

Attitudes Regarding Life Sentences for Juvenile Offenders

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Twice in recent years, the U.S. Supreme Court has considered the constitutionality of life sentences without the possibility of parole (LWOP) for juvenile offenders. Given the public nature of this issue, there is scant information on beliefs about imposing LWOP on juveniles. Attitudes on related issues suggest two possibilities. On the one hand, because public opinion regarding juvenile offenders has become somewhat less punitive recently, LWOP may be viewed as excessively harsh punishment. On the other hand, portrayal of some juvenile offenders as superpredators suggests that LWOP may still have public support. We used survey methodology and the unique “ninth justice paradigm” to examine how an offender’s age influences beliefs about the appropriateness of LWOP, and the relationship between those beliefs and punishment-related ideologies. Results showed that, except in the case of murder, the majority of respondents disfavored imposing LWOP on juveniles, though a subset approved broad use of LWOP even for young offenders. In fact, after removing from consideration those who oppose LWOP under any circumstances, youthfulness of the offender has little impact on the beliefs about the types of crimes in which LWOP should be imposed (Study 1) or the mean sentence lengths imposed on juvenile offenders (Study 2). Respondents’ punishment goals influenced their attitudes, as did beliefs about the likelihood of rehabilitation and reform. Harsh judgments of juveniles who commit serious crimes may result from dispositional attributions of youthful offenders as irredeemable.

Keywords: juvenile offenders, sentencing, life in prison without parole, public opinion, punishment goals

The Eighth Amendment of the U.S. Constitution bans punishments that are cruel and unusual. Implicit in that ban is the principle of proportionality, meaning that “punishment for crime should be graduated and proportioned to [the] offense” (*Weems v. U.S.*, 1910, p. 367). Punishments that are disproportionate have been deemed cruel and unusual. The U.S. Supreme Court has recognized groups of cases to which the proportionality standard always applies. For example, it has determined that capital punishment is disproportionate for an entire category of offenses—nonhomicide crimes against individuals (*Kennedy v. Louisiana*, 2008)—and for two categories of offenders—those with low intellectual abilities (*Atkins v. Virginia*, 2002) and those who committed their crimes when they were less than 18 years old (*Roper v. Simmons*, 2005).

In recent years, the Supreme Court has also applied a categorical rule to life sentences without the possibility of parole (LWOP) for juvenile offenders. The Court ruled that those who commit non-

homicide offenses before age 18 are ineligible for LWOP (*Graham v. Florida*, 2010) and that sentencing schemes that mandate LWOP for juvenile homicide offenders are unconstitutional (*Miller v. Alabama*, 2012). The Court acknowledged that as the second most extreme penalty permitted by law (*Harmelin v. Michigan*, 1991), LWOP is especially harsh on juvenile offenders who, compared with adults, spend more years and a larger proportion of their lives behind bars. It reasoned that, because juveniles are less culpable and more likely to be rehabilitated than adult offenders, the sentence of LWOP is disproportionate and, hence, unconstitutional.

As part of its analysis of cases involving categorical rules, the Supreme Court considers objective indications of societal standards, including legislation, state practices, and public consensus, pertinent to the issue at hand (*Trop v. Dulles*, 1958). Although data on legislative enactments and state practices regarding LWOP were available to the Supreme Court when it decided these cases, scant data exist on sentiments about the appropriateness of LWOP for juvenile offenders. The sole exception—other than studies (e.g., *Vogel & Vogel*, 2003) that pose LWOP as an alternative to the death penalty—surveyed Michigan residents in 2005 and 2006 and found that support for LWOP was low when respondents were given alternative sentencing options (*Kubiak & Allen*, 2011).

Though assessing sentiments about LWOP for juveniles who commit various crimes was the goal of the present research, we did not presume that our findings would influence the Court’s decisions. The impetus for these studies was the surprising absence of relevant data, and the desire to contribute to scholarly discourse on attitudes about punishment of juvenile offenders, rather than any naive belief that our findings would influence the Court’s decision-making. But our data *can* provide post hoc information regarding the public’s beliefs about issues at the heart of the *Graham* and *Miller* cases, and they may be useful to courts in the future. In

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addition to examining attitudes about LWOP, we assessed the association between beliefs about the appropriateness of LWOP for juvenile offenders and respondents' punishment-related attitudes. We also examined how attitudes toward LWOP vary as a function of the age of the juvenile offender. No research to date has examined either of these issues.

Evolving Public Opinion on Punishing Juvenile Offenders

Sentiments about the treatment of juvenile offenders have oscillated over the years between benevolence and punitiveness. Juvenile courts were established in the early part of the 20th century on the rationale that youthful offenders were less deserving of severe punishment than adults involved in the criminal justice system. But in the 1980s and early 1990s, concerns about an increase in the number and types of crimes committed by juveniles (Blumstein, 2002), portrayals of juvenile offenders as vicious "superpredators" (Bennett, Dilulio, & Walters, 1996; Fox, 1996), and beliefs that juvenile courts could not effectively rehabilitate youthful offenders (Lipton, Martinson, & Wilks, 1975) resulted in a series of harsh policies that were generally characterized by "just desserts" rhetoric (see, e.g., Carlsmith, Darley, & Robinson, 2002). Legislation enacted during this period expanded the number of offenses for which juveniles could be transferred to adult court, lowered the age at which youthful offenders could be excluded from jurisdiction by juvenile courts, and allowed prosecutors considerable discretion in adjudicating juvenile cases. These harsher laws represented a dramatic shift away from previous policies that viewed adolescence as a period of developmental immaturity and young offenders as likely to respond to and benefit from rehabilitation, and were justified as satisfying the public's get-tough attitudes (Slobogin & Fondacaro, 2011). Public opinion at the time generally favored these punitive measures, particularly for youths charged with serious violent or property crimes (Moon, Sundt, Cullen, & Wright, 2000).

Such relatively harsh policies have affected the way that juvenile offenders are sentenced. To date, approximately 2,500 juveniles have been sentenced to life without parole, and many thousands more have received virtual life sentences (e.g., three consecutive life sentences; Stevenson, 2011).

But with a steady decline in the juvenile crime rate over the past decade (Snyder & Sickmund, 2006) and media attention to the powerful image of sentencing children to die in prison (Hechinger, 2011), public attitudes toward youth crime have become somewhat more muted and nuanced. Recent studies have showed that, although people believe juveniles should be held accountable for their crimes, they also favor policies that acknowledge diminished responsibility in adolescence and that provide opportunities for rehabilitation (Piquero & Steinberg, 2010). People apparently recognize the impulsiveness and psychosocial immaturity of adolescents, and understand links between youthfulness and reduced criminal responsibility (Scott, Reppucci, Antonishak, & DeGerano, 2006). Furthermore, people generally oppose giving the same sentences to juveniles and to adults (Schwartz, Guo, & Kerbs, 1992). These findings imply that public sentiment about juvenile offenders is based, at least in part, on an understanding of the unique ways that young offenders differ from adults.

People are also sensitive to certain contextual features of cases involving juveniles. So, for example, evidence of childhood abuse (Stalans & Henry, 1994) and the presence of a disability in youthful offenders (Najdowski, Bottoms, & Vargas, 2009) influence the public's beliefs about the wrongfulness of acts committed by juveniles, the potential to deter future crimes, and, ultimately, their preferences for adjudication.

Yet data are equivocal on the effects of another important variable—the offender's age—on opinions about the accountability and punishment of juvenile offenders. Scott et al. (2006) found that people attribute more responsibility to an offender as his age increases, and Stalans and Henry (1994) showed that respondents were more likely to recommend adult court for a 16-year-old than a 14-year-old. But results from Ghetti and Redlich's (2001) study of the effects of offenders' age on perceptions of responsibility and sentencing preferences paint a more complex picture. In their study, the offender's age influenced respondents' attributions of his blameworthiness, competence, and understanding of the situation, but did not influence their attitudes about an appropriate punishment or the sentences they assigned. Ghetti and Redlich reasoned that opinions about punishment and sentencing preferences are primarily influenced by the tendency to attribute antisocial acts to a "criminal disposition" regardless of the offender's age. This attribution allows observers to feel some control over incomprehensible events, and reduces their sense of personal vulnerability to this risk. Dispositional attributions may be particularly likely in response to juvenile crime, which is often portrayed by the media as random and inexplicable and rarely explained in conjunction with situational factors.

Another possibility is that the effects of offenders' age are moderated by the heinousness of the crime. In their study of decisions involving capital punishment for young offenders, Finkel, Hughes, Smith, and Hurabiell (1994) found a significant age effect (i.e., fewer death sentences to younger offenders) for the least heinous crime evaluated, a marginally significant age effect for a moderately heinous crime, and no age effects for the most heinous crime (see also Kalbeitzner & Goldstein, 2006). This ambiguity in the role of offenders' age in punishment-related beliefs led us to examine it in the present studies.

Influence of Punishment Goals

In the *Graham* case, the Supreme Court explicitly dismissed the traditional goals of penal sanctions—retribution, deterrence, incapacitation, and rehabilitation—as inadequate to justify life without parole for juvenile nonhomicide offenders. The Court reasoned that retribution should be directly related to the personal culpability of the offender, which, in the case of a youthful offender who did not commit a homicide, is less than that of an adult. It dismissed deterrence as sufficient justification for LWOP because, due to their lack of maturity and developing sense of responsibility, young offenders are less likely than adults to consider possible punishment when deciding to commit a crime. According to the Court, incapacitation cannot justify life sentences because it requires a judgment that the offender is incorrigible yet identity formation is not fully developed in juveniles. Finally, the Court noted that the goal of rehabilitation is forsworn by LWOP because a life sentence denies the defendant an opportunity to change and to reenter society. These are strong disclaimers, given prior deci-

sions in which the Court has recognized the legitimacy of those objectives (e.g., *Ewing v. California*, 2003).

Regardless of the Court's analysis, the *public's* opinions about the appropriateness of LWOP for juveniles may, in fact, be related to its beliefs about the objectives of punishment. Researchers have examined the relationship between opinions about the adjudication of juveniles in adult court and support for various punishment goals. For example, *Stalans and Henry* (1994) showed that people were more receptive to transfer laws if they believed that this move would deter other youthful offenders. *Applegate, Davis, and Cullen* (2009) showed that endorsement of transfer laws was associated with the belief that adult courts would provide more effective rehabilitation. These findings suggest that beliefs about LWOP indeed may be related to people's punishment ideologies.

Research findings have also showed that juvenile justice policies, apparently a reflection of public sentiment, have tended to oscillate between retributive and rehabilitative objectives, though in recent years the public has become increasingly optimistic about rehabilitation of juveniles (*Piquero, Cullen, Unnever, Piquero, & Gordon*, 2010). Yet scant research has examined links between punishment objectives for youthful offenders and the preferred severity of the sanction (*Payne, Gainey, Triplett, & Danner*, 2004). We address that issue in the present studies, and ask to what extent beliefs about the appropriateness of retribution, deterrence, incapacitation, and rehabilitation are associated with support for life sentences for juveniles.

The Present Research

We report two studies that used different methodologies. Study 1 assessed, via surveys, public sentiments about the minimum age at which an offender should be sentenced to LWOP for committing crimes ranging from a drug sale to murder, and examined respondents' opinions as a function of their punishment goals. Study 2 used a separate group of respondents and a unique experimental design, the "ninth justice paradigm" (*Finkel & Duff*, 1991), in which respondents were asked to assume the role of the ninth justice on an appellate court that is divided 4–4 about overturning a sentence of LWOP for a juvenile nonhomicide offender, to break the tie, and to explain their reasoning. In the context of details about a particular crime and juvenile, we varied the offender's age to determine whether this contextual factor affected endorsement of LWOP.

Scott et al. (2006) argued that examining public sentiments about juvenile justice by using varying techniques will yield a more nuanced understanding of these complex attitudes. In fact, public sentiments may be an artifact of the questions used to measure them (*Bishop*, 2004): when people are asked broad-based questions about their general support for or opposition to various concepts, they tend to provide heuristically based responses because they lack information on which to base a more thoughtful response (*Kahneman*, 2011). Related to the present studies, global questions about punishment that provide few details and that do not refer to particular offenders tend to yield more punitive responses than questions that pertain to a particular individual (*Cullen, Fisher, & Applegate*, 2000). Thus, we opted to employ both survey and experimental methodology to measure both global beliefs and specific sentiments regarding preferences for sentencing an individual offender. Using different methodologies, we

were also able to move beyond correlational findings and explore causal factors in judgments about LWOP sentencing.

Study 1

The specific research questions and hypotheses of Study 1 were:

1. To what extent do people view LWOP as an appropriate sentence for juvenile and young adult offenders? We measured support for LWOP by asking for the minimum age at which LWOP should be imposed, if at all, as punishment for eight different crimes. Based on previously cited findings that people understand the impulsiveness and psychosocial immaturity associated with adolescence and that the public tends to favor policies that differentiate juvenile from adult offenders, we hypothesized that respondents would generally not be supportive of LWOP for juveniles. Further, we hypothesized that participants would believe that *if* imposed, LWOP should be reserved for juveniles who committed the most serious crimes; that is, for murderers, and not for youthful offenders who committed nonhomicides.
2. How are people's punishment-related ideologies associated with support for LWOP? Based on previously cited studies showing that punishment ideologies are associated with beliefs about the treatment of juvenile offenders, we hypothesized that individuals who favor notions of retribution, incarceration, and deterrence would support LWOP for juveniles more strongly than those who value rehabilitative potential.

Method

Participants. Three-hundred and seventeen participants completed this study. They were recruited from a local university and surrounding community of a midsized western city. The student participants ($n = 168$) were given course credit. The community participants ($n = 149$) were recruited in public areas (e.g., bus stops, farmers' markets) and received no monetary compensation.

We provide a breakdown of participants' demographic information in *Table 1*. The student sample included a higher proportion of women and was younger than the community sample. However, the samples were similar in self-reported ethnicity and political leaning. *Table 1* also shows how the samples and total respondent group compare with the most recent U.S. Census data for the population. The total sample was similar in median age and ethnicity to the population from which it was recruited, but included proportionately fewer men.

Although the samples were similar demographically, observed differences in age or sex balance might have affected the outcome variables of interest. To assess whether the samples differed on these measures, we conducted a *t* test to compare their mean scores for each outcome variable (i.e., LWOP support for all eight crimes, overall LWOP support, and punitive and rehabilitative justice subscales of the Sentencing Goals Scale.). There were no statistically significant differences between samples on any of these variables ($ps > .05$, $\eta^2s < .02$). Given their similar responses, the community and student samples were combined for further analysis.

Table 1
Demographic Data for Student and Community Samples and Population in Study 1

Demographics	Student	Community	Total	2010 Census data
<i>n</i>	168	149	317	416,427
Age (years)				
Median	22	43	31	35
Minimum	18	18	18	
Maximum	77	93	93	
Sex				
Female	74%	56%	65%	51%
Male	26%	44%	35%	49%
Ethnicity				
African American	4%	7%	5%	6%
Asian	5%	1%	3%	3%
White	77%	80%	79%	79%
Latino/a	8%	6%	7%	16% ^a
Other	7%	5%	6%	7%
Political leaning				
Very conservative	7%	12%	9%	NA
Conservative	23%	13%	18%	NA
Moderate	39%	47%	42%	NA
Liberal	22%	23%	22%	NA
Very liberal	10%	8%	9%	NA

Note. Missing data deleted listwise. Percentages are for all valid cases. NA = not available.

^a The U.S. Census Bureau allows for people who identify as Latino/a to report two races.

Materials and procedure. Data collection occurred between the summer of 2010 and summer of 2011. All data were collected in written form using a survey that contained three sections: the Attitudes toward the Punishment of Young People Questionnaire, demographic questions, and the Sentencing Goals Scale.

The Attitudes Toward the Punishment of Young People Questionnaire was modeled after measures used by Scott et al. (2006) and Reppucci, Scott, and Antonishak (2009), and it assessed the minimum age at which a juvenile should be sentenced to LWOP for various crimes. The questionnaire lists eight crimes: murder of a stranger, car theft, sexual assault, drug sale, murder of an abusive parent, armed robbery of a person, assault resulting in injury, and burglary (breaking and entering). Each crime is followed by a list of all ages from 10–21 years old and also includes the option “a young person should never be sentenced to life without parole for this crime” (henceforth referred to as the “never” option). Respondents were instructed to indicate the minimum age at which they thought it was appropriate for a young person to receive the sentence of life without parole for committing the crime.

A demographic questionnaire asked about the respondent’s age, sex, ethnicity, and political leaning. Finally, to assess punishment-related ideologies, we asked participants to complete the Sentencing Goals Scale (McKee & Feather, 2008, mentioning McKee’s 2005 unpublished doctoral dissertation). The 20-item scale consisted of four subscales, each designed to assess attitudes toward a particular sentencing goal (Incapacitation, Rehabilitation, Retribution, and Deterrence), with 5 items per subscale. Each item was a statement (e.g., “Prison sentences are useful because at least they don’t allow criminals to reoffend”). Respondents indicated their agreement with these statements on a 1 (*strongly disagree*) to 7 (*strongly agree*) Likert-type scale. Previous research has shown

that each subscale has decent internal reliability: Rehabilitation $\alpha = .76$, Retribution $\alpha = .74$, Deterrence $\alpha = .76$, and Incapacitation $\alpha = .67$ (McKee & Feather, 2008). Given the scale’s novelty, further psychometric testing was done prior to analysis.

Results

Data analytic plan. We first present analysis of the hypotheses regarding the age appropriateness of LWOP based on crime type. Given the ordinal nature of these data, participants’ responses were categorized into meaningful dichotomous groups based on the age that participants thought LWOP was appropriate for a given crime. The percentages in each group were compared using confidence intervals (CIs). The analysis involved three different group comparisons (i.e., juvenile and nonjuvenile, juvenile and adult after eliminating respondents who said LWOP was “never appropriate,” and young juvenile and older juvenile after eliminating respondents who said LWOP was “never appropriate” and “appropriate only for adults”). These group divisions, based on legally important criteria, provide a clear picture of how support for LWOP changes based on offenders’ age. Next, the analysis turned to punishment ideologies. After exploring the psychometric properties of the unpublished Sentencing Goals Scale, we examined the relationship between ideologies and LWOP support with a regression analysis.

Appropriateness of LWOP. Results from the Attitudes Toward Punishment of Young People Questionnaire are shown in Table 2. We categorized respondents’ answers depending on whether they gave, as the minimum age at which LWOP was appropriate, a response in the juvenile range of ages 10–17, or indicated that the minimum age was *not* in the juvenile range (i.e., they gave the minimum age as 18–21 or responded that it was “never appropriate”). For seven of the eight crimes evaluated—all except murder of a stranger—the percentage of respondents who gave a minimum age for LWOP in the juvenile range failed to reach a majority (50%), indicating an overall lack of support for imposing LWOP on juvenile offenders.

We predicted that if respondents approved of imposing LWOP on juveniles, they would do so only for the crime of homicide, and not for nonhomicide offenses. To evaluate this hypothesis, we tested whether, for each crime, these percentages differed significantly from 50%. Therefore, we computed 90% CIs for the percentage of respondents who gave the minimum age for LWOP in the juvenile range and for the percentage of respondents who did not (see Table 2). We treated the CIs as equivalent to a one-tailed hypothesis test at the .05 alpha level. When the CIs did not encompass 50%, there was good evidence that the percentage of respondents who supported LWOP with juveniles differed statistically ($\alpha = .05$) from the percentage who did not (Cumming & Fidler, 2009; Tryon, 2001).

We found that, for all nonhomicide offenses, the percentage of respondents who supported LWOP for juveniles (Table 2, column 2) was less than the percentage who did not support it (column 4). These differences were statistically significant. For murder of a stranger, however, there was no statistical difference between the two percentages. Ratings of the appropriateness of LWOP for a juvenile who murdered an abusive parent followed the pattern of nonhomicides rather than homicides (i.e., fewer respondents favored it than disfavored it). These findings suggest a lack of

Table 2
Percent of Respondents Indicating LWOP Support by Offender Age Group for Each Crime

Crime	N	Juvenile		Nonjuvenile	
		%	90% CI	%	90% CI
Murder of a stranger	315	53	[49, 58]	47	[42, 51]
Sexual assault*	316	44	[39, 49]	56	[51, 61]
Murder of an abusive parent	312	25	[21, 30]	75	[70, 79]
Armed robbery of a person*	317	31	[27, 35]	69	[65, 73]
Assault resulting in injury*	315	26	[22, 30]	74	[70, 78]
Drug sale*	315	24	[21, 29]	76	[71, 79]
Burglary/breaking and entering*	314	24	[20, 28]	76	[72, 80]
Car theft*	315	21	[17, 25]	79	[75, 83]

Note. The category Juvenile encompasses respondents who thought LWOP was appropriate for juveniles ages 10–17. The category Nonjuvenile encompasses respondents who thought LWOP was only appropriate for adults ages 18–21 or was never appropriate. Probability notes from test of $H_0: p = .50$. $H_A(\text{Homicide}): P_{\text{Juvenile}} > P_{\text{Nonjuvenile}}$. $H_A(\text{Nonhomicide}): P_{\text{Juvenile}} < P_{\text{Nonjuvenile}}$. CI = confidence interval; LWOP = life sentences without the possibility of parole.

* $p < .05$.

support for imposing LWOP on juveniles subsequent to nonhomicide offenses, and equivocal support for its use even in homicides.

This picture changed markedly, however, when we examined only those respondents who endorsed LWOP, at least for some offenders (see Table 3). This analysis eliminated respondents who said that LWOP was *never* an appropriate sanction for a particular crime regardless of the offender's age. (The number of respondents who said *never appropriate* varied greatly depending on crime type [n range: 24–211] although no demographic variable was significantly related to the number of crimes for which a participant indicated that LWOP was never appropriate, $ps > .06$).

For participants who supported LWOP at least for some offenders, and for all crimes except murder of an abusive parent, the majority of these respondents supported a minimum age for LWOP as somewhere in the 10–17 year range. Using the 90% CIs (i.e., a CI that contained 50% would indicate that age has no significant effect on LWOP support), we found that, for the crimes of murder of a stranger, armed robbery, burglary, and car theft, the percentage of respondents who assigned a minimum age for LWOP between 10 and 17 years—essentially supporting LWOP

for juveniles—was greater than the percentage who favored reserving it for adults. For at least some crimes, the majority of this subset of people supported harsh punishments of juveniles as well as of adult offenders.

Finally, to more precisely assess how respondents viewed punishment options for juvenile offenders of different ages, we eliminated responses from participants who indicated that, for a given crime, LWOP was never appropriate or was appropriate only for adult offenders. (The number of respondents eliminated ranged from 149–252, depending on the type of crime.) We then examined whether respondents were more likely to select a minimum age in the 10–15 year range (younger juveniles) or the 16–17 year range (older juveniles). We chose these categories based on state laws regarding the application of LWOP, briefs submitted to the U.S. Supreme Court (Stevenson, Susskind, & D'Addario, 2011), and Supreme Court opinions (*Stanford v. Kentucky*, 1989; *Thompson v. Oklahoma*, 1988). As shown in Table 4, a similar pattern emerged: for all eight crimes, the percentage of respondents who selected a minimum age for LWOP in the younger juvenile range (Table 4, column 2) was higher than the percentage who selected

Table 3
Percent of Respondents Who Support LWOP by Offender Age Group for Each Crime, After Eliminating "LWOP Never Appropriate" Responses

Crime	n	Juvenile		Adult	
		%	90% CI	%	90% CI
Murder of a stranger*	291	58	[53, 62]	42	[38, 47]
Sexual assault	258	54	[49, 59]	46	[41, 51]
Murder of an abusive parent	174	45	[39, 52]	55	[48, 61]
Armed robbery of a person*	170	57	[51, 63]	43	[37, 49]
Assault resulting in injury	145	56	[49, 62]	44	[38, 51]
Drug sale	141	55	[48, 61]	45	[39, 52]
Burglary/breaking and entering*	118	64	[57, 71]	36	[29, 43]
Car theft*	104	63	[54, 70]	38	[30, 46]

Note. The category Juvenile encompasses respondents who thought LWOP was appropriate for juveniles ages 10–17. The category Adult encompasses respondents who thought LWOP was only appropriate for adults ages 18 and over. Probability notes from test of $H_0: p = .50$. $H_A: P_{\text{Juvenile}} > P_{\text{Adult}}$. CI = confidence interval; LWOP = life sentences without the possibility of parole.

* $p < .05$.

Table 4

Percent of Respondents Who Support LWOP for Juveniles by Offender Age Group for Each Crime, After Eliminating "LWOP Never Appropriate" and "LWOP-Appropriate-Only-for-Adults" Responses

Crime	n	Younger juvenile		Older juvenile	
		%	90% CI	%	90% CI
Murder of a stranger*	168	60	[54, 63]	40	[34, 46]
Sexual assault*	139	60	[53, 63]	40	[34, 47]
Murder of an abusive parent*	79	61	[52, 66]	39	[31, 48]
Armed robbery of a person*	97	60	[51, 64]	40	[32, 49]
Assault resulting in injury	81	57	[48, 61]	43	[35, 52]
Drug sale*	77	60	[50, 65]	40	[32, 50]
Burglary/breaking and entering	76	54	[45, 58]	46	[37, 55]
Car theft*	65	62	[51, 67]	38	[29, 49]

Note. The category Younger Juvenile encompasses respondents who thought LWOP was appropriate for juveniles ages 10–15. The category Older Juvenile encompasses respondents who thought LWOP was appropriate only for juveniles ages 16 and 17. Probability notes from test of $H_0: p = .50$. $H_A: P_{\text{Younger Juvenile}} > P_{\text{Older Juvenile}}$. CI = confidence interval; LWOP = life sentences without the possibility of parole.

* $p < .05$.

a minimum age in the older juvenile range (column 4). These differences were significant for murder of a stranger, sexual assault, murder of an abusive parent, armed robbery, drug sale, and car theft. These findings suggest that, at least for some crimes, among people who favor imposing LWOP on juveniles, more people support its use on younger juveniles than support reserving it for older juveniles.

Effects of punishment ideologies. We hypothesized that punishment-related ideologies, as measured by the Sentencing Goals Scale, would be associated with support for LWOP. But because the scale's psychometric properties had not yet been thoroughly examined, we first conducted an exploratory factor analysis to test the hypothesized four factor structure of the scale.

The final analysis used principle axis factoring, direct oblimin rotation, and extracted factors with an eigenvalue greater than 2 (eigenvalue cutoff based on scree plot and scale size). The final model, shown in Table 5, extracted two factors. After rotation, these factors were interpretable, accounting for 48.24% of the variance (Factor 1 accounted for 37.77% and Factor 2 for 10.47%). The items for Factor 1 were hypothesized items for retribution, incapacitation, and deterrence, which seemed to be assessing people's desire to punish or discipline and are therefore called *punitive attitudes*. Factor 2 contained items that assessed people's attitudes toward rehabilitation and are referred to as *rehabilitative attitudes*. We summed items to create both a Punitive (Cronbach's alpha = .92) and a Rehabilitative (Cronbach's alpha = .74) subscale. Given

Table 5

Factor Loadings for Exploratory Factor Analysis of Sentencing Goals Scale

Items on Sentencing Goals Scale	Factor 1	Factor 2
20. Offenders must be punished so that they cannot cause any further harm to the community. (I)	0.777	–0.077
13. Criminals should be punished for their crimes in order to make them repay their debt to society. (T)	0.761	0.156
12. Strict enforcement of the law (and its penalties) is necessary to prevent others from committing similar offences. (D)	0.759	0.028
16. Penalties should be severe enough so that criminals are unlikely to reoffend. (D)	0.740	–0.120
9. The purpose of punishment should be to make offenders pay for the wrongs that they have done. (T)	0.730	0.083
17. Offenders should be punished to make them suffer as others have suffered. (T)	0.703	–0.130
18. It is obvious from the increase in crime rates that penalties aren't severe enough. (D)	0.697	–0.196
6. Justice requires that the punishment should be severe as the offence. (T)	0.686	–0.127
4. Crime rate would decrease if sentences were appropriately severe and publicized more widely. (D)	0.681	–0.079
2. Justice is not done if the offender is not punished in some way. (T)	0.631	–0.069
8. If the courts fail to punish criminals, potential offenders are not discouraged from committing similar offences. (D)	0.619	0.095
10. It is necessary for society to protect itself from the possibility that the offender might commit further offences. (I)	0.584	0.177
14. Offenders should be locked away so that they can't reoffend (I)	0.577	–0.215
3. The purpose of court sentences should be to protect society from the offender. (I)	0.547	0.062
5. Prison sentences are useful because at least they don't allow criminals to reoffend. (I)	0.486	–0.122
11. The purpose of court sentences should be to rehabilitate the criminal. (H)	0.098	0.761
19. If judges would divert more people from prisons into rehabilitation programs, there would be less crime. (H)	0.071	0.743
1. With the right approach, most offenders can be rehabilitated back into society. (H)	–0.071	0.717
15. If I were a victim of a crime, I would be satisfied even if the only effect of the offender's punishment was that the offender was eventually rehabilitated. (H)	–0.130	0.645
7. Repeat offenders should be given every opportunity to fit back into society. (H)	–0.147	0.531

Note. Only factor loadings > 0.3 are bold. Item numbers reflect order in survey. Parenthetical letters denote the original hypothesized subscale of the item: I = Incapacitation; D = Deterrence; T = Retribution; H = Rehabilitation. See McKee & Feather (2008).

the improved reliability, these subscales, and not the hypothesized subscales, were used for further analysis.

We predicted that stronger punitive ideologies would be related to greater support for LWOP while stronger rehabilitative ideologies would be related to less support for LWOP. To operationalize LWOP support, we converted responses on the Attitudes Toward the Punishment of Young People Questionnaire to ordinal data. It can reasonably be asserted that respondents who said LWOP is never appropriate or only appropriate for adults showed less support for using that sentence than those who indicated it is appropriate for juveniles as young as 10 years of age. Thus, we created four groups by recoding "never appropriate" as 1, "appropriate only for adult offenders" as 2, "appropriate only for older juvenile offenders" as 3, and "appropriate for younger juvenile offenders" as 4. In this way, "LWOP support" became an ordinal variable ranging from 1–4, with higher scores indicating more support for imposing LWOP at a younger age.

To test the relationship between punitive and rehabilitative beliefs and support for LWOP, we conducted a simultaneous multiple regression with Punitive and Rehabilitative subscale scores as predictors of overall LWOP support. (We eliminated scores from two respondents who were multivariate outliers.) The overall model was significant, $F(2, 280) = 15.68, p < .001, R^2 = .10, 95\% \text{ CI } [.04, .17]$. As predicted, Punitive scores correlated positively with LWOP support, $\beta = .21, t(280) = 3.33, p = .001, sr^2 = .04$, and Rehabilitative scores correlated negatively with LWOP support, $\beta = -.17, t(280) = -2.75, p = .006, sr^2 = .02$.

Discussion

Recent studies have showed some support for policies that acknowledge adolescents' diminished responsibility in criminality. Our findings are consistent with this result and showed that respondents are generally not supportive of LWOP for juvenile offenders. With one exception, more than half of respondents either provided a minimum age for LWOP in the adult range or stated that LWOP was never appropriate for that particular crime. The exception was for murder of a stranger. For that offense, slightly more than half of respondents gave the minimum age for imposing LWOP in the 10–17 age range. For less serious crimes, only approximately one quarter of respondents provided a minimum age in the juvenile range. These findings support our hypothesis that the public would generally disfavor LWOP for juvenile offenders who committed nonhomicides.

Findings also revealed a somewhat complicated landscape of public opinion surrounding LWOP sentences, however. Among respondents who indicated that LWOP was appropriate for a particular crime, the majority gave a minimum age for imposing LWOP in the juvenile age range. For example, for murder of a stranger, only 42% believed that the minimum age at which LWOP was appropriate was 18 years or older, whereas 58% thought that the minimum appropriate age was in the 10–17 age range. A similar pattern emerged for the crimes of armed robbery, burglary, and car theft. (There was one exception to this pattern: Among respondents who believed that LWOP was appropriate for murder of an abusive parent, fewer than half of respondents thought the minimum age should be in the 10–17 age range.) These results suggest that a subset of the public—those who favor imposing LWOP for *some* offenders—believe it is an appropriate sanction

not just for adults but also for juveniles who have committed murder, armed robbery, burglary, or car theft. We also found that among respondents who believed that LWOP is an appropriate punishment for *juvenile offenders*, the majority indicated that for most of the crimes we evaluated, LWOP is an appropriate sentence for young juveniles as well as older juveniles.

There are several explanations for these findings. For the finding that most people disavowed the use of LWOP for most juvenile offenders, the public apparently acknowledges diminished criminal culpability of youthful offenders. But a subgroup of the public may attribute the deviant nature of these acts—particularly murder—to a juvenile offender's criminal disposition. They may assume that with a history of very serious criminality at a young age, so-called "superpredators," should not be accorded the benefit of diminished responsibility extended to less delinquent juvenile offenders. Alternatively, perhaps the youth's age is considered but serves as an aggravating factor (in death penalty parlance), rather than a mitigating factor, increasing observers' desire for a severe sanction.

As expected, our findings also showed relationships between punishment-related motives and support for LWOP. Specifically, respondents with retributive, incapacitative, and deterrent motives for punishment were more supportive of LWOP for juveniles than were individuals with rehabilitative motives. This is particularly interesting because no demographic variable was related to the frequency with which participants said LWOP was inappropriate. In this study, only the punitive and rehabilitative constructs—not demographics—were useful in distinguishing participants.

Admittedly, given the general nature of the questions we asked, respondents may have provided "top of the head" answers based on heuristical reasoning rather than reasoned considerations. At best, our findings suggest that broadly construed thoughts about the purposes of punishment may influence specific attitudes regarding this sanction.

Acknowledging the limitations of examining public opinion in only one locale and within a relatively narrow timeframe, we contend that the value of a study like this is that it can reveal general patterns in respondents' thinking about imposing life sentences on juvenile offenders. But survey methods have other limitations as well: They are devoid of details that provide background and contextual information about any particular crime that arguably *should* influence the decision about an appropriate sanction for an individual offender. Because global questions may overestimate punitiveness (Cullen et al., 2000; Cumberland & Zamble, 1992), the complete picture of public sentiments about LWOP also requires assessment of beliefs regarding a particular person and situation.

Study 2

The purpose of Study 2 was to examine beliefs about the appropriateness of LWOP in the context of facts from an actual case, specifically those implicating Terrance Graham in *Graham v. Florida* (2010). In particular, we focused on and experimentally manipulated the age of the juvenile offender, choosing this variable for a number of reasons. We wanted to further explore Study 1 findings that respondents supported different punishment for younger versus older juvenile offenders and for juvenile versus adult offenders. The offender's age also served as the centerpiece

of the debate in the *Graham* case, and it has produced conflicting findings in previous studies on reactions to juvenile crime.

In Study 2, we asked participants to read details of the two crimes committed by Terrance Graham—armed burglary and attempted armed robbery—as well as the sentencing recommendations of the prosecution and defense in his case (*Graham v. Florida*, 2010), and to suggest an appropriate sentence for each crime. Then, using the ninth justice paradigm developed by Finkel and Duff (1991), we informed them of the life sentence without parole actually imposed on Graham by a Florida trial judge, and asked them to consider Graham's constitutional challenge to this sentence. Specifically, their task was to decide whether to uphold that sentence or reverse and remand. We informed participants that other justices were divided 4–4 on the issue and that their vote would be the tie-breaker.

Although the facts of the crimes and the sentencing information were consistent with the actual evidence in the case, we varied Graham's age as a between-subjects variable. Participants learned that he was 13, 17, or 21 years old when he committed the crimes for which he was eventually sentenced to life in prison. We chose these ages based on the data that emerged in Study 1: age 13, because it is the midpoint of the younger juvenile age range, age 17, because it is in the older juvenile age range, and age 21, because it is clearly in the adult age range. Furthermore, all the ages are equidistance apart.

The specific research questions and hypotheses were as follows:

1. Do ninth-justice responses (i.e., to uphold or reverse the sentence) differ as a function of age of the offender? We hypothesized that because less than a third of respondents in Study 1 believed LWOP was appropriate for juvenile offenders who committed burglary or armed robbery, the age of the offender would influence ninth-justice responses and participants would be more likely to reverse the sentence when the offender was described as a juvenile than when he was an adult. We also suspected that, due to general sentiments about diminished responsibility and rehabilitative potential in adolescence, participants would be more likely to reverse a life sentence for a 13-year-old offender than for a 17-year-old.
2. Does the age of the offender affect the length of the trial sentence he is assigned? Based on studies (e.g., Scott et al., 2006) showing that people associate youthful offenders with reduced culpability and the lukewarm support overall for imposing LWOP on juveniles who commit burglary and armed robbery established by Study 1, we predicted that sentence length would generally increase with the age of the offender.

Method

Participants. Participants ($n = 171$) were recruited from a local university and the surrounding community of a midsized western city. The student sample ($n = 90$, none of whom participated in Study 1) received course credit. The community sample ($n = 81$) received no monetary compensation. This sample was recruited from a variety of locations: a waiting area of a high school math league competition (52%), a registry of older adults who were willing to participate in research studies (44%), and staff

at a local library (4%). These convenience samples were specifically chosen because they targeted different age and demographic characteristics than a typical student sample and because each setting provided adequate time to complete the longer experimental packet. Sample and population demographics are presented in Table 6. The total sample was similar in median age to the population from which it was recruited, but as in Study 1, included proportionately fewer men. The two samples did not differ significantly on the key outcome variables of sentencing decision, $t(169) = 0.39$, $p = .70$, $d = .06$, 95% CI $[-.24, .36]$, and ninth-justice decision, $\chi^2(1) = 0.01$, $p = .91$, $V < .01$, and were therefore combined for analysis. Data collection was completed prior to May 2010 when the U.S. Supreme Court released its opinion in *Graham v. Florida* (2010).

Materials and procedure. We used a written questionnaire, titled Judicial Sentencing Packet, for data collection. Each packet contained an informed consent form and four sections in this order: crime vignette, sentencing questionnaire, ninth-justice questionnaire, and a short demographic section.

The crime vignette was designed to provide both case information and the experimental manipulation. Participants were informed that they would read case facts about a young offender who had been sentenced to probation for armed burglary and attempted armed robbery and who subsequently violated the terms of his probation, subjecting him to harsher sentencing for those crimes. The crime vignette was a 650-word summary based on the case facts included in the Respondent's Brief in *Graham v. Florida* (2010). It described the initial armed burglary and attempted armed robbery of a restaurant, information about the offender's sentence to 3 years of probation, and an account of how he violated the terms of his probation by

Table 6
Demographic Data for Student and Community Samples and Population in Study 2

Demographics	Student	Community	Total	2010 Census data
<i>n</i>	90	81	171	416,427
Age (years)				
Median	20	54	35	35
Minimum	18	35	18	
Maximum	53	89	89	
Sex				
Female	62%	64%	63%	51%
Male	38%	37%	37%	49%
Ethnicity				
African American	2%	0%	1%	6%
Asian	6%	7%	6%	3%
White	74%	82%	78%	79%
Latino/a	8%	8%	6%	16% ^a
Other	10%	3%	7%	7%
Political leaning				
Very conservative	8%	11%	9%	NA
Conservative	18%	24%	21%	NA
Moderate	46%	31%	39%	NA
Liberal	20%	22%	21%	NA
Very liberal	8%	12%	10%	NA

Note. Missing data deleted listwise. Percentages are for all valid cases. NA = not available.

^a The U.S. Census Bureau allows for people who identify as Latino/a to report two races.

committing an armed robbery shortly after being released. The vignette made clear the serious nature of these crimes, including the fact that an accomplice used a steel pipe to injure a victim, and that the offender held a gun to the head of another victim and was apprehended after leading police on a high-speed chase. In addition to providing case information, the vignettes also included information on the offender's age, varied to be either 13 (a younger juvenile), 17 (an older juvenile), or 21 (an adult). All other case facts were held constant.

Participants were randomly assigned to one of three conditions (younger juvenile $n = 55$, older juvenile $n = 57$, young adult $n = 59$) in a between-subjects design. Demographic characteristics did not differ significantly among groups ($ps > .07$). After reading the crime vignette, participants completed the sentencing questionnaire (henceforth referred to as the *recommended sentence* variable). They were asked to assume the role of a trial judge and, with knowledge of the probation violation, provide separate sentences for the original crimes of armed burglary and attempted armed robbery. These were open-ended questions. To increase external validity, participants received the actual sentencing recommendations of the prosecution (30 years for armed burglary and 15 years for attempted armed robbery) and defense (5 years for both counts combined) in Graham's case. They were also given sentencing guidelines informing them that the minimum penalty allowed by law for each charge was 5 years and the maximum was life imprisonment.

We modeled the next section of the packet on the ninth justice paradigm developed by Finkel and Duff (1991). Participants learned that, in the case they had just read, the trial judge actually imposed a sentence of life without parole. They also learned that the offender appealed this sentence, a state appellate court upheld the sentence, and the case was now being decided by the U.S. Supreme Court. The petitioner argued that the LWOP sentence was unconstitutional because it violated the Eighth Amendment ban on cruel and unusual punishment while the state argued that LWOP was proportional to the crimes and, therefore, constitutional. Participants were informed that, as the junior justice, their task was to break a 4–4 tie by casting the deciding vote on the constitutionality of a life sentence. They indicated their decision either to “reverse and remand” the lower court's imposition of LWOP or to “let the sentence stand.” Participants were given detailed instructions about the definitions and consequences of both choices.

This packet also asked the “ninth justices” who read details of the 13- and 17-year-old offenders to explain the reasoning underlying their decisions. We provided a list of six reasons to “reverse and remand” and six reasons to “let stand,” adapted from the Petitioner's and Respondent's Briefs in *Graham v. Florida* (2010). Because these reasons were based on actual arguments in the *Graham* case, they pertained primarily to juvenile justice concerns. Hence, we did not include them in the condition describing the offender as a 21-year-old.

Among the reasons to “reverse” were these:

1. Juveniles possess less maturity and sense of responsibility than adults, which makes them impetuous and unable to gauge future consequences.

2. Graham's sentence is unusual because he is one of only a few juveniles, in any state, sentenced to life without parole for a nonhomicide offense.
3. Juveniles are more malleable and capable of reform than adults; it is cruel to simply “give up” on them. A sentence of life without parole rejects rehabilitation.

Among the reasons to “let stand” were these:

1. There is no rule in any state rejecting the use of life sentences for juveniles. Hence, it is not uncommon for a juvenile to receive a sentence of life imprisonment.
2. After being placed on probation—a lenient sentence for the commission of a felony—Graham committed two armed robberies that involved the use of a weapon, and Graham himself held a gun to a man's head.
3. Because Graham rejected his second chance and chose to continue committing crimes, he is unable to be rehabilitated.

Participants were asked to select and rank the two reasons that were most relevant to their decisions. Finally, participants answered a short demographic section. Overall, they took approximately thirty minutes to complete these materials.

Results

Ninth-justice decisions. Although the likelihood of a “let stand” decision increased with the offender's age (40% of respondents in the 13-year-old group chose “let stand,” as did 49% in the 17-year-old group and 53% in the 21-year-old group), the relationship between offender age and respondents' ninth-justice decision was not statistically significant, $\chi^2(2) = 1.90, p = .39, V = .11$. Contrary to our hypothesis, respondents were not more likely to overturn a juvenile LWOP sentence than an adult LWOP sentence, $\chi^2(1) = 1.90, p = .33, V = .09$, nor were they more likely to overturn LWOP for a young juvenile than for an old juvenile, $\chi^2(1) = 0.94, p = .33, V = .09$.

Reasons underlying decisions. Each of the six reasons for endorsing “reverse” and “let stand” was given weighted points when selected (i.e., each reason received two points when it was ranked as the most relevant reason and one point when ranked second). All reasons were then rank-ordered based on the percentage of total points they garnered. Results for both decisions are shown in Table 7. For the “let stand” decision, the seriousness of the probation violation and the offender's inability to be rehabilitated emerged as the clear favorites. The most popular reasons for “reverse and remand” decisions were the psychosocial immaturity of juveniles, the rehabilitation potential of juveniles, and the fact that an LWOP sentence is the harshest sentence a juvenile can receive for murder.

There are some similarities in the reasoning underlying the two decisions. Both groups indicated that the concept of rehabilitation was important, with those opting to “let the decision stand” reasoning that the offender was unable to be rehabilitated and those opting to “reverse” believing that it is cruel to give up on juvenile offenders. Few respondents focused on the commonness (or un-

Table 7

Weighted Ranks for Reasons Given by Participants in the 13- and 17-Year-Old Offender Conditions to Support Ninth-Justice Decisions

Reason	Weighted points	Percent total points	Rank
Let stand			
After being placed on probation—a lenient sentence for the commission of a felony—Graham committed two armed robberies that involved the use of a weapon and Graham himself held a gun to a man's head.	55	39.57%	1
Because Graham rejected his second chance and chose to continue committing crimes, he is unable to be rehabilitated.	37	26.62%	2
Graham's acts were sufficiently violent that they could have resulted in death.	21	15.11%	3
Particularly heinous acts or a series of escalating violent acts justify long-term sentences for juveniles, including life without parole.	18	12.95%	4
There is no rule in any state rejecting the use of life sentences for juveniles. Hence, it is not uncommon for a juvenile to receive a sentence of life imprisonment.	4	2.88%	5
The State of Florida decided to try him as an adult, subject to adult punishments, and he did not object.	4	2.88%	5
Reverse and remand			
Juveniles possess less maturity and sense of responsibility than adults, which makes them impetuous and unable to gauge future consequences.	44	26.19%	1
Juveniles are more malleable and capable of reform than adults; it is cruel to simply "give up" on them. A sentence of life without parole rejects rehabilitation.	40	23.81%	2
Graham's sentence is the same as the harshest sentence that a juvenile could receive for murder.	38	22.62%	3
Graham's sentence is unusual because he is one of only a few juveniles, in any state, sentenced to life without parole for a nonhomicide offense.	22	13.10%	4
Even expert psychologists cannot differentiate between the juvenile offender who can be rehabilitated and the juvenile offender who cannot be rehabilitated.	14	8.33%	5
Juveniles are subject to negative influences and outside pressures and, because of their status as minors, do not always have the means to escape these pressures.	10	5.95%	6

commonness) of LWOP sentences for juveniles. These reasons address the "unusual" rather than the "cruel" nature of punishment mentioned in the Eighth Amendment. Although this issue is of obvious import to Eighth Amendment jurisprudence, it was not a primary concern for these respondents.

Recommended sentences. There was a large range of recommended sentence lengths, highlighting the complex array of opinions about how to sanction young offenders. They ranged from 1–40 years for armed burglary ($M = 18.62$, $SD = 10$) and 0–50 years for attempted armed robbery ($M = 11.87$, $SD = 6.23$). The modes were 30 years for burglary and 15 years for robbery, indicating that many participants (24%) accepted the prosecution's recommendation of 45 years without adjustment. Eleven participants (6%) gave the maximum sentence of life imprisonment: 8 for burglary and 3 for robbery. These were distributed relatively equally among offender groups: three to the 13-year-old, four to the 17-year-old, and four to the 21-year-old.

To further investigate these data, we created a new variable, total sentence length, by assuming the sentences would be served consecutively and summing the total number of years sentenced for both crimes. This was not possible for the 11 people who indicated that the offender should receive a life sentence for one count or the other. For these participants, we imputed a numerical value that was approximately equivalent to a life sentence by taking the average life expectancy for a U.S. male in 2010 (75.78 years) and subtracting the offender's age from that number. These imputed values (62.78 years for the 13-year-old, 58.78 for the 17-year-old, and 54.78 for the 21-year-old) were added to the number of years for which respondents sentenced the offender on

the other count. As a result, three participants who did not assign life sentences per se nonetheless issued sentences that were longer than the imputed values used for actual life sentences. This is not problematic because the legal system allows for de facto life sentences resulting from the accumulation of sentences on separate counts (e.g., at the age of 71, Bernard Madoff received a sentence of 150 years; [Smith, 2009](#)).

Total sentence length ranged from 2–80 years; the mean was 33.10 years ($SD = 17.36$). A one-way analysis of variance (ANOVA) compared total sentence length for each offender age group. The mean recommended sentence was lowest for the 13-year-old offender ($M = 29.08$ years, $SD = 19.60$), followed by the 21-year-old ($M = 35.04$ years, $SD = 15.15$) and the 17-year-old ($M = 35.34$ years, $SD = 16.94$), but differences were nonsignificant, $F(2, 168) = 2.23$, $p = .11$, $\eta^2 = .03$.

This finding neither precludes nor permits the conclusion that participants acknowledge less blameworthiness in young juvenile offenders, however. As [Tryon \(2001\)](#) explained, failing to find evidence to reject the null hypothesis is not good reason to accept the null hypothesis. Following Tryon's procedures for inferential CI null hypothesis significance testing, we determined that there was not good evidence to support either statistical difference (replicating the ANOVA results) or statistical equivalence, $\Delta = 5$ years, $\delta_{\text{range}}: 7.11\text{--}13.79$ years, $\Delta < \delta$. In other words, the maximum possible pairwise differences between the three groups, expressed by the δ_{range} , are all too large to be considered inconsequential. These results suggest statistical indeterminacy.

A possible explanation of these indeterminate results comes from the finding in Study 1 that participants who endorsed notions of rehabilitation showed less support for LWOP than participants who endorsed punitive notions of punishment. It is possible that LWOP support, which relates to punitive ideologies, moderated the effect of offenders' age on total sentence length.

Relationship between respondents' ninth-justice and sentencing decisions. As Ghetty and Redlich (2001) have suggested, sentencing preferences may be influenced by the tendency to attribute antisocial acts to an underlying and permanent criminal disposition. For people who make this attribution, the possibility of rehabilitation is remote and the age of the offender may be largely irrelevant. Analysis of punitive ideologies in Study 1 and the reasons underlying the ninth-justice decisions in Study 2 seem to support that possibility: Respondents who opted to "let the decision stand" endorsed the fact that juveniles are unable to be rehabilitated whereas respondents who favored "reverse and remand" endorsed the notion that they are capable of reform. Participants' ninth-justice decisions may be driven by differential attributions about the offenders' underlying criminal nature, which could explain the indeterminate findings on sentence length. If those who chose "let stand" deny the rehabilitative potential of juveniles, they would make little differentiation in sentence length as a function of offender age, assigning harsh sentences to all. If those who chose "reverse and remand" acknowledge the possibility of change in young offenders, they would be expected to give shorter sentences to younger offenders.

To test for this moderating effect, we used a 2×3 (Ninth-Justice Decision \times Offender Age) ANOVA to examine the length of recommended sentences. There was a significant main effect of ninth-justice decision, $F(1, 165) = 38.37, p < .001, \eta_p^2 = .19$. Participants who opted to let the LWOP decision stand assigned longer sentences ($M = 40.89$ years, $SD = 16.72$) than those who opted to reverse ($M = 26.09$ years, $SD = 14.82$). More interestingly, there was also a significant interaction, $F(2, 165) = 4.44, p = .01, \eta_p^2 = .05$. Observed means are presented in Figure 1. Two

one-way ANOVAs were used post hoc to calculate the simple main effects for offender age at both levels of ninth-justice decision. The simple main effect of age for participants who indicated "reverse and remand" was significant, $F(2, 87) = 5.247, p = .01, \eta_p^2 = .11$. As shown in Figure 1, participants who thought LWOP was unconstitutional differentiated among offender age groups, and their recommended sentence increased linearly with age. But analysis of the simple main effect for the "let stand" group showed no evidence of sentence length differences among age groups, $F(2, 78) = 1.34, p = .27, \eta_p^2 = .03$.

Discussion

Because 44.5% of respondents opted to "let stand" the LWOP sentence imposed on a juvenile (i.e., 13- or 17-year-old) offender and we could not support the claim that sentence length increased with offenders' age, one might conclude that respondents favored "adult time for adult crime." Yet other aspects of our data point to a more complicated reality.

For participants who chose to let the sentence stand, the offender's age had no effect on recommended sentence length. They explained their reason to let the sentence stand by endorsing statements about the offender's pattern of ongoing criminal behavior and his inability to be rehabilitated. In rejecting the notion of rehabilitation, these people may have attributed the criminal acts to an antisocial, delinquent disposition and would indeed be likely to favor "adult time for adult crime." An alternative explanation is that the facts of the *Graham* case, involving multiple offenses and a probation revocation—though realistic—may have muddled the notion of rehabilitation. Had we described a single offense committed by a juvenile offender, respondents may have been more willing to consider his potential for reform and may have placed more weight on his age in making their ninth-justice decisions.

For participants who opted to reverse the offender's LWOP sentence, the offender's age *did* matter. These people sentenced the 13-year-old offender to the shortest sentence and the 21-year-old offender to the lengthiest sentence. When asked to explain their "reverse and remand" decision, these people endorsed the possibility of rehabilitation and, thus, may have attributed the criminal acts to youthful immaturity and impetuosity, particularly for the youngest offender. So the extent to which people believe that a juvenile offender is still malleable and able to reform apparently influences their thoughts about appropriate punishment.

General Discussion

When respondents were asked about the minimum age at which LWOP was appropriate for offenders who committed murder, only a slight majority selected an age that was less than 18 years, as did only approximately one quarter of respondents when asked about sentencing juveniles who committed nonhomicide offenses. This finding suggests that most observers prefer differential punishment of juvenile and adult offenders, perhaps because they recognize the psychosocial immaturity and impulsiveness that often accompanies adolescence and the possibility that youthful offenders will grow out of their criminal ways as they mature. This finding is consistent with data on attitudes toward adjudicating juveniles as adults: When asked the minimum age at which a youth should be tried and punished as an adult, the modal response was 18 years of

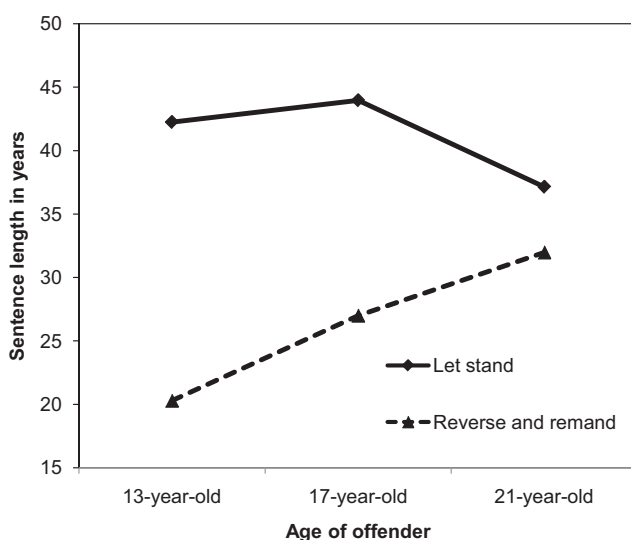


Figure 1. Mean sentence length in years as a function of offender's age and respondents' ninth-justice decision.

age, except in the case of murder (Scott et al., 2006). These opinions are consistent with the rationale inherent in the U.S. Supreme Court's recent decisions on the constitutionality of LWOP for juveniles.

But this relatively benevolent perspective was not shared by a subset of respondents who endorsed LWOP sentences for at least *some* offenders. Among this subset and for all of the crimes we examined except murder of an abusive parent, the majority gave a minimum age for LWOP in the juvenile range. Among an even smaller subset of respondents who also favored LWOP for *juvenile* offenders, a higher proportion of respondents gave a minimum age for LWOP in the 10–15-year-old range than indicated the minimum age should be in the 16–17-year-old range.

These findings suggest that there may be important individual differences among respondents in their sentiments about punishment for juveniles, an observation supported by differences in punishment-related ideologies uncovered in Study 1 and differences in recommended sentence length that were associated with notions of rehabilitative potential revealed in Study 2. Regarding the former, individuals with punitive ideologies tended to be more supportive of sentencing juveniles to LWOP than did those with rehabilitative ideologies. Regarding the latter, recommended sentence length varied as a function of the offender's age among individuals who, in opting to reverse LWOP, tended to believe that the offender could be rehabilitated. But the offender's age was largely irrelevant to individuals who opted to let LWOP stand and tended to believe that he lacked the potential to reform. Levesque (1996) also highlighted the important role of rehabilitative and reintegrative potential of juveniles, suggesting that the extent to which reform proposals should be endorsed hinges on these factors.

We suspect that harsh and punitive judgments may be a result of some observers' dispositional attributions of juvenile offenders as irredeemable "superpredators" who are likely to be dangerous and to reoffend. In examining stereotypes about juvenile offenders, Haegerich and Bottoms (2004) determined that people who endorse the superpredator stereotype believe that juvenile offenders are mature, cold, cruel, and not amenable to rehabilitation. When faced with a jury decision in an ostensibly unrelated mock murder trial several months after completing stereotype measures, individuals who endorsed the superpredator stereotype were more likely to convict than were those who endorsed more innocuous stereotypes of "wayward youths." The conclusion about dispositional attributions of superpredators is also supported by data showing that people form negative impressions of juveniles who are tried in adult court, rating them as even more dangerous and their crimes as even more serious than those of adult defendants (Tang, Nunez, & Bourgeois, 2009).

In a sense, a youthful offender's age may serve as an aggravating, rather than as a mitigating, factor, at least for some respondents. A similar result emerged when Stevenson, Bottoms, and Diamond (2010) analyzed the content of jury deliberations in a mock trial for which there was evidence that the defendant had suffered childhood maltreatment. Though this evidence is typically introduced as a mitigating factor, 60% of jurors either ignored it or used it to argue for a death sentence, reasoning that childhood abuse increased the likelihood of violent behavior in adulthood (Stevenson et al., 2010).

Thus, our studies show (a) that, as a consequence of the serious nature of their crimes, a subgroup of juvenile offenders is judged worthy of very harsh punishment, and (b) that a subset of the public—those who doubt that these youthful offenders can successfully reform and be reintegrated into society—deems them so. These findings also suggest that, despite the recent "perfect storm" of media attention to images of children in orange jumpsuits and the strong emotional impact these images engender (Hechinger, 2011), a portion of the public may not be particularly supportive of curtailing the imposition of LWOP sentences on juveniles who commit murder. These people may be "offense-retributivists," individuals whose beliefs about punishment are informed by the notion that, if an offender commits a crime, he or she "does the time" regardless of any extenuating circumstances.

Although both studies concerned attitudes about the appropriateness of LWOP for nonhomicide offenses, they demonstrated differing levels of support for this sanction. Whereas only 31% of survey respondents indicated that LWOP was an appropriate punishment for a juvenile armed robber and only 24% of respondents agreed that LWOP was appropriate for a juvenile burglar, 44.5% of "ninth justices" were willing to allow the life sentence imposed on a juvenile who committed these offenses to stand. One explanation for the discrepancy is that lay respondents were hesitant to overrule the actions of a trial judge and appellate court justices. Though seemingly irrelevant to the constitutionality of LWOP, the ninth justices may have focused on Graham's probation violation that raised doubts about his rehabilitative potential. (In this sense, our simulation of the *Graham* case, including Graham's multiple offenses and probation revocation, may have muddled the issue of his potential for rehabilitation.) Finally, the inconsistency between global and specific attitudes may be related to the fact that ninth justices were responding to a set of case facts that provided richer contextual detail and that described multiple violent crimes committed by a particular defendant. Interestingly, research on attitudes toward juvenile transfer showed that global questions tend to overestimate, rather than underestimate, punitiveness (Applegate et al., 2009), and that when few details are provided respondents apparently base their opinions on worst-case scenarios (Roberts & Stalans, 1997). Our findings suggest otherwise and underscore the value of assessing opinion on this issue using multiple methodologies.

Study Limitations

Even with multiple methodologies, there are limitations in our procedures and in the conclusions we can draw from them. First and as noted previously, although our sample included people of diverse political perspectives, we surveyed respondents from only one location over the course of just 1 year. Generalizing to other locations, populations, and timeframes is problematic. Second, although research participants are often asked to "sentence" guilty offenders (e.g., Cox, DeMatteo, & Foster, 2010), they are obviously aware that their opinions lack real consequences. There are conflicting data on whether jurors' decision-making processes differ as a function of the artificiality of the consequences of their verdicts (Bornstein & McCabe, 2005). The results of Study 2 may be limited if the artificiality of the consequences affects how legal decisions are made.

In that same vein, although the ninth justice paradigm provides a novel way to ascertain public sentiment about an important constitutional issue as well as opinions about the resolution of a contested set of facts, it asks participants to assume an unfamiliar role and to grapple with a complex problem about which they may have little preexisting knowledge. It also does not allow insight into the reasoning underlying the legal judgments, although participants could be asked to articulate those reasons. To our knowledge, this paradigm has been used in only one other published study (Finkel & Duff, 1991), so we do not know how well it captures appellate-like decision-making.

Conclusion

Despite these shortcomings, we would urge continued examination of public sentiments on the punishment of juvenile offenders. With increasing publicity of research showing that adolescents differ from adults in forecasting the consequences of their actions, impulse control, and treatability, societal beliefs about punishment may be quite malleable. In recent years, states have begun scaling back the harsh treatment accorded to juvenile offenders (Secret, 2011), and psychologists could profitably track changes in punishment-related beliefs that result in and from these modifications.

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