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# PUBLIC VIEWS ON SENTENCING JUVENILE MURDERERS

## The Impact of Offender, Offense, and Perceived Maturity

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*Concerns about juvenile murderers were raised by increases in juvenile homicide rates between the mid-1980s and mid-1990s. Little is known, however, about what level of punishment the public desires for such youths. Using a randomly selected sample of Florida citizens and a factorial vignette survey approach, the present study assesses the impact of characteristics of the offender, aspects of the offense, and perceptions of a youth's maturity on public preferences for the punishment of juvenile murderers. Our findings show that the public favors short sentences of incarceration or less punitive responses in most cases and that the most salient determinant of punitiveness is the type of murder committed. These results are discussed in light of prior research and current policy directions.*

**Keywords:** juveniles; punishment; attitudes; murder; homicide

In the decade between the mid-1980s and the mid-1990s, the United States experienced dramatic increases in juvenile homicides. Bureau of Justice statistics data show that homicide offending rates for youths ages 14 to 17 more than tripled from 8.5 per 100,000 in 1984 to 30.2 per 100,000 in 1993 (Fox & Zawitz, 2002). A closer look at the data reveals that juvenile homicides are unique in this regard. Bernard (1999) has drawn together arrest statistics, clearance rates, and victimization data to demonstrate convincingly that a supposed wave of serious juvenile crime during this period in reality reflects methodological artifacts. The exception, he notes, is juvenile homicide, where a more detailed analysis of multiple data sources "cannot account for the large increase in juvenile arrests for homicide between 1984 and 1993" (Bernard, 1999, p. 353). Juvenile homicide levels have dropped in recent years. In 2000, the rate had declined to 9.3 per 100,000 (Fox & Zawitz, 2002). Still, concerns about serious, violent offending had set the stage for changing approaches to juveniles accused of murder (Lotke, 1997).

Perhaps the most widely observed and reported legislative responses were expansions of statutes mandating adult court processing for youths charged with particular offenses. Legislative exclusion—that is, statutorily mandating that youths meeting certain criteria do not fall under the special jurisdiction of the juvenile court—represents one means of

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“getting tough” with juveniles who commit “adult” crimes. Murder is invariably among the offenses for which juveniles are moved to the adult criminal court. In a recent summary of the statutes of 33 states and the District of Columbia, Feld (2000) reported only 2 states did not have provisions for automatically excluding juveniles charged with at least one form of murder.

There exists a paradox in considering the appropriate punishment for juveniles who commit or even attempt murder. On one hand, the severity of the crime would suggest harsh punishment, something that the efforts to transfer youths to the adult court are meant to assure. Penal law prescribes severe sentences, including the death penalty in many jurisdictions, for homicide. Also, as we discuss in the following section, the public’s desire for punishment is at its highest levels for this offense. On the other hand, the diminished maturity of children and adolescents suggests that they are less culpable for their actions. Developmental psychology offers evidence that “adolescent choices about involvement in criminal activity may reflect cognitive and psychological immaturity” (Scott, 2000, p. 292). Furthermore, the law recognizes reduced responsibility as a mitigating factor in sentencing (Zimring, 2000), and some commentators recommend specific sentence reductions for juveniles when they are tried as adults (Feld, 1997).

As Steinert and Schwartz (2000) observe, adolescence is an important transitional time, when physical, emotional, intellectual, and social development is not yet complete. The literature on adolescents shows that teens differ from adults in several ways. Adolescents are more susceptible to peer influence, tend to place relatively greater emphasis on short term than on long-term consequences, are less risk averse, and are more impulsive (Grisso et al., 2003; Scott, 2000; Steinberg & Schwartz, 2000). These differences in psychosocial functioning indicate immature decision-making capabilities among adolescents. Thus youths, particularly those who are at the lower end of adolescence, may be less responsible for any criminal behavior (Fried & Reppucci, 2001; Zimring, 2000).

Still, shifts in juvenile justice policy have moved the United States away from conceptions of young offenders as relatively blameless. When a separate juvenile court system was first established at the close of the 19th century, youthful offenders were regarded as childlike and largely innocent. Broad social circumstances and poor parental guidance were to blame for their transgressions; punishment was undeserved. Juvenile justice has certainly changed in the past century, and in the past two decades, an era of more punitive reforms has been ushered in (Bernard, 1992). As Scott (2000) contends, current “policies explicitly or implicitly present adolescent offenders as indistinguishable from adult counterparts, and reject the importance of youthful immaturity in assignments of criminal responsibility” (p. 297).

Thus, observations of juvenile justice policy reveal a system oriented toward harsh treatment of juveniles who commit violent crimes. It is not clear, however, to what extent the public truly embraces this tough stance or how these views may be balanced by perceptions of the immaturity of youths. The present study adds depth in this area by examining how people want juvenile murderers punished and the ways in which these views are shaped by characteristics of the offense and the offender. Prior studies on perceptions of homicide are reviewed to provide a conceptual and empirical backdrop for our analysis.

### **Public Views of Murder**

It is no surprise that murder often tops the list when people are asked to assign punishment for various crimes. Hawkins (1980), for example, had respondents assign punish-

ments for 25 separate offenses. A husband and wife beating their children to death after years of abuse received the highest average punishment rating. In a similar survey, Blumstein and Cohen (1980) asked a sample of Pittsburgh, Pennsylvania, residents to report the number of years they believed offenders should serve in prison for 23 different crimes. After adjusting for demographic biases in the sample, Blumstein and Cohen reported that first-degree murder received the longest average sentence, at 29.4 years. Second-degree murder and manslaughter followed with the second- and third-longest preferred sentences, at 15.3 and 8.1 years, respectively. Other studies report similar results (see, for example, Durham, 1988).

Miller, Rossi, and Simpson's (1991) analysis confirms that killing another person elevates the preferred punishment. Using factorial vignettes, they analyzed views on appropriate sentences, taking into account offender characteristics, victim attributes, criminal history, mitigating factors, and respondent characteristics. In a multivariate analysis where these variables were controlled, a victim dying significantly and substantially increased the preferred harshness of punishment among crimes of violence.

In each of the studies reviewed thus far, murder has been compared to other types of crimes. It is important to recognize that murder is not a singular, uniform offense. Homicide is complex and multidimensional, including variations in offender and victim characteristics and relationships, degree of intent, number of victims, nuances of the situation contemporaneous to the killing, and so on (Holmes & Holmes, 1994). The criminal law also recognizes diversity in homicide. Statutes separate attempted murder, degrees of murder, and manslaughter and specify the circumstances that would result in someone being guilty of each.

None of the studies discussed above was designed to systematically assess variations in people's punishment preferences for differences in homicide. To find assessments focused on homicide, we must turn our attention to the literature on support for capital punishment. Three patterns particularly salient to the present discussion are evident. First, despite national polls showing considerable support for the death penalty, the public apparently is open to alternative punishments for murderers. A 2003 poll by the Gallup Organization showed nearly two thirds of Americans "in favor of the death penalty for a person convicted of murder" (*Sourcebook of Criminal Justice Statistics Online*, 2003). Several studies have shown, however, that when meaningful alternative sentences are offered, support for the death penalty declines dramatically (Bohm, Flanagan, & Harris, 1990; McGarrell & Sandys, 1996; Sandys & McGarrell, 1995; Moon, Wright, Cullen, & Pealer, 2000). Bowers, Vandiver, & Dugan (1994) report results from polls in 12 states. The percentages of respondents favoring capital punishment when no alternative was offered ranged from 64% to 86%. When an alternative such as life in prison with no possibility of parole was presented, support for capital punishment reached no higher than 62% and dropped as low as 23%. The critical point here is that a range of sentences for murderers seems to be acceptable to many people. Assessing views of murder by focusing on support for capital punishment, therefore, likely truncates our understanding.

Second, studies show that punishment preferences vary depending on the details of the murder in question (Durham, Elrod, & Kinkade, 1996; Vito & Keil, 1998). Durham et al.'s (1996) study is probably the most comprehensive assessment in this area. Durham et al. asked a sample of Tampa, Florida, residents to respond to 17 descriptions of different murder scenarios. Each scenario also had two versions. Thus, across 34 possible descriptions, the authors varied such characteristics as offense heinousness, victim-offender relationship, intent, and the offender's prior record, gender, race, and age. Not all variables

were systematically varied, so disentangling their independent effects on punishment preferences is not possible. Still, Durham et al. showed that favored punishments varied considerably among the scenarios. Also, comparisons of the alternative versions of scenarios revealed eight characteristics that resulted in diminished punitiveness: the offender being intoxicated, a male prostitute, or young; absence of a prior record of violence; a childhood history of abuse; the offender's life having been threatened; the offender committing the crime to feed his family; and the offender killing his wife immediately after discovering her in bed with another man. A variety of other attributes, such as offender's race or gender, the brutality of the crime, gang membership, or weapon type (pistol vs. AK47), did not show significant differences. Durham et al. (1996) observe, however, "for some scenarios the support for the death penalty was so strong that it would be difficult to show a difference between the two versions" (p. 721).

A third pattern notable in the research on capital punishment is that support for the death penalty is lower when people are asked to consider the appropriate punishment for juveniles who commit murder (Durham et al., 1996; Ellsworth & Gross, 1994; Moon et al., 2000; Sandys & McGarrell, 1995; Sims & Johnston, 2004; Skovron, Scott, & Cullen, 1989; Vito & Keil, 1998; Vogel & Vogel, 2003). Vito and Keil's (1998) findings are typical. When asked about their attitude toward the death penalty for murderers without reference to the age of the offender, 69% of Kentuckians responded in favor of this punishment. This figure dropped to 42% when the researchers asked, "What if the convicted person was a youth under 18 years of age?" (Vito & Keil, 1998, p. 24). Of course, these findings show the contrast between attitudes toward sentencing adults versus juveniles, but they provide minimal insight regarding variations in the public's punishment preferences among juvenile murderers.

Three recent studies specifically examined public views on the punishment of juvenile homicide offenders. Two of these studies, one conducted in Tennessee and the other in California, dealt solely with the issue of support for capital punishment and produced strikingly similar findings (Moon et al., 2000; Vogel & Vogel, 2003). In both cases, the data confirmed prior studies showing that support for the death penalty was lower when people were asked about juvenile offenders compared to adult offenders. Moving beyond this issue, the researchers demonstrated that attitudes toward juvenile homicide offenders are complex and flexible. Although initial levels of support for capital punishment reached 53.5% in the Tennessee sample, nearly half of these respondents indicated that they favored capital punishment "in only a few cases" (Moon et al., 2000, p. 674). Also, both studies showed that support for the death penalty, like public attitudes toward capital punishment for adults, declined sharply when alternatives involving life in prison without parole were offered. Finally, these studies revealed considerable variation in public opinion on the appropriate minimum age at which a juvenile should be eligible for the death penalty. Tennessee respondents tended to set the minimum age fairly low, and 23% stated that there should be no lower limit; the comparable percentage in California was 4%. In Tennessee, about half of those who said they supported capital punishment for juveniles favored a minimum age of 13 or younger (Moon et al., 2000). In California, the cumulative percentage of respondents favoring the death penalty topped half when the youth's age reached 16 (Vogel & Vogel, 2003). These findings suggest that the maturity of the youth in question, as measured by age, is salient in people's determinations of the appropriateness of the death penalty for juveniles.

The third recent study that has examined punishment preferences for juvenile homicide offenders moved consideration of immaturity a step further. Cochran, Boots, and

Heide (2003) provided respondents with vignettes that varied the age of the offender (11 to 25 years old). Consistent with prior studies, the respondents were significantly more punitive with older offenders. The researchers also varied whether the offender was described as exhibiting "normal maturity" or "immaturity" (p. 70). Cochran et al. instructed the respondents that "immaturity means that the offender uses poor judgment and has a history of behaving impulsively" (p. 91). Their analyses revealed that immaturity significantly predicted sentencing recommendations and support for capital punishment. Recommended sentences were significantly less severe, and the odds of the respondent indicating a preference for the death penalty were significantly lower, when the offender was described as immature.

The studies discussed above have substantially increased our understanding of public views on punishing murderers. The research is less complete, however, on the more specific issue of sentencing of juvenile homicide offenders and the salience of offense characteristics and juvenile immaturity. Two areas in particular deserve additional attention. First, the potential influence of variations in the offense needs to be explored for homicides committed by juveniles. The available research demonstrates that details of the crime affect preferred punishments for adults. It seems likely that differences in murder would also influence public views when the offender is a juvenile. Second, when asked to consider juvenile murderers, respondents have been provided almost exclusively with a narrow set of sentencing options. These studies clearly show that many people prefer life imprisonment to death as a sentence for murder. In individual cases, particularly those involving youthful offenders and less heinous forms of homicide, even less severe punishments may be desired. Cochran et al.'s (2003) study is the only assessment we are aware of that has provided respondents with sentencing choices including less than life imprisonment for juvenile homicide offenders. Their results demonstrate that in at least some cases, people prefer to punish murderers with fewer years in prison or even with probation.

The present study seeks to address the limitations of the existing research by (a) providing respondents with a detailed vignette describing a homicide offender, (b) varying the characteristics of the offense, (c) allowing respondents to choose from a broad set of punishment options, and (d) providing additional measures of perceived immaturity. In this way, we test the following hypotheses about when the severity of punishment desired for juvenile homicide offenders will be greater. Regarding offender characteristics, we expect that people will prefer greater punishment when the youth is older, more mature, male, and has a prior record. Regarding the offense, we anticipate punitiveness to be positively related to heinousness. We also anticipate a positive relationship between the severity of preferred sentences and perceptions of the maturity of teenagers in general.

## Methodology

### *Sample*

We commissioned Survey Sampling Incorporated to provide a random sample of 1,000 Florida residents. Of the initial sample members, 198 had moved, had incorrect addresses, were deceased, or were otherwise unreachable. These individuals were replaced with additional randomly selected residents. Thirty-three of the replacements also could not be contacted but were not replaced. Thus, the total number of possible respondents was reduced to 967.

We mailed questionnaires to each member of the sample following many of the guidelines provided by Dillman (2000). The first mailing, which we sent in August 2002, included a personalized cover letter, postage paid return envelope, copy of the questionnaire booklet, and a \$1 incentive. We sent a thank-you postcard to all members of the sample 1 week after the initial mailing. Follow-up mailings, which included cover letters, questionnaires, and return envelopes, were sent to all nonrespondents 3 and 7 weeks after the first mailing. These efforts resulted in 470 usable questionnaires being returned, for a response rate of 48.6%.

### *Punitiveness Toward Juvenile Homicide Offenders*

To measure punishment preferences and assess the effects of various aspects of the situation, we presented each respondent with a vignette and asked him or her to choose an appropriate sentence for the hypothetical offender described. Each respondent read one vignette that described a specific offender and several aspects of his or her situation. The current offense possibilities included manslaughter, attempted murder, murder as an outcome of an argument, and two first-degree murders committed during a robbery. To elevate the severity of the crime by one more step in the second robbery murder, the vignette indicated that the victim was shot or stabbed an excessive number of times while already incapacitated. Florida law recognizes murder during the commission of a robbery and murder that is especially cruel as aggravating factors in homicides. The precise wording of the offense description and all other dimensions in the vignettes are provided in the appendix.

In addition to describing homicides of differing severity, the vignettes also varied the type of weapon used. As Blumstein (1995) pointed out, a “salient factor intensifying concern about homicides is the increasing involvement of guns” (p. 24). Furthermore, analyses have shown that the increase in juvenile homicides observed in the 1980s and 1990s can be attributed solely to murders committed with guns (Bernard, 1999; Blumstein, 1995; Snyder & Sickmund, 1995). In fact, arrests for nongun murders among juveniles declined during this period. To assess whether the use of a firearm was a salient determinant of public preferences for punishing juvenile homicide offenders, the vignettes indicated whether the killing or attempted killing involved the offender shooting the victim or causing his or her death another way.

The youth’s maturity was indicated by three dimensions of the vignette. First, the youth’s age was provided. Possible ages ranged from 12 to 17 years. Second, we stated whether the youth seemed older or younger to adults who knew him or her. Steinberg and Schwartz (2000) argue that chronological age alone is a poor basis for judging psychosocial capabilities. Galambos, Kolaric, Sears, and Maggs’s (1999) research indicates that an important complement is subjective age. Although subjective age is typically defined by self-perception (how old someone feels), here we believed the more important distinction would be the perception of others. Thus, the vignettes reported that adults thought the offender “seemed older” or “seemed younger than most youths his/her age.”

Third, the vignettes included a description of peer involvement. Three possibilities were randomly varied: no other youths were involved, the crime was committed with other youths who were younger and had no history of delinquency, or the crime was committed with other youths who were older and had been in trouble with the law before.<sup>1</sup> We believed that when the vignette offender was described as being in the company of older, criminally sophisticated peers, respondents would perceive that he or she was under greater peer pres-

sure. As noted earlier, susceptibility to peer pressure is characteristic of adolescent immaturity (Grisso et al., 2003; Scott, 2000; Steinberg & Schwartz, 2000).

We used cognitive interviews to pretest the survey before we began collecting data (Willis, 2002). The results confirmed that the descriptions of peer involvement were interpreted as intended. Furthermore, the pretests revealed that younger chronological and perceived age both communicated immaturity.

The vignettes also included information about the youth's delinquent history, race, and sex and the race and sex of the victim. The juvenile's delinquent history ranged from no prior problems with the law to three prior appearances in juvenile court for serious crimes. The youths were also described as Black, Hispanic, or White and either male or female. The victims were described as either Black or White and either male or female. All victims were adults 29 years old.

The scenarios were constructed as factorial survey vignettes (Rossi & Nock, 1982). Thus, each attribute for each variable was randomly assigned in each vignette. The result is that each characteristic is orthogonal (with the exception of chance correlation), allowing us to examine the independent influence of each dimension on attitudes toward punishment. One level was randomly selected from each individual dimension, and they were combined with constant text to produce a description in paragraph form. Selection of the offender's age, race, and sex were weighted to reflect the proportion of juveniles referred to Florida juvenile courts in 2001. The levels of all other dimensions were given equal chances of selection. The following is an example of the vignettes provided to the respondents:

D.W., a 16 year old white male youth, is charged with murder. He is accused of intentionally stabbing someone with a knife during an argument and killing them. The victim was a 29 year old white woman. The police believe D.W. committed this crime with two other youths who are older than him and have been in trouble with the law before. Adults who know him think that he seems older than most youths his age. His record shows that he has never been in trouble with the law before.

Following the vignettes, the respondents were asked to select one sentence that came closest to what they believed the youth should receive if found guilty. They were provided 13 sentencing options, including the choice of no punishment:

- No punishment at all
- 6 months on probation (supervised by the court in the community)
- 1 year on probation (supervised by the court in the community)
- 3 years on probation (supervised by the court in the community)
- 1 year in prison
- 2 to 3 years in prison
- 4 to 5 years in prison
- 7 to 10 years in prison
- 15 years in prison
- 20 years in prison
- Life in prison, with the possibility of being released after 20 years
- Life in prison, with no possibility of ever being released
- The death penalty

*Perceived Maturity of Youths*

As we discussed above, a potentially critical consideration is the extent to which people view adolescents as immature. In addition to the items mentioned previously that were meant to convey the maturity level of the offender in the vignette, we also sought to assess perceptions on the maturity of teenagers in general. On the first page of the questionnaire, the respondents were instructed that we wanted to know what they thought “about teens today.” They were then asked to report their agreement or disagreement on a 5-point scale with 16 statements about “most teenagers 13 to 17 years old.”

The items measured whether the respondents’ beliefs were consistent with what we know about the psychosocial immaturity of adolescents. Thus, we assessed their perception that teenagers have a short time horizon (e.g., “never plan very far ahead”), have a high tolerance for risk (e.g., “are able to resist temptation”), and are susceptible to peer pressure (e.g., “do things just because everyone else is doing them”). Zimring (2000) has also suggested that adolescents may not have the cognitive capacity to comprehend the morality of rules or to apply proscriptions in social situations. They simply do not have much experience with decision making (Bishop, 2004). We also included items to measure this aspect of perceived immaturity (e.g., they “have enough social experiences to make good choices in life”).

Eight of the 16 items were phrased such that higher scores would have indicated perceived immaturity. We reversed the coding of these items and combined all 16 to create a single index score, perceived teen maturity (Cronbach’s  $\alpha = .74$ ). Higher values on this index indicate greater perceived maturity ( $M = 2.53$ ,  $SD = 0.43$ ).

*Control Variables*

We also collected data on several respondent characteristics because previous research has shown they are at least sometimes related to punishment preferences, views on juvenile justice, or both. The respondents were asked to report their age, sex, race, education level, and whether they had any children. We also asked them to indicate their political views on a 7-point continuum, ranging from *extremely liberal* (1) to *extremely conservative* (7). Finally, because religious fundamentalism has shown some ability to predict punishment preferences toward juvenile and adult offenders (Cullen, Fisher, & Applegate, 2000), we asked the respondents to report whether they believed their religious views were fundamentalist, and we replicated a question used by the General Social Survey to assess the respondents’ belief in a literal interpretation of the Bible (Davis, Smith, & Marsden, 1998).

**Results**

Table 1 shows the distribution of preferred sentences without regard for the dimensions varied in the vignettes. Thus, these figures represent what punishments the public would like to administer to the set of all murderers under consideration. As the table shows, preferences were dispersed across the entire range of punishment options, including 2 respondents who did not want the youth described to be punished at all. At the opposite end of the scale, about 7% of the respondents chose a sentence of capital punishment as most appropriate.

TABLE 1  
Overall Distribution of Preferred Sentences

<i>Sentence</i>	<i>Frequency</i>	<i>%</i>
No punishment	2	.4
6 months on probation	3	.7
1 year on probation	13	2.8
3 years on probation	80	17.5
1 year in prison	34	7.4
2 to 3 years in prison	39	8.5
4 to 5 years in prison	35	7.6
7 to 10 years in prison	54	11.8
15 years in prison	24	5.2
20 years in prison	39	8.5
Life in prison, parole possible after 20 years	74	16.2
Life in prison, no parole	26	5.7
Death penalty	35	7.6

NOTE: Sentences are coded sequentially, 0 to 12.  $M = 6.9$ ,  $SD = 3.1$ .  $N = 458$ .

TABLE 2  
Preferred Sentences by Type of Homicide

<i>Sentence</i>	<i>Mean</i>	<i>% Favoring Death</i>	<i>% Favoring Probation or Less</i>
Manslaughter	4.29	0.0	48.9
Attempted murder	5.31	0.0	30.0
Argument murder	7.51	5.7	14.2
Robbery murder	8.44	16.1	11.5
Robbery murder with additional aggravating circumstance	9.21	17.6	2.4

NOTE: Sentences are coded sequentially, 0 to 12. Differences across type of homicide are significant at  $p < .001$  for all dependent variables.

The research reviewed earlier suggests that public views on murder vary depending on the circumstances of the offense. This pattern was confirmed by the present data. Table 2 shows the sentencing preferences reported for each type of murder separately. The mean punishment score was computed by coding the sentencing options from 0 (no punishment at all) to 12 (the death penalty). It was not surprising that manslaughter and attempted murder netted the lowest average punishment ratings. In addition, no respondent indicated that the death penalty would be appropriate for these crimes. The severity of desired punishment and the percentage of people favoring the death penalty increased incrementally for the murder spurred by an argument, the murder committed during a robbery, and the aggravated robbery–murder scenarios. In contrast, only 2 respondents chose 3 years of probation or less for the murder involving the especially brutal killing of a convenience store clerk during a robbery. Probation was favored by almost half of the respondents when the offense under consideration was manslaughter.

We also constructed multivariate models to identify other predictors of preferred sentences for juvenile murderers and to confirm that the influence of the type of murder was not a function of other factors. Three separate dependent variables were examined. First, we in-

TABLE 3  
Regression of Preferred Sentence on Vignette Dimensions  
and Respondent Characteristics (Reduced Model)

	<i>Unstandardized B</i>	<i>Standardized Beta</i>	<i>Significance</i>
Vignette dimensions			
Offender age	.205	.102	.008
Offender subjective age (older = 1)	.400	.065	.092
Prior record <sup>a</sup>			
One minor	.614	.079	.111
One serious	.647	.086	.084
Three minor	.373	.048	.330
Three serious	.812	.104	.035
Murder type <sup>b</sup>			
Attempted	.917	.117	.016
Argument	3.166	.438	.000
Robbery	4.200	.528	.000
Robbery with aggravation	4.666	.586	.000
Weapon (gun = 1)	.521	.084	.029
Victim sex (female = 1)	.408	.066	.086
Respondent characteristics			
Age	-.004	-.220	.000
Race (White = 1)	.704	.088	.027
Conservatism	.256	.097	.013
Fundamentalism	.430	.057	.136
Constant	.487		.720
<i>F</i>	18.715		
Significance	.000		
Adjusted R <sup>2</sup>	.404		

a. Comparison is none.

b. Comparison is manslaughter.

investigated the predictors of sentence severity with the dependent variable coded as a linear scale ranging from 0 to 12. Second, to explore the predictors of support for the most severe punishments, we constructed a binary variable, coded 1 if the respondent chose one of the life imprisonment sentences or the death penalty and 0 for all other sentences. Third, to examine whether other factors might determine choices at the other end of the scale, a second binary variable was constructed indicating the respondent's choice of any sentence greater than probation (1) versus probation or less (0). The tables report reduced models. The number of independent variables in each analysis was reduced by first including the 10 vignette dimensions and nine respondent characteristics as independent variables, then reestimating the model using only those independent variables that achieved significance of at least .10 in the original model.<sup>2</sup>

As shown in Table 3, the type of murder described in the vignette remains highly influential in the multivariate model. Notably, three other variables from the vignette also significantly influenced people's choice of appropriate punishment. Youths who were older received significantly more severe sentences. Harsher punishments also were related to the offender's prior record, though only in the instance of a long and serious history of past offenses. Desired punishments were elevated only when the youth was described as having three serious prior juvenile offenses. The weapon involved was the third vignette dimension to influence punishment preferences. Having a gun, rather than no weapon or a knife, in-

TABLE 4  
 Logistic Regression of Preference for Life in Prison or Death Sentence on  
 Vignette Dimensions and Respondent Characteristics (Reduced Model)

	<i>B</i>	<i>Odds Ratio</i>	<i>Significance</i>
Vignette dimensions			
Offender age	.127	1.136	.131
Peer involvement <sup>a</sup>			
None	.251	1.285	.437
With 2 younger peers	.550	1.733	.076
Prior record <sup>b</sup>			
One minor	1.077	2.935	.011
One serious	.853	2.348	.038
Three minor	.023	1.023	.958
Three serious	1.002	2.723	.020
Murder type <sup>c</sup>			
Attempted	.406	1.501	.593
Argument	2.620	13.735	.000
Robbery	3.395	29.818	.000
Robbery with aggravation	3.593	36.347	.000
Respondent characteristics			
Age	-.030	.971	.000
Conservatism	.262	1.300	.016
Constant	-5.879		.000
Model chi-square	140.069		
Significance	.000		
Nagel Kerke R <sup>2</sup>	.392		

a. Comparison is with 2 older peers.

b. Comparison is none.

c. Comparison is manslaughter.

creased the penalty assigned. Finally, younger respondents, White respondents, and those who were more conservative tended to choose more severe sentences. Notably, the involvement of peers, whether youths were described as seeming old or young for their age, and the respondents' perceptions about the maturity of adolescents in general did not significantly influence punishment preferences.

Table 4 reports the result of a logistic regression predicting support for the three harshest sentences. Notably fewer variables distinguish preferences at this upper end of the punishment scale. Younger respondents and those who identified themselves as more conservative were more likely to choose a life sentence or capital punishment. Considering the vignette dimensions, favoring a life sentence or worse was associated with prior record and, as expected, the type of murder committed. The odds of preferring a life or death sentence was more than twice as high for youths with one minor, one serious, or three serious prior offenses. There was no significant difference, however, between youths with no criminal history and those described as having been in trouble with the juvenile court three times for minor crimes. As shown in the table, there also was no significant difference between the preferred sentences for manslaughter and attempted murder. The remaining three categories of murder, however, showed large and significant differences, including raising the odds of a life or death sentence by 36 times for the excessively cruel murder committed during a robbery, compared to manslaughter. Just as in the analysis of the overall scale, the re-

TABLE 5  
 Logistic Regression of Preference for Sentence Greater Than Probation on  
 Vignette Dimensions and Respondent Characteristics (Reduced Model)

	<i>B</i>	<i>Odds Ratio</i>	<i>Significance</i>
Vignette dimensions			
Offender age	.138	1.148	.127
Murder type <sup>a</sup>			
Attempted	.897	2.451	.013
Argument	1.877	6.533	.000
Robbery	2.452	11.612	.000
Robbery with aggravation	3.985	53.763	.000
Victim race (White = 1)	.489	1.631	.086
Victim sex (male = 1)	.548	1.730	.056
Respondent characteristics			
Age	-.047	.954	.000
Race (White = 1)	1.186	3.273	.001
Fundamentalism	.456	1.577	.184
Perceived teen maturity	-.867	.420	.001
Constant	.997		.535
Model chi-square	112.269		
Significance	.000		
Nagel Kerke R <sup>2</sup>	.360		

a. Comparison is manslaughter.

sults in Table 4 show that indicators of maturity beyond the offender's age did not significantly predict the sentences assigned by the respondents.

Finally, Table 5 shows that only four variables significantly influenced people's preference for a sentence of probation or less. Older respondents were more likely to choose a sentence of probation or no punishment. Race was also a significant predictor, with the predicted odds of a sentence greater than probation being more than 3 times as high for White respondents as for non-White respondents. In addition, the respondents' views on the maturity of most adolescents attained statistical significance in this analysis. The relationship, however, was opposite from what we hypothesized. Rather than greater maturity being associated with preference for harsher punishment, perceptions that teens today are mature were associated with choosing lesser sentences.

The only vignette dimension to attain statistical significance in the logistic regression was murder type. As expected, the chances of no punishment or probation as the preferred sentence declined substantially as the severity of the murder increased. Compared to manslaughter, the odds of a preferred punishment greater than 3 years on probation were 2.5 times higher for attempted murder, 6.5 times higher for the murder that occurred during an argument, 11.6 times higher for the robbery murder, and nearly 54 times higher when the youth had committed a murder during a robbery and brutalized the victim.

## Discussion

At the outset of this article, we noted that juvenile homicide offenders have received considerable public attention. Nathaniel Brazill, Dylan Klebold, Eric Harris, and Lionel

Tate are familiar names because of the tragic consequences of their actions. Still, little is known about how the public wants such offenders to be punished. The existing research shows that people regard murder in general as quite serious and deserving of harsh punishment. It also is clear that public sentencing preferences are affected by the nature of the murder in question and other factors for adult offenders. People are less punitive toward juveniles, but little information is available on how punitiveness varies by characteristics of juvenile homicide offenders or their offenses. The present study contributes to the literature by examining what punishments Floridians want for juvenile murderers. We also assessed the influence of offender characteristics, offense variations, and use of a firearm on public sentiments.

Before reviewing the implications of our results, it is important to acknowledge three salient limitations of our study. First, our sample represents only the views of Floridians. Florida bears some distinctions that likely are relevant. Of all jurisdictions in the country that have the death penalty, Florida has the third-highest number of inmates on death row and has carried out the fifth-most executions since 1976 (Criminal Justice Project, 2005). Florida prosecutors also have been quite active in transferring accused juveniles to the adult court for trial (Schiraldi & Ziedenberg, 2000). The public's views on juvenile murderers, therefore, may be somewhat more punitive in Florida than in other areas of the country.

Second, our measures of maturity included in the vignettes may have failed to communicate the potentially most important aspect of the immaturity of youths: their diminished ability to form intent. Although we have some assurance through the pretest results that the dimensions did establish differential levels of maturity, it is not clear to what extent the respondents understood younger chronological and subjective age and peer influence to represent the kind of immaturity that diminishes criminal culpability (see Feld, 1997).

Third, our measure of preferred responses to juvenile murderers may have been too limited. We moved beyond prior studies of views on punishing juvenile homicide offenders by allowing respondents to choose sentences other than life imprisonment or death (see Moon et al., 2000; Vogel & Vogel, 2003). Still, the response options comprised a graduated scale of punishments. The respondents may have been cued to focus on aspects of the vignette, such as the offense and prior delinquency, that could be used to determine the appropriate retributive response. We did not assess public preferences for the kinds of responses that spring from the traditional juvenile justice orientation toward child welfare and rehabilitation. Had other adjudicatory options been presented, characteristics other than the type of offense may have emerged as more salient.

Despite these limitations, our results contribute substantially to the literature on public attitudes toward sentencing juvenile homicide offenders. Regarding the influence of offense type, our results were consistent with expectations derived from prior research. Of all the variables examined, the nature of the offense most strongly and most consistently influenced the sentence preferred. Previous studies have established that among adult offenders, some murders are considered especially heinous and are worthy of harsher punishment (Blumstein & Cohen, 1980; Durham, 1988; Durham et al., 1996; Hawkins, 1980; Miller et al., 1991; Vito & Keil, 1998). Our study revealed that people consistently differentiate between types of murders committed by juvenile offenders, with the chosen amount of punishment increasing step by step from manslaughter to attempted murder, to murder, and to murder with one or two aggravating circumstances.

Two aspects of our findings are notable for their contrast with past studies and their implications for juvenile justice. First, our respondents reported substantially less support for capital punishment than has been reported elsewhere. Overall, fewer than 8% of the re-

spondents chose the death penalty as the most appropriate sentence. Even for the most serious murder included in the vignettes, support for capital punishment reached less than 18%. In contrast, more than half of Moon et al.'s (2000) respondents said they strongly or somewhat favored the death penalty for juveniles. Vogel and Vogel's (2003) sample was closer to ours, at 33%, but still indicated support levels 4 times ours when responses to all of the vignettes were combined.

It seems unlikely that the lesser punitiveness of our respondents could be explained as a result of the location of the survey. Indeed, given its position on the death penalty and juvenile transfer, Florida might be expected to be more punitive than other states. The difference in our findings probably lies in how public views were assessed. First, rather than asking about general support, we asked for a specific sentence for a particular offender. Bohm, Clark, and Aveni's (1991) research demonstrates that support for capital punishment is less enthusiastic when respondents are asked whether they could take a concrete action versus assessing a general orientation. Second, more detailed offense descriptions typically result in lesser punitiveness (Cullen et al., 2000). Third, our respondents were provided with a more comprehensive list of punishment options than is typical. As noted earlier, others have shown that preference for capital punishment declines when life sentence alternatives are offered (Cullen et al., 2000). Our results extend these findings, suggesting that a more complete list of sentencing choices may further reduce the portion of people who would choose the death penalty. Finally, the overall sentencing preferences expressed by our respondents must be interpreted within the context of the vignettes they rated. The respondents' judgments can be generalized only to the "particular constellation of circumstances" represented by the vignettes (Durham, 1986, p.184). If our vignettes had included a different mix of factors—a larger proportion of youths with serious prior records, for example—the overall harshness of sentencing preferences likely would have been greater.

A second aspect of our findings also should be highlighted because it contrasts somewhat with past research. As noted, other studies report less punitive, more compassionate public views toward juveniles than adults (Durham et al., 1996; Ellsworth & Gross, 1994; Moon et al., 2000; Sandys & McGarrell, 1995; Skovron, Scott, & Cullen, 1989; Vito & Keil, 1998; Vogel & Vogel, 2003). Furthermore, two studies have shown variation in what people regard as the appropriate minimum age at which juveniles who commit murder should be eligible for death (Moon et al., 2000; Vogel & Vogel, 2003), and Cochran et al. (2003) reported reduced public punitiveness when the offender in question was described as immature. Thus, we anticipated that an offender's age and immaturity would significantly influence public preferences for sentencing juvenile homicide offenders. Our analysis, however, showed that subjective age—whether youths were perceived as older or younger than other youths their age—did not significantly influence the punishments chosen in any of the models. In the same way, peer involvement—whether a juvenile was with older, criminally sophisticated friends at the time of the murder—was not significant. The chronological age of the youth was significant in the linear regression analysis of all sentence options, but its effect was minimal.

As noted above, it is possible that our vignette dimensions did not adequately communicate key information about each youth's psychosocial maturity. Other aspects of our methodology suggest alternative explanations for why our findings diverge somewhat from expectations. Past studies have asked respondents about their views on adult offenders (or without reference to age) and about juveniles, directly bringing the issue of age to the respondent's attention. The differences in capital punishment support by age of the offender may reflect a question order effect, where respondents adjust their answers to the question

that is asked second, based on the first question (Dillman, 2000). Factorial vignette studies avoid this problem by randomly varying the stimulus scenario that respondents are asked to rate. Thus, in our study, age may have been less salient because the respondents were not specifically asked to consider it. Another possibility is that immaturity is less important to punishment considerations when adolescents are compared with each other than when they are compared to adults. A future study could use the factorial approach, vary ages across both youths and adults, and resolve whether differences in punishment preferences for youthful and adult murderers are real or methodological artifacts.

Also curious are the results for the respondents' perceptions of general adolescent maturity. When the entire punishment scale was examined and when the uppermost punishments were explored, this variable was not a significant predictor of people's attitudes. Only when we considered perceived teen maturity as a correlate of preference for punishments greater than probation did it emerge as significant. In this case, however, the results were opposite from what prior research had led us to anticipate. Perceiving that most teens are resistant to peer pressure, know right from wrong, consider the consequences of their actions, and are generally more like adults than like children predicted opposition to harsh sentencing. It is not immediately apparent why people would be more likely to prefer probation (or no punishment) for juvenile murderers when they believe that most teens are relatively mature. Considering the reverse, however, presents a possibility: cognitive backlash. A tendency to perceive teens as immature may be threatened when a youth commits murder (Steinberg & Schwartz, 2000). To preserve the view that most teens are relatively innocent may require distancing them from homicide offenders. As Merlo (2000) has observed, labels "such as super-predators are meant to suggest that we share no shred of humanity with these youths and to justify our simple punitive response" (p. 642)

## Conclusion

Criminologists frequently warn of the risks involved in basing crime policy on sensational cases. The idiosyncrasies of these offenses can lead to policy, once implemented, that covers circumstances that were not considered and can have unintended consequences (Merton, 1936; Petrosino, 2000). Even high-publicity cases, however, sometimes highlight how the policies they help to spark can go wrong. Recent developments in the case of Lionel Tate illustrate this situation. In 1999, Tate was convicted of first-degree murder of a 6-year-old playmate. Despite concerns raised at the time about his age—he was 12 when he committed the crime and 14 when he was sentenced—Tate was given the mandatory sentence of life in prison. Dissatisfaction with punishing such a young offender so harshly has been expressed by private citizens, Amnesty International, the prosecutor in the case, and the former warden where Tate was imprisoned (Goodnough, 2003; Simon 2003). In addition, in December 2003, Florida's Fourth District Court of Appeal overturned Tate's conviction on the grounds that owing to his youth and immaturity, he should have had a hearing to determine his competency to stand trial (*Tate v. Florida*, 2003).

Our results show more broadly that reactionary policies that punish all juveniles who commit murder with severe sentences diverge from public preferences. Once variations in the offense and the offender were taken into account, the respondents were substantially in agreement about the appropriate punishment for juvenile homicide offenders. Although our analyses revealed some differences among demographic groups, we observed no deep divides. In this way, our findings mirror those of most other assessments of public views on

sentencing and correctional issues (Cullen et al., 2000). Moreover, our results showed that for all but the most heinous murders, the public preferred sentences of relatively short stays in prison or less. Rational punishment demands that societal conceptions of fairness be considered. Our findings call into question whether the public truly embraces the current trend to treat juvenile homicide offenders as if their offense places them beyond hope for reformation.

### APPENDIX Distribution of Vignette Dimensions and Levels

	%
Offender age	
12	6.8
13	9.8
14	16.6
15	19.4
16	23.4
17	24.0
Offender race	
White	50.9
Black	31.7
Hispanic	17.4
Offender sex <sup>a</sup>	
Male	77.7
Female	22.3
Offense Description <sup>a</sup>	
Manslaughter: She is accused of firing a gun at some tires in her neighborhood. Although she did not intend to shoot anyone, one of the bullets hit a person across the street who later died from the injury.	9.8
Manslaughter: She is accused of pushing her victim. Although she did not intend to kill anyone, the victim slipped, fell, and hit his or her head. The victim later died from the head injury.	9.6
Attempted murder: She is accused of shooting someone during an argument and trying to kill him. The victim required medical treatment in a hospital, but did not die from the injury.	11.1
Attempted murder: She is accused of stabbing someone with a knife during an argument and trying to kill him or her. The victim required medical treatment in a hospital but did not die from the injury.	8.7
Murder: She is accused of intentionally shooting someone during an argument and killing him or her.	10.0
Murder: She is accused of intentionally stabbing someone with a knife during an argument and killing him or her.	13.2
Murder: She is accused of shooting a convenience store clerk during a robbery. The clerk died from the injury.	8.3
Murder: She is accused of stabbing a convenience store clerk during a robbery. The clerk died from the injury.	10.6
Murder: She is accused of shooting a convenience store clerk during a robbery. The clerk was tied up in a back room and then was shot 15 times in the back, legs, and face.	9.1
Murder: She is accused of stabbing a convenience store clerk with a large knife during a robbery. The clerk was tied up in a back room and then was stabbed 33 times in the back, legs, and face.	9.6
Victim race	
Black	48.5
White	51.5
Victim sex	
Male	46.8
Female	53.2

## APPENDIX (continued)

	%
Peer involvement <sup>a</sup>	
The police believe she committed this crime alone.	33.0
The police believe she committed this crime with two other youths who are older than her and have been in trouble with the law before.	33.2
The police believe she committed this crime with two other youths who are younger than her and have never been in trouble with the law before.	33.8
Perceived maturity <sup>a</sup>	
Adults who know her think that she "seems older" than most youths her age.	47.0
Adults who know her think that she "seems younger" than most youths her age.	53.0
Criminal history <sup>a</sup>	
Her record shows that she has never been in trouble with the law before.	18.5
Her record shows that she has been in trouble with the juvenile court once before for a minor crime.	19.6
Her record shows that she has been in trouble with the juvenile court once before for a serious crime.	22.3
Her record shows that she has been in trouble with the juvenile court three times before for minor crimes.	19.1
Her record shows that she has been in trouble with the juvenile court three times before for serious crimes.	20.4

NOTE: For all dimensions,  $N = 470$ .

a. Throughout the vignettes, pronouns were altered to be consistent with the sex of the offender.

## NOTES

1. The vignettes described a youth who had been charged with murder but was not yet convicted because the same vignettes were used to assess views on transferring juvenile offenders to adult court. The results for these analyses have been reported elsewhere (Davis & Applegate, 2004).

2. The vignette dimensions included in the initial model were offender age, subjective age, race, and sex; victim race and sex; murder type; weapon type; prior delinquent history; and peer involvement. The respondent characteristics included were age, sex, race, education level, political conservatism, whether the respondent had children, whether the respondent identified himself or herself as a religious fundamentalist, whether he or she agreed with a literal interpretation of the Bible, and the index measuring perceived maturity of teens.

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