Chapter 7

JURORS' PERCEPTIONS OF JUVENILE OFFENDERS TRIED IN ADULT CRIMINAL COURT

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Despite a reduction in juvenile arrests (Snyder, 2006), the 1990s witnessed a growing "get tough" attitude toward juvenile crime, exemplified by an increase in juvenile waiver statutes that facilitate the transfer of juveniles from family court into adult criminal court (Reppucci, Michel, & Kostelnik, 2009). Once in adult court, cases involving juveniles are decided by jurors rather than by family or juvenile court judges. It has thus become important to understand factors that influence jurors' perceptions of juvenile defendants tried in adult court. In this paper, we review existing research on factors that affect perceptions of juveniles. We first consider the influence of juvenile characteristics (i.e., race, socioeconomic status, age, history of maltreatment, gender, intellectual disability, and tendency to falsely confess), followed by juror factors (i.e., juror gender and stereotypes about juveniles), and, finally, courtroom and trial factors (i.e., attorney tactics to induce empathy for and stereotypes about juvenile defendants and jury deliberation).

To preview, the research we review typically employs a mock trial paradigm in which adult participants play the role of jurors by considering a criminal case involving a juvenile defendant who is being tried in adult criminal court. The case is typically presented via summarized written scenarios or trial transcripts. Mock jurors render a verdict (sometimes individually and sometimes after deliberating within a jury) and make other judgments about the case (e.g., the extent to which a defendant is credible or responsible for an alleged crime). This methodology allows researchers to have the control necessary to understand the causal influence of certain factors (e.g., defendant age or gender) on case judgments while all other factors remain constant, which is otherwise impossible when passively examining actual

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trials. Although highly controlled laboratory experiments run the risk of artificiality (e.g., Diamond, 1997), researchers often attempt to combat this risk by employing realistic case materials.

**Juvenile Offender Characteristics**

**Race/Ethnicity**

Consistent with established theories of stereotyping and racism, especially aversive racism (Gaertner & Dovidio, 1986), numerous studies have shown that jurors render harsher sentences for African American than White adult offenders (for a meta-analytic review, see Sweeney & Haney, 1992). Do similar racial biases manifest toward juveniles tried in adult court? To test this, Scott, Reppucci, Antonishak, and DeGennaro (2006) asked community members to watch a video clip depicting an armed robbery of a convenience store involving a masked perpetrator. They were next shown a separate picture of the alleged masked perpetrator: a juvenile portrayed as either White or Black. Juvenile race did not affect case judgments. It is possible that, in the context of this experiment, the photo of a Black youth raised jurors’ awareness of race, and, subsequently, their motivation to control racial prejudice.

To explore this possibility, Stevenson and Bottoms (2009) examined non-Black mock jurors’ judgments in a case involving a Black or White juvenile accused of robbing and murdering a Black or White elderly man. By embedding race of defendant with other demographic characteristics (i.e., gender, age), participants noticed race, yet did not become overly suspicious that the experiment was studying race. Men, but not women, voted guilty more often when the juvenile defendant was Black than White and when the victim was White than Black. This is consistent with research illustrating that men, on average, tend to score higher on measures of explicit racism than do women (Ekehammar, Akrami, & Araya, 2003).

In a new line of research, Stevenson and colleagues (2010) explored the influence of a juvenile defendant’s race on non-Black jurors’ deliberations when they express a verdict preference that differs from other jurors’ verdict preferences. This situation that many jurors inevitably encounter in real cases was simulated via a computer interface. That is, participants were led to believe that they were deliberating with other jurors online and that all other jurors had voted the opposite of them (i.e., guilty if they voted innocent, and vice versa). Stevenson et al. experimentally manipulated defendant and victim race (Black versus White) and found evidence that jurors were less likely to conform (i.e., change their verdict from guilty to innocent, or vice versa) and more confident in their verdict when the defendant was Black than White and when the victim was Black than White. Why? Ironically, people are more confident in their decisions when they know less rather than more information, probably because they have fewer plausible alternatives to consider (e.g., Levin, Chapman, & Johnson, 1988). Non-Black participants in this study probably felt as if they had less individuating information about a defendant or victim who was Black (an out-group member) rather than White. In support, people consider out-group members as more similar to one another than they really are and more similar to one another than in-group members (e.g., Quattrone, 1986).
Socioeconomic Status

Because racial bias appears to manifest in cases involving minority juvenile offenders, it is possible that similar biases might lead to discriminatory treatment against low socioeconomic status (SES) juvenile offenders. In fact, mock jury research shows that a low-SES adult defendant (as compared to middle- or high-SES defendants) is more likely to be perceived as a "typical criminal" and convicted (e.g., Ellis & McDonald, 2001). To test whether this bias affects juvenile defendants, Sorensen and Stevenson (2010) manipulated the SES of a juvenile defendant (low, middle, or high) in the context of an ambiguous robbery/murder vignette. Participants were more likely to convict the juvenile defendant if he was described as being of low SES than either middle or high SES. Further, participants were more likely to believe that the low SES juvenile was a cold and calculating superpredator, as compared to the middle/high SES juvenile—a belief that statistically explained the effect of SES on guilt judgments. Future research should examine the potential for bias against low SES juvenile offenders in the context of other types of crime (e.g., rape, negligent homicide).

Age

That jurors perceive younger versus older juvenile offenders differently is a well-established finding. Jurors tend to view younger juvenile offenders as less competent (Ghetti & Redlich, 2001), less culpable (Scott, Reppucci, Antonishak, & DeGennaro, 2006), and less responsible than older juvenile offenders (Ghetti & Redlich, 2001). In turn, jurors assign shorter sentences and are less likely to recommend adult court to younger compared to older juvenile offenders (Nunez, Dahl, Tang, & Jensen, 2007; Scott et al., 2006). Less research, however, has explored whether jurors’ case judgments are influenced by whether the offender is a juvenile versus an adult.

In one of the first studies to test this possibility (also described above), Scott et al. (2006) instructed mock jurors to watch a video clip of an armed robbery (in which the offender was wearing a ski mask). Participants were led to believe the defendant was 12, 15, or 20 years old. Although jurors perceived the 12- and 15-year-old defendants to be no different in psychosocial maturity (and less mature than the 20-year-old defendant), they perceived only the 12-year-old (but not the 15 year old) to be less responsible for his crime than the adult defendant. These findings suggest that, under certain circumstances, jurors may view older juvenile offenders similarly to adult offenders. Perry and Stevenson (2010) found further support for this possibility. When offender age was manipulated between participants (i.e., the defendant was either 15 or 35 years old), mock jurors thought the juvenile defendant was more likely to be rehabilitated than the adult defendant, but they perceived the juvenile as equally responsible for his crime as the adult. Thus, although jurors may distinguish between younger and older juvenile offenders, they may sometimes view older juveniles similarly to adults (Perry & Stevenson, 2010; Scott et al., 2006).
Abuse History

Due to the well-documented link between child maltreatment and juvenile delinquency (e.g., Smith & Thornberry, 1995; Widom & Maxfield, 2001; Widom & Wilson, 2009), it is possible that jurors might incorrectly use a history of abuse against juveniles, interpreting it as evidence that the juvenile will commit future crimes (Stevenson, 2009). Yet research shows that mock jurors are generally more lenient toward physically abused than nonabused juvenile defendants in murder cases, particularly when the juvenile kills the supposed abuser, presumably in self-defense (Nunez, Dahl, Tang, & Jensen, 2007; Stalans & Henry, 1994).

To explore whether jurors also perceive abused juveniles more favorably than nonabused juveniles when self-defense is not a plausible explanation for a crime, Najdowski, Bottoms, and Vargas (2009) asked mock jurors to read four vignettes describing a 16-year-old girl as unambiguously guilty of shoplifting, selling drugs near a school, aggravated assault/murder of a peer, and murder committed in self-defense after a fight with her father. The juvenile was also described as having either no known abuse history or a history of neglect and physical and sexual abuse at the hands of her father. The abused juvenile was considered less responsible for the crime, less “bad,” and more amenable to rehabilitation than the nonabused juvenile in the self-defense murder case, but not in the other three cases. The only significant effect of abuse in the other three cases was one effect in the aggravated assault/murder case, which involved no self-defense. In that case, jurors perceived the abused juvenile as less amenable to rehabilitation than the nonabused juvenile. These results suggest that jurors are not generally sympathetic to juveniles who were abused; instead, they use past abuse as mitigating evidence only when it can be interpreted as motivation for perpetrating a crime (i.e., self-defense). In other cases, abuse might even be used as an aggravating factor. In fact, Stevenson, Bottoms, and Diamond (2010) coded jurors’ deliberation comments during the death penalty sentencing phase and found that jurors were more likely to discuss an adult defendant’s history of being abused as a child in arguments favoring a death sentence than in arguments favoring a life sentence.

Gender

There is mixed evidence regarding the effect of juvenile gender on jurors’ case judgments. For instance, Haegerich and Bottoms (2000) experimentally manipulated juvenile defendant gender in the context of a vignette depicting a teenager alleged to have murdered his/her father in self-defense because of years of sexual abuse perpetrated by the father. Jurors were more likely to believe that the crime had been committed in self-defense when the defendant was a girl rather than a boy. Jurors were also less likely to make negative, internal dispositional attributions (i.e., that the juvenile was a bad person) when the defendant was a girl than a boy. Even so, juvenile gender did not significantly affect key case judgments such as verdict.

In another study involving alleged murder, Nunez and colleagues (2007) found no main effects of juvenile defendant gender on mock jurors’ preferences for whether the juvenile should be tried in juvenile or adult court, but instead, complex interactions of juvenile gender and case factors. Specifically, jurors were more likely to recommend juvenile court for a girl offender if she was younger, abused, or had murdered her father than if she was older,
nonabused, or had murdered her neighbor. Jurors’ recommendations for a boy offender were more nuanced, however, with abuse history mitigating judgments only for an older boy or a boy who murdered his father (the abuser).

Although there is little evidence that juvenile defendant gender has direct effects on jurors’ perceptions and case judgments, theoretically, jurors might be more sympathetic and lenient toward girl than boy offenders due to stereotypes that girls are less aggressive than boys (Deaux & Lewis, 1984), and also because girls commit less crime and less violent crime than boys (Snyder, 2006). Nunez (2007), however, theorized that jurors might perceive a girl who committed a violent crime as violating gender norms, and thus, particularly aggressive and deviant. Thus, more research is necessary to examine the effects of this important variable in the context of different crimes, particularly those in which self-defense is not a possible explanation for the crime.

**Intellectual Disability**

Juvenile offenders are disproportionately likely to be intellectually disabled (i.e., mentally retarded) (Kazdin, 2000), perhaps in part because disabled juveniles have impaired psychosocial and decision-making capacities. Even though these impairments diminish legal culpability (e.g., Atkins v. Virginia, 2002), intellectual disability does not usually prevent juveniles from being transferred from juvenile court to adult court. To determine whether jurors’ perceptions and judgments are influenced by juveniles’ intellectual disability, Najdowski, Bottoms, and Vargas (2009) varied the disability status of the juvenile defendant in the study of abuse history described previously. Specifically, they portrayed the juvenile as either “developmentally delayed, functioning in the mild range of mental retardation” or “of average intelligence.” Overall, participants perceived a disabled juvenile as less “bad” and less responsible than a nondisabled juvenile, regardless of the severity of the crime she committed. Although this could have implications for jurors’ sentencing judgments in cases involving disabled juveniles, other studies in which a juvenile’s guilt was ambiguous revealed that jurors perceived a disabled juvenile as less guilty and less responsible only when she was accused of a fairly non-serious offense (i.e., a drug offense), not when accused of more serious offenses (i.e., assault, murder) (Najdowski, Bottoms, & Vargas, 2009, Study 2; Najdowski, Bottoms, Vargas, & Cummins, 2009). Perhaps jurors simply do not distinguish between disabled and nondisabled juveniles when deciding how likely it is that they committed a serious crime like murder. Alternatively, it is possible that jurors’ judgments were not influenced by disability status because the alleged crime described in those studies was not a very complex one (i.e., the victim was drunk and unable to defend himself, the juvenile lived with the victim and had easy access to him). Future research might examine whether a juvenile’s disability status influences jurors’ judgments in cases involving more complicated crimes, which require greater cognitive abilities to perpetrate.

**Tendency to Falsely Confess**

In contrast to voluntary confessions, coerced false confessions occur when suspects are induced through coercive interrogation tactics to confess to a crime they did not commit.
Mock jurors are biased to perceive confessions as true, and they convict adults who confess under coercion just as often as those who confess voluntarily (for review, see Kassin & Gudjonsson, 2004). Because juvenile suspects are at substantial risk for falsely confessing to crimes, particularly if they are young or intellectually disabled (for review, see Redlich & Kassin, 2009), it is important to understand how jurors are influenced by juveniles' false confessions. Redlich, Quas, and Ghetti (2008) were the first to examine this issue in a mock trial involving a juvenile accused of murdering a toddler. Even though the juvenile denied allegations over 40 times before eventually admitting guilt, jurors’ perceptions of the voluntariness (of lack thereof) of the juvenile’s confession did not influence their verdicts. Jurors who thought the juvenile did not understand the interrogation or that the police were unfair were, however, less likely to vote guilty than others.

Extending this research, in the aforementioned studies in which the juvenile was described as either intellectually disabled or not, Najdowski and colleagues (Najdowski, Bottoms, & Vargas, 2009; Najdowski, Bottoms, Vargas, & Cummens, 2009) examined mock jurors’ reactions to a girl defendant who was portrayed as having either (a) maintained her innocence during police questioning (no confession), (b) confessed under coercion but later recanted (coerced confession), or (c) immediately confessed but later recanted (voluntary confession). Najdowski, Bottoms, Vargas, and Cummens (2009) found that jurors perceived a juvenile who confessed voluntarily as significantly more guilty than a juvenile who confessed under coercion or never confessed, with jurors reacting to the latter two conditions similarly. Thus, in contrast to prior research suggesting that jurors do not discount adults’ coerced confessions, jurors do discount juveniles’ coerced confessions. This appears to be because coercive circumstances cause jurors to realize that juvenile defendants are suggestible and to doubt the truthfulness of their confessions.

Although Najdowski, Bottoms, and Vargas (2009) showed that jurors’ discounted a juvenile’s coerced confession when the juvenile was disabled but not when she was of average intelligence, Najdowski, Bottoms, Vargas, and Cummens (2009) found that jurors discounted a juvenile’s coerced confession regardless of her disability status. Perhaps jurors in the former study, which used only written trial materials, did not recognize that the young juvenile defendant was suggestible unless she was also intellectually disabled. In contrast, jurors in the latter study might have been more aware of the juvenile’s suggestibility because more ecologically valid materials were used, including more detailed case scenarios, videotaped testimony, and actual jury instructions. Future research should examine what conditions are necessary and sufficient to highlight juvenile defendants’ potential suggestibility when jurors evaluate their confessions.

**Juror Factors**

Courts have long recognized that jurors’ judgments can be influenced by different attitudes, beliefs, and life experiences. Next, we review juror factors that might influence perceptions of juvenile offenders.
Juror Gender

In general, women render more pro-child-victim judgments (e.g., guilty verdicts) than men in child sexual and physical abuse cases (see Bottoms, Golding, Stevenson, Wiley, & Wozniak, 2006, for a review), partly because women have greater empathy for and more positive attitudes toward children (Bottoms, 1993). Do women’s pro-child-victim tendencies translate into pro-child-offender tendencies? Haegeirich and Bottoms’ (2000) research suggests that it does: In the study described above involving a juvenile defendant accused of killing his/her abusive father in self-defense after years of alleged sexual abuse, women rendered fewer guilt judgments and rated the juvenile as more credible than did men. Haegeirich and Bottoms’ findings might simply reflect gender differences in reaction to the child sexual abuse allegations, with women more likely to believe them and therefore more likely to believe that the murder was committed in self-defense. Studies that do not involve allegations of child sexual abuse, however, also provide evidence of a general gender difference in reactions to juvenile defendants. For example, although Stevenson and Bottoms (2009) found no pervasive gender differences in jurors’ reactions toward a juvenile accused of murder, Stalans and Henry (1994) showed that women were less likely than men to favor waiving a juvenile’s case to adult court and that women supported shorter sentences. Crosby, Briner, Jodl, and Portwood (1995) also demonstrated that women favored less severe sentences for juveniles than men. Finally, Redlich and colleagues found that, compared to men, women considered a juvenile defendant as less likely to have committed a crime (Redlich, Ghetti, & Quas, 2008) and as having less understanding of criminal interrogation situations (Redlich, Quas, & Ghetti, 2008). Women also perceived juvenile interrogations as less fair and the police who conducted them as more manipulative (Redlich, Quas, & Ghetti, 2008). Thus, although women’s and men’s case judgments appear to be more similar than different, when differences do emerge, women are generally more pro-juvenile defendant than men.

Jurors’ Stereotypes about Juvenile Offenders

Although some research suggests that the general public endorses a punitive approach to juvenile crime (Levesque, 1996), other research demonstrates a public preference for rehabilitating juvenile offenders (e.g., Moon, Sundt, Cullen, & Wright, 2000; Nagin, Piquero, Scott, & Steinberg, 2006). Haegeirich and Bottoms (2004) identified two different stereotypes held about juvenile offenders—that juveniles are either (a) cold and calculating “Superpredators” or (b) relatively innocuous “Wayward Youths.” They also found that although people are aware of both stereotypes, they vary in the extent to which they endorse one versus the other. Those who endorse the Superpredator stereotype believe that juvenile offenders are mature, cold, cruel, and not amenable to rehabilitation, whereas those who endorse the Wayward Youth stereotype believe that juvenile offenders are immature youth who can and should be rehabilitated rather than punished. Although fewer participants endorsed the Superpredator than Wayward Youth stereotype, they still generally overestimated the amount and severity of juvenile crime. Further, endorsement of juvenile offender stereotypes translates into biased juror decisions: In a mock trial involving a juvenile accused of robbery and murder, jurors who endorsed the Superpredator stereotype rendered
more severe case judgments (e.g., more guilty verdicts, lengthier sentences) than did jurors who endorsed the Wayward Youth stereotype.

Courtroom and Trial Factors: Attorneys’ Tactics and Jury Deliberation

Attorneys’ Tactics: Empathy Induction and Stereotype Activation

Can attorneys shape jurors’ reactions toward juvenile defendants? In their previously described research on jurors’ judgments in a case involving a juvenile accused of killing his/her abusive father, Haegerich and Bottoms (2000) investigated whether attorneys can influence case outcomes by creating a compelling empathic atmosphere toward a juvenile offender. In one condition of their study, the defense attorney used the opening and closing statements to ask jurors to take the perspective of the juvenile defendant and to think of how they would be thinking and feeling if they were the defendant. Compared to jurors in the control group (i.e., who received no such empathy-inducing instructions), jurors in this empathy-inducing condition were less likely to convict the juvenile, considered the juvenile to be less responsible for the murder, and perceived the child sexual abuse claim as more of a mitigating factor in the killing. Women mock jurors were more lenient toward the juvenile defendant overall, relative to men, and were more influenced by the empathy induction.

In a separate study, Haegerich and Bottoms (2004) tested whether attorneys could activate stereotypes about juveniles (i.e., Superpredator vs. Wayward Youth) in their opening and closing statements in the context of a mock trial involving a juvenile defendant accused of robbery/murder. In one condition, the prosecutor argued that the defendant was a Superpredator who could not be rehabilitated. In the other condition, the defense attorney argued that the defendant was a Wayward Youth who could be rehabilitated. In the control condition, attorneys mentioned neither stereotype. As expected, jurors in the Superpredator condition convicted the juvenile more often and recommended lengthier sentences than did jurors who were in the Wayward Youth condition or jurors in the control condition.

Thus, research suggests that attorneys can shape jurors’ reactions to juvenile offenders tried in adult court—an interesting finding in light of the fact that in these studies, as in actual trials, jurors were specifically instructed that attorneys’ opening statements and closing statements are not evidence and should not unduly influence case outcomes. Future research should test the effectiveness of courtroom procedures, such as more extensive jury instructions warning that attorneys’ statements can bias decision making, in diminishing the biasing influence of attorneys’ statements.

Jury Deliberation

Of course, a juror’s individual verdict preference does not always mirror the jury’s final decision after jurors have deliberated together in a group (e.g., Bray & Noble, 1978; Davis, Spitzer, Nagao, & Stasser, 1978). Jurors might exhibit a general leniency bias: a well-documented overall trend for jurors’ judgments to be more lenient after deliberation than before deliberation because deliberation highlights the legal standard of reasonable doubt.
Further, as noted by Haegerich and Bottoms (2004), jurors’ pre-deliberation stereotypes could be minimized to the extent that jurors attempt to control their biases and avoid applying a stereotype—a desire that may be heightened during group deliberation. In contrast, maximization could occur due to social pressures from other jurors to conform and also possibly due to strengthened personal acceptance of attitudes as a result of perceived group consensus. Alternatively, deliberation might not affect the extent to which jurors’ stereotypes influence decisions.

Haegerich and Bottoms (2004) found support for the last hypothesis: Jurors’ post-deliberation judgments simply reflected the average pre-deliberation verdict preference of the individual jurors. This provides evidence relevant to a continued debate in the field of psycholegal research regarding the ecological validity of mock jury research without deliberation (Diamond, 1997). This study is consistent with other research indicating that juror and jury judgments are generally similar in cases involving adult defendants (see Devine et al., 2001 for a review), and suggests that this is also true for cases involving juvenile defendants.

Conclusions and Future Directions

A review of a growing body of research on perceptions of juvenile offenders reveals that juvenile offender, juror, and trial factors can all influence trial outcomes, in ways that may or may not lead to fair trials. Identifying such factors is the first step before efforts can be made to enhance the fairness of trials involving juveniles via voir dire strategies, jury instruction reform, and expert witness testimony. Yet, as we detail throughout this review, there is need for much more research. For instance, future research should explore the perceptions of other key legal players such as judges and probation officers. In addition, a recent legislative development has serious implications for juveniles who commit specific offenses, namely sex offenses: Sex offender registration (i.e., public access—often via the internet—to information about the offender, such as name, date of birth, address, place of employment, photograph) that were once applied only to adult sex offenders are now being applied to juveniles (for review, see Salerno, Stevenson, et al., 2010). Research is just beginning to explore factors that influence public support for this new legislation. For example, Salerno, Najdowski, et al. (2010) found that, although support for registering juvenile sex offenders in the abstract is quite high, support diminishes when people are asked to consider specific types of non-serious sex offenses—offenses that juveniles are currently being registered for in many states (e.g., boyfriend/girlfriend status offenses). Further, support for registering juveniles is also influenced by juvenile offender characteristics including ethnicity (Stevenson, Sorenson, Smith, Sekely, & Dzwairo, 2009) and a history of sexual abuse (Najdowski, Stevenson, Bottoms, & Sorenson, 2010; Stevenson, Najdowski, & Sorenson, 2010).

In summary, we feel it is crucial for future research to continue to explore factors that influence adults’ perceptions of children who commit crimes. Youthful offenders are among the most developmentally vulnerable individuals who enter our legal system. Yet current societal trends to transfer these youth to adult court likely stem from the false belief that child offenders can understand a complex legal system that was designed for adults. Continued scientifically sound research on these issues is necessary to promote justice and to protect vulnerable child offenders.
References


deliberations. Presentation at the annual meeting of the American Psychology Law Society, Vancouver, Canada.


