 1992).

We argue that the conceptualization of the subtypes is timeless, although labels may change over time, as the subtypes represent the ever-present argument over the true “root” of crime: nature (based on the belief that there are personality characteristics inherent in a youth that cause them to commit crime, consistent with the “Superpredator” stereotype) versus nurture (based on the belief that the social environment is the most influential determinant of crime, consistent with the “Wayward Youth” stereotype). We now turn to how these subtypes might influence decision making in a trial context.

The Impact of Stereotypes on Jurors’ Verdict Preferences

When forming impressions of others, individuals’ information processing is affected on multiple levels by stereotypes. Stereotype-consistent information is attended to more than stereotype-inconsistent information, resulting in better retrieval of the stereotype-consistent information later when judgments about the target are made (e.g., Bodenhausen & Wyer, 1985). If stereotype-inconsistent information is recalled because of its unexpected nature and incompatibility with the stereotype, individuals will rationalize or discount it (Crocker, Hannah, & Weber, 1983). When jurors hear evidence presented during a trial, they engage in biased attention, encoding, and recall of evidence in line with their preexisting stereotype. This bias, in turn, influences verdict preference (Bodenhausen, 1988).

There are preexisting individual differences in the accessibility of particular stereotypes (e.g., gender stereotypes; Stangor, 1988)—jurors might, for example, enter the courtroom with a range of knowledge and accessibility of multiple, and even conflicting, stereotypes about juvenile offenders. Further, different juvenile offender stereotypes could be differentially activated by the social context of the courtroom. For example, attorneys might be able to activate different juvenile offender stereotypes during trial. Jurors might have preexisting knowledge of both juvenile offender stereotypes, but the way in which juvenile offenders and offenses are framed during trial might prime jurors to use one stereotype over the other. Thus, we investigated both preexisting and activated juvenile stereotypes in the current study.

The Impact of Stereotypes After Deliberation

Some social psychological and jury decision-making research suggests that the effects of stereotypes on group decisions might be exacerbated by deliberation (“maximized”), while other research suggests that the effects might be attenuated by deliberation (“minimized”).

Maximization of the Impact of Stereotypes After Group Discussion

Group discussion can exacerbate bias in juries’ decisions (e.g., Hulbert, Parks, Xiaoping, Nam, & Davis, 1999; Kaplan & Miller, 1977). This effect might be due to group polarization—when group members’ attitudes shift in the direction of the average of individuals’ initially favored position (Isenberg, 1986; Bray & Noble, 1978). In the context of a jury deliberating about a stereotyped defendant, Persuasive Arguments Theory (Burnstein & Vinokur, 1977) would predict that jurors will perceive stereotype-consistent arguments as higher quality, more persuasive, and novel—increasing the number of stereotype-consistent arguments during deliberation. As a result, the greater number of stereotype-consistent arguments would influence the evidence jurors attend to, encode, and recall during group discussion. This bias in encoding and recall of stereotype-consistent information would increase the number of jurors favoring a particular verdict preference; once a majority of jurors favor a verdict, a “majority wins” decision scheme would become operative, and the verdict preferred by the majority of jurors would be selected, consistent with the social decision-scheme literature (Davis, 1980; Laughlin & Hollingshead, 1995). Hence, the biased focus on evidence in line with a particular stereotype could thereby influence verdict preferences to a greater degree for groups than for individuals—a maximization effect.

Minimization of the Impact of Stereotypes After Group Discussion

Group discussion can also diminish the impact of mock jurors’ biases on their judgments (e.g., Kaplan & Miller, 1978; 1987). In the context of a jury deliberating about a stereotyped defendant, this may occur due to intentional and controlled cognitive pro-
cesses to minimize and avoid applying the stereotype (Devine, 1989a; 1989b) so as to appear unbiased when evaluating the evidence. Making decisions in a group can also increase cognitively complex thinking and encourage sharing of critical arguments (Wright & Wells, 1985). When individuals are accountable and anticipate justifying their views to others, they encode and process information more thoroughly and can reduce the effects of bias on decisions, including the effects of stereotypes (Stewart, 1998; Tetlock, 1983). Finally, groups of jurors are often more accurate than individual jurors when recalling information about a case (Vollrath, Sheppard, Hinz, & Davis, 1989). Jurors can be surprisingly accurate when discussing case facts and have been found to correct each other’s errors (Ellsworth, 1989). All these social processes may lead jurors to rely less on their stereotypes and biases about juvenile offenders—a minimization effect.

**Overview, Design, and Hypotheses**

In a mock trial study, we examined the impact of group discussion on the relation between stereotypes and case judgments. Specifically, we (a) developed a scale measure of juvenile offender stereotypes (the Juvenile Offender Stereotype Scale; JOSS) with undergraduate students and community adults; (b) examined the impact of undergraduate jurors’ preexisting juvenile offender stereotypes, as measured by the JOSS, on decisions in a criminal case involving a 15-year-old juvenile defendant; (c) determined whether or not juvenile offender stereotypes could be experimentally activated in a trial context and, in turn, influence jurors’ case decisions; and (d) explored whether the influence of stereotypes on jurors’ decisions would be “maximized” or “minimized” after group deliberation.

At the beginning of the semester (Phase I), undergraduate participants completed the JOSS during a testing session ostensibly unrelated to the experiment. Later in the semester (Phase II), a subset of participants who completed the JOSS served as mock jurors and read a transcript based on an actual criminal case involving a juvenile defendant accused of robbery and murder. One third of the mock jurors read about a juvenile defendant portrayed as a Superpredator, one third of the mock jurors read about a juvenile defendant portrayed as a Wayward Youth, and one third read about a juvenile defendant who was not described as having either Superpredator or Wayward Youth characteristics (the control condition). After reading the trial transcript, the jurors rendered various individual judgments, engaged in deliberations, reached a consensus verdict, and completed a series of postdeliberation case judgments. Thus, the study was a nested design with pre-versus postdeliberation judgments as a within-subjects factor, JOSS scores as a between-subjects factor, and stereotype activation (Superpredator vs. Wayward Youth vs. Control) condition as a between-juries factor. Hence, repeated measures (pre- and post-deliberation) were nested within jurors, and jurors were nested within juries.

We hypothesized that preexisting stereotype endorsement, as measured by the JOSS, would influence jurors’ case judgments: the more jurors personally endorsed the Superpredator stereotype before the experiment, the more proprosecution judgments they would make. We also expected that jurors who had the Superpredator stereotype activated would be more likely to perceive the juvenile defendant as a Superpredator and make more proprosecution judgments, compared to jurors who had the Wayward Youth stereotype activated and to jurors with no stereotype activated. Conversely, we expected that, jurors who had the Wayward Youth stereotype activated would perceive the juvenile defendant as a more disadvantaged Wayward Youth and make more prodefense case judgments, compared to jurors who had the Superpredator stereotype activated and jurors with no stereotype activated.

We posed two competing hypotheses about the effect of group deliberations on individuals’ case judgments. First, stereotype maximization could occur, where the effect of stereotypes on jurors’ postdeliberation case judgments would be greater than the effect of stereotypes on jurors’ predeliberation case judgments. Alternatively, the stereotype effect could be minimized: the effect of stereotypes on jurors’ postdeliberation case judgments would be less than the effect of stereotypes on jurors’ predeliberation case judgments.

**Method**

**Participants**

In Phase I, the preexisting stereotype assessment phase, 486 introductory psychology students participated. All were 18 years of age or older and U.S. citizens. Later in the semester, 270 of these undergraduates (46% men) were recruited to participate in Phase II—the experimental mock jury session. The experimental session participants ranged in age from 18 to 48 years (M = 20). For Phase II analyses, we included only participants who attended a session in which a 6-person jury was formed (jury n = 39, juror n = 228).1 The sample was ethnically diverse (41% Caucasian, 9% African American, 29% Asian, 15% Latino, and 6% were of another ethnicity), from both rural (48%) and suburban (49%) areas, mostly single/unmarried (95%), and largely middle class (mothers’ Median income = $20,000 to $40,000; fathers’ Median income = $40,000 to $60,000). Participants received class credit for participating.

**Materials**

**Demographic questionnaire.** Participants were asked to indicate their gender, age, ethnicity, parental salary, and political party affiliation and ideology. Participants were also asked whether they had children, whether they had siblings and friends under the age of 18, whether these siblings and/or friends had been in trouble with the law, the amount of contact they have with adolescents, whether they have been a victim of a crime, their area of residence, whether they have anyone close to them involved in the criminal justice system, the amount of crime in their neighborhood, and their beliefs about the appropriateness of the death penalty. These questions are similar to those used in public opinion surveys and in voir dire questionnaires.

**Juvenile Offender Stereotype Scale (JOSS; Appendix A).** The JOSS was developed in a pilot study separate from the current study (Haegerich & Bottoms, 2002). In this pilot, 119 undergraduate and 54 community consenting adults, comparable in demo-

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1 All but three juries were composed of six jurors (n = 36). These juries were composed of either three (n = 1), four (n = 1), or five (n = 1) jurors.
graphics (except age; community members were significantly older), contact with children, and political party affiliation, responded to an open-ended item indicating their personal beliefs about youths who commit serious crimes. They were also asked, in two separate questions, if they considered youths who commit serious crimes to be Superpredators or Wayward Youths (yes/no). Finally, they were presented with open-ended questions that tapped their knowledge (rather than their personal beliefs) of “Superpredators” and “Wayward Youth.” Participants were asked to write everything that comes to mind when thinking about the two different subtypes, including traits, behaviors, or beliefs. Individual thought units in respondents’ answers to the open-ended questions were coded for presence of five theoretically derived subdimensions (patterns of offending, decision making competency, legal competency, reasons for offending, and recidivism and rehabilitation potential), and whether the thought unit was representative of the Wayward Youth subtype or the Superpredator subtype. Two blind coders coded the essays separately. The proportion of agreement between the two coders averaged .91 across the five stereotype components (range = .80 to 1.00).

Responses to the personal belief question indicated that juvenile offender stereotypes are composed of the five subdimensions reviewed above, except for legal competency. (Although participants might have beliefs about juvenile offenders’ competency to understand the legal system, these beliefs are not part of their spontaneously generated stereotypes of juvenile offenders). Participants made significantly more statements consistent with the Wayward Youth subtype (on average, 66% of all thought units listed by a participant) than the Superpredator subtype (on average, 18% of all thought units listed by a participant), t(165) = 25.16, p < .001. In response to the yes/no questions measuring stereotype endorsement, 63% of the participants indicated that they endorsed the Wayward Youth subtype, while only 22% indicated that they endorsed the Superpredator subtype. Responses from undergraduate students and community members did not differ. Finally, participants were able to describe both of the predicted subtypes independently, although the descriptions of the subtypes weren’t completely “pure”: the Wayward Youth descriptions listed some traits and behaviors that would be consistent with the Superpredator subtype, and vice versa. But, on average, 65% of the thought units that participants listed in response to the Wayward Youth Open-Ended Prompt could be classified as containing components of the Wayward Youth subtype (14.4% contained components of the Superpredator subtype), and 56% of thought units that participants listed in response to the Superpredator Open-Ended Prompt could be classified as containing components of the Superpredator subtype (18% contained components of the Wayward Youth subtype).

As the qualitative study progressed, we developed a preliminary pool of items to compose a Juvenile Offender Stereotype Scale (JOSS) based on the qualitative descriptions and from the literature on actual and perceived characteristics of juvenile offenders. The preliminary JOSS items were constructed to represent five subdimensions: decision-making competency, legal competency, reasons for offending, patterns of offending, and recidivism/rehabilitation potential. Ninety-three undergraduates and 25 community members who participated in the qualitative exercises described above also completed the preliminary version of the JOSS. Reliability analyses were conducted and items were inspected to determine whether improvements could be made to the scales. Separate one-way Analyses of Variance (ANOVAs) revealed that undergraduate participants and other community adults did not significantly differ on the subscales (all Fs(177) ≤ 2.73, ps > .19). Items were reworded to enhance their clarity of meaning, and additional items were developed.

The final modifications represented the final Juvenile Offender Stereotype Scale (JOSS) utilized in the current study. The JOSS consists of Likert-type scale items representing the five dimensions: Patterns of Offending, Decision-Making Competency, Legal Competency, Reasons for Offending, and Recidivism/Rehabilitation Potential. Higher scores on the JOSS reflect greater endorsement of the Superpredator stereotype and less endorsement of the Wayward youth stereotype. Three additional questions were also included that prompted participants to estimate the percentage of crimes that are committed by youths, and the percentage of crimes committed by youths that are violent and nonviolent; these responses are not included in the JOSS scoring, but provide additional information about participants’ thoughts about the prevalence of juvenile offending.

**Trial transcript.** A detailed transcript of a criminal case with a 15-year-old African American male juvenile defendant was presented to jurors (the defendant was described as African American because approximately 70% of youths waived to criminal court are African American; Snyder & Sickmund, 1999). The defendant was charged with both aggravated robbery and felony murder. To enhance ecological validity, the trial transcript was developed under the supervision of an experienced Cook County Assistant State’s Attorney and was based on a combination of two actual criminal cases involving juvenile defendants charged with murder in Cook County. The transcript began with Opening Statements of the Prosecution and Defense attorneys. Next, there was testimony from the Prosecution witnesses (a police officer, a friend of the victim, a firearm’s expert, a classmate of the defendant’s, and an alleged cooffender) followed by testimony from the Defense witnesses (the defendant, his mother, and another alleged cooffender). The transcript ended with Prosecution and Defense attorneys’ closing arguments.

In all conditions, the prosecution argued that the defendant, Jamal Washington, was a young offender with a previous arrest who robbed and shot an elderly victim, killing him for a small amount of money. Jamal Washington was portrayed as the initiator of the crime, with two cooffenders as accomplices. The Prosecution suggested that Jamal committed the crime to gain gang membership. In support, the police testified that the victim’s wallet and a gun were found at the defendant’s residence, a classmate testified that he had seen the defendant with the gun on previous occasions, and one of the cooffenders testified that the defendant asked him to participate in the crime so that he could prove himself worthy of gang membership. In contrast, the Defense argued that Jamal was a confused young man who was intimidated and scared by a senior gang member. Specifically, the defense claimed that Jamal and one of the other cooffenders were pressured into aiding the gang member in committing the crime, and thus, were not criminally responsible for the robbery and killing of the victim. In support, the defendant’s mother testified that the defendant hated guns and

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2 A detailed coding manual is available upon request from the authors.
that guns were not allowed in the house. The second cooffender corroborated the defendant’s testimony, stating that the first cooffender was solely responsible for the crime, and had planted the gun at the defendant’s residence. The defendant also testified on his own behalf.

Initial pilot testing revealed that verdict judgments were split approximately 50/50 between conviction and acquittal, ensuring that the evidence was ambiguous enough so that effects of the independent variables could be detected.

**Stereotype activation manipulation.** All jurors heard a verbal statement that introduced the study and the trial transcript to be read. Participants in the “Superpredator” condition further heard about the societal problem of Superpredators; and participants in the “Wayward Youth” condition heard about the societal problem of Wayward Youths. All participants then completed the Study Purpose questions about why the study was being conducted and the importance of the research to enhance processing of introductory statements and, in turn, ensure that experimental manipulations work. In an actual trial situation, it could be argued, jurors would naturally be motivated to process such information carefully.

In the trial transcript, participants were presented with opening statements and closing arguments of the prosecuting and defense attorneys. Participants in the Wayward Youth and Superpredator stereotype conditions, however, received additional stereotype activating statements that served to apply the respective stereotype to the specific defendant in the case (see Appendix B). Jurors in the Superpredator condition were given the prosecuting attorney’s opening statements and closing arguments with an added paragraph that emphasized the problem of “Superpredators” who commit serious crimes, informing jurors that the defendant in this case is a perfect example of a “Superpredator.” Jurors in the Wayward Youth condition were given the defense attorney’s opening statements and closing arguments with an added paragraph that emphasized the problem of “Wayward Youths” who commit crimes, informing jurors that the defendant in this case is a perfect example of a “Wayward Youth.” Jurors in the No Stereotype Control condition were given original version of the attorneys’ opening statements and closing statements without any additional paragraphs.

Manipulation checks revealed that the manipulation was successful. Participants were asked to rate the defendant’s sophistication of decision-making abilities, ability to understand the court process, pattern of criminal activity, rehabilitation potential, and reasons for offending on 6-point scales. Predeliberation scores on the Stereotype Activation Scale ($\alpha = .83$), based on these items, varied significantly as a function of stereotype activation condition, $F(2, 257) = 18.93, p < .001$. Jurors in the Wayward Youth condition scored significantly lower on the scale ($M = 3.21$)—indicating less endorsement of the Superpredator stereotype—compared to the No Stereotype control ($M = 3.46$; remarkably similar to the scale midpoint: 3.50), who in turn, scored significantly lower than jurors in the Superpredator condition ($M = 3.75$; all $p < .05$).

**Jury instructions.** Illinois Pattern Jury Instructions for Aggravated Robbery and Felony Murder were given to jurors describing the standard of proof and verdict options in the case. The instructions explained that, by law, two verdict options are Not Guilty or Guilty of Aggravated Robbery, and Not Guilty or Guilty of Felony Murder, and that the Aggravated Robbery and Felony Murder charges are dependent on one another. That is, if one finds the defendant guilty of committing a robbery during which a victim was killed, then the defendant should be automatically found guilty of Felony Murder (because the killing was committed in the course of the robbery).

**Case judgments.** A case judgment questionnaire was given before and after deliberation. Jurors indicated their individual robbery verdicts (not guilty or guilty) and individual murder verdicts (not guilty or guilty). Beliefs about whether the defendant should have been tried in criminal court rather than juvenile court (i.e., “Waiver Beliefs”) were measured on a 6-point scale ranging from 1 (Definitely tried in adult criminal court) to 6 (Definitely tried in juvenile court).

**Procedure**

In Phase I, undergraduate participants gave informed consent and completed the JOSS, among other unrelated questionnaires submitted by other researchers. The session occurred 3 to 12 weeks before Phase II, which allowed participants to be unaware that their responses to the scale were related to their decisions in the criminal case.

In Phase II, a sample of these same undergraduates was recruited in groups of eight or nine individuals that were randomly assigned to an experimental condition (Control, Wayward Youth, or Superpredator) so that all individuals within a group received the same experimental manipulation. After arriving and giving informed consent, participants were told of the importance of taking their role as jurors seriously, and that they would engage in jury deliberations with fellow participants after making individual judgments about the case. The experimenter then gave jurors the verbal introduction to the transcript and asked them to complete the study purpose questionnaires. All jurors then read the trial transcript, followed by Illinois Pattern Jury Instructions. Next, they completed the individual case-related judgments and the Stereotype Activation Scale. The experimenter then inspected the predeliberation verdict preferences of the mock jurors. Six mock jurors were selected to continue with jury deliberations. Mock jurors were selected in a way such that there was at least one dissenting vote in the group; this would allow for variety in beliefs about the case and facilitate group discussion. In addition, as mock jury sessions were run over time, jurors were selected to participate in deliberation so as to...

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3 Instructions were slightly modified, as in past research (Haegerich & Bottoms, 2000), to enhance mock jurors’ comprehension of the law. It was necessary to modify the instructions because the Pattern instructions are simply incomprehensible (an unfortunate fact for jurors and defendants in Illinois). Jury instructions should be comprehensible because they educate jurors about the law and how to apply the law to a case, and in turn they should reduce the effect of jurors’ biases on verdicts (e.g., Diamond, 1997). Thus, compared to using unmodified pattern jury instructions, the use of modified instructions constituted a more stringent test of the effects of stereotypes. Further, without such modifications, jurors would not have understood the law, and their judgments would have had a more random nature, obscuring any effects of stereotypes on jurors’ case-related judgments. The jury instructions used in this study are available upon request from the authors.
balance, as much as possible, predelegation murder verdict preference across juries. In this way, the distribution of predelegation murder verdict preferences would be balanced across conditions (e.g., Superpredator, Wayward Youth, and Control conditions would have an equal number of juries with four jurors favoring a guilty verdict and two jurors favoring a not guilty verdict). This assisted in minimizing a potential confound (e.g., if one condition contained more juror agreement prior to deliberation compared to the other condition, any effects of stereotype activation would be confounded). The other participants who were not selected to deliberate went into a separate room, were told that they were not selected to continue in deliberations, were asked to complete the JOSS and the demographic questionnaire individually, and were dismissed from the session. Ultimately, 39 mixed-gender juries were formed (Wayward Youth: n = 13; Control: n = 13; Superpredator: n = 13). Before deliberating, juries were told to elect a foreperson and that they needed to discuss two verdicts: Aggravated Robbery and Felony Murder charges. Juries were allotted 45 minutes to come to a consensus verdict (juries were monitored via closed-circuit TV). If a jury could not come to a consensus on one or both charges after 40 minutes, the experimenter delivered a “dynamite charge”: Specifically, the experimenter asked jurors to take an additional five minutes to try as hard as possible to come to a consensus. If they stated that a consensus could be formed, deliberations were ended. If they continued and there was still no consensus, the jury was considered to be “hung.” After deliberation, jurors indicated their consensus verdict on the verdict form and completed the individual postdeliberation case-related judgments, in addition to the demographic questionnaire.

Results

First, we describe the psychometric properties of the JOSS and the correlations between the JOSS and demographic and attitudinal variables. Then we discuss the effects of preexisting personal stereotypes (i.e., pretested JOSS scores), stereotype activation, and deliberation on jurors’ case judgments.

Juvenile Offender Stereotype Scale (JOSS)

Internal consistency. Coefficient alpha analyses revealed acceptable reliability for the JOSS scale as a whole and for the Patterns, Decision-Making Competency, Legal Competency, Reasons for Offending, and Recidivism/Rehabilitation subscales with alpha coefficients ranging from .64 to .86 (see Table 1). Although the reliability of the Patterns subscale is somewhat low, note that there are only three items in this scale, and we deemed the items theoretically important enough to retain.

The subscales were significantly, but not strongly, correlated with one another (see Table 2). This suggests that there is a positive relationship among the measured constructs, but that the constructs are meaningfully separate, and that the subscales measure multiple dimensions of people’s “stereotypes of juvenile offenders.” Even so, in analyses we examined the JOSS as a whole, rather than by each individual component, because we designed the JOSS to measure all beliefs about offenders as a comprehensive set, representing a full stereotype existing in jurors’ minds.

Beliefs about juvenile offenders as measured by the JOSS. The data show the degree to which laypeople endorse beliefs about patterns of juvenile offending. In particular, participants estimated that 40% of all crimes committed are committed by youth under 18 years of age, 27% of all crimes committed by youth are violent in nature (e.g., murder, manslaughter), and 56% of all crimes committed by youth are nonviolent in nature. Participants’ responses, on average, fell below the midpoint of the scale, suggesting that people, on average, tended to believe that juvenile offenders are less conservative in political orientation (r = -.14, p < .05) having less contact with the police (r = -.14, p < .05), being more conservative in political orientation (r = .20, p < .01), believing in the utility of the death penalty for adults and juveniles (r = .21 and .22, respectively, p < .01), not being a victim of police harassment (r = -.20, p < .01), and not believing that police plant evidence or target minorities (r = -.14 and -.18, respectively, p < .05).

### Table 1

<table>
<thead>
<tr>
<th>Subscale</th>
<th>α</th>
<th>CITC M</th>
<th>Scale M</th>
<th>Scale SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patterns</td>
<td>.64</td>
<td>.41</td>
<td>2.96</td>
<td>.78</td>
</tr>
<tr>
<td>Decision making</td>
<td>.80</td>
<td>.44</td>
<td>3.42</td>
<td>.66</td>
</tr>
<tr>
<td>Legal competency</td>
<td>.83</td>
<td>.52</td>
<td>3.19</td>
<td>.75</td>
</tr>
<tr>
<td>Reasons for offending</td>
<td>.70</td>
<td>.28</td>
<td>2.90</td>
<td>.43</td>
</tr>
<tr>
<td>Recidivism/rehabilitation</td>
<td>.79</td>
<td>.45</td>
<td>3.45</td>
<td>.69</td>
</tr>
<tr>
<td>Total scale</td>
<td>.86</td>
<td>.29</td>
<td>3.16</td>
<td>.39</td>
</tr>
</tbody>
</table>

Note. All subscales were constructed so that participants indicate their agreement with the items on a 6-point Likert-type scale, ranging from 1 (totally disagree) to 6 (totally agree). Two items from the Reasons for Offending subscale were dropped, because they did not consistently correlate with other items—Questions #1 and #14 presented in the Patterns of Offending subscale in Appendix A. *p < .001.

Although efforts were made to counterbalance jurors’ initial murder verdict preferences across conditions, attempts were not made to counterbalance jurors’ initial JOSS scores that were measured in Phase I across conditions. Attempting to balance juries based on distribution of initial JOSS scores was not logistically feasible. Further, we predicted that lack of balance in verdict preference would pose a greater confound threat than a lack of balance in JOSS scores, as verdict preference is the most salient indicator of beliefs and is directly discussed during deliberation.

Past research with similar methodology indicates that 45 minutes is an adequate time for mock juries to have a reasonable deliberation and reach a verdict (e.g., Bottoms, Schmidt, & Epstein, 1998).
Hypothesis Testing: Individual Jurors’ Judgments

To determine whether the stereotype activation manipulation, participants’ preexisting stereotypes (i.e., JOSS scores), and deliberation influence jurors’ verdicts, we ran three-level regression multilevel models, with the intercept and within-subjects deliberation slope entered as random effects. This type of model enabled us to examine the effect of variables at three different levels: within-individuals (Level 1), between individuals (Level 2), and between juries (Level 3). Thus, this statistical approach enabled us to (a) assess the effects of variables at the level at which they were manipulated, and (b) account for the nested nature of the data (repeated measures nested within individual jurors, and jurors nested within juries). Thus, all dependent variables were analyzed with these multilevel models that included the within-subjects effect of deliberation (pre- vs. postdeliberation verdicts) at Level 1, the between-subjects effect of JOSS score at Level 2, and a set of dummy codes representing the between-juries effect of stereotype activation—within the control group as the reference cell—at Level 3. All possible same-level and cross-level interactions were also included in the model. We utilized a Bernoulli distribution for all dichotomous dependent variables (i.e., robbery verdicts, murder verdicts) and standard linear regression for continuous dependent variables (support for trying the offender in juvenile court).6

Robbery verdicts. Because the full model for robbery verdicts revealed that the three-way interactions were not significant, all $r$s (205) $\leq .95$, all $ps \geq .34$, we dropped them and reran the model. This model revealed that deliberation did not affect participants’ likelihood of rendering a guilty robbery verdict, OR $= 1.07$, $t(205) = .21$, $p = .83$. As predicted, participants’ endorsement of JOSS items (i.e., greater endorsement of the Superpredator stereotype) positively predicted their likelihood of rendering a guilty robbery verdict, OR $= 4.46$, $t(205) = 2.92$, $p = .004$. This effect did not depend on stereotype activation condition or deliberation, all $r$s (205) $\leq |-.75|$, $ps \geq .45$. The interaction between the Superpredator condition (vs. control) and deliberation was significant, OR $= 2.47$, $t(205) = 2.09$, $p = .04$. (See Table 3.) A test of simple slopes revealed that, predeliberation, participants who had a Superpredator stereotype activated were significantly more likely to render a guilty robbery verdict, compared to the control group, OR $= 2.30$, $t(36) = 2.14$, $p = .04$. After deliberation, participants who had a Superpredator stereotype activated were again significantly more likely to render a guilty robbery verdict compared to the control group, but the effect was significantly stronger, OR $= 5.69$, $t(36) = 3.01$, $p = .005$. The effect of the Wayward Youth manipulation (vs. control) was not significant, nor were any other interactions, all $r$s $\leq .71$, all $ps \geq .47$.7

Murder verdicts. Because the full model for murder verdicts revealed that the three-way interactions were not significant, all $r$s (205) $\leq 1.27$, all $ps \geq .21$, we dropped them and reran the model. This model revealed that deliberation did not affect participants’ likelihood of rendering a guilty murder verdict, OR $= 1.13$, $t(205) = .38$, $p = .71$. This model also revealed that, consistent with robbery verdicts, participants who had a Superpredator stereotype activated were significantly more likely to render a guilty murder verdict, compared to the control group, OR $= 3.07$, $t(36) = 2.91$, $p = .007$ (see Table 3). In contrast to robbery verdicts, however, this effect did not change after deliberation, $t(205) = -2.02$, $p = .05$. The interaction between participants’ preexisting stereotypes (i.e., JOSS scores) and deliberation was significant, OR $= 4.5$, $t(205) = -1.96$, $p = .05$. A test of simple slopes revealed that before deliberation, participants’ endorsement of JOSS items positively predicted their likelihood of rendering a guilty murder verdict, OR $= 4.92$, $t(205) = 2.85$, $p = .005$. In contrast, after deliberation participants’ endorsement of JOSS items did not significantly predict their likelihood of rendering a guilty murder verdict, OR $= 2.22$, $t(205) = 1.62$, $p = .11$. Consistent with robbery verdicts, the effect of the Wayward Youth manipulation (vs. control) was not significant, nor were any other interactions significant, all $r$s $\leq |-.13|$, all $ps \geq .26$.

Waiver beliefs. Because the full model for waiver beliefs revealed that the three-way interactions were not significant, all $r$s (400) $\leq |-.55|$, all $ps \geq .12$, we dropped them and reran the model.7 This model revealed that participants were marginally more supportive of keeping the defendant in juvenile court after deliberating together, $B = .43$, $t(402) = 1.89$, $p = .06$. This model also revealed that participants’ preexisting stereotypes (i.e., JOSS scores) negatively predicted their support for keeping the defendant in juvenile court, $B = -1.35$, $t(205) = -3.24$, $p = .002$. This effect did not depend on stereotype activation condition or deliberation, all $r$s (205) $\leq |-.89|$, $ps \geq .37$. Participants who had the Wayward Youth stereotype activated were significantly more supportive of trying the defendant in juvenile court than were partic-

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6 We excluded the small number of participants ($n = 5$) who rendered a guilty murder verdict, but an incorrect robbery verdict from all analyses, because this verdict combination was not logical or allowable based on the facts of the case.

7 This model—consistent with the two verdict outcomes—was run initially with both the intercept and deliberation included as random effects. This model would not run, however, and we had to include the deliberation slope as a fixed, rather than a random effect for this dependent measure. Thus, the results reported are from a random intercept only model.

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**Table 2**

*Pearson Correlations Among Subscales of the Juvenile Offender Stereotype Scale (N = 486)*

<table>
<thead>
<tr>
<th>Subscale</th>
<th>Patterns of offending</th>
<th>Decision-making competency</th>
<th>Legal competency</th>
<th>Reasons for offending</th>
<th>Recidivism/rehabilitation potential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patterns of Offending</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision making competency</td>
<td>.09*</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Competency</td>
<td>.17**</td>
<td>.62**</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reasons for Offending</td>
<td>.11*</td>
<td>.26**</td>
<td>.19**</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>Recidivism/rehabilitation potential</td>
<td>.41**</td>
<td>.19**</td>
<td>.09*</td>
<td>.23**</td>
<td>1.00</td>
</tr>
</tbody>
</table>

*p = .06.  *p < .05.  **p < .001.
participants in the control condition, $B = .44, t(36) = 2.17, p = .04$. This effect did not depend on jurors’ preexisting stereotypes or deliberation, $ts \leq -1.99$, $ps \geq .34$. The effect of the Superpredator activation was not significant, $B = - .41, t(205) = - 1.53, p = .13$, nor were any interactions with this manipulation, $ts \leq -1.49$, $ps \geq .14$.

**Hypothesis Testing: Group-Level Jury Judgments**

Next, we examined the effect of our manipulation on group-level consensus jury verdicts. Regarding the robbery verdict, six juries voted not guilty (15%), 25 juries voted guilty (64%), and eight juries were hung (21%) overall. Regarding the murder verdict, 13 juries voted not guilty (33%), 13 juries voted guilty (33%), and 13 juries were hung (33%) overall. Pearson Chi-squares revealed that—of those juries that were able to reach a verdict—stereotype activation condition had a significant effect on group-level jury verdicts for the murder charge, $\chi^2(2, N = 26) = 11.59, p = .003$, but not for the robbery charge, $\chi^2(2, N = 31) = 4.73, p = .09$. For the murder charge, significantly more participants in the Superpredator condition voted guilty (100%), compared to the control condition (46%), $\chi^2(1, N = 18) = 5.73, p = .02$, who did not significantly differ from juries in the Wayward Youth condition (13%), $\chi^2(1, N = 19) = 2.33, p = .13$.

**Discussion**

Our study demonstrates that individuals hold stereotypes about juvenile offenders as Wayward Youths or Superpredators, and that these beliefs can influence their verdicts when juvenile offenders are tried in criminal court. Further, these beliefs, or stereotypes, can also be activated by elements of the situational context (i.e., the manner in which case material is presented) and influence case judgments, putting the fairness of the legal system in jeopardy. Juries were more likely to render a guilty murder verdict when they had a Superpredator stereotype activated (100% of these juries voted guilty) than were the juries in the control condition. Verdicts from juries that had a Wayward Youth stereotype activated did not differ from juries in the control condition—suggesting that perhaps people’s default assumption about juvenile offenders is more in line with the Wayward Youth stereotype than the Superpredator stereotype. Although the effect of juvenile offender stereotypes continued to have an effect on some case judgments after deliberation, the deliberation process moderated the effect of stereotypes on other case judgments. Interestingly, there was some evidence that deliberation minimized the effect of preexisting stereotypes, but maximized the effect of stereotypes activated during trial, as discussed later.

**Stereotypes of Juvenile Offenders**

For the first time, we found support for the existence and hypothesized substructure of two stereotypes (subtypes) of juvenile offenders: the “Wayward Youth” and the “Superpredator,” and constructed a statistically reliable measure of these juvenile offender stereotypes. As suggested by the literature, these subtypes consist of beliefs about juveniles’ patterns of juvenile offending, capacity to make competent decisions, reasons for offending, and amenability to rehabilitation. People also have attitudes about whether juvenile defendants are able to understand the legal process that can be brought to the forefront during the course of a trial, but these attitudes do not seem to be well-formed enough to be incorporated into their spontaneous stereotypes of offenders when not in a courtroom context.

Despite the negative media attention devoted to young, chronic, serious, and violent offenders, laypeople in our study seemed to be less supportive of the Superpredator versus the Wayward Youth stereotype. This interpretation is based on the prevalence of the Wayward Youth stereotype components elicited in the pilot study and the average score slightly below the midpoint on the JOSS, with participants scoring significantly below the midpoint on the decision making competency, legal competency, and reasons for offending subscales. Rather, it seems that people are more likely to believe that offenders are nonviolent, disadvantaged youth who are failed by parents and schools, possess inferior decision-making abilities and legal competency compared to adults, with great potential for rehabilitation. Thus, the public’s perception of juvenile offenders does not mirror the media’s portrayal of juvenile offenders, nor policymakers’ perceptions, as recent changes in the legal processing of juvenile offenders indicates.

Although lay people may be more likely to believe that juveniles are Wayward Youths, they continue to overestimate the amount and type of juvenile crime. In the current study, respondents estimated that 41% of all crimes committed are committed by youth under 18 years of age, and 27% of those crimes are violent in nature (e.g., murder, manslaughter). This is inconsistent with actual rates of offending: Actual statistics show that only 19% of all crimes are committed by juveniles, and 5% of all juvenile arrests are for violent crimes (Snyder & Sickmund, 1999). Thus, people’s stereotypical beliefs about juvenile offenders might seem particularly surprising: Individuals continue to view offenders as

<table>
<thead>
<tr>
<th>Condition</th>
<th>Pre-deliberation</th>
<th>Post-deliberation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wayward Youth</td>
<td>59%</td>
<td>69%</td>
</tr>
<tr>
<td>Control</td>
<td>63%</td>
<td>63%</td>
</tr>
<tr>
<td>Superpredator</td>
<td>78%</td>
<td>92%</td>
</tr>
</tbody>
</table>

Table 3

**Percentage of Individual Jurors Voting Guilty of Aggravated Robbery and Felony Murder Pre- and Post-deliberation as a Function of a Stereotype Condition (N = 228)**

Note. Percentages in the same column that do not share subscripts differ at $p < .05$. 

...
Wayward Youth, even as they overestimate the amount of violent youth crimes. People’s overestimation of youth crime is not completely inconsistent with believing that juveniles are Wayward Youths, however. For example, even if people believe that juveniles commit more crimes than are actually committed, they may still believe that youth commit crime because they have been failed by family, schools, and society; are not competent decision-makers; cannot understand the legal process; and can be rehabilitated—all characteristics of offenders that are consistent with the Wayward Youth subtype.

The Effect of Preexisting Stereotypes on Legal Case Judgments

We found that the more jurors held preexisting stereotypes that portray juveniles as Superpredator-like in nature (i.e., the higher their JOSS scores), the more likely they are to vote guilty in cases involving a juvenile defendant, and less likely they are to support trying the offender in juvenile court. Hence, it appears that jurors do use their preexisting beliefs about offenders when faced with the task of determining the outcome of a specific legal case. The effect of these preexisting beliefs about juveniles on robbery verdicts held pre- and postdeliberation. For murder verdicts, however, there was some evidence for minimization of the effect of these stereotypes on verdicts after the group deliberation process—jurors’ preexisting endorsement of Superpredator stereotypes predicted greater likelihood of voting guilty on the murder charge before, but not after, deliberation.

In the courtroom, it is desirable (though impossible, perhaps) to eliminate all bias from jury decision-making. Hence, attorneys might be particularly interested in our findings that jurors are not the “blank slates” the legal system hopes they will be, and be motivated to utilize the Juvenile Offender Stereotype Scale during jury selection. Further, attorneys might attempt to utilize specific demographic and personality characteristics to identify biased jurors based on our findings (e.g., juror age, contact with police, political ideology, and death penalty beliefs). However, we propose that these variables might not be very useful, because their correlations with preexisting stereotypes of juvenile offenders were very small in a practical sense, and should not be used as a perfect proxy for individuals’ stereotypic beliefs.

The Effect of Stereotype Activation on Legal Case Judgments

We also found that jurors’ beliefs about juveniles being Wayward Youths and Superpredators can be activated by verbal arguments made in a trial and, in turn, influence case judgments. At the group level, we found that jurors who had a Superpredator stereotype activated were more likely to render a guilty murder verdict compared to jurors who had a Wayward Youth stereotype or no stereotype activated (but this was not found for robbery verdicts, even though the results were trending nonsignificantly in that direction). Because the juries that had a Wayward Youth stereotype activated did not differ from juries in the control condition, perhaps the Wayward Youth characterization constitutes people’s default stereotype of juvenile offenders. At the individual level, we found that jurors who had a Superpredator stereotype activated were more likely to find the defendant guilty of robbery and murder. Further, the effect of the Superpredator stereotype activation on robbery verdicts was significantly stronger after deliberation. The activation of the Wayward Youth stereotype had no effect on verdicts (relative to control). It did, however, lead jurors to be more supportive of keeping the offender in juvenile court (relative to control).

The results of the stereotype activation manipulation are especially interesting. Jurors were given jury instructions that advised them that the opening statements and closing arguments made by attorneys are not evidence and that attorneys’ arguments should not be given undue weight in decision making. Despite this admonition, jurors were affected by the attorneys’ statements, so much so that they influenced the jurors’ legal decisions. Further, the effects of attorneys’ biasing statements on case judgments were significant regardless of jurors’ own preexisting beliefs about juvenile offenders. These results have clear implications for attorneys. Earlier, we suggested that attorneys might be able to screen potentially biased jurors during the jury selection process to prevent biased jurors from serving on the jury. The potential for eliminating biased jurors, however, is limited. Because attorneys’ statements may be just as influential in biasing jurors in favor of, or in opposition to, juvenile offenders, constraining attorneys’ biasing statements about the defendant during opening and closing arguments might be more important in decreasing juror bias.

Although these findings might surprise attorneys and judges who assume that jury instructions are effective in admonishing the jury to not consider opening statements and closing arguments as evidence, it is not surprising psychologically and is consistent with results from other psychology—law research (e.g., Haegerich & Bottoms, 2000). Jurors either (a) ignored this admonition given to them in the jury instructions; or (b) were not aware of the extent to which attorneys’ biasing statements affect their processing of the case evidence and, in turn, their legal judgments. This latter possibility is to be expected, considering social psychological research on automaticity. Specifically, research consistently shows that an individual can be fully aware of an input from the environment, but not aware of its influence on his or her thoughts and behaviors (see Fiske & Taylor, 1991 for a review). This suggests that judges should perhaps elaborate on their instructions to the jury, in addition to calling jurors’ attention to the fact that attorneys’ statements are not evidence and should not influence their decisions. They could also inform jurors about the potential bias that attorneys’ statements may have on their decision making, even without their awareness, and that they can attempt to resist such biases by being more cognitively aware, critically evaluating the evidence and the conclusions that the attorneys assert about what happened. Mock-jury research could be conducted to determine the efficacy of this tactic.

The Moderating Effect of Deliberation on Juror Stereotype Effects

We found mixed results regarding the moderating effect of group discussion on the influence of juvenile offender stereotypes on case judgments. The effect of juvenile offender stereotypes continued to have an effect on some case judgments after deliberation. The deliberation process did, however, moderate the effect of stereotypes on other case judgments—although whether it min-
imized or maximized the effect of stereotypes depended on the source of the bias. Specifically, deliberation had a minimizing effect on preexisting stereotypes about juvenile offenders (i.e., JOSS scores) for one of the case judgments, but not others: The more participants’ endorsed Superpredator stereotypes before the experiment, the more likely they were to vote guilty on the murder charge before deliberation. After the group deliberated, however, these preexisting stereotypes were no longer a significant predictor of murder verdicts. In contrast, deliberation maximized the effect of the Superpredator stereotype that was activated during the mock trial: Participants who had a Superpredator stereotype (vs. no stereotype) activated during the mock trial were more likely to vote guilty on the robbery charge, both before and after deliberation—but the effect was significantly stronger after group deliberation. Why would preexisting stereotypes be minimized after deliberation, while activated stereotypes be maximized after deliberation?

Minimization of preexisting stereotypes. We expected that deliberation might minimize the effect of stereotypes on judgments because people might be motivated to control the effects of their stereotyping due to self-presentation and normative concerns. This explanation is more likely to be relevant, however, to preexisting, personally endorsed stereotypes. People might be more likely to try and control their own personal biases, as they might reflect something about who they are, but less likely to control stereotypes suggested by attorneys during a trial, as they are considered to be evidence presented by others. Expression of preexisting, personal stereotypes that did not come from the trial presentation might be controlled due to normative concerns about self-presenting as a biased person. In contrast, expression of stereotypical information presented by others during the trial might be less controlled during deliberation because concerns about self-appraisals of personal bias are less relevant.

Further, we expected that deliberation might minimize the effect of stereotypes on judgments because group discussion might facilitate correction of errors based on stereotyping. This explanation, again, might be more relevant to preexisting personally endorsed stereotypes that were not presented during the trial, relative to stereotypes activated during the trial. Preexisting personal stereotypes held by some of the jurors might be easier to argue against and correct than would stereotypical information presented during the trial (i.e., activated stereotypes), for several reasons. First, jurors might perceive stereotypical information presented during the trial as a more valid basis for their legal judgments because it is presented during trial by others, compared to stereotypical information based on a juror’s personal beliefs. Second, the stereotypical information activated during trial is likely to be shared by more members of the jury, compared to preexisting stereotypes. Shared (vs. unshared) information is more likely to be discussed and repeated (e.g., Larson, Foster-Fishman, & Keys, 1994) because group members can better recall shared (vs. unshared) information (Larson & Harmon, 2007). Thus, preexisting stereotypes might be more likely to be controlled by participants, and more likely to be corrected by other participants, compared to stereotypes activated during the task. Both of these effects would predict that preexisting stereotypes—but not stereotypes activated during the task—would be minimized by group deliberation, which is consistent with our findings.

Maximization of preexisting stereotypes. In contrast, we expected that deliberation might maximize the effect of stereotypes on judgments based on literature about group polarization, persuasive arguments, and social decision schemes. People will shift their opinions in line with the opinion that has the greatest number of high quality, persuasive, and novel arguments presented in favor of it, and in line with the average of the group’s initially favored position. Thus, if most jurors on a jury share beliefs about a defendant before deliberation, then that jury will be more likely to render a verdict in line with those beliefs after deliberation. This explanation is more likely to be relevant to stereotypes activated during a trial, than to preexisting personal stereotypes. For example, Superpredator stereotypes activated during a trial would be experienced by all members of a given jury, and thus, might result in most members of the jury focusing on stereotype-consistent information, and ultimately most members of a jury supporting a guilty verdict. Thus, the Superpredator stereotype activation—but not the jurors’ preexisting stereotypes—would be more likely to lead to a majority of jurors supporting a guilty verdict before deliberation. Having a larger majority of jurors supporting a guilty verdict will result in more stereotype-consistent arguments being made during discussion and ultimately more guilty verdicts after deliberation. In other words, the activated stereotype—consistent bias would be maximized after group deliberation, which is consistent with our findings.

Implications for psychology and law research. Our results examining the moderating effect of deliberation on the effect of jurors’ stereotypes on their case judgments has implications for the way in which psycho-legal research is conducted. A continuing debate exists whether research that is conducted on jury decision-making without deliberation is valid, as the pattern of jurors’ judgments predeliberation may not be equivalent to the pattern of jurors’ judgments postdeliberation (Diamond, 1997). The rich literature dedicated to the differences between juror and jury judgments began with one of the most hallmark studies on jury decision-making. Specifically, Kalven and Zeisel (1966) collected data from actual juries and court judges and came to the conclusion that the “deliberation process might be likened to what the developer does for an exposed film: it brings out the picture, but the outcome is predetermined.” Although other research studies have produced different results and some investigators argue that jury decision making research should include jury deliberations to be ecologically valid (Diamond, 1997; Weiten & Diamond, 1979), many continue to argue that 90% of the time, juror and jury case judgments do not significantly differ from one another, and that regardless of whether studies examine juror or jury judgments, the results are generally the same (e.g., MacCoun & Kerr, 1988; Sandys & Dillehay, 1995; see Devine, Clayton, Dunford, Seying, & Pryce, 2001 for a review). The findings from the current research are, however, in line with previous studies that find group discussion can both exacerbate (e.g., Davis, Stasson, Parks, & Hulbert, 1993; Kaplan & Miller, 1987; Hulbert et al., 1999) or diminish bias (e.g., Kaplan & Miller, 1977, 1978). The current findings are also consistent with previous studies that find the effect of independent variables differ predeliberation compared to postdeliberation. Despite the fact that (a) many factors’ effects on verdicts emerge only following deliberation, and (b) cognitive research comparing group and individual performance on cognitive tasks suggests that the deliberation process is more than just a
pooling of prediscussion preferences, deliberation in mock jury studies is still rare (Salerno & Diamond, 2010). If the current research was conducted without jury deliberations, however, we would have reached different conclusions. Thus, the current study adds to a growing literature that suggest that mock juror studies without deliberation might be misrepresenting an actual jury context (for reviews, see Diamond, 1997; Salerno & Diamond, 2010).

Caveats and Conclusions

This research makes a significant contribution to the social psychological literature on stereotypes by determining the effects of stereotypes on individual-level and group-level decisions, and how stereotype effects change as a function of the group process. Results of the current research indicate that preexisting and situational activated stereotypes affect social judgments, and their influence can change after group discussion. We found that the effect of preexisting personal endorsement of offender stereotypes on murder verdicts was minimized by group deliberation, but the effect of the Superpredator stereotype activated during trial was maximized by group deliberation for robbery verdicts. It is important to note, however, that the minimization and maximization effects were not consistent across the type of case judgment, or across the type of stereotypes activated (Superpredator and Wayward Youth). For some case judgments, there were no differences in findings pre- and postdeliberation.

The research also makes contributions to the psychology–law literature on juror decision making, particularly juror decision making in cases in which the defendant is a juvenile. The findings show that jurors hold biases toward juvenile offenders, that these biases can be activated within a trial, and, in turn, are capable of overshadowing the evidence in the case and resulting in biased case judgments. Further, this is only one of a handful of studies to examine judgments in cases involving juvenile defendants, and lays the groundwork for future research on juvenile defendants.

We took care to design these studies in a manner that would make generalizations to the legal arena possible. For example, the ecological validity of the current study is increased by the use of testimony based on actual trials, versus stimuli that have been developed based on hypothetical crime scenarios that are often used in the published literature. Thus, attorneys’ opening and closing statements and all witnesses’ testimony were detailed and realistic. We also used the actual legal charges and jury instructions that would be used in such a case in the state of Illinois (yet we did have to modify these instructions to make them comprehensible, a detail that is interesting itself apart from the central aspects of this study). An Assistant State’s Attorney reviewed the materials for their realism. We took care to impress upon the mock jurors the seriousness of the research and our observations confirm that the participants were very engaged in the task and interested in the case. We also ensured that jurors deliberated and reached a consensus jury verdict to the greatest extent possible. An overwhelming proportion of jury decision making studies published in the literature do not take this extra, yet important step to increase the validity of the research.

We also ensured that the mock jurors were over the age of 18 and U.S. citizens, as an actual jury pool would be. The undergraduate sample used in this research was more ethnically diverse and older than many college freshman samples, and students from the university in which the sample was drawn are more comparable to community adults than other college samples. Further, in our pilot study, we made direct comparisons between undergraduates and other community adults, finding few differences between these two samples. Undergraduates and community adults most likely share similar conceptualizations of juvenile offenders, and there is no theoretical reason to believe that the process by which stereotypes influence decisions differs according to population type. That is, the variables of interest were underlying psychological processes, and thus, should be representative of all individuals, not only individuals in university settings. Thus, any concerns about generalizability of the mock jury study to nonstudent populations should be directed only to the portion of the study devoted to studying individuals’ attitudes toward offenders, and not to the portion of the study devoted to understanding psychological, group processes.

Even though a recent meta-analysis by Bornstein (1999) suggests that there are few differences in the mock-trial judgments of undergraduates and community members, concerns about generalizability indeed have a strong foundation. Sears (1986) has argued that undergraduates might not have as well-established, ingrained attitudes and beliefs compared to other community adults (thus, there may be concern in the current study because we examined individuals’ belief structures about juvenile offenders). Hence, additional data collection on individuals from the community is recommended to be sure that there are no important differences in stereotypes and stereotype effects between students and other community adults.

There are other reasons to be cautious in generalizing the results of this research to actual legal cases. Jurors in the current study did not go through the process of jury selection, or “voir dire.” Further, some might also argue that the jurors knew their judgments would not have an impact on a defendant’s life. (Viewing of the jury deliberations, however, reveals that the jurors were extremely engaged in the discussions, strongly disagreed with one another at times, and often resorted to yelling at and insulting each other.) The jurors also did not view the case unfolding live before them, so they were somewhat removed from the drama and realism of the case. It might be argued that the realism of the case could have been enhanced by using slide or film presentations of mock trials in which actors pose as trial participants. Research has revealed little difference, however, between mock jurors’ decisions in reaction to written scenarios versus more elaborate videotaped testimony (e.g., Goodman, Golding, & Haith, 1984; Goodman, Golding, Helgeson, Haith, & Michelli, 1987), and artificial stimuli such as this can appear contrived (e.g., actors must be realistic in portraying the roles of the offender, victim, attorneys, judges, and so forth to make the flow of interaction between all parties seem natural, and to make the stimuli believable). Finally, in the current study either the Superpredator stereotype was activated or the Wayward youth stereotype was activated, but not both. In actual cases, it is likely that both stereotypes could be activated: one by the defense, and one by the prosecution. The current study does not address this possibility, or how, in an actual case, opposing stereotypes would affect jurors’ judgments. This may be an area of future investigation. In summary, exploring the effect of variables on jurors’ decisions in a laboratory setting represents an important first step in a line of research designed to examine juror decision
making (Diamond, 1997). The next step will be to determine the degree to which these findings generalize in more realistic settings.

In summary, this research adds to the social psychological literature by examining the impact of stereotypes on group decisions after discussion, and to the psychology and law and juvenile justice field by examining the content of jurors’ juvenile offender stereotypes and their impact on pre- and post-deliberation case judgments. Further, these studies contribute to the literature on two commonly debated methodological issues within the jury-decision-making literature: (a) the difference between undergraduates’ and community adults’ beliefs, and (b) the impact of group deliberation on case judgments. The findings, therefore, will be of interest to psychologists studying legal psychology, social psychologists interested in stereotypes and group decision making, and professionals in the criminal and juvenile justice systems. Thus, we hope that the current research will be used to assist researchers in understanding people’s beliefs and stereotypes about juvenile offenders, and assist the legal system in ensuring that juvenile defendants receive fair, impartial trials.

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### Appendix A

**Juvenile Offender Stereotype Scale (JOSS)**

**Notes:**

**Administration of scale items.** When administered to participants, the Patterns subscale items in which participants indicate particular percentages were presented first (without the scale headings), followed by the remainder of all other scale items. These items were randomly dispersed, and given without scale headings, when administered to participants. Items that will be reverse scored for analyses are marked with an [R].

**Directions given to participants for the Patterns of Offending Subscale Percentage Items.** Please answer the following questions about youths under the age of 18 (that is, they are 17 years of age or younger) who commit crimes.

**Directions given to participants for the remainder of the scale items.** Please indicate your agreement or disagreement with the following items about youths under the age of 18 (that is, they are 17 years of age or younger) who commit serious crimes (such as murder, manslaughter, drug offenses, and severe property offenses). Use the following scale:

-3 = totally disagree
-2 = disagree
-1 = somewhat disagree
+1 = somewhat agree
+2 = agree
+3 = totally agree

**Patterns of Offending Subscale Items:**

1. What percentage of all crimes are committed by youths?
0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

2. What percentage of all crimes committed by youths are violent crimes (e.g., murder)?
0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

What percentage of all crimes committed by youths are nonviolent crimes (e.g., drug possession, property offenses)?
0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

4. Most crimes are committed by youths.

5. Most youths who commit crime commit nonviolent offenses. [R]

6. Most youths who commit crime commit violent offenses.

(Appendices continue)
Competence–Decision Making Subscale:
1. Most youths who commit crime have poor abstract reasoning and problem-solving skills. [R]
2. Most youths who commit crime are able to weigh the costs and benefits of engaging in criminal behavior.
3. Most youths who commit crime are able to tell right from wrong.
4. Most youths who commit crime can understand the severity of their offenses.
5. Most youths who commit crime are not developmentally mature enough to understand fully the consequences of their decisions to engage in criminal activity. [R]
6. Most youths who commit crime are capable of forming criminal intent.
7. Most youths who commit crime can not understand the consequences of their actions. [R]
8. Most youths who commit crime are not very mature decision-makers. [R]
9. Most youths who commit crime are not able to comprehend the risk involved in engaging in criminal activity. [R]
10. Most youths who commit crime are intellectually mature enough to weigh accurately the pros and cons of engaging in criminal behavior.
11. Most youths who commit crime can not accurately appreciate the wrongfulness of their actions. [R]
12. Most youths who commit crime have sophisticated reasoning abilities.

Competence–Legal Understanding Subscale:
1. Most youths who commit crime are not able to understand the court process. [R]
2. Most youths who commit crime understand different legal options, such as plea bargaining vs. pleading guilty.
3. Most youths who commit crime understand their Miranda rights (that they have a right to be silent, that they have the right to an attorney, etc.).
4. Most youths who commit crime are able to communicate information about themselves and their criminal activity to their defense attorney effectively.
5. Most youths who commit crime understand the roles of all the players in the criminal justice system, such as the judge, prosecuting attorney, and defense attorney.
6. Most youths who commit crime do not understand the criminal trial process. [R]
7. Most youths who commit crime are able to make the kinds of important legal decisions that are involved in the trial process.
8. Most youths are not able to understand legal terminology, such as “mitigating factor,” “interrogate,” or “perpetrator.” [R]
9. Most youths who commit crime are not able to help their attorneys in developing an effective defense strategy. [R]
10. Most youths who commit crime understand legal procedures.

Reasons for Offending Subscale:
1. Most youths who commit crime do so because they are impulsive; that is, they find it hard to regulate their behavior and emotions. [R] [dropped from analyses]
2. Most youths commit crime because they grew up in a bad family environment. [R]
3. Most youths commit crime because they have had a bad education. [R]
4. Negative peer influences cause youths to commit crime. [R]
5. Most youths who commit crime are wayward youths who have just strayed down the wrong path. [R]
6. Most youths who commit crime do so because of their environment. [R]
7. Most youths who commit crime are chronic offenders who will go on to commit crimes for the rest of their lives.
8. Most youths who commit crime are cold and calculating ‘superpredators.’
9. Most youths who commit crime do so because they lack emotional support from friends and family. [R]
10. Most youths who commit crime are not really bad people. [R]
11. Most youths commit crime because they have no morals.
12. Most youths who commit crime do so because of their personality characteristics.
13. Most youths commit crime because they have been failed by “the system.” [R]
14. Most youths who commit crime do so because they only care about immediate rewards and don’t care about their future. [Dropped from analyses]
15. Most youths who commit crime do so because they were not socialized appropriately. [R]
16. Most youths who commit crime are dangerous criminals.
17. Most youths who commit crime do so because they grew up in the wrong circumstances. [R]
18. Most youths who commit crime do so because they do not have any other choice. [R]
19. Most youths who commit crime have mental health (psychological) problems. [R]
20. Most youths who commit crime do so because their parents rejected them and did not adequately supervise them. [R]
21. Most youths who commit crime are bad to the core.
22. Most youths who commit crime are psychopaths.
23. Most youths who commit crime do so because of the environment that they are in. [R]
24. Most youths commit crime because they have no conscience.
Recidivism/Rehabilitation Potential Subscale:
1. Most youths who commit crime can respond to treatment and become better citizens. [R]
2. It is possible to rehabilitate (reform) youths who commit crime. [R]
3. Most youths who commit crime should be tried in criminal court as adults.
4. There should be really lenient sentences for youths who commit crime. [R]
5. Society is too lenient on youths who commit crime. [R]
6. Most youths who commit crime should be sentenced as if they were adults.
7. The system is too tough on youths who commit crime. [R]
8. Most youths who commit crime should be held less responsible for their actions because of their immaturity. [R]
9. There should be really severe sentences for youths who commit crime.

Appendix B

Trial Transcript Inserts: Stereotype Manipulation Within Opening and Closing Statements

The following paragraphs were inserted into the opening and closing statements of the prosecution and defense attorneys.

Superpredator Condition

Prosecuting Attorney’s Opening Statement Insert

Ladies and gentlemen, Jamal Washington is what you might call a Superpredator. Even though he has a mother who cares for him, his family is his friends on the street. He is guided by their agenda. Jamal is guided and protected by gang members. He looks up to gang members and wants to be like them. Jamal is an adult. He knows the nature and consequences of his criminal activity. He was involved in this event because he wanted a little bit of money and to gain admittance to a gang. He wants to run with other criminals like him. Jamal is a mature offender. He has the ability to premeditate and plan crimes like robbery and murder. Jamal isn’t afraid of going to prison. He thought that because of his age he would “get off” and not be charged as an adult for his crimes. Finding Jamal guilty and sending him to prison will get a hardened criminal off of the streets. He is a serious, violent, and chronic offender and should be considered as an adult offender.

Prosecuting Attorney’s Closing Statement Insert

Ladies and gentlemen, Jamal Washington is what you might call a Superpredator. Even though he has a mother who cares for him, his family is his friends on the street. He is guided by their agenda. Jamal is guided and protected by gang members. He looks up to gang members and wants to be like them. Jamal is an adult. He knows the nature and consequences of his criminal activity. He was involved in this event because he wanted a little bit of money and to gain admittance to a gang. He wants to run with other criminals like him. Jamal is a mature offender. He has the ability to premeditate and plan crimes like robbery and murder. Jamal isn’t afraid of going to prison. He thought that because of his age he would “get off” and not be charged as an adult for his crimes. Finding Jamal guilty and sending him to prison will get a hardened criminal off of the streets. He is a serious, violent, and chronic offender and should be considered as an adult offender.

Wayward Youth Condition

Defense Attorney’s Opening Statement Insert

Ladies and gentlemen, Jamal Washington is what you might call a Wayward Youth. He has been failed by his parents, and has no guidance at home. Jamal has been left to fend for himself. He has had no positive adult male role models to look up to, or to rely on for advice. He is not an adult—Jamal is an immature boy who is very susceptible to negative peer influences. He is less able than an adult to anticipate the consequences of the bad choices that he makes. Jamal was involved in this one serious event through no real fault of his own. His neighborhood is run by the gangs, and he has resorted to looking to gang members for protection—he has no other choice if he wants to survive. Jamal is not a mature offender. He doesn’t have the ability to premeditate or plan events like robbery or murder. Jamal did not and does not want to live a life of crime—he just ended up in the wrong place at the wrong time. Finding Jamal guilty and then sending him to prison will only have more negative effects on this boy. He is a young boy, and should not be considered to be equivalent to an adult offender.

Defense Attorney’s Closing Statement Insert

Ladies and gentlemen, the evidence in this case shows that Jamal Washington is what you might call a Wayward Youth. You know that he is a good kid. He was pressured into being involved in this tragedy by a feared gang member. He has been failed by his parents and the justice system. Jamal is not an adult—Jamal is an immature boy who is very susceptible to negative peer influences. On the afternoon of the killing he knew what he was getting himself into. He premeditated and planned the events to occur as they did. The defendant in this case is a young boy and should not be considered as an adult offender. Jamal is nothing but a Superpredator. Finding him guilty will stop a criminal.

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