

2022

Are We Giving Them a Fair Chance? Racial Stereotypes and the Juvenile Justice System

Cali K. Bloem

Bridgewater State University, calikb1999@gmail.com

Ashley A. Hansen-Brown

Bridgewater State University, ahansenbrown@bridgew.edu

Follow this and additional works at: <https://scholar.utc.edu/mps>



Part of the [Psychology Commons](#)

Recommended Citation

Bloem, Cali K. and Hansen-Brown, Ashley A. (2022) "Are We Giving Them a Fair Chance? Racial Stereotypes and the Juvenile Justice System," *Modern Psychological Studies*: Vol. 28: No. 1, Article 11. Available at: <https://scholar.utc.edu/mps/vol28/iss1/11>

This articles is brought to you for free and open access by the Journals, Magazines, and Newsletters at UTC Scholar. It has been accepted for inclusion in Modern Psychological Studies by an authorized editor of UTC Scholar. For more information, please contact scholar@utc.edu.

Abstract

Prior research indicates that there are racial disparities throughout the criminal justice system and that decision-makers may use stereotypes when determining guilt and deciding on sentences for juveniles. This study looked at sentence disparities between White and Latinx juveniles, as well as potential stereotypes that could be used in decision-making. There were no differences in sentence length and severity between the White and Latinx offender. Additionally, the likelihood of the offender receiving a lesser or greater sentence as an adult did not differ among conditions. Our results also showed that participants with prior juror experience used less stereotypical language in their sentence explanations. This research highlights the presence of sentence disparities in prior studies and generates avenues for future research.

Keywords: bias, juvenile justice system, race, sentence disparity, stereotypes

Are We Giving Them a Fair Chance? Racial Stereotypes and the Juvenile Justice System

The juvenile justice system in the United States is designed to handle the crimes committed by youth, as opposed to sentencing them in the general criminal justice system with adult offenders. Not all youth progress far into the juvenile justice system, with some youth entered into diversionary programs to handle the behaviors rather than punish them for their act. However, there are racial disparities in this system, with more White youth being placed in diversionary programs, while youth of color are more likely to enter the juvenile justice system and be charged with a crime (Ericson & Eckberg, 2015). With this, despite a decline in youth incarceration in the United States, youth of color are still much more likely to be incarcerated than White juveniles, creating a disparity in not only diversion but also in punishment and sentencing type, as youth of color are receiving harsher punishments (Rovner, 2021). Juveniles who are detained may also be more likely to reoffend in the future, furthering the racial disparity in future criminal justice system interactions (Robles-Ramamurthy & Watson, 2019). Much research has been conducted on the issues with stereotypes for Black youth in the juvenile justice system (e.g., Leiber & Jamieson, 1995; Stevenson & Bottoms, 2009), whereas the presence and impact of stereotypes for Latinx youth in the juvenile justice system have not been as widely explored.

The current study uses a mock juror study design to investigate potential sentence disparities for White and Latinx youth. Participants in mock juror studies are not actual jurors; instead, they are given hypothetical trial summaries and asked to make sentencing decisions and respond as if they were a juror in the trial (e.g., Sommers & Ellsworth, 2003). We examined whether the race of either the offender or the victim impacted sentence recommendations and disparities in sentence length among juvenile offenders when the same crime is committed. We

also examined whether mock jurors relied on stereotypes when evaluating the guilt of Latinx youth or White youth specifically.

The Juvenile Justice System

Many stages to the juvenile justice system are similar to the general criminal justice system. The juvenile justice system processes youth under the age of 18 who have committed a crime. Rodriguez (2010) describes the multiple steps to the juvenile justice system. One of the first processes is diversion, in which a county attorney decides whether to proceed with a charge or to place the juvenile into a program that attempts to keep the youth out of the custody of the criminal justice system. Detention is another process in the system that determines whether the youth should be placed in a holding facility after they have offended. In the petition process, the county attorney files a petition stating that the youth is delinquent, and a judge evaluates it to determine whether the petition should be dismissed or if the petition is warranted. For youth that are found to be delinquent, the judge will order a disposition and suggest a sentence, whether it be at a juvenile correctional facility or at home under community supervision.

For juveniles who are sentenced in the juvenile justice system, there are multiple sentence options that a judge can order ranging from house arrest to adult jail. Michon (n.d.) identified the typical sentence types for juvenile offenders. Firstly, there is house arrest, in which the juvenile is ordered by the judge to remain at home, with the exception of attending school or work, for a period of time. Additionally, the juvenile could be sentenced to community service, in which they have to spend a certain number of hours participating in work that would benefit the community. Counseling is another sentence option which the judge could require the offender to attend for a certain number of sessions or for a certain length of time. Probation may be offered as a sentence recommendation, which would limit the activities the juvenile is allowed to

participate in, like attending school, community service, or counseling. As a requirement for probation, some juveniles may have to attend treatment programs or anger management classes and can also have a curfew in place. A juvenile offender could also be sentenced to a juvenile detention facility, either short-term or long-term. For more serious offenses, a juvenile could be required to serve their sentence in an adult jail or prison.

The decision to try a juvenile in adult court over the traditional juvenile justice system can have harmful implications for the offender. Juries may be more likely to believe that juveniles tried as adults are more dangerous than adult defendants (Tang et al., 2009). Kurleychek and Johnson (2004) studied the increase in the number of juveniles tried in adult court since the 1990s, resulting in more serious sentences for these juvenile offenders over juveniles tried in the juvenile justice system. With a rise in juvenile crime, many states widened the criteria for decision-making in which they could be tried in adult court, with the current offense and prior criminal history taken into account rather than individual circumstances. Sentencing outcomes in Pennsylvania's criminal justice system from 1997-1999 indicate that juveniles were given a longer sentence than young adult offenders in adult court, suggesting that judges may view the transferred juveniles as more dangerous or as a greater threat to the community.

Sentencing Decisions and Disparities

There are also sentence disparities among juveniles of different races, particularly between White youth and Black youth. For example, in both counties with positive views toward punishment and counties that view racial differences as important, Black youth were more likely to have harsher punishments or diversion programs recommended, with White juvenile offenders more likely to be released (Leiber & Jamieson, 1995). White defendants are shown more

leniency in both drug and non-drug offenses as compared to Black and Latinx offenders; in fact, Latinx defendants may be most at risk for receiving the harshest sentences as compared to either Black defendants or White defendants (Steffensmeier & Demuth, 2001). Black offenders may be perceived as more dangerous and deserving of punishment whether they have a prior criminal record or not, while sentencing decision-makers differentiate between White offenders with a dangerous criminal record and those that do not, taking this more into consideration during sentencing (Steen et al., 2005). Additionally, African American and Latinx juveniles more often believe that they will be subjected to harsher consequences in the juvenile justice system as compared to White juveniles (Woolard et al., 2008).

The concept of race salience can influence whether bias increases or decreases when jurors decide on a verdict. When White mock jurors are reminded about their racial biases, they convict Black defendants less; however, when race is not made salient in the courtroom, there can be a higher conviction rate for Black offenders because jurors are not made aware of their racial biases (Cohn et al., 2009; Sommers & Ellsworth, 2001). Mock jurors also gave longer sentence recommendations to a Black defendant when race was not made salient, as compared to either a White defendant or to a Black defendant in scenarios in which race was made salient (Sommers & Ellsworth, 2001).

Decision-makers in the criminal justice system, whether it be judges, juries, prosecutors, or probation officers, can use their own personal discretion to make decisions for verdicts and sentencing. Many factors could be used to account for sentencing differences among judges, including their personal views on sentencing goals, what they believe was the cause of the crime, their political views on the role of punishment in the criminal justice system, and their own personality (Carroll et al., 1987). Judges may use discretion and offer sentences that do not align

with guidelines for a variety of reasons, including the current offense, prior criminal history, plea decision, or race and gender identity. Judges may rely on stereotypes of the offender when they have limited time and limited information to make a sentencing decision (Albonetti, 1991; Ulmer & Kramer, 1996). Women, White people, and people who plead guilty to an offense are more likely to be given a different sentence than is recommended. This is particularly the case when they are remorseful, plead guilty or enter into a plea bargain, when they are responsible for children or are employed, and when the judge believes the offense is generally less serious than the guidelines suggest (Ulmer & Kramer, 1996). Police officers and their views of the juvenile can also affect outcomes within the juvenile justice system, as police officers are the ones who initially interact with and make judgments about the juvenile, including how at fault the juveniles are for their deviant behavior, expectations of recidivism, or the punishment they believe the juvenile deserves (Graham & Lowery, 2004).

Stereotypes and Person Perception

Given that many key figures in the criminal justice system use their own discretion when making judgments about juveniles, their decisions may be influenced by the traits or even the race of the juvenile offender. The classical study conducted by Asch (1946) explores how slightly changing one aspect of a person or list of words can influence how a person views them. Asch's first study explored how changing just one trait in a list of words ("warm" versus "cold") impacted perceptions of a person. Asch found that impressions were much more positive when the trait "warm" was included, despite this being the only term that changed. More positive characteristics, including "generousness" and "happiness", were connected to the "warm" trait, while more negative characteristics, including "irritability" and "ruthlessness", were connected to the "cold" trait.

Beyond central traits, stereotypes can also impact how someone is viewed. Negative stereotypes can have numerous implications for both how an individual feels about themselves and how they are viewed by society. For example, ethnic minority youth and adults alike may be viewed as less competent, more dangerous, or less hardworking (Priest et al., 2018). This creates a stereotype of juveniles, which can influence how decision-makers in conviction and sentencing processes in the criminal justice system make their judgments about juvenile offenders.

Although the word “stereotype” can have a negative connotation, stereotypes can have positive associations as well (Kay et al., 2013). The stereotypes can be positive in that they seem like qualities that one group would want, including being nicer, more intelligent, or a better athlete. However, even positive stereotypes can be detrimental and further inequality, like the idea that women are nicer than men. Although this idea may seem flattering, it sets the expectation that women must be nice to everyone. Regardless of whether stereotypes are negative or positive, they tend to have negative impacts on stereotyped groups, particularly when the stereotypes apply to different racial groups.

Stereotypes About Black and Latinx Offenders

Stereotypes about offenders belonging to racial minority groups negatively affect sentencing decisions. Most research on the effect of stereotypes on outcomes in the juvenile justice system has been focused on Black youth. For example, Stevenson and Bottoms (2009) conducted a mock juror trial study to determine whether a Black juvenile offender would receive more guilty verdicts than a White juvenile offender. Participants reviewed a trial transcript of an aggravated robbery in which the race of both the juvenile offender and the victim varied between Black or White. White male jurors gave more guilty verdicts to the Black youth than to the White youth. Particularly, men rendered more guilty verdicts when the victim was White, and

the offender was Black, suggesting more racial bias. Similarly, Black people tend to be viewed as more hostile and aggressive than White people (Devine, 1989). Black youth are disproportionately represented in the juvenile justice system and are more likely to be associated with drug involvement and violence; they are also typically given longer and more severe sentences than White juveniles (Leiber & Jamieson, 1995).

Additionally, harsher stereotypes, like the “Superpredator” stereotype, that were perpetuated during the 1990s can influence judgments made about juvenile offenders. This stereotype perpetuates the idea that Black youth are dangerous, remorseless, and capable of committing violent crimes, encouraging more arrests and harsher sentences. The “Superpredators” stereotype depicts some juveniles as violent, remorseless, and impulsive, when applied (Dilulio, 1995). Juveniles who are assigned this stereotype may be perceived as incapable of rehabilitation and more mature than other youth, receiving more severe case judgments than other juveniles (Haegerich, 2002). Furthermore, the perpetuation of this stereotype also increased the racial disparity since more Black youth were arrested and given harsher sentences at this time (Greene et al., 2017).

Court officials’ sentence decisions can also be influenced by stereotypical reports of juvenile offenders written by probation officers. Bridges and Steen (1998) found that Black juvenile offenders were viewed by probation officers as more violent or dangerous than White offenders. The probation officers in their study attributed more internal characteristics like “feels no remorse” or “does not take offense seriously” to Black offenders and more external characteristics like “[has a] dysfunctional family” or “uses drugs and/or alcohol” to White offenders. This has led to harsher sentence recommendations for Black juvenile offenders as compared to White juvenile offenders.

Latinx individuals are not well represented in research pertaining to biases in sentencing outcomes. The term Latinx is a broader term, as opposed to Latino/Latina, as it is more inclusive of people who do not identify with the gender binary that is suggested by the aforementioned identities (Central Washington University, n.d.). In the juvenile justice system, 25% of juveniles have been identified as Latinx. However, their representation in the system has not been explored nearly as much despite them being overrepresented in that population (Cipriano, 2020).

Although the media may display positive portrayals of Latinx individuals at times, there are also many negative stereotypes that are perpetuated. The National Hispanic Media Coalition (2012) found that many people view Latinx individuals as family-oriented, hardworking, and honest. These traits are viewed as positive. However, there were many more negative stereotypes identified. These traits include having too many children, refusing to learn English, taking jobs away from Americans, and being less educated. In the media, the Latinx community are often depicted as criminals, maids, or gardeners. In addition, media platforms such as YouTube have perpetuated racial stereotypes of the Latinx community (Guo & Harlow, 2014). For example, nearly twenty percent of videos depicting the Latinx community in a racially stereotyped way showed them as lawbreakers, with five percent portraying them as “illegal”. Thus, the Latinx community are commonly portrayed as criminals and threats to national security in the media.

Due to the association of Latinx juveniles with gangs like MS-13 and their portrayals in the media, Latinx juveniles may be viewed as more aggressive or violent. Latinx youth experience higher levels of discrimination, which can lead to lower self-esteem and more gang involvement to fit in with a group or to find protection from discrimination (Barrett et al., 2013). Thus, some Latinx youth participate in gang activity, some of which may be criminal, creating a stereotype that many youths do so. There was also a growing gang problem for youth in the

United States in the 2000s, with 50% of the gang members identified as Latinx (Howell, 2010). This can further perpetuate the stereotype of Latinx youth as gang members.

Jury Decision-Making

Interestingly, beyond defendant race, the composition of the jury itself can also influence conviction rates. For example, mixed-race juries can have different impacts on the outcomes of jury decision-making than all-White juries. Previous mock jury research shows that White-majority juries are more likely to convict a defendant and recommend that they serve the full sentence, whereas Hispanic-majority juries are less likely to convict defendants and are more likely to recommend that the defendant serves the minimum sentence with early parole if they do convict (Perez et al., 1993). Racially mixed mock juries are likely to spend more time deliberating the case, discussing the facts of the case, and raising questions about racial profiling in cases; additionally, White mock jurors are also less likely to convict a Black defendant when they are on racially mixed juries rather than all-White juries (Sommers & Ellsworth, 2003).

However, offender race can also have an impact on White jurors' decision-making. As indicated by Sommers and Ellsworth (2003) in their review of past literature, multiple studies have found evidence of White juror bias against Black defendants. Individuals who were shown a video summary of a rape trial believed that the defendant was guilty more often when they were Black than when they were White (Klein & Creech, 1982). Additionally, Black defendants may receive longer sentence recommendations from White mock jurors in cases of different crimes, like assault, rape, or burglary (Sommers & Ellsworth, 2003). However, some evidence on defendant race is contradictory; for example, Skolnick and Shaw (1997) found that the race of the defendant did not influence the results of their mock juror study when the jurors were White, even when they were racially charged summaries. Interestingly, an all-White mock jury could

recommend significantly longer sentences for a White defendant over a Black defendant, suggesting that the race of the offender can matter even when they do not belong to a minority racial group (McGowen & King, 1982). Thus, the composition of the jury can have an impact on jury decision-making, even if the results from prior studies are mixed on how they can affect it.

Importantly, prior juror experience can also be influential on decision-making. Durand's (1978) study supports the idea that jurors with prior jury experience value jury service more than those without jury experience. He proposed that jurors without experience may have a lesser understanding of the importance of serving on a jury, thus not understanding why their time is spent so much on listening to the facts of the case and on deliberation. Furthermore, although both those with and without experience can take cases seriously and value their experiences similarly, those with prior experience can focus more on the facts of the case while those without experience may need more guidance on the process and on decision-making. However, there has been relatively little research exploring the impact of prior juror experience on decision-making.

The Present Study

The present study examines sentencing differences between Latinx youth and White youth. A mock juror study was used to determine whether there were sentencing disparities between White and Latinx juvenile offenders and whether the race of the offender or the victim had an impact on participants' decision-making. We hypothesized that Latinx juvenile offenders would be given longer and more serious sentences than White juvenile offenders who have committed the same crime (H1). We also hypothesized that the sentence would be most severe when the juvenile is Latinx, and the victim is White (H1a). Additionally, we predicted that participants would give similar sentences to the Latinx juvenile offender and Latinx adult offender based on stereotypes that view Latinx people as more threatening (H2). Lastly, we

predicted that participants with prior juror experience would make less stereotyped judgments and focus more on the facts of the case in decision-making as compared to those without prior juror experience (H3)¹.

Method

Participants

We recruited participants from Prolific, a data collection website that is used to recruit quality research participants. The participants were required to be at least 18 years old and a United States citizen. We recruited a total of 300 participants, with two having to be excluded from data collection due to issues with meeting the requirements of the manipulation check and/or reporting not taking the study seriously. There were 172 female participants (57.1%), 126 male participants (41.9%), and three who identified as nonbinary (1%). For race/ethnicity, 181 participants identified as Caucasian/White (60.1%), 35 participants as Asian/Asian American (11.6%), 31 participants as Hispanic/Latino (10.3%), 24 participants as African American/Black (8%), three participants as American Indian/Native American (1%), and 27 identified with a mixed or a different racial or ethnic background (9%). The age of participants ranged from 18 to 74 years old ($M = 33.94$, $SD = 12.61$).

Materials & Procedure

Participants were first asked to complete a Captcha to prove that they were not bots by checking off a box indicating that they were not a “robot”. They then read a consent page explaining the purpose of the study briefly, confirming that the identity of the participant will be protected to the best of our ability and explaining that participation is voluntary. If they

¹ Funding received from a Bridgewater State University Office of Undergraduate Research Semester Grant. This study was preregistered on the Open Science Framework (<https://osf.io/vzyg8>).

consented, they were asked to include their Prolific Worker ID and proceeded onto a page that explained the tasks that were to be completed.

The participants were randomly assigned to one of four conditions in which they had to read a trial summary of an assault committed by a juvenile. The four conditions include White offender, White victim; White offender, Latinx victim; Latinx offender, White victim; and Latinx offender, Latinx victim (see Appendix 1 for trial summary). They were then informed of sentencing guidelines and best practices adapted from the Boston Municipal and District Court standards, as well as typical sentences given to juvenile offenders, to help them make an informed sentencing decision (see Appendix 2 for guidelines). Participants then completed measures asking them to determine their confidence in giving a guilty verdict, sentence recommendation and length, and identify the likelihood of them giving a harsher sentence to an adult offender, and if so, what sentence they would give them. Participants filled out stereotype scales asking them to rate both the offender and victim on negative and positive adjectives.

After completing these measures, participants were asked to write in what they thought they were studying, as well as to identify if anything seemed strange or surprising in the course of the survey. They were then asked to identify the main tasks completed in the survey. Participants were asked basic demographic questions pertaining to their gender, race, and age, as well as if they had prior juror experience. As a manipulation check, participants identified the name of both the offender and the victim that they read about. Participants rated how seriously they took the experiment on a 1-5 scale, with 1 being “*not at all seriously*” and 5 being “*very seriously*”. Lastly, because this study was conducted during the COVID-19 pandemic, they were asked to indicate their stress levels during the pandemic. At the end of the study, participants were debriefed and given a more detailed explanation of the purpose of the study.

Confidence in Guilty Verdict

The participants determined based off of what they read in their respective trial summary how confident they were in giving the juvenile offender a verdict of guilty. Participants' confidence was ranked on a Likert scale, from 1 (“*not confident at all*”) to 5 (“*very confident*”).

Sentence Type and Length

Multiple sentencing options (community service, counseling, probation, house arrest, juvenile detention facility, or adult jail) were given for the participants to choose what they would recommend as a sentence for the offender from the trial summary. The sentence types came from attorney Kathleen Michon (n.d.) in her Nolo article *Juvenile Court Sentencing Options*. Participants could choose only one sentence option from the options mentioned previously. They then chose an appropriate length for the sentence and explained their rationale for the sentence in separate open-ended responses. The sentence length recommendations were converted into months for each open-ended response ($M = 10.14$, $SD = 12.46$) and the rationales were coded as having a stereotypical count for any mention of the offender as being “violent”, “aggressive”, “uneducated”, “not remorseful”, or “ignorant” ($M = .24$, $SD = .43$).

Adult Sentencing

The participants rated how likely they would be to recommend a harsher sentence to an adult offender as compared to a juvenile offender on a 4-point Likert scale with 1 being “*not at all likely*” and 4 being “*very likely*”. This was to determine whether White juveniles and Latinx juveniles would receive lesser, equal, or more severe sentences if they were adults instead. Next, participants provided an open-ended sentence length recommendation for the offender as if they were an adult rather than a juvenile, which was converted into months ($M = 15.25$, $SD = 27.03$).

Stereotype Scales

The participants filled out scales created by the researchers to rate both the offender and the victim on stereotypical characteristics. Both scales include negative adjectives (aggressive, antagonizing, a future (re)offender, a future gang member, threatening, controlling) and positive adjectives (remorseful, intelligent, calm, caring). Participants rated how likely they were to view the offender and the victim as any of the above characteristics on a 5-point Likert scale with 1 being “*not at all likely*” and 5 being “*extremely likely*”. We summed the items from the scale to create four subscales: positive perceived attributes of the offender ($\alpha = .70$), negative perceived attributes of the offender ($\alpha = .79$), positive perceived attributes of the victim ($\alpha = .64$), and negative perceived attributes of the victim ($\alpha = .81$).

Results

Verdict, Sentence Type, and Sentence Length

We first tested whether participants’ confidence in offering a guilty verdict changes based on the race of the offender and/or victim. Surprisingly, the 2-way ANOVA indicated that there was no main effect of the race of the offender or the race of the victim on confidence in giving a guilty verdict ($ps > .11$). There was also no interaction between offender race and victim race, $F(1, 297) = .65, p = .42$. Thus, the offender or victim being Latinx or White had no influence on confidence of giving a guilty verdict.

We used a 2-way Chi-square to test whether the offender race and victim race influenced the sentence recommendation type. There was no significant association between sentence type and offender race or victim race, $\chi^2(15) = 21.32, p = .13$. Contrary to Hypotheses 1 and 1a, the race of the offender and the race of the victim did not influence the type of sentence that was chosen for the offender.

We next used a 2-way ANOVA to test whether offender race or victim race influenced the length of the sentence recommended by the participant. Contrary to our hypothesis, the results of the 2-way ANOVA indicated that there were no main effects of the race of the offender and the race of the victim on sentence length ($ps > .15$). There was also no interaction between offender race and victim race, $F(1, 270) = .03, p = .87$. The offender being White or Latinx, and the victim being White or Latinx, did not seem to affect the chosen sentence length.

There was also no significant association between sentence rationale and race of the offender or race of the victim, $\chi^2(3) = 2.09, p = .56$. The stereotype count in explanation of the sentences (whether the participant labeled the offender himself as “violent”, “aggressive”, “uneducated”, “not remorseful”, or “ignorant”) did not vary between the Latinx offender (Pedro) or the White offender (Mike). Thus, our predictions for Hypotheses 1 and 1a were fully unsupported in our data.

Ratings of Offender and Victim on Stereotype Scales

A series of 2-way ANOVAs were used to determine whether the race of the offender or the victim influenced ratings on positive and negative scales for both the offender and the victim.

First, we tested effects on positive ratings of the offender. The race of the offender had a main effect on positive ratings of the offender, $F(1, 297) = 12.80, p < .001$, in which the Latinx offender (Pedro) received higher ratings on the positive stereotype scale ($M = 10.20, SD = .21$) than did the White offender (Mike; $M = 9.15, SD = .21$). However, the race of the victim did not have an effect on positive ratings of the offender ($p = .84$), and there was no interaction between offender race and victim race on the positive stereotype scale, $F(1, 297) = .04, p = .85$.

Second, we tested effects on negative ratings of the offender. There was no main effect of victim race on the negative offender scale ($p = .34$), but the race of the offender had a main

effect, $F(1, 297) = 8.77, p = .003$, such that the offender was viewed more negatively when their race was White ($M = 20.22, SD = .34$) rather than Latinx ($M = 18.79, SD = .34$). However, there was no interaction between offender race and victim race on the negative stereotype scale, $F(1, 297) = .004, p = .95$.

Third, we tested effects on positive ratings of the victim. Additionally, there was a main effect of offender race on the positive victim scale, $F(1, 297) = 4.07, p = .05$, indicating that the victim was viewed more positively when the offender was White ($M = 10.23, SD = .21$) rather than Latinx ($M = 9.62, SD = .21$). There was not a main effect of the victim race on positive stereotypes of the victim ($p = .27$). There was also no interaction between offender race and victim race on positive stereotypes of the victim, $F(1, 297) = 1.27, p = .26$.

Fourth, we tested effects on negative ratings of the victim. There was a main effect of offender race on the negative victim scale, $F(1, 297) = 13.09, p < .001$, such that the victim was viewed slightly more negatively when the offender was Latinx ($M = 15.39, SD = .36$) rather than White ($M = 13.55, SD = .36$). There was no main effect of victim race on the negative stereotype scale ($p = .72$). There was no interaction between offender race and victim race on the negative stereotypes, $F(1, 297) = .13, p = .72$.

Adult Sentencing Severity and Sentence Length

We conducted a paired samples t-test to determine whether adults were given longer sentences than juveniles for the same crime. As might be expected, participants gave a shorter sentence recommendation to a juvenile ($M = 10.14, SD = 12.46$) than to an adult ($M = 15.25, SD = 27.03$), $t(244) = -4.65, p < .001$.

We tested Hypothesis 2 with a 2-way ANOVA as well, determining whether the offender race and victim race influenced participants' likelihood of sentencing an adult in the same way as a juvenile and the length of time they would sentence an adult for the same crime.

There were no main effects for either the race of the offender or race of the victim on the likelihood of sentencing an adult in the same way as a juvenile ($ps > .16$). There was also no interaction between offender race and victim race, $F(1, 297) = .003, p = .96$. The likelihood of giving a lesser or greater sentence to an adult for the crime of assault as compared to a juvenile was not different among the conditions.

The results of the 2-way ANOVA indicated that there were no main effects for either the race of the offender nor the race of the victim on adult sentence length ($ps > .16$). There was also no interaction between offender race and victim race, $F(1, 256) = .18, p = .67$. The adult sentence length did not seem to be directly influenced by either the victim or the offender being White or Latinx. Thus, we found no support for Hypothesis 2 in our data.

Prior Juror Experience, Sentence Recommendations, and Stereotyping

We tested Hypothesis 3 with independent samples t-tests. Juror experience was used as the predictor variable in all t-tests. This was determined by the demographic questions asking whether participants had prior experience serving on a jury or not.

First, we tested whether prior juror experience affected participants' use of stereotypical language when providing sentence type and length rationales. Levene's test for this t-test was significant, $F = 15.87, p < .001$, indicating unequal variance in stereotypical content between participants with and without prior jury experience; thus, degrees of freedom were adjusted from 298 to 68.64. Prior juror experience did have an effect on the number of stereotypical words used when explaining why participants would sentence the juvenile in a certain way, $t(68.64) = -1.99$,

$p = .05$. Participants who had prior jury experience were less likely to use stereotypical language ($M = .14$, $SD = .35$) than those without prior juror experience ($M = .25$, $SD = .44$) when explaining their choice of sentence type and length. This finding supports our Hypothesis 3.

Next, we tested whether prior juror experience impacted responses to our stereotype scales. However, our t-tests showed that prior juror experience had no effect on higher positive ratings of the offender, $t(299) = .86$, $p = .39$. Additionally, prior juror experience did not have an effect on negative ratings of the offender, $t(299) = 1.14$, $p = .25$. Juror experience also did not have an effect on positive ratings of the victim, $t(299) = .82$, $p = .41$. Lastly, prior juror experience had no effect on negative ratings of the victim, $t(299) = .83$, $p = .40$. Ultimately, prior jury experience did not have an influence on participant responses to any of the stereotype scales in the study.

Discussion

Our results indicated that only one of our original hypotheses were supported in our study. Hypothesis 1 and 1a were unsupported as we found that there were no differences in sentence length and severity between Latinx and White juvenile offenders, even when the offender was Latinx and the victim was White. Additionally, Hypothesis 2 was not supported as there did not appear to be a connection between race and the length of time the offender should be sentenced to if they were an adult, nor was there a difference in the likelihood of giving an adult a greater or lesser sentence among any of the conditions. Hypothesis 3 was partially supported in that participants with prior juror experience used less stereotypical language when explaining their sentence recommendation as compared to those without prior juror experience.

Offender and Victim Race on Sentence Recommendations

Contrary to our hypotheses, neither defendant race nor victim race were related to sentence recommendation or length in our study. There were no differences among the White

offender, White victim; White offender, Latinx victim; Latinx offender, White victim; and Latinx offender, Latinx victim conditions. This is surprising given prior literature on sentence disparities, as juveniles of color have been viewed as more violent or dangerous in prior studies (Bridges & Steen, 1998). Stereotypes perpetuate the idea that Latinx offenders are “lawbreakers” (Guo & Harlow, 2014) or “gang members” (Howell, 2010), but there was no difference in the use of stereotypical language amongst the four conditions. Although White juveniles tend to be treated with more leniency in the juvenile justice system and are less likely to be viewed as guilty (Stevenson & Bottoms, 2009), there were no disparities to be found between White and Latinx offenders. Similarly, prior research has supported the idea that a guilty verdict is most likely to be given when the victim is White (Stevenson & Bottoms, 2009), which we did not find in our study.

As null results are difficult to interpret, we cannot explicitly determine whether stereotypes are used in decision-making or if there truly are sentence disparities. With this, it is possible that our methodology affected the results. With the names of the victim and offender being race-stereotypical (Pedro and Carlos, respectively), it is possible that by making race salient in this way, the participants tried harder to avoid making stereotypical decisions and attempted to be less biased in their decision-making. This idea is supported by Cohn et al.’s (2009) research in which mock jurors were reminded about the defendant’s race to avoid making biased judgments. Although race was made salient only in the trial summaries, this could have been enough to encourage participants to be fairer and not attribute the crime to the offender’s race when recommending a sentence. One direction for future research could involve repeating this study methodology, with the addition of having participants report whether they corrected for their racial biases.

Adult Sentencing

Our second hypothesis was also not supported, as there were no differences in sentence recommendations for adult offenders among the four conditions. The Latinx offender was no more likely to be given a harsher sentence than the White offender if they were adults who committed an assault. This is surprising given prior literature on the topic, as youth of color are more likely to be viewed as violent and dangerous due to the stereotypical belief that they are “Superpredators” or associated with gangs (Dilulio, 1995; Howell, 2010). Youth who are viewed in this way are more likely to be transferred to adult court and given more severe sentences than other juvenile offenders (Kurleychek & Johnson, 2004). Prior research has also suggested that Black and Latinx offenders receive harsher sentences than White offenders (Steffensmeier & Demuth, 2001). However, this was not supported by our study when the offenders were depicted as adults or juveniles.

Again, null results are difficult to interpret, but our methodology may have contributed to this. It is possible that our questions were confusing, as participants were asked about both juvenile offenders and adult offenders in a study that was primarily focused on juveniles. Future research could explore multiple options to avoid confusion among participants. Firstly, a study could randomly assign mock juror participants to either a condition in which they are asked to read a trial summary of a juvenile offender or a trial summary of an adult offender to determine whether there are differences between the groups. Additionally, a future study could have one condition evaluate a trial in which the juvenile is to be tried in juvenile court and another evaluate a trial in which the juvenile is tried in adult court to determine whether there would be sentence disparities between Latinx and White offenders in cases where there are different expectations of the juvenile.

Prior Juror Experience

Our third hypothesis was partially supported in that participants with prior juror experience used less stereotypical language when providing explanations for their sentence recommendations. However, there were no differences in responses on the stereotype scales amongst those who had prior juror experience and those who did not, regardless of the condition in which they were assigned. These results suggest that participants with prior juror experience may make less stereotyped judgments, but not in all cases. More research should examine this further, as it is possible that mock-jurors in this study were unintentionally encouraged not to make racially charged decisions in most instances. Additionally, there were only 44 participants in the study with prior juror experience, which complicates explaining why there were less instances of stereotyping when there were many more participants without juror experience; thus, future research should re-examine this question with a larger sample size.

Limitations of the Study

There were a few limitations within this study. Firstly, we created the trial summaries and the stereotype scales rather than using a real-life juvenile case example or existing stereotype scales. Additionally, the sentence recommendations were limiting, as participants were restricted to selecting from six options without allowing them to type in a response instead; this was evidenced by some of the responses to the sentence explanations, as some participants wrote that they would have offered a blend of multiple sentence types rather than just one type. The participants were also selected from Prolific, a website with quality research participants. However, the study was only posted on this site, and in order to take the study one must have been a member of it. If the study was posted on other data collection sites, it is possible that the results could have varied or have been more generalizable to the public. Lastly, our third

hypothesis was examining the use of stereotypical language and associations when a participant has prior jury experience or not. However, only 44 of the 300 participants had prior jury experience, so the comparisons between the two groups could have been different if the group sizes were more equal.

Future Research Recommendations

In addition to the suggestions proposed above, future research should explore multiple methodologies testing the hypotheses in our study. Firstly, the focus of a study could be on a harsher crime, like a homicide case, drug case, or a more serious assault to determine if there are more sentence disparities based on race when a different crime is involved. Additionally, future research should compare sentence disparities among more minority groups within their studies. For example, a study could make comparisons among offenders and victims belonging to multiple racial groups in one study (Black, White, Latinx, Asian, Native American, etc.) or could conduct multiple studies making comparisons among groups other than Black or Latinx, as those have been more widely studied than other minority groups. With this, researchers could change how they depict the offender. For example, a picture of the juvenile offender could be shown to the mock juror participants to evaluate whether there are stronger, weaker, or equivalent instances of bias. This could help to evaluate both sentence disparities between Whites and minority groups, as well as disparities between different minority groups. Furthermore, future research should test this research question again using real-life juvenile trial cases rather than a self-created trial summary, as the results may be more generalizable if they were applied to a case that has actually happened.

Lastly, other studies could examine racial biases among other decision-makers in the criminal and juvenile justice systems. Only a brief trial summary was shown to the mock juror

participants, while actual jurors hear from multiple parties, including witnesses, defense attorneys, and prosecuting attorneys before coming to a decision. Future research could examine the impact of prosecutor arguments on juror decision-making to determine whether prosecutor biases affect the outcome of a case.

Implications & Conclusions

This research has important implications, despite most of the hypotheses not being supported in the study. Firstly, although this research did not reveal sentence disparities between White and Latinx juvenile offenders, sentence disparities may still affect juvenile offenders in the real world. Future research should continue examining the impacts of these disparities on juveniles, as these can have consequences for their future life endeavors, particularly when the decisions are based on stereotypes. Additionally, the juvenile justice system, and the criminal justice system in general, includes many decision-makers who may hold biases against offenders of different racial identities. Perhaps, other key figures in the criminal justice system hold racial biases that impact juror decision-making. More work needs to be done to minimize biases and conviction rates to make the sentencing process fairer.

References

- Albonetti, C. A. (1991). An integration of theories to explain judicial discretion. *Social Problems*, 38, <https://doi.org/10.1525/sp.1991.38.2.03a00090>
- Asch, S. E. (1946). Forming impressions of personality. *The Journal of Abnormal and Social Psychology*, 41(3), 258–290. <https://doi.org/10.1037/h0055756>
- Barrett, A. N., Kuperminc, G. P., & Lewis, K. M. (2013). Acculturative stress and gang involvement among Latinos: U.S.-born versus immigrant youth. *Hispanic Journal of Behavioral Sciences*, 35(3), 370–389. <https://doi.org/10.1177/0739986313488086>
- Bridges, G. S., & Steen, S. (1998). Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms. *American Sociological Review*, 63(4), 554–570. <https://doi.org/10.2307/2657267>
- Carroll, J. S., Perkowitz, W. T., Lurigio, A. J., & Weaver, F. M. (1987). Sentencing goals, causal attributions, ideology, and personality. *Journal of Personality and Social Psychology*, 52(1), 107–118. <https://doi.org/10.1037/0022-3514.52.1.107>
- Central Washington University. (n.d.). *Latinx defined*. <https://www.cwu.edu/latinx/latinx-defined>
- Cipriano, A. (2020). *Latinx youth undercounted, ignored in juvenile justice system: Report*. The Crime Report. <https://thecrimereport.org/2020/08/26/latinx-youth-are-undercounted-ignored-in-juvenile-justice-system-report/#:~:text=Juvenile%20Detention.&text=Today%2C%20Latinx%20youth%20make%20up,facilities%20on%20any%20given%20day>.
- Cohn, E. S., Buccolo, D., Pride, M., & Sommers, S. R. (2009). Reducing white juror bias: The role of race salience and racial attitudes. *Journal of Applied Social Psychology*, 39(8), 1953–1973. <https://doi.org/10.1111/j.1559-1816.2009.00511.x>

Devine, P. G. (1989). Stereotypes and prejudice: Their automatic and controlled components.

Journal of Personality and Social Psychology, 56(1), 5–18. <https://doi.org/10.1037/0022-3514.56.1.5>

Dilulio, J. (1995). *The coming of the super-predators*. Washington Examiner. Retrieved from

<https://www.washingtonexaminer.com/weekly-standard/the-coming-of-the-super-predators>

Durand, R. M. (1978). Previous jury service as a moderating influence on jurors' beliefs and attitudes. *Psychological Reports*, 42(2), 567-572.

<https://doi.org/10.2466/pr0.1978.42.2.567>

Ericson, R. D., & Eckberg, D. A. (2015). Racial disparity in juvenile diversion: The impact of focal concerns and organizational coupling. *Race and Justice*, 35-56.

<https://doi.org/10.1177/2153368715594848>

Graham, S., & Lowery, B. S. (2004). Priming unconscious racial stereotypes about adolescent offenders. *Law and Human Behavior*, 28(5), 483-504.

<https://doi.org/10.1023/B:LAHU.0000046430.65485.1f>

Greene, E., Duke, L., & Woody, W. D. (2017). Stereotypes influence beliefs about transfer and sentencing of juvenile offenders. *Psychology, Crime & Law*, 1-18.

<http://dx.doi.org/10.1080/1068316X.2017.1332194>

Guo, L., & Harlow, S. (2014). User-generated racism: An analysis of stereotypes of African Americans, Latinos, and Asians in YouTube videos. *Howard Journal of*

Communications, 25, 281-302. <https://doi.org/10.1080/10646175.2014.925413>

Haegerich, T. M. (2002). *Influences of stereotypes on individual and group decisions in a novel context: Juvenile offenders in court*. Ann Arbor, MI: UMI Dissertation Services.

Howell, J. C. (2010). Gang prevention: An overview of research and programs. *Juvenile Justice Bulletin*, 1-24. <https://www.ojp.gov/pdffiles1/ojjdp/231116.pdf>

Kay, A. C., Day, M. V., Zanna, M. P., & Nussbaum, A. D. (2013). The insidious (and ironic) effects of positive stereotypes. *Journal of Experimental Social Psychology*, 49, 287-291. <http://dx.doi.org/10.1016/j.jesp.2012.11.003>

Klein, K., & Creech, B. (1982). Race, rape, and bias: Distortion of prior odds and meaning changes. *Basic and Applied Social Psychology*, 3(1), 21-33. https://doi.org/10.1207/s15324834basp0301_2

Kurleychek, M. C., & Johnson, B. D. (2004). The juvenile penalty: A comparison of juvenile and young adult sentencing outcomes in criminal court. *Criminology*, 42(2), 485-517. <https://doi.org/10.1111/j.1745-9125.2004.tb00527.x>

Leiber, M. J., & Jamieson, K. M. (1995). Race and decision making within juvenile justice: The importance of context. *Journal of Quantitative Criminology*, 11(4), 363-384. <https://doi.org/10.1007/BF02630569>

Massachusetts Court System. (2017, August 27). *Sentencing best practices- District court and Boston municipal court*. Retrieved from <https://www.mass.gov/doc/sentencing-best-practices-district-court-and-boston-municipal-court/download>

McGowen, R., & King, G. D. (1982). Effects of authoritarian, anti-authoritarian, and egalitarian legal attitudes on mock juror and jury decisions. *Psychological Reports*, 51, 1067-1074. <https://doi.org/10.2466/pr0.1982.51.3f.1067>

Michon, K. (n.d.). *Juvenile court sentencing options: Typical punishment and penalties for juvenile delinquents and youth offenders*. Retrieved from <https://www.nolo.com/legal-encyclopedia/juvenile-court-sentencing-options-32225.html>

National Hispanic Media Coalition. (2012). *The impact of media stereotypes on opinions and attitudes towards Latinos*.

<https://www.chicano.ucla.edu/files/news/NHMCLatinoDecisionsReport.pdf>

Perez, D. A., Hosch, H. M., Ponder, B., & Trejo, G. C. (1993). Ethnicity of defendants and jurors as influences on jury decisions. *Journal of Applied Social Psychology*, 23(15), 1249-1262. <https://doi.org/10.1111/j.1559-1816.1993.tb01031.x>

Priest, N., Slopen, N., Woolford, S., Philip, J. T., Singer, D., Kauffman, A. D., Mosely, K., Davis, M., Ransome, Y., & Williams, D. (2018). Stereotyping across intersections of race and age: Racial stereotyping among White adults working with children. *PLOS ONE*, 13(10). <https://doi.org/10.1371/journal.pone.0201696>

Robles-Ramamurthy, B., & Watson, C. (2019). Examining racial disparities in juvenile justice. *Journal of the American Academy of Psychiatry and the Law Online*, 49(1), 1-5. DOI: <https://doi.org/10.29158/JAAPL.003828-19>

Rodriguez, N. (2010). The cumulative effect of race and ethnicity in juvenile court outcomes and why preadjudication matters. *Journal of Research in Crime and Delinquency*, 47(3), 391-413. <https://doi.org/10.1177/0022427810365905>

Rovner, J. (2021). *Racial disparities in youth incarceration persist*. The Sentencing Project. <https://www.sentencingproject.org/publications/racial-disparities-in-youth-incarceration-persist/>

Skolnick, P., & Shaw, J. I. (1997). The O.J. Simpson criminal trial verdict: Racism or status shield? *Journal of Social Issues*, 53(3), 503-516. <https://doi.org/10.1111/j.1540-4560.1997.tb02125.x>

- Sommers, S. R., & Ellsworth, P. C. (2001). White juror bias: An investigation of prejudice against Black defendants in the American courtroom. *Psychology, Public Policy, and Law*, 7(1), 201-229. <https://doi.org/10.1037/1076-8971.7.1.201>
- Sommers, S. R., & Ellsworth, P.C. (2003). How much do we really know about race and juries? A review of social science theory and research. *Chicago Kent Law Review*, 78(3), 997-1031. <https://scholarship.kentlaw.iit.edu/cklawreview/vol78/iss3/5>
- Steen, S., Engen, R. L., & Gainey, R. R. (2005). Images of danger and culpability: Racial stereotyping, case processing, and criminal sentencing. *Criminology*, 43(2), 435-468. <https://doi.org/10.1111/j.0011-1348.2005.00013.x>
- Steffensmeier, D., & Demuth, S. (2001). Ethnicity and judges' sentencing decisions: Hispanic-Black-White comparisons. *Criminology*, 39(1), 145-178. <https://doi.org/10.1111/j.1745-9125.2001.tb00919.x>
- Stevenson, M. C., & Bottoms, B. L. (2009). Race shapes perceptions of juvenile offenders in criminal court. *Journal of Applied Social Psychology*, 39(7), 1660-1689. <https://doi.org/10.1111/j.1559-1816.2009.00499.x>
- Tang, C. M., Nunez, N., & Bourgeois, M. (2009). Effects of trial venue and pretrial bias on the evaluation of juvenile defendants. *Criminal Justice Review*, 34(2), 210-225. <https://doi.org/10.1177/0734016808325037>
- Ulmer, J., & Kramer, J. (1996). Court communities under sentencing guidelines: Dilemmas of formal-rationality and sentencing disparity. *Criminology*, 34, 383-408. <https://doi.org/10.1111/j.1745-9125.1996.tb01212.x>

Woolard, J. L., Harvell, S., & Graham, S. (2008). Anticipatory injustice among adolescents: Age and racial/ethnic differences in perceived unfairness of the justice system. *Behavioral Sciences and the Law*, 26, 207-226. <https://doi.org/10.1002/bsl.805>

Appendix 1: Trial Summary Example

(Names and race vary depending on condition):

Below are facts of the case that you will use to make a verdict and sentencing decision:

1. A 17-year-old, White [Latino] male named Mike [Pedro] is being charged with assault.
2. The victim is his friend Ryan [Carlos], a 17-year-old White [Latino] male.
3. The assault was committed at Ryan's [Carlos's] house.
4. Leading up to the assault: Mike [Pedro] and Ryan [Carlos] were watching a show when Mike [Pedro] asked Ryan [Carlos] if he had talked to their other friend about the party they were going to have next weekend. They talked about their excitement about the party, but then Ryan [Carlos] had brought up how he was going to invite Mike's [Pedro's] ex-girlfriend. Mike [Pedro] was not happy about this, but Ryan [Carlos] insisted that it would be fine. Mike [Pedro] was not calmed down by this and asked Ryan [Carlos] if he wanted to date his ex. Ryan [Carlos] dodged the question, telling Mike [Pedro] to calm down. This made Mike [Pedro] more frustrated. He stood up and started pacing. Ryan [Carlos] told Mike [Pedro] how he had been talking to his ex and explained that he was just friends with her. Mike [Pedro] did not believe Ryan [Carlos], which made Ryan [Carlos] angry. Mike [Pedro] began yelling at him, calling him a bad friend for talking to his ex without telling him. Ryan [Carlos] told him that Mike's [Pedro's] ex had told him that Ryan [Carlos] would be a better boyfriend for her. After this, Ryan [Carlos] had admitted that he did want to date her, which made Mike [Pedro] very angry.
5. Mike [Pedro] started to hit Ryan [Carlos] while Ryan [Carlos] continued to yell at him. Ryan [Carlos] did not hit back. Then, Mike [Pedro] proceeded to punch him in the face and pushed him to the ground, kicking him until he was unconscious.
6. Mike [Pedro] was arrested that night after Ryan's [Carlos's] mother heard the altercation and called the police. No weapon was found nor was one used in the fight. However, both Mike [Pedro] and Ryan [Carlos] had been drinking.
7. Mike [Pedro] has no prior criminal history, but has a habit of skipping school and has gotten into two verbal fights and one physical fight at school in the past year.
8. Mike [Pedro] appears to be remorseful for his actions and is paying attention to the trial respectfully.
9. Ryan [Carlos] is visibly upset when he sees Mike [Pedro], threatening to "get payback" when he recovers. Mike [Pedro] becomes angry at this and starts to get up out of his seat, but when urged to sit back down he complies.
10. Ryan [Carlos] was in the hospital for two weeks recovering from his injuries.

Appendix 2: Sentencing Best Practices and Guidelines

The following are sentencing guidelines and best practices adapted from the Boston Municipal and District Court:

- The sentence should be no more severe than necessary
- The sentence should be proportionate to the seriousness of the offense and the harm done to the victim.
- When making a sentencing decision, the facts and circumstances of the crime, the defendant's prior criminal record, the defendant's background, and the impact the crime has had on the victim can all be considered.
- The reason for imposing a particular sentence should be explained.

Below is a description of common sentences given to juvenile offenders:

- Community service: Working a certain number of hours in the community.
- Counseling: Mandated therapy with a licensed mental health counselor or psychologist.
- Probation: Restricts the activities a minor can participate in. Curfews, attendance at school, meetings with an officer, and monitoring and treatment programs (e.g., anger management classes, social skills building) may be included. Violations can result in incarceration.
- House Arrest: The juvenile is to remain in their household unless they have to go to school, work, or counseling.
- Juvenile Detention: Incarceration in a juvenile facility.
- Adult Jail: Incarceration with adults, typically when the crime committed is serious.