

The Effect Of Evidence Regarding Juvenile Competency On Jurors' Subsequent Verdicts

A dissertation submitted to the faculty of

the California School of Forensic Studies

in partial fulfillment of the requirements for the degree of

Doctor of Psychology

at

Alliant International University,

Los Angeles, California

by

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2015

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## ACKNOWLEDGEMENTS

I would like to take a moment to express my gratitude to the individuals who were instrumental in guiding me through this journey. Without them this process would have been much more difficult.

First off, I would like to thank my chair Dr. Tracy Fass. Dr. Fass, I greatly appreciate your unwavering support and encouragement throughout this process and grad school. There were many a time I would frantically email you or run into your office and you were always reassuring and supportive. I would also like to thank Dr. Deborah Miora for serving as my committee member and being so generous with her knowledge and input; driving me to think more in depth and take this project.

Thank you to my parents and my family, more specifically to uncle Ernesto. You believed in me even when I doubted myself. Thank you for unconditional love, support, and patience. It takes a village to help a graduate student be successful, and you are all apart of my village. Lastly, I would like to thank my friends for helping me get through the long days, late nights, and for the times when I thought I would never be able to finish.

I would also like to acknowledge my late grandmother Tita Jimenez, for encouraging me and believing in me to push me to apply to graduate school and instilled confidence in me to accomplish journey.

### Abstract

Historically, juveniles have been viewed by society as less mature and less blameworthy than adults (Scott & Grisso, 1997). Since its inception, the juvenile justice system has taken on a parenting role for juveniles and has attempted to rehabilitate juvenile offenders instead of punishing them. However, during the 1980s and 1990s, as a result of a perceived increase in violent juvenile offending, American society began to treat juveniles as adults based on the severity of their crimes (Grisso, 1997). The current study examined whether evidence regarding a juvenile's competence to stand trial and crime committed have an effect on potential jurors' verdicts of guilty or not guilty. This study also examined the participants' perceptions of a juvenile's level of responsibility based on evidence regarding competency and crime outcome. Participants consisted of members of the general public who were jury-eligible. Participants received one of four randomly assigned vignettes varying only by competency to stand trial (not mentioned, incompetent and restored, or competent) and outcome of crime (death or serious injury). After reading a given vignette, participants were asked whether they would find the juvenile guilty or not guilty. They were also asked to rate the juvenile's level of responsibility on a scale of 1 (*not at all responsible*) to 5 (*very responsible*). This study found that a juvenile's competence to stand trial and the results of the crime committed (injury versus death) have no effect on potential jurors' verdicts of guilty or not guilty. The results did suggest that the participants' perceptions of a juvenile's level of responsibility based on evidence impacts a verdict of guilty versus not guilty. Further, a competent juvenile who was found guilty of an offense resulting in death was found highly responsible for the act. In contrast, a juvenile who was not competent and was found not guilty of an offense resulting in death was perceived to be less responsible.

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## CHAPTER I

### Literature Review

#### Introduction

Historically, American society viewed the adolescent population as a behaviorally immature group (Scott & Grisso, 1997). Society has also treated juveniles as less blameworthy than adults (Addams, 1925; Mack, 1909; Platt, 1977). As a result, in 1889, the first juvenile court was created. The juvenile court was created based on two assumptions (Scott & Grisso, 1997). The first assumption was that juveniles are less capable of mature decision-making than adults and are therefore less culpable for any offenses they may commit. The second assumption was that juveniles are more amenable to treatment and are more likely to be rehabilitated than adults (Scott & Grisso, 1997). Therefore, the goal was not to punish, but to rehabilitate young offenders (Platt, 1977). Also, juvenile courts were not required to adhere to the same due process of law that was required in adult criminal courts (Grisso, 1996).

Over the past half-century, American society has changed its approach in dealing with juvenile offenders. Two major court decisions in the 1960s [*Kent v. U.S.* (1966) and *In re Gault* (1967)] began to change the policies of the juvenile justice system. Specifically, these cases started the trend toward juveniles receiving the same procedural due process rights as adults. Furthermore, by the end of the 1990s, almost every state changed its statutes in a way that provided ease of transfer of juveniles to adult criminal court (Bonnie, 1989; Feld, 1987). *To transfer a juvenile to criminal court* means that the adolescent will face the same legal procedures and penalties as an adult accused of similar crimes (Fritsch & Hemmens, 1995). Although juveniles now receive the same constitutional protections available to adults, they are also subject to harsher sentences in the adult criminal justice system because they face the same

legal procedures and penalties as an adult if they are accused of a similar crime (Fritsch & Hemmens, 1995).

### **Juvenile Development**

Research has argued that adolescents are less mature, more impulsive, and engage in more risk-taking behaviors than adults (Gardner & Steinberg, 2005; Hewitt et al., 2006) and research has provided insight into both psychosocial maturity (Grisso, 1997) and the developmental differences between juveniles and adults (Cauffman & Steinberg, 2000; Steinberg & Cauffman, 1996). For example, adolescents are more likely to drive recklessly than adults, to drive while intoxicated, to use various drugs, have unprotected sex, and engage in antisocial behavior (Arnett, 1992). In a study that looked at psychosocial maturity as it applies to peer influence, Grisso (1997) found that younger adolescents tended to respond more irresponsibly to direct peer pressure in order to fit in with their contemporaries than did their older adolescent counterparts. He concluded that older teens make sounder and logical decisions because their brains are more developed thus they have a greater ability to understand the consequences of their actions. Both Cauffman and Steinberg (2000) and Steinberg and Cauffman (1996) explained that the reason for this is that the frontal lobe of the human brain is still taking shape and therefore does not have the ability accurately process between what is correct and what is incorrect in more advanced decision-making situations.

Research has shown that juveniles have not fully developed the full range of cognitive and volitional competencies (Feld, 2004; Hewitt, Regoli, & Kierkus, 2006; Steinberg & Scott, 2003) and that they differ from adults physically, socially, and psychologically. According to Thompson (2004) developmental differences between adolescents and adults such as those that help with decision-making and which regulate inhibition exist. Specifically, he found that the

prefrontal cortex, which regulates executive functions and includes reasoning, advanced thought, and impulse control, does not reach maturation until full adulthood and thereby causes adolescents to have cognitive weaknesses in the domains controlled by this area of the brain, Due to the fact that this area of the brain is the last to mature is a likely explanation as to why adolescents have difficulty in making wise decisions in areas such as risk-taking [i.e., driving too fast, experimenting with drugs, doing dangerous tricks on their bikes to impress their friends and for the glory of it, and so on (Thompson, 2004)].

Previous literature attributes youthful immaturity to two types of differences between adults and adolescents: cognitive differences (i.e., thought process) and psychosocial differences [i.e., social and emotional maturity (Steinberg & Cauffman, 1996)]. These illustrate the differences in an adolescent's competency due to developmental status (cognitive factors), differences in experience (psychosocial maturity), or a combination of both (Steinberg & Cauffman, 1996). Psychosocial factors alone may negatively influence judgment in adolescents that may result in delinquent behavior (Cauffman & Steinberg, 2000). It is possible for delinquent behavior to be a result of a combination of both cognitive factors and psychosocial maturity. The factors that include psychosocial maturity are: peer influence, temporal perspective, risk perception, and risk preference (Scott & Grisso, 1997). Cognitive factors include the capacity to process information and think critically which is gained through knowledge in specific domains. Both, cognitive skills and psychosocial factors continue to mature and develop throughout adolescence (Scott & Grisso, 1997).

Researchers have argued that adolescents are less mature, more impulsive, and engage in more risk-taking behaviors than adults (Gardner & Steinberg, 2005; Hewitt et al., 2006). Research has shown that adolescents who commit risky acts such as vandalism and drug use or

rape and homicide, often do so in the company of peers (Erickson & Jensen, 1977; Gardner & Steinberg, 2005). Psychosocial maturity consists of responsibility, perspective, and temperance and continues to develop until adolescents are approximately 19 years old (Cauffman & Steinberg, 2000). *Responsibility* includes characteristics such as independence, self-reliance, and clarity of identity meaning being aware of one's self (Cauffman & Steinberg, 2000). *Perspective* refers to an individual's likelihood of considering situations from different standpoint and placing them in more general social and temporal contexts (Cauffman & Steinberg, 2000). For example, an adolescent growing up in an environment that does not provide a safe environment, education, or other opportunities, may cause the adolescent to ignore the importance of long-term consequences when making decisions (Gardner, 1993). Lastly, *temperance* refers to the propensity to limit impulsivity and assess situations before acting (Cauffman & Steinberg, 2000). According to Cauffman and Steinberg (2000), any lack of development in these areas can affect an adolescent's decision-making and risk-taking behaviors.

### **Juvenile Competency**

**Case law and legislation.** In 1960, the Supreme Court case of *Dusky v. United States* affirmed that a defendant has the right to a competency evaluation before going to trial (Grisso, 1997). Also in *Dusky v. United States*, the Court set forth the requirements for competence. According to the *Dusky* standard, the test for a defendant's competency to proceed to trial is "[w]hether (the defendant) has sufficient present ability to consult with (a) lawyer with a reasonable degree of rational understanding—and whether (the defendant) has a rational as well as factual understanding of the proceedings" (p. 402). This means that the defendant must be able to understand the charges brought against him, help his lawyer with his defense, and understand court proceedings. For example, if the juvenile believes that his lawyer decides if he

is guilty or not guilty, the juvenile may not tell his lawyer everything or may tell the lawyer what he believes his lawyer wants to hear. In that case, the juvenile is not competent to stand trial because he does not have the ability to consult with his lawyer in order to aid in his defense nor does he have a factual understanding of court proceedings.

Before the 1960s, juveniles were not afforded the same due process rights as adults (Grisso, 1996). Moreover, competence to stand trial was not considered in juvenile cases because the juvenile court was a civil court (Grisso, 2003). In 1966, the Supreme Court in *Kent v. United States* held that juveniles must be afforded due process rights when facing waiver of jurisdiction. This means that juveniles must be allowed the same rights as an adult. In 1967, the same year as *Dusky v. United States*, the Supreme Court held that juveniles are people under the United States' Constitution and are afforded most of the same rights as adults as stated in *In re Gault* after which the concept of competence to stand trial arose in juvenile court (Grisso, 2003).

The Court in *In re Gault* (1967) stated that juveniles are people under the United States' Constitution and are afforded most of the same rights as adults. Following *In re Gault*, many states recognized the legal rights that juveniles have been afforded to them by the Fourteenth Amendment. However, it has been difficult to define the minimum legal standard for a juvenile to be considered competent to stand trial [i.e., a waiver of jurisdiction from a juvenile court to a district court based on the similarity of an adult crime (Bonnie & Grisso, 2000)]. Together, *Kent v. United States* and *In re Gault* extended procedural due process rights to juveniles. These cases made sure that juveniles are allowed the same rights as adults when facing adjudication of delinquency and incarceration under the Fourteenth Amendment.

Although the Supreme Court has not expressly extended *Dusky v. United States* to juvenile offenders, by the end of the 1980s approximately one-third of States provided juveniles

rights regarding competency to stand trial either statutorily or through case law (Grisso, Miller, & Sales, 1987). However, juvenile competency was rarely raised until the 1990s which was when its focus shifted from rehabilitation to a more punitive approach (Grisso, 2003). By the end of the 1990s more than two-thirds of the States acknowledged the concept of competence to stand trial in the juvenile courts (Bonnie & Grisso, 2000).

Usually mental retardation and mental illness are associated with the incompetence of adults to proceed in trial, but only 25% of juveniles who are found incompetent to stand trial meet criteria for such diagnoses (Baerger, Griffin, Lyons & Simmons, 2003). Therefore, the application of the *Dusky* standard to adolescents presents a problem with regard to adolescents because it was specifically created for adults with mental disorders (Burrell, Kendrick, & Blalock, 2008). As such, courts may think that some juveniles do not qualify to be evaluated for competence (Kruh & Grisso, 2009). This is primarily because courts have a poor understanding of juvenile development and mental illness, both of which can result in a juvenile having a distorted or incomplete understanding of the court process (Kruh & Grisso, 2009). This can be seen in Grisso and Quinlan (2005) research which found that two-thirds of mental health professionals responsible for court-ordered forensic evaluations reported that courts in their jurisdictions have declared a juvenile incompetent due to developmental immaturity.

**Competence capacities.** Any party to a case can raise the issue of competence and all parties are required to raise the issue when there is a “bona fide” doubt about the defendant’s competence (*Drope v. Missouri*, 1975; Grisso, 2003, p. 70; *Pate v. Robinson*, 1966). Therefore, when the question of a defendant’s competency is raised, the defendant undergoes a forensic evaluation in order to determine whether or not he or she meets the *Dusky v. United States* requirements. Specifically, the evaluator is asked to determine if the defendant has the mental

ability to understand, appreciate, and reason with his or her lawyer during the court proceedings (Grisso, 2003).

Competency to stand trial is a level of performance that can be attained and re-attained; it is not stagnant (Cooper, 1997). This means that a juvenile may be initially competent or may attain competence, but it does not mean that it is permanent; juveniles' competency to stand trial may fluctuate. If the issue of a juvenile's competency is raised and he or she is found incompetent to stand trial, the trial proceedings will be suspended until further notice (Burrell, Kendrick, & Blalock, 2008). If this occurs, then there is a competency hearing in order to assess the likelihood that competency may be attained with treatment (Grisso, 2003). The Supreme Court in *Jackson v. Indiana* (1972) set a time limit for restoration of competence. Before *Jackson*, many defendants who were found incompetent were hospitalized indefinitely if treatment for their low intelligence or mental illness did not restore them to competency (Grisso, 2003). Because of this policy, even though some defendants' lack of improvement was due to brain damage or severe mental retardation, they would still be kept hospitalized for the rest of their lives and would never be brought to trial (Grisso, 2003). This changed in 1972 when the United States Supreme Court ruled in the *Jackson v. Indiana* 406 U.S. 715 case that an incompetent defendant "cannot be held more than the reasonable period of time necessary to determine whether there is a substantial probability that he will attain competency in the foreseeable future" (*Jackson v. Indiana*, 1972, p. 716). What this means is that if the defendant cannot attain competence in the foreseeable future, the State must either pursue civil proceedings as applicable to those who are not facing criminal charges or release the defendant (*Jackson v. Indiana*, 1972).

There are many developmental factors that must be considered when applying the



competency standard to juveniles (Romaine, Kemp, & DeMatteo, 2010). Among these is developmental maturity with respect to legal capacities. The issue here is whether the juvenile has perceived autonomy, perceived risk, time perspective and future orientation, and abstract and probabilistic thinking (Grisso et al., 2003). The primary cause of incompetence of juveniles to proceed in trial is developmental immaturity (Grisso, 2005). In other words, juveniles are often developmentally immature in terms of their risk perception, risk adversity, consideration of consequences, and decision-making in a legal context (Riggs, 2005), and deficits in any these areas can result in a juvenile being found incompetent to stand trial.

**The application of the *Dusky* standard to juvenile competency.** The *Dusky* (1960) standard holds that two prongs must be met in order for the court to consider a defendant competent to stand trial. The first prong is that the defendant must present with the ability to consult with his or her lawyer with “a reasonable degree of rational understanding” (p. 402). The second prong states that the defendant must have “a rational as well as factual understanding of the proceedings being brought forth against him” (*Dusky v. United States*, 1960, p. 402).

***Prong one: Ability to communicate fully with defense counsel.*** The first prong of the *Dusky* standard relates to the defendant’s developmental maturity with regard to legal capacities as well as other disabilities, such as learning disabilities (Grisso et al., 2003; Kruh & Grisso, 2009). Kruh and Grisso (2009) explained the defendant must have the ability to provide the defense attorney with sources of evidence along with possible witnesses. More importantly, the defendant must be able to provide information that would be able to assist counsel in building a case in support of the defendant (Kruh & Grisso, 2009). The development of rapport between attorney and client is imperative, as a good rapport will help to ensure that the client does not withhold any important information about the case from his or her attorney.

Peterson-Badali and Abramovitch (1992) found that a large number of adolescents believed that their attorneys were able to tell judges and probation officers details of their legally privileged conversations. Grisso (1997) concurred, stating that juveniles often misunderstand an attorney's restrictions and misunderstand the role of the attorney, and sometimes even fear the attorney may use information against the juvenile at a later date—a belief that can hinder the defendant's ability to fully and openly consult with his or her legal counsel. Furthermore, Grisso (1997) found that approximately one-third of juveniles falsely believed that their lawyers were the professionals responsible for determining their guilt or innocence. These findings illustrate the inability of juveniles to fully understand and communicate with their lawyers. This exemplifies the importance of the *Dusky* standard's first prong: the ability of a juvenile to understand, appreciate, and reason with his or her lawyer during their court proceedings is paramount but due to cognitive and/or psychosocial immaturity, the juvenile defendant may not have the capabilities to do so.

According to Kruh and Grisso (2009), there are factors that need to be taken into consideration when looking at a defendant's competency to stand trial other than developmental immaturity. This includes disabilities, specifically learning disabilities, which can include executive function learning disabilities, neurological disorders, or ADHD. These disabilities can affect a juvenile's judgment as well as decision-making abilities and the failure to evaluate the impact of these disabilities is negligent (Kruh & Grisso, 2009). Statistics show that juvenile offenders are twice as likely to be affected by learning disorders as their peers in general population (Otto & Goldstein, 2005). The pervasiveness of these disorders among offending juveniles should not be considered a coincidence as these offenders are more likely to have an underdeveloped maturity level and weak sense of responsibility (Otto & Goldstein, 2005).

Developmental immaturities, along with other disabilities, may limit their ability to meet the first prong in *Dusky*.

***Prong two: Understanding of charges and proceedings.*** The second prong of the *Dusky* (1960) standard requires that the defendant have a rational understanding of the proceedings against him or her. Not all juveniles are able to meet this standard due to an overall poor understanding of the court process, which can be the result of distorted beliefs (Grisso, 1997). Bonnie (1992) classified the second prong of the *Dusky* standard as *decisional competence*, or the defendant having the capacity to engage in reasoning processes and to make judgments with the help from his or her lawyer (Bonnie, 1992). Along with other factors, such as perceived risk and probabilistic thinking, decision-making involves the ability to consider potential consequences, to make judgments based on those potential consequences, and to compare the consequences along with desirability and probability (Grisso, 1997). In other words, defendants must have the ability to make decisions when deciding on whether or not to accept plea agreements or on how to plead (Grisso, 1997). Each case is different in its complexity as some cases may be simple with obvious consequences or some may be complex with less obvious consequences (Grisso, 1997). It is important that both prongs of the *Dusky* standard are met. If they are not, the individual is found incompetent to stand trial.

### **Jurors' Perceptions of Juveniles**

Although there has been a great deal of research on perceptions of juveniles' culpability, there have not been any studies that have examined culpability in combination with competency and the outcome of the crime. Society tends to view culpability on a continuum (Ash, 2012). Because of this, children are seen as not responsible for offending behavior and adults are held fully responsible (Ash, 2012). Adolescents are in the middle of this scale being neither adult nor

child, which makes it unclear whether or not they are less culpable than an adult charged with the same crime (Ash, 2012). According to Ghetti and Redlich (2001), there are a number of factors that are now known to affect a juror's perception of a juvenile's culpability. These include a defendant's age (Ghetti & Redlich, 2001), criminal history (Levine, Williams, Sixt, & Valenti, 2001), as well as the type of crime (Ghetti & Redlich, 2001).

**Age.** There is a large body of research that suggests that age can influence juridical decisions (Ghetti & Redlich, 2001; Stalans & Henry, 1994; Walker & Woody, 2011; Warling & Peterson-Badali 2003). Warling and Peterson-Badali (2003) examined mock participants' verdicts and sentence recommendations for a 13-year-old juvenile, a 17-year-old juvenile, and a 25-year-old adult offender, all of whom were hypothetically accused of stabbing a same-aged peer. Jurors recommended longer sentences for older offenders than they did for the young offenders. Warling and Peterson-Badali's (2003) results suggest that jurors view the age of juvenile offenders as a justificatory factor in the offender's crime. In turn, jurors may likely view a younger offender as less culpable for his or her actions than his or her older counterparts who have been accused of committing the same crime.

Similarly, Stalans and Henry (1994) found that mock jurors were more likely to recommend that a 16-year-old juvenile offender be transferred to adult court than a 14-year-old. Specifically, Stalans and Henry (1994) examined juror bias in decision-making regarding verdict in a case involving a juvenile defendant. Stalans and Henry (1994) varied the crime, age, and personal and family backgrounds of the juvenile. The authors found that the jurors were more sympathetic when they received information regarding personal and family background about the juvenile. As defendant age decreased, they applied less culpability for an offense, even if the age differences were only a couple years.

Ghetti and Redlich (2001) examined mock jurors' sentence recommendations for juveniles who were 11-, 14-, and 17-years-old. Findings showed that age played a role in the participants' perceived culpability of the juvenile. Specifically, the mock jurors deemed younger juveniles as less responsible, less competent, and less able to understand the legal situation than older juveniles. Perceived culpability increased when the crime was viewed as less impulsive and when it resulted in death. Ghetti and Redlich (2001) assessed sentencing, but did not assess verdicts.

Walker and Woody (2011) examined the effects of age (14 or 24 years old) and the outcome of crime on their participants' verdicts and found that neither the age or crime outcome had an effect on verdicts. However, the authors did find that mock jurors were more likely to recommend longer sentences for adults who charged with an offense against a person or charged with a severe crime than they were for juveniles charged with the same offense(s) (Walker & Woody, 2011). Overall, the results from these studies on age of defendant and juror perception show that jurors view age as a mitigating factor in cases involving juvenile defendants.

**Criminal history.** Researchers have found that criminal history and type of crime committed have affected people's views of juvenile offenders. Levine et al. (2001) examined sentencing bias based on a juvenile's previous criminal history. Levine et al. (2001) found that mock jurors were more likely to find a defendant guilty if the defendant had a criminal history. Levine et al. (2001) aimed to assess the hypothesis that mock jurors have the ability to form impressions of personality based on the fact that a youth is being tried as an adult. The history of the juvenile's past offenses contained four primary characteristics: committed crimes in the past, previous criminal record, gotten into trouble this one time, and had a lot of previous contact with police (Levine et al., 2001). All of the primary characteristics were included in vignettes, which

predisposed the jurors toward a guilty verdict. These results indicate that jurors who hear cases involving juveniles tried as adults are more likely to take into account the juveniles previous criminal history and are likely to use that information toward finding the defendant guilty (Levine et al., 2001).

Ghetti and Redlich (2001) conducted a study examining whether violent or severe crimes motivated jurors to sentence juveniles harshly regardless of the juveniles' age. Ghetti and Redlich (2001) also examined whether age was taken into consideration when assigning sentences and attributing responsibility for the crime. To do this, the authors created parallel scenarios that varied on four factors. The first factor was the defendant's age (11, 14, or 17 years old). Reppucci (1999) defined these as representing pre-, mid-, and late adolescence. The second factor was the type of crime; the scenario either involved the juvenile shooting a gun at a person or arson. The third factor was the outcome of the crime (resulting in death or injury of the victim). The fourth factor was level of impulsivity, which was operationally defined as the time interval between the instigating event (i.e., an argument) and the act of the crime (Ghetti & Redlich, 2001). Ghetti and Redlich's results showed that crime outcome played a role in the jurors' perception of a juvenile's culpability. For example, if the crime resulted in death, the juvenile was perceived as more culpable than if the crime resulted in injury.

### **Current Study**

The current study is designed to assess participants' verdicts of guilty or not guilty based on evidence regarding a juvenile offender's competency to stand trial (as assessed prior to the trial) and on the outcome of the crime the juvenile committed. Second, the current study is designed to evaluate participants' perceptions regarding the defendant's level of responsibility. Previous research has evaluated how competency is affected by the age of the juvenile and the

type of crime committed (Ghetti & Redlich, 2001; Grisso et al., 2003; Scott & Grisso, 2005).

Few studies have assessed the effects of a juvenile's competence on a jury's verdict.

Furthermore, little to no research has examined the effects of a juvenile's competence on a jury's verdict in light of the outcome of the crime committed. Finally, although there is a clear relationship between jurors' perceptions regarding defendants' levels of responsibility and insanity, research has yet to investigate whether or not there is a relationship between competence and perceived level of responsibility. Therefore, the current study will be the first to evaluate the effects of competence and crime outcome on verdict and the defendant's level of responsibility.

### **Hypotheses**

H<sub>0</sub>: There will be no relationship between evidence regarding a juvenile's competency to stand trial and participants' verdicts.

H<sub>1</sub>: There will be a relationship between evidence regarding a juvenile's competency to stand trial and participants' verdicts.

H<sub>0</sub>: There will be no relationship between crime outcome and participants' verdicts.

H<sub>1</sub>: There will be a relationship between crime outcome and participants' verdicts.

H<sub>0</sub>: There will be no relationship between evidence regarding a juvenile's competency to stand trial and participants' perceptions regarding the defendant's level of responsibility.

H<sub>1</sub>: There will be a relationship between evidence regarding a juvenile's competency to stand trial and perceived level of responsibility.

H<sub>0</sub>: There will be no relationship between crime outcome and participants' perceptions regarding the defendant's level of responsibility.

H<sub>1</sub>: There will be a relationship between crime outcome and participants'

perceptions regarding the defendant's level of responsibility.

H<sub>0</sub>: There will be no relationship between verdict and participants' perceptions regarding the defendant's level of responsibility.

H<sub>1</sub>: There will be a relationship between verdict and participants' perceptions regarding the defendant's level of responsibility.



## CHAPTER II

### Method

#### Participants

Participants included a sample of 172 adults recruited from Los Angeles County, Orange County, and Ventura County Departments of Motor Vehicles. Participants who completed all of the survey materials were included in the study. Participants were fluent in English, as the survey materials were presented in English. They were also eligible to serve as jurors.

The average age of respondents was 36 (SD = 16); ages ranged from 18 to 85 years old (see Table 1). As can be seen in Table 2, half of the respondents (n = 86; 50%) identified as Hispanic, and about a quarter of respondents (n = 47; 27%) identified as Caucasian. Asian/Pacific Islander comprised 16% (n = 28) of the participants, and 7% (n = 11) identified as other, which consist of either American Indian or Mixed ethnicity. With regard to biological sex, 54.7% (n = 94) of the respondents in the sample were male and 45.3% (n = 78) were female. As seen in Table 2, the participants' marital statuses were split between single (n = 101, 58%) and not single (n = 71, 42%). Lastly, Table 2 presents data on participants' education levels. Less than 1% of respondents had less than a high school education (n = 1, 0.6%), approximately a quarter of the participants had a high school degree (n = 39, 22.7%), and a little more than a third had some college education (n = 61, 35.5%) that did not result in the earning of a degree. About one out of every ten participants (n = 2, 12.2%) had earned an Associate's degree, and about one in five (n = 36, 20.9%) had earned a Bachelors degree. Only 5.8% (n = 10) of the sample had earned a Masters Degree, and 1.7% (n = 3) had earned a Doctorate. Less than 1% of respondents had a Professional Degree (n = 1, 0.6%). Participants were selected to represent eligible jurors in Southern California. To serve as a juror in California, a person must be a United States (U.S.)

citizen and be at least 18 years of age. They could also not be under conservatorship and must have had their civil rights restored if they were convicted of a felony or malfeasance while holding public office (Jury Service Basics, 2013). Finally, they must not have been employed as peace officers.

Table 1  
*Participant's Age*

Frequencies	Age
<i>N</i>	169
Mean	36.17
Std. Deviation	16.15
Minimum	18
Maximum	85

Table 2  
*Participants' Demographic Characteristics*

Variables	Frequency	Percent
<b>Race/Ethnicity</b>		
Caucasian	47	27.0%
Asian Pacific/Islander	28	16.0%
Hispanic	86	50.0%
Other	11	7.0%
<b>Gender</b>		
Male	94	54.0%
Female	78	45.0%
<b>Marital Status</b>		
Single	101	58.0%
Not Single	71	42.0%
<b>Education</b>		
Less than high school	1	0.6%
High school	39	22.7%
Some college	61	35.5%
Associate's degree	21	12.2%
Bachelors degree	36	20.9%
Masters degree	10	5.8%
Doctorate	3	1.7%
Professional degree	1	0.6%
<i>N</i>	172	100.0%

## Design

**Primary analysis.** This study used a 3 (juvenile's competency: competent v. not competent v. no mention of competency) x 2 (crime outcome: death v. injury) x 2 (verdict: guilty v. not guilty) logistic regression to determine whether there was a relationship between a juvenile's competency, crime outcome, and participants' verdicts. The dependent variable was participants' verdict. Participants' verdict had two levels: guilty and not guilty. The independent variables included the juvenile's competency (competent; incompetent, but restored; and no

mention of competency) and crime outcome (death or injury). Competency and crime outcome were true experimental variables. Competency had three levels: competent; incompetent, but restored to competence; and no mention of competency. In the incompetent condition, the vignette described a defendant who was found incompetent to stand trial, but was later restored to competence. These levels were chosen to represent the three ways competency might be addressed in a criminal trial. The crime outcome of death or injury was chosen based on Ghetti and Redlich's (2001) study, in which they found that the more severe the outcome of the crime, the more likely people viewed the juvenile as competent.

**Secondary analysis.** The secondary analysis included a 3 (juvenile's competency: competent v. not competent v. no mention of competency) x 2 (crime outcome: death v. injury) x 2 (verdict: guilty v. not guilty) analysis of variance (ANOVA). The dependent variable was participants' perceptions of the defendant's level of responsibility in the crime. Participants were asked to rate the defendant's level of responsibility on a 5-point Likert scale (1 = Not responsible, 5 = Very responsible). The independent variables included the juvenile's competency (competent, not competent, and no mention of competency), crime outcome (death or injury), and participant's verdict. Competency and crime outcome were true experimental variables. Verdict was a quasi-experimental variable.

## **Materials**

The researcher recruited participants at the Department of Motor Vehicles offices using a poster that advertised the study (see Appendix A). The poster included general details about the study, such as the purpose and length of the study. A waiver of formal informed consent was sought (see Appendix B). The survey materials did not ask for any identifying information, so the only link between participants' identities and their responses would be signed informed

consent. The university IRB granted the waiver. The informed consent form contained all of the information necessary for individuals to make an informed decision about participating in the study, but did not require a signature. Participants' consent was implied from their willingness to complete the survey materials.

After reading the informed consent form and verbally indicating their consent to participate, participants received a packet of materials, including a demographic survey (see Appendix C), one of six randomly assigned vignettes (see Appendices D through I), and a vignette questionnaire (Appendix J). The demographic survey included questions regarding the participants' age, gender, ethnicity, and household annual income. The vignettes described a scenario in which two juveniles engaged in a physical altercation that resulted in the arrest of one of the juveniles. The vignettes varied only by the outcome of the crime (death versus injury of one of the juveniles) and the competency status of the arrested juvenile. The competency status was competent, incompetent, or no mention of competency. In the vignette describing the incompetent juvenile, the juvenile was restored competency. The facts in the vignettes were based on the vignettes used by Ghetti and Redlich (2001) and Romaine, Kemp, and DeMatteo (2010).

The juvenile in the vignettes was 16 years old. According to Reppucci (1999), there are three stages that make up adolescence: pre-adolescence, mid-adolescence, and late-adolescence (Reppucci, 1999). Age 16 is considered mid-to-late adolescence (Reppucci, 1999). Previous research has shown that adolescents older than 15 years of age are more mature in making legal decisions than those who are age 15 or younger (Scott & Grisso, 2005). Further, Scott and Grisso (2005) found that juveniles who are ages 11–15 are less mature in making legal decisions than older adolescents (ages 16–17; Scott & Grisso, 2005). As such, these two groups of

adolescents should be studied separately.

After reading the vignettes, participants were presented with a survey asking whether they would find the defendant guilty or not guilty and their perceptions regarding the defendant's level of responsibility (see Appendix J). These questions were counter-balanced to control for the effects of the order of the questions.

### **Procedure**

Institutional Review Board (IRB) approval was acquired from Alliant International University prior to beginning the study. Also, permission from the California Highway Patrol and Department of Motor Vehicles (DMV) was acquired prior to recruitment of participants. As soon both institutions granted permission, the researcher began recruiting participants by standing outside various DMV locations with a poster asking people if they were interested in participating in a study about jurors' decision making (see Appendix A). Once a participant agreed to participate, he or she was handed an envelope of materials, including the informed consent (see Appendix B), demographic survey (see Appendix C), one of six randomly assigned vignettes (see Appendices D through I), and a questionnaire regarding their verdict and the juveniles' perceived responsibility based on the vignette (see Appendix J). The materials were always presented in the same order, and participants were instructed to complete the materials in the order in which they are presented. Written informed consent was waived by the IRB, as participants' signatures on their consent forms would be the only link between their responses and their identities. Therefore, participants read the informed consent form, and their willingness to participate was implied by their completion of the materials. Upon completion of the survey, participants returned the materials to the envelope and gave the envelope back to the researcher. They were then thanked for their time.

## CHAPTER III

### Results

#### Descriptive Statistics

A total of 84 (49%) participants received vignettes in which the crime resulted in injury, and 88 (51%) participants received vignettes in which the crime resulted in death (see Table 3). In regards to competency, 57 (33%) of respondents received vignettes stating that the juvenile was competent to stand trial; 58 (34%) received vignettes stating that the juvenile was not competent to stand trial, but was restored to competence; and 57 (33%) of respondents received vignettes in which there was no mention of the juvenile's competency (see Table 3). In response to the vignettes, participants were asked if they would find the juvenile guilty or not guilty based upon the information they received. As can be seen in Table 1, the majority of participants ( $n = 119, 69\%$ ) found the juvenile guilty. Participants were also asked to rate the juvenile's culpability on a scale 1 (*not responsible*) to 5 (*very responsible*). On average, the participants found the juvenile somewhat responsible ( $M = 3.78, SD = .95$ ).

*Table 3*

*Frequencies for Independent Variables*

Variable	n	Percentage
Verdict (Not guilty)	53	30.8
Crime Outcome (Dead)	87	50.6
Competent	57	33.1
Not Competent	58	33.7

As seen in Table 2, ages of the participants ranged from 18 to 85 years old ( $M = 36.17, SD = 16.15$ ). Ethnicity of the participants was as follows: 47 (27%) identified as Caucasian, 28

(16%) identified as Asian Pacific Islander, 86 (50%) identified as Hispanic, and 11 (7%) identified as Other. Overall, 94 (54%) of the participants were male and 78 (45%) were female. Of the participants, 101 (58%) were single and 71 (42%) were not single. Their educational backgrounds were as follows: 61 (35.5%) completed some college, 39 (22.7%) completed high school, 36 (20.9%) obtained a Bachelors degree, 21 (12.2%) obtained an Associate's degree, 10 (5.8%) obtained a Masters degree, 3 (1.7%) obtained a Doctorate, 1 (0.06%) completed less than high school, and 1 (0.06%) obtained a professional degree (see Table 2).

### **Results for Specific Hypotheses**

**There will be a relationship between evidence regarding a juvenile's competency to stand trial and participants' verdicts.** A binary logistic regression was used to determine whether there was a relationship between a juvenile's competency, crime outcome, and a participant's verdict. The results of the binary logistic regression are presented in Table 4. The dependent variable was the participant's verdict. A participant's verdict had two levels: guilty or not guilty. The independent variables included the juvenile's competency (competent; not competent, but was restored to competence; and no mention of competency), level of responsibility, and crime outcome (death or injury). Results of the binary logistic regression for hypothesis 1 were statistically significant,  $\beta = -1.03$ ,  $p < .001$ , which suggests that evidence regarding a juvenile's competence to stand trial impacted the verdicts participants selected. Each unit increase in level of responsibility was associated with a 64% reduction in the odds ( $1 - \exp(\beta)$ , or  $1 - 0.36$ ) that a respondent would find the defendant not guilty. There were no significant interactions between the variables. As can be seen in Table 4, a total of 172 cases were analyzed and the full model was significantly reliable,  $\chi^2 = 35.02$ ,  $df = 6$ ,  $p < .001$ . The independent



variables accounted for between 1.84% (Cox & Snell  $R^2$ ) and 2.60 % (Nagelkerke  $R^2$ ) of the variance in verdict.

Table 4

*Binary Logistic Regression of Guilty versus Not Guilty on the Various Predictors*

Variable	$\beta$	$exp(\beta)$	$p$
Constant <sup>a</sup>	2.71	15.07	0.00
Competent	0.25	1.29	0.68
Not competent	0.30	1.35	0.62
Injured versus dead	0.19	1.21	0.77
Level of responsibility	-1.03	0.36	0.00
Interaction of Competent versus other and injured versus dead	0.69	2.00	0.43
Interaction of not competent versus other and injured versus dead	-1.20	0.30	0.21

<sup>a</sup>Full model was significantly reliable,  $\chi^2 = 35.02$ ,  $df = 6$ ,  $p < .001$ ; Cox & Snell  $R^2 = 0.184$ , Nagelkerke  $R^2 = 0.26$ ).

**There will be a relationship between crime outcome and participants' verdicts. A**

binary logistic regression was used to determine whether there was a relationship between a juvenile's competency, crime outcome, and a participant's verdict. The results of the binary logistic regression are presented in Table 4. The dependent variable was the participant's verdict. A participant's verdict had two levels: guilty or not guilty. The independent variables included the juvenile's competency (competent; not competent, but was restored to competence; and no mention of competency), level of responsibility, and crime outcome (death or injury). Results of the binary logistic regression for hypothesis 2 were statistically non-significant for competent,  $\beta = 0.255$ ,  $p = .676$ , and for not competent,  $\beta = 0.298$ ,  $p = .622$ , which suggests that the competency status of the defendant did not impact verdict outcome. As can be seen in Table 4, a total of 172 cases were analyzed and the full model was significantly reliable,  $\chi^2 = 35.02$ ,  $df = 6$ ,

$p < .001$ . The independent variables accounted for between 1.84% (Cox & Snell  $R^2$ ) and 2.60 % (Nagelkerke  $R^2$ ) of the variance in verdict.

**There will be a relationship between evidence regarding a juvenile’s competency to stand trial and perceived level of responsibility.** A 3x 2 x 2 ANOVA was used to determine whether there was a relationship between a juvenile’s competency, crime outcome, and a participant’s perceptions regarding the defendant’s level of responsibility. The results for the ANOVA are presented in Table 5. The dependent variable was the participant’s perceptions regarding the defendant’s level of responsibility, which ranged from a low score of 1 (not responsible) to a high score of 5 (very responsible). The independent variables included the juvenile’s competency (competent; not competent, but was restored to competence; and no mention of competency), crime outcome (death or injury), and verdict (guilty versus not guilty). Interactions of the three independent variables were also estimated as part of the ANOVA.

Table 5

*ANOVA for Level of Responsibility and the Various Predictors*

Source	<i>df</i>	<i>F</i>	$\eta^2$	<i>p</i>
Competency (competent vs. not competent vs. no mention)	2	1.25	0.02	0.29
Crime outcome (injury vs. death)	1	6.13	0.37	0.01
Verdict (guilty vs. not guilty)	1	33.32	0.17	0
Competency x crime outcome	2	0.79	0.01	0.46
Competency x verdict	2	0.83	0.01	0.44
Crime Outcome x verdict	1	2.82	0.02	0.09
Competency x crime outcome x verdict	2	4.54	0.05	0.01
Error	160			

The results indicated that there was no significant main effect for competency,  $F(2, 160) = 1.25, p = .288, \text{partial } \eta^2 = .015$ . Participants rated the defendant equally responsible

regardless of competency status ( $M_{\text{competent}} = 3.84, SD = 1.08; M_{\text{not competent}} = 3.72, SD = 0.91; M_{\text{no mention}} = 3.77, SD = 0.85$ ). However, competency must be considered in light of the other variables in the analysis.

There was a significant three-way interaction between competency, crime outcome, and verdict,  $F(2, 160) = 4.54, p = .012$ , partial  $\eta^2 = .054$  (see Tables 5 and 6 and Figure 1). A Tukey’s post-hoc test revealed that a juvenile who is found to be competent, guilty, and who committed an offense that resulted in death was perceived as having the highest level of responsibility ( $M = 4.44, SD = 0.89$ ), while a juvenile who was not competent, not guilty, and who committed an offense resulting in injury was perceived as having the lowest level of responsibility ( $M = 2.75, SD = 0.50$ ), as seen in Table 7.

Table 6

*ANOVA Means and Standard Deviations, Three Way Interactions*

Independent Variables	Level of Responsibility	
	M	SD
Competent	3.84	1.08
Not competent	3.72	0.91
No mention	3.77	0.85
Injured	3.52	0.93
Dead	4.03	0.9
Guilty	4.03	0.83
Not guilty	3.23	0.97
Competent, injured, guilty	4.05	0.85
Competent, injured, not guilty	2.9	1.1
Competent, dead, guilty	4.44	0.89
Competent, dead, not guilty	3.5	1.09
Not competent, injured, guilty	3.25	0.93
Not competent, injured, not guilty	3.55	0.93
Not competent, dead, guilty	4.22	0.64
Not competent, dead, not guilty	2.75	0.5
No mention, injured, guilty	3.8	0.7
No mention, injured, not guilty	2.89	0.6
No mention, dead, guilty	4.24	0.63

No mention, dead, not guilty 3.43 1.13

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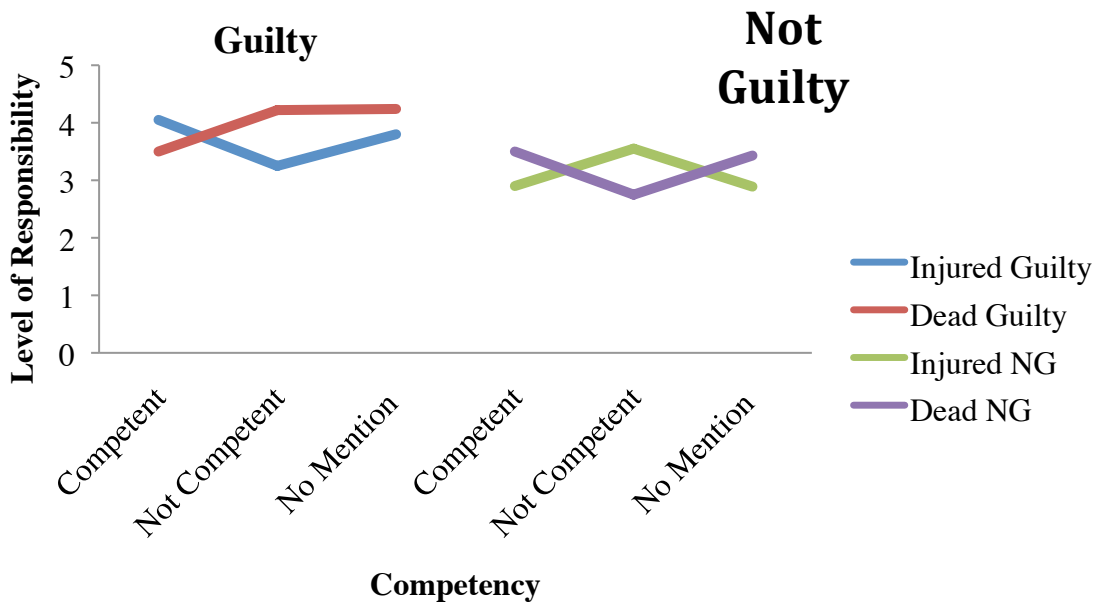


Figure 1. Three-way interaction between competency, outcome of crime, and verdict.

Table 7

*ANOVA Means and Standard Deviations*

Independent Variables	Level of Responsibility	
	M	SD
Competent	3.84	1.08
Not competent	3.72	0.91
No mention	3.77	0.85
Injured	3.52	0.93
Dead	4.03	0.9
Guilty	4.03	0.83
Not guilty	3.23	0.97
Competent, injured, guilty	4.05	0.85
Competent, injured, not guilty	2.9	1.1
Competent, dead, guilty	4.44	0.89
Competent, dead, not guilty	3.5	1.09
Not competent, injured, guilty	3.25	0.93
Not competent, injured, not guilty	3.55	0.93
Not competent, dead, guilty	4.22	0.64
Not competent, dead, not guilty	2.75	0.5
No mention, injured, guilty	3.8	0.7
No mention, injured, not guilty	2.89	0.6
No mention, dead, guilty	4.24	0.63
No mention, dead, not guilty	3.43	1.13

The three-way interaction yielded an interesting pattern of results with regard to competency. When the victim was injured and participants found the defendant guilty, participants rated the defendant who was found competent ( $M = 4.05$ ,  $SD = .19$ ) as more responsible than the defendant who had no mention of competence ( $M = 3.8$ ,  $SD = .18$ ), who was more responsible than the defendant who was not competent ( $M = 3.25$ ,  $SD = .21$ ). When the outcome of the crime was less severe and participants found the defendant guilty, level of competence appears to have made a difference with regard to perceived level of responsibility.

When the victim was injured and participants found the defendant not guilty, participants rated the defendants who were competent ( $M = 2.90$ ,  $SD = .26$ ) and who had no mention of competence ( $M = 2.89$ ,  $SD = .28$ ) similarly with regard to responsibility, but they rated the defendant who was not competent ( $M = 3.55$ ,  $SD = .25$ ) as more responsible. When the victim was killed and participants found the defendant guilty, participants rated the defendants who were not competent ( $M = 4.22$ ,  $SD = .16$ ) or for whom there was no mention of competence ( $M = 4.24$ ,  $SD = .18$ ) as similarly responsible, but they rated the competent defendant as slightly more responsible ( $M = 4.44$ ,  $SD = .21$ ). However, the differences between the ratings of responsibility in this scenario would likely not have practical significance. Finally, when the victim was killed and participants found the defendant not guilty, participants rated the defendants who were competent ( $M = 3.5$ ,  $SD = .24$ ) or for whom competence was not mentioned ( $M = 3.43$ ,  $SD = .31$ ) as similarly responsible, and both were perceived as more responsible than the defendant who was not competent ( $M = 2.75$ ,  $SD = .41$ )

**There will be a relationship between crime outcome and participants' perceptions regarding the defendant's level of responsibility.** A 3x 2 x 2 ANOVA was used to determine whether there was a relationship between a juvenile's competency, crime outcome, and a participant's perceptions regarding the defendant's level of responsibility. The results for the ANOVA are presented in Table 5. The dependent variable was the participant's perceptions regarding the defendant's level of responsibility, which ranged from a low score of 1 (not responsible) to a high score of 5 (very responsible). The independent variables included the juvenile's competency (competent; not competent, but was restored to competence; and no mention of competency), crime outcome (death or injury), and verdict (guilty versus not guilty). Interactions of the three independent variables were also estimated as part of the ANOVA.

The results indicated that there was a significant main effect for crime outcome,  $F(1, 160) = 6.13, p = .014$ , partial  $\eta^2 = .370$ . If the crime resulted in death, the perceived level of responsibility was higher ( $M = 4.03, SD = .83$ ) than when the crime resulted in injury ( $M = 3.52, SD = .93$ ). However, crime outcome must also be considered in light of the other variables in the analysis.

There was a significant three-way interaction between competency, crime outcome, and verdict,  $F(2, 160) = 4.54, p = .012$ , partial  $\eta^2 = .054$  (see Table 6 and Figure 1). With one exception, for all combinations of competency and verdict, participants rated the defendant who killed someone as more responsible than the defendant who injured someone. The one exception was when the defendant was not competent and participants found him not guilty. In this case, participants rated the defendant who injured someone ( $M = 3.55, SD = .93$ ) as more responsible than the defendant who killed someone ( $M = 2.75, SD = 0.50$ ).

**There will be a relationship between verdict and participants' perceptions regarding the defendant's level of responsibility.** A 3x 2 x 2 ANOVA was used to determine whether there was a relationship between a juvenile's competency, crime outcome, and a participant's perceptions regarding the defendant's level of responsibility. The results for the ANOVA are presented in Table 5. The dependent variable was the participant's perceptions regarding the defendant's level of responsibility, which ranged from a low score of 1 (not responsible) to a high score of 5 (very responsible). The independent variables included the juvenile's competency (competent; not competent, but was restored to competence; and no mention of competency), crime outcome (death or injury), and verdict (guilty versus not guilty). Interactions of the three independent variables were also estimated as part of the ANOVA.

The results indicated that there was a significant main effect for verdict,  $F(1, 160) = 33.32, p < .001, \text{partial } \eta^2 = .172$ . Participants who found the defendant guilty ( $M = 4.03, SD = 0.83$ ) rated him as more responsible than did participants who found him not guilty ( $M = 3.23, SD = .97$ ). However, verdict must be considered in light of the other variables in the analysis. There was a significant three-way interaction between competency, crime outcome, and verdict,  $F(2, 160) = 4.54, p = .012, \text{partial } \eta^2 = .054$  (see Tables 5 and 6 and Figure 1). A Tukey's post-hoc test revealed that a juvenile who is found to be competent, guilty, and who committed an offense that resulted in death was perceived as having the highest level of responsibility ( $M = 4.44, SD = 0.89$ ), while a juvenile who was not competent, not guilty, and who committed an offense resulting in injury was perceived as having the lowest level of responsibility ( $M = 2.75, SD = 0.50$ ). With one exception, for all combinations of competency and crime outcome, participants who found the defendant guilty rated him as more responsible than did the participants who found him not guilty. The one exception was when the defendant was not competent and the victim was injured. In this case, participants who found the defendant guilty ( $M = 3.23, SD = .93$ ) and those who found him not guilty ( $M = 3.55, SD = .93$ ) rated him similarly in terms of level of responsibility.



## CHAPTER IV

### Discussion

Juveniles have historically been viewed by society as less mature and less blameworthy than adults (Scott & Grisso, 1997). Since its inception, the juvenile justice system has taken on a parenting role for juveniles and has attempted to rehabilitate juvenile offenders instead of punishing them. However, during the 1980s and 1990s, as a result of a perceived increase in juvenile offending, American society began to treat juveniles as adults based on the severity of their crimes (Grisso, 1997).

Over the past half-century, American society has changed its approach to dealing with juvenile offenders. Two major court decisions in the 1960s (*Kent v. U.S.* (1966) and *In re Gault* (1967)) began to change the policies of the juvenile justice system. Specifically, these cases started the trend toward juveniles receiving the same procedural due process rights as adults. Furthermore, by the end of the 1990s, almost every state changed its statutes in a way that provided ease of transfer of juveniles to adult criminal court (Bonnie, 1989; Feld, 1987). Although juveniles now receive the same constitutional protections available to adults, they are also subject to harsher sentences in the adult criminal justice system because they face the same legal procedures and penalties as an adult if they are accused of a similar crime (Fritsch & Hemmens, 1995).

Research has demonstrated that adolescents are less mature, are more impulsive, and engage in more risk-taking behaviors than adults (Gardner & Steinberg, 2005; Hewitt et al., 2006), and research has provided insight into both psychosocial maturity (Grisso, 1997) and the developmental differences between juveniles and adults (Cauffman & Steinberg, 2000; Steinberg & Cauffman, 1996). Previous literature attributed youthful immaturity to two types of

differences between adults and adolescents: cognitive differences (e.g., thought processes) and psychosocial differences (e.g., social and emotional maturity) (Steinberg & Cauffman, 1996). These illustrate the differences in an adolescent's competency due to developmental status (cognitive factors), differences in experience (psychosocial maturity), or a combination of both (Steinberg & Cauffman, 1996).

In 1960, the Supreme Court in *Dusky v. United States* affirmed that a defendant has the right to a competency evaluation before going to trial (Grisso, 1997). Also in *Dusky v. United States*, the Court set forth the requirements for competence. Any party to a case can raise the issue of competence and all parties are required to raise the issue when there is a "bona fide" doubt about the defendant's competence (*Drope v. Missouri*, 1975; Grisso, 2003, p. 70; *Pate v. Robinson*, 1966). Therefore, when the question of a defendant's competency is raised, the defendant undergoes a forensic evaluation in order to determine whether or not he or she meets the *Dusky v. United States* requirements. Specifically, the evaluator is asked to determine if the defendant has the mental ability to understand and appreciate the crime committed and the ability to reason with his or her lawyer during the court proceedings (Grisso, 2003). Competency to stand trial is a level of performance that can be attained and re-attained; it is not stagnant (Cooper, 1997). This means that a juvenile may initially be competent or may attain competence, but it does not mean that incompetence is permanent; juveniles' competency to stand trial may fluctuate. If the issue of a juvenile's competency is raised and he or she is found incompetent to stand trial, the trial proceedings will be suspended until the defendant attains competence (Burrell, Kendrick, & Blalock, 2008).

The current study was designed to assess participants' verdicts of guilty or not guilty based on evidence regarding a juvenile offender's competency to stand trial (as assessed prior to

the trial) and on the outcome of the crime the juvenile committed. The current study was also designed to evaluate participants' perceptions of the defendant's level of responsibility. Previous research has evaluated how competency is affected by the age of the juvenile and the type of crime committed (Ghetti & Redlich, 2001; Grisso et al., 2003; Scott & Grisso, 2005). Few studies have assessed the effects of a juvenile's competence on a jury's verdict. Furthermore, little to no research has examined the effects of a juvenile's competence on a jury's verdict in light of the outcome of the crime committed. Finally, although there is a clear relationship between jurors' perceptions regarding defendants' levels of responsibility and insanity, research has yet to investigate whether or not there is a relationship between competence and perceived level of responsibility. Therefore, the current study will be the first to evaluate the effects of competence and crime outcome on verdict and the defendant's level of responsibility.

The results of this study showed that there is no relationship between evidence regarding a juvenile's competency to stand trial and participants' verdicts. Participants were equally likely to find the defendant guilty regardless of the juvenile's level of competence. In addition, the results supported a relationship between verdict and participants' perceptions regarding the defendant's level of responsibility. The results supported that participants perceived a higher level of responsibility when they found the defendant guilty as opposed when they found the defendant not guilty. Further, a competent juvenile who was found guilty of an offense resulting in death was found highly responsible for the act. In contrast, a juvenile who was not competent and was found not guilty of an offense resulting in death was perceived to be less responsible.

Although there is no previous research that has looked at verdict and participants' perceptions regarding the defendant's level of responsibility, prior research has stated there are a number of factors that are now known to affect a juror's perception of a juvenile's culpability

(Ghetti and Redlich, 2001). These include a defendant's age (Ghetti & Redlich, 2001), criminal history (Levine, Williams, Sixt, & Valenti, 2001), as well as the type of crime (Ghetti & Redlich, 2001).

The results indicated that there was no relationship between evidence regarding a juvenile's competency to stand trial and participants' verdicts. Participants were equally likely to find the defendant guilty regardless of the juvenile's level of competence. The results also indicated that there was no relationship between crime outcome and participants' verdicts. An offense resulting in injury or death had no impact on the participants' verdict of guilty or not guilty. Previous research has shown that criminal history and type of crime committed affect people's views of juvenile offenders (Ash, 2012). In a study that focused on sentencing bias based on a juvenile's previous criminal history amongst jurors, Levine et al. (2001) found that mock jurors were more likely to believe that a defendant with a criminal history was found guilty, compared to a defendant who did not have a criminal history. Although this study did not research the effect a juvenile's criminal history, criminal history was used as part of the background information in the vignettes that the participants received. In this particular case, no relationship was found between crime outcome and verdict (Levine et al., 2001).

Second, the results of the present study partially supported the hypothesis that there would be a relationship between evidence regarding a juvenile's competency to stand trial and perceived level of responsibility. Although there was no significant main effect for level of competence, there was an interaction between competency and perceived responsibility. More specifically, a juvenile who is found to be competent, guilty, and who committed an offense that resulted in death was perceived as being more responsible ( $M = 4.44$ ,  $SD = 0.89$ ), while a juvenile who was not competent, not guilty, and who committed an offense resulting in injury

was perceived as being less responsible ( $M = 2.75$ ,  $SD = 0.50$ ). Lastly, if there was no mention of the juvenile's competence, and the juvenile was found guilty and committed an offense that resulted in death, participants perceived him as being more responsible ( $M = 4.24$ ,  $SD = 0.63$ ).

Past research has found that children are viewed as less responsible for offending behavior because society tends to view responsibility on a continuum (Ash, 2012). Adolescents are in the middle of this scale being neither adult nor child, which makes it unclear whether or not they are less responsible than an adult charged with the same crime (Ash, 2012). These results are contradictory to those findings.

Last, the results supported the hypothesis that there would be a relationship between crime outcome and participants' perceptions regarding the defendant's level of responsibility. The results indicate that the juvenile was perceived as more responsible for an offense resulting in death than injury. Interestingly, the results revealed that a juvenile was deemed more responsible if he was found not guilty of an offense resulting in injury as compared to a juvenile found not guilty of an offense resulting in death. This may be due to threats to internal validity. It is possible that participants mistakenly confused the juvenile's competency to stand trial with insanity. Insanity refers to *mens rea* and *actus reus* at the time of the crime, whereas competency to stand trial refers to the defendant's ability to stand trial (Burrell, Kendrick, & Blalock, 2008). This means that competence is focused on the defendant's current mental state, particularly his or her ability to understand and appreciate the charges against him or her. He or she must also have the capacity to understand the nature of his or her crime and have the ability to assist his or her counsel in a reasonable manner.

The participants may have thought the defendant was insane when the crime resulted in death and may have been more lenient in determining the defendant's level of responsibility.

Another explanation for this finding could be that participants may have attributed more responsibility for an offense resulting in an injury as they may have interpreted that it displayed intent to harm the individual. However, when the victim died, participants may have assumed the intent was not to kill the individual, possibly making the juvenile less responsible in the participants' point of view.

The issue of a juvenile's competency to stand trial in relation to verdict and level of responsibility has been minimally researched. This study was designed to empirically evaluate the effect competency may have on a juror's verdict in a juvenile's trial. It appears that the general public in Southern California, to the extent to which it was represented in this study, does not consider the competency of the juvenile outcome of crime in a verdict of guilty or not guilty. This study showed that a juvenile's competency to stand trial; the outcome of the crime, and the verdict affected the perceived level of responsibility. Though the results of this study are not consistent with prior research investigating similar issues (see Ghetti & Redlich, 2001; Levine et al., 2001), they provide new information about juvenile competency to stand trial in regards to its effects on a jurors' verdicts of guilty or not guilty and their perceptions regarding defendants' levels of responsibility. Overall, the results of this study suggest that potential jurors view the juvenile's competency to stand trial as a protective factor in some cases.

### **Limitations**

This study was designed to examine whether evidence regarding a juvenile's competence to stand trial and crime committed have an effect on potential jurors' verdicts of guilty or not guilty. This study also examined the participants' perceptions of a juvenile's level of responsibility based on evidence regarding competency, crime outcome, and verdict. The interpretation of this study's results assumes that the participants in this study represented the

eligible jurors in the United States. However, the generalizability of the findings may be hindered by some of the sample's demographic characteristics, as the sample was limited to individuals in Southern California. The sample was rather large, consisting of 172 participants, and 86 out of 172 (50%) were Hispanic, which is not likely representative of California, but is closely representative to the Hispanic (48.5%) population in Los Angeles. According to the U.S. Census Bureau, 38.4% of Californians identify as Hispanic or Latino and 73.5% identify as White (U.S. Census Bureau, 2013). In California, females represent 50.3% of the population; in this study 54% of the participants were males (U.S. Census Bureau, 2013). Education varied from high school graduate to a doctorate; the majority of participants had completed at least some college. Education varied, but some participants had higher levels of education, which may have had an impact on this study. Individuals with higher levels of education may have been more attracted to this research study than those with lower levels of education. According to the U.S. Census Bureau (2013), 81.2% of residents who are 25 or older have a high school degree or higher and 30.7% have a bachelor's degree or higher.

Another factor to take into consideration is that language may have excluded potential participants. To serve as juror in California, the potential juror must be able to understand English enough to understand and discuss the case. In order to participate in the study, the participants had to be fluent in English, as the materials were only presented in English. In addition, the target population were potential U.S. jurors who were U.S. citizens and fluent in English.

In the vignettes, there was no explanation of competency, which may or may not have affected participants' verdicts and/or ratings of level of responsibility. It is possible that some participants confused competency with insanity. Also, participants were limited to verdicts of

*guilty or not guilty*. Adding not guilty by reason of insanity or other verdict options may have yielded different results.

Finally, in the vignettes, the defendant who was initially incompetent was described as being “restored” to competence. This is not traditionally the language used when discussing juvenile competence to stand trial. Adults are “restored to competency,” whereas juveniles “attain competence.” The former is used in consideration of mental illness, and the latter is used in consideration of developmental maturity. If the juvenile did not have the knowledge required to stand trial and later attains that knowledge, then competence has been attained. The semantic difference between *restored* and *attained* may or may not have affected participants’ verdicts and/or ratings of level of responsibility. Given that the people often confuse competence to stand trial with insanity, it is unlikely that the population of eligible jurors would be aware of the semantic difference between *restored* and *attained*. Therefore, it is unlikely that this impacted the results.

### **Implications and Suggestions for Future Research**

This study adds to the existing literature in several ways. First, it was the first study to address a juvenile’s competency in regards to jurors’ verdicts and perceived level of responsibility of the juvenile. Second, the findings of this study may be useful for lawyers when defending or prosecuting a juvenile in regards to competency. Specifically, this information may assist lawyers and defendants in determining the best defense strategy in a case.

This study may be of useful to judges and attorneys in the sense that the general population does not know the difference between insanity and competency to stand trial. Judges and lawyers may want to take into consideration that they should take the time to briefly educate jurors on competency to stand trial and what that entails.



Future research might consider presenting the juvenile at various ages, ranging from 13 to 17 years old, in order to determine potential jurors' perception toward older and younger juvenile offenders. Researchers have examined the differences between adolescents and adults, but not much research has looked at the differences between younger adolescents and older adolescents. Previous literature attributes youthful immaturity to two types of differences between adults and adolescents: cognitive differences and psychosocial differences (Steinberg & Cauffman, 1996). Psychosocial factors alone may negatively influence judgment in adolescents that may result in delinquent behavior (Cauffman & Steinberg, 2000). It is possible for delinquent behavior to be a result of a combination of both cognitive factors and psychosocial maturity. The factors included in psychosocial maturity are peer influence, temporal perspective, risk perception, and risk preference (Scott & Grisso, 1997). Cognitive factors include the capacity to process information and think critically, which is gained through knowledge in specific domains. Both cognitive skills and psychosocial factors continue to mature and develop throughout adolescence (Scott & Grisso, 1997). It would be interesting to look at how jurors perceive at 13-year-old committing an offense versus a 17-year-old committing an offense.

Future research should also include a verdict of not guilty by reason of insanity to determine whether this verdict option impacts the relationship between competency and verdict and/or the relationship between competency and level of responsibility. Another direction for future research is to vary the type of crime. Involving a property crime as opposed to or in addition to a violent crime may help researchers further determine whether the effects of level of competence on verdict and perceived level of responsibility differs based on the nature of the crime.

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**APPENDIX A**

**Recruitment Poster**

RESEARCH PARTICIPATION OPPORTUNITY  
**YOUR PARTICIPATION IS REQUESTED**

This study is examining the public's opinion of juror making decisions.

**To participate, you must be:**

- ☆ 18 or older
- ☆ A California resident
- ☆ Eligible to serve as a juror

**Participation is:**

- ☆ **VOLUNTARY** and you may withdraw from the study at any time.
- ☆ **CONFIDENTIAL**, your privacy will be maintained.
- ☆ **PARTICIPATION** will take approximately *10 minutes*.

**APPENDIX B**  
**Informed Consent**

I am a graduate student in Clinical Forensic Psychology at Alliant International University. I am working on a research study for my doctoral dissertation to examine potential jurors' verdicts in cases involving juvenile offenders. This is an anonymous survey, and you will not be asked to report any personal identifying information. The survey materials will take about 10 minutes to complete.

To be part of this study, you must be over the age of 18, and you must be eligible to serve as a juror. As such, you are not eligible to participate if you have been convicted of a felony, if you are not U.S. a citizen, and/or if you are an officer of the peace. You must also be able to understand and read English fluently. If you do not meet these criteria, you cannot take part in this study.

Participation is completely voluntarily and you may choose to withdraw from the study at any time with no penalty. You may withdraw your participation in this research study if the circumstances in the story vignette make you uncomfortable or uneasy in anyway due to the details involved. If you feel the need to talk with someone regarding thoughts or concerns related to the survey materials, you can reach me, Ashley Cordero, at [acordero@alliant.edu](mailto:acordero@alliant.edu) or my supervisor, Tracy Fass, J.D., Ph.D. at [tfass@alliant.edu](mailto:tfass@alliant.edu). Further, if you would like a referral to speak with someone, you can contact the APA referral network at (800) 964-2000.

If you wish to participate in this study you will be asked to give verbal consent and complete the forms in the order in which they are presented. To protect your anonymity, please do not write any identifying information on any of these forms. No one will be able to identify you or your answers, and no one will know whether or not you participated in the study. Please be aware that all information you provide will be kept confidential.

By completing the materials, you are voluntarily agreeing to participate in this study. You are free to decline to answer any particular question you do not wish to answer for any reason. If you have any questions about the study, or would like a copy of the results once the dissertation is finished, please feel free to contact Ashley Cordero at [acordero@alliant.edu](mailto:acordero@alliant.edu) or Tracy Fass, J.D., Ph.D. at [tfass@alliant.edu](mailto:tfass@alliant.edu).

The Alliant International University Institutional Review Board (IRB) has reviewed my request to conduct this project. If you have any concerns about your rights in this study, please contact the Alliant International-IRB at 626-000-0000 or by email at [irb@alliant.edu](mailto:irb@alliant.edu).

Thank you for your participation.

Regards,  
Ashley Cordero

**APPENDIX C**  
**Demographic Survey**

**1. Your Age:****2. Your Gender:**    Male                      Female**3. Your Race/Ethnicity: \_**

Black

White (non-Hispanic)

American Indian or Alaskan Native

Hispanic or Latino

Asian

Native Hawaiian or Other Pacific Islander

Other (please specify):

**4. Your Annual Income:**

\_\_\_ \$25,000 and under

\_\_\_ \$25,001 - \$50,000

\_\_\_ \$50,001 - \$75,000

\_\_\_ \$75,001 - \$100,000

\_\_\_ \$100,001 and above

**5. What is the highest level of education completed?**

Less than high school \_\_\_

Some college \_\_\_

Bachelor's degree \_\_\_

High School \_\_\_

Associate's degree \_\_\_

Master's degree \_\_\_

Doctorate \_\_\_

Professional degree \_\_\_

**6. Your Marital Status:**

\_\_\_ Single \_\_\_ Separated \_\_\_ Divorced

\_\_\_ Married \_\_\_ Widowed

**APPENDIX D**

**Vignette 1: Injured, Not Competent**

Matthew is a 16-year-old male who lives with his foster mother, foster father, and younger sister. One day, Matthew had an argument with a neighbor of the same age, John, who made several vicious comments about Matthew's family. Matthew confronted John about the comments, which resulted in a physical fight. Matthew pulled out a pocketknife and stabbed John. John was injured as a result of Matthew's actions.

At trial, Matthew's lawyer argued that his age and psychosocial maturity were mitigating factors. As part of the evidence, Matthew's attorney submitted a mental health evaluation that was conducted prior to trial to provide the defense with information relevant to Matthew's competence to stand trial. The report indicated that Matthew is one of four children born to his mother. Matthew reported that he lived with his biological mother until he was three years old and has been in foster care since that time. Records indicate that Matthew was placed in multiple foster homes and was the victim of physical and sexual abuse in at least one foster home. Matthew denied any significant medical history, but was prescribed Adderall at age six and remained on medications for Attention Deficit Hyperactivity Disorder until he was 10 years old.

Matthew was unable to accurately report his current charges and did not identify these charges as serious. He inaccurately identified that going to the principal's office is more severe than a trial in court. Matthew failed to report that pleading guilty meant "saying I did it." When asked about the penalties that could result from a conviction, Matthew failed to report that he could go to jail or detention. Matthew did not appear to have a reasonably good factual understanding of the charges against him and the serious nature of these charges. When asked about the judge's job, Matthew reported that the judge decides "who is right and who is wrong." To gauge Matthew's understanding of the need to present evidence, Matthew was asked whether the judge would know whether he was or was not guilty when he entered the court-room. Matthew stated that the judge would know "that I'm guilty once I walk into the room." Matthew did not appear to have a basic factual understanding of the roles of the judge, prosecutor, and defense attorney. Matthew was not able to provide any relevant details regarding the alleged events that would be important to tell his attorney. He could report only that he "did not do it." Matthew's desire to please authority figures may make him overly sensitive to persuasive lines of questioning. He did not appear able to have the reasoning skills required to determine what pieces of information might be important to tell his attorney. Matthew reported that he would plead not guilty because he wanted to "get out of this situation." He did not have an accurate understanding of the process of plea-bargaining. John reported that ultimately it was up to his attorney and that he had to "agree with her [his attorney], it is not my decision, it is hers."

At the end of the report, the evaluating psychologist concluded that Matthew was not competent to stand trial. Matthew's attorney added that Matthew was restored to competence prior to the start of the trial.



**APPENDIX E**

**Vignette 2: Injured, Competent**

Matthew is a 16-year-old male who lives with his foster mother, foster father, and younger sister. One day, Matthew had an argument with a neighbor of the same age, John, who made several vicious comments about Matthew's family. Matthew confronted John about the comments, which resulted in a physical fight. Matthew pulled out a pocketknife and stabbed John. John was injured as a result of Matthew's actions.

At trial, Matthew's lawyer argued that his age and psychosocial maturity were mitigating factors. As part of the evidence, Matthew's attorney submitted a mental health evaluation that was conducted prior to trial to provide the defense with information relevant to Matthew's competence to stand trial. The report indicated that Matthew is one of four children born to his mother. Matthew reported that he lived with his biological mother until he was three years old and has been in foster care since that time. Records indicate that Matthew was placed in multiple foster homes and was the victim of physical and sexual abuse in at least one foster home. Matthew denied any significant medical history, but was prescribed Adderall at age six and remained on medications for Attention Deficit Hyperactivity Disorder until he was 10 years old.

Matthew was able to accurately report his current charges and identified these charges as serious. He accurately identified that a trial in court was more severe than going to the principal's office. Matthew reported that pleading guilty meant "saying I did it." When asked about the penalties that could result from a conviction, Matthew reported that he could go to jail or detention. Matthew appeared to have a reasonably good factual understanding of the charges against him and the serious nature of these charges. When asked about the judge's job, Matthew reported that the judge decides "who is right and who is wrong." To gauge Matthew's understanding of the need to present evidence, Matthew was asked whether the judge would know whether he was or was not guilty when he entered the court-room. Matthew stated that the judge would need to "hear the charges, if they are low, she will think you are not guilty. If they are high, she will think you are guilty." Matthew appeared to have a basic factual understanding of the roles of the judge, prosecutor, and defense attorney. Matthew was not able to provide any relevant details regarding the alleged events that would be important to tell his attorney. He could report only that he "did not do it." Matthew's desire to please authority figures may make him overly sensitive to persuasive lines of questioning. He did not appear able to have the reasoning skills required to determine what pieces of information might be important to tell his attorney. Matthew reported that he would plead not guilty because he wanted to "get out of this situation." He had an accurate understanding of the process of plea-bargaining. At the end of the report, the evaluating psychologist concluded that Matthew was competent to stand trial.

**APPENDIX F**

**Vignette 3: Injured, No Mention of Competence**

Matthew is a 16-year-old male who lives with his foster mother, foster father, and younger sister. One day, Matthew had an argument with a neighbor of the same age, John, who made several vicious comments about Matthew's family. Matthew confronted John about the comments, which resulted in a physical fight. Matthew pulled out a pocketknife and stabbed John. John was injured as a result of Matthew's actions.

At trial, Matthew's lawyer argued that his age and psychosocial maturity were mitigating factors. As part of the evidence, Matthew's attorney submitted a mental health evaluation that was conducted prior to trial to provide the defense with information relevant to Matthew's competence to stand trial. The report indicated that Matthew is one of four children born to his mother. Matthew reported that he lived with his biological mother until he was three years old and has been in foster care since that time. Records indicate that Matthew was placed in multiple foster homes and was the victim of physical and sexual abuse in at least one foster home. Matthew denied any significant medical history, but was prescribed Adderall at age six and remained on medications for Attention Deficit Hyperactivity Disorder until he was 10 years old.

**APPENDIX G**

**Vignette 4: Dead, Not Competent**

Matthew is a 16-year-old male who lives with his foster mother, foster father, and younger sister. One day, Matthew had an argument with a neighbor of the same age, John, who made several vicious comments about Matthew's family. Matthew confronted John about the comments, which resulted in a physical fight. Matthew pulled out a pocketknife and stabbed John. John died as a result of Matthew's actions.

At trial, Matthew's lawyer argued that his age and psychosocial maturity were mitigating factors. As part of the evidence, Matthew's attorney submitted a mental health evaluation that was conducted prior to trial to provide the defense with information relevant to Matthew's competence to stand trial. The report indicated that Matthew is one of four children born to his mother. Matthew reported that he lived with his biological mother until he was three years old and has been in foster care since that time. Records indicate that Matthew was placed in multiple foster homes and was the victim of physical and sexual abuse in at least one foster home. Matthew denied any significant medical history, but was prescribed Adderall at age six and remained on medications for Attention Deficit Hyperactivity Disorder until he was 10 years old.

Matthew was unable to accurately report his current charges and did not identify these charges as serious. He inaccurately identified that going to the principal's office is more severe than a trial in court. Matthew failed to report that pleading guilty meant "saying I did it." When asked about the penalties that could result from a conviction, Matthew failed to report that he could go to jail or detention. Matthew did not appear to have a reasonably good factual understanding of the charges against him and the serious nature of these charges. When asked about the judge's job, Matthew reported that the judge decides "who is right and who is wrong." To gauge Matthew's understanding of the need to present evidence, Matthew was asked whether the judge would know whether he was or was not guilty when he entered the court-room. Matthew stated that the judge would know "that I'm guilty once I walk into the room." Matthew did not appear to have a basic factual understanding of the roles of the judge, prosecutor, and defense attorney. Matthew was not able to provide any relevant details regarding the alleged events that would be important to tell his attorney. He could report only that he "did not do it." Matthew's desire to please authority figures may make him overly sensitive to persuasive lines of questioning. He did not appear able to have the reasoning skills required to determine what pieces of information might be important to tell his attorney. Matthew reported that he would plead not guilty because he wanted to "get out of this situation." He did not have an accurate understanding of the process of plea-bargaining. John reported that ultimately it was up to his attorney and that he had to "agree with her [his attorney], it is not my decision, it is hers."

At the end of the report, the evaluating psychologist concluded that Matthew was not competent to stand trial. Matthew's attorney added that Matthew was restored to competence prior to the start of the trial.

**APPENDIX H**

**Vignette 5: Dead, Competent**

Matthew is a 16-year-old male who lives with his foster mother, foster father, and younger sister. One day, Matthew had an argument with a neighbor of the same age, John, who made several vicious comments about Matthew's family. Matthew confronted John about the comments, which resulted in a physical fight. Matthew pulled out a pocketknife and stabbed John. John died as a result of Matthew's actions.

At trial, Matthew's lawyer argued that his age and psychosocial maturity were mitigating factors. As part of the evidence, Matthew's attorney submitted a mental health evaluation that was conducted prior to trial to provide the defense with information relevant to Matthew's competence to stand trial. The report indicated that Matthew is one of four children born to his mother. Matthew reported that he lived with his biological mother until he was three years old and has been in foster care since that time. Records indicate that Matthew was placed in multiple foster homes and was the victim of physical and sexual abuse in at least one foster home. Matthew denied any significant medical history, but was prescribed Adderall at age six and remained on medications for Attention Deficit Hyperactivity Disorder until he was 10 years old.

Matthew was able to accurately report his current charges and identified these charges as serious. He accurately identified that a trial in court was more severe than going to the principal's office. Matthew reported that pleading guilty meant "saying I did it." When asked about the penalties that could result from a conviction, Matthew reported that he could go to jail or detention. Matthew appeared to have a reasonably good factual understanding of the charges against him and the serious nature of these charges. When asked about the judge's job, Matthew reported that the judge decides "who is right and who is wrong." To gauge Matthew's understanding of the need to present evidence, Matthew was asked whether the judge would know whether he was or was not guilty when he entered the court-room. Matthew stated that the judge would need to "hear the charges, if they are low, she will think you are not guilty. If they are high, she will think you are guilty." Matthew appeared to have a basic factual understanding of the roles of the judge, prosecutor, and defense attorney. Matthew was not able to provide any relevant details regarding the alleged events that would be important to tell his attorney. He could report only that he "did not do it." Matthew's desire to please authority figures may make him overly sensitive to persuasive lines of questioning. He did not appear able to have the reasoning skills required to determine what pieces of information might be important to tell his attorney. Matthew reported that he would plead not guilty because he wanted to "get out of this situation." He had an accurate understanding of the process of plea-bargaining. At the end of the report, the evaluating psychologist concluded that Matthew was competent to stand trial.



**APPENDIX I**

**Vignette 6: Dead, No Mention of Competence**

Matthew is a 16-year-old male who lives with his foster mother, foster father, and younger sister. One day, Matthew had an argument with a neighbor of the same age, John, who made several vicious comments about Matthew's family. Matthew confronted John about the comments, which resulted in a physical fight. Matthew pulled out a pocketknife and stabbed John. John died as a result of Matthew's actions.

At trial, Matthew's lawyer argued that his age and psychosocial maturity were mitigating factors. As part of the evidence, Matthew's attorney submitted a mental health evaluation that was conducted prior to trial to provide the defense with information relevant to Matthew's competence to stand trial. The report indicated that Matthew is one of four children born to his mother. Matthew reported that he lived with his biological mother until he was three years old and has been in foster care since that time. Records indicate that Matthew was placed in multiple foster homes and was the victim of physical and sexual abuse in at least one foster home. Matthew denied any significant medical history, but was prescribed Adderall at age six and remained on medications for Attention Deficit Hyperactivity Disorder until he was 10 years old.

**APPENDIX J**

**Vignette Questionnaire**

Based on the information you just read, please answer the following questions:

1. Would you find Matthew guilty or not guilty?

Guilty \_\_\_\_\_

Not Guilty \_\_\_\_\_

2. How responsible do you think Matthew is for what happened to John?

1

2

3

4

5

Not Responsible

Very Responsible