

## PUBLIC OPINION AND THE FOUNDATION OF THE JUVENILE COURT\*

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*Over 100 years ago, juvenile courts emerged out of the belief that juveniles are different from adults—less culpable and more rehabilitatable—and can be “saved” from a life of crime and disadvantage. Today, the juvenile justice system is under attack through increasing calls to eliminate it and enactment of statutes designed to place younger offenders in the adult justice system. However, little evidence exists that policy makers have taken the full range of public views into account. At the same time, scholarly accounts of calls to eliminate the juvenile justice system have neglected the role of public opinion. The current study addresses this situation by examining public views about 1) abolishing juvenile justice and 2) the proper upper age of original juvenile court jurisdiction. Particular attention is given to the notion that child-saving and “get tough” orientations influence public views about juvenile justice. The analyses suggest support for the lingering appeal of juvenile justice among the public and the idea that youth can be “saved,” as well as arguments about the politicization and criminalization of juvenile justice. They also highlight that the public, like states, holds variable views about the appropriate age of juvenile court jurisdiction. We discuss the implications of the study and avenues for future research.*

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*Why is it not just and proper to treat these juvenile offenders, as we deal with the neglected children, as a wise and merciful father handles his own child whose errors are not discovered by the authorities? Why is it not the duty of the state, instead of asking merely whether a boy or a girl has committed a specific offense, to find out what he is, physically, mentally, morally, and then if it learns that he is treading the path that leads to criminality, to take him in charge, not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, to make him not a criminal but a worthy citizen.*

— Judge Julian W. Mack (1909: 107)

One century after the creation of the first juvenile court in America, does the notion of a separate juvenile justice system still resonate with the American public? If so, what is the proper age of jurisdiction for this system? Specifically, given the plethora of new laws for transferring youth to the adult justice system, what is the youngest age for which the public supports adult sanctioning of juveniles? More generally, given the “get tough” changes of recent decades, are views about juvenile justice primarily a function of punitive attitudes or do they stem from the beliefs, such as the possibility of “saving” youth (Platt, 1977), that in no small part motivated the founders—Judge Mack included—of the juvenile justice system (Howell, 1997)?

To date, there has been little research that directly speaks to these questions. They have, however, assumed greater importance as states have “criminalized” their juvenile justice systems, including steadily eroding the borders between juvenile and adult justice (Fagan and Zimring, 2000; Kupchik, 2003; Moon, Sundt, et al., 2000; Singer, 1996a). Most prominently, some states have lowered the upper age of juvenile court jurisdiction, and almost every state in the country has enacted laws aimed at facilitating the transfer of certain youthful offenders to the criminal justice system (Snyder and Sickmund, 2006). At the same time, vigorous debates have ensued as a result of “get tough” laws and the putatively flawed structure and implementation of juvenile justice, with some scholars arguing for eliminating the juvenile court (Ainsworth, 1995; Feld, 1999a) and others, along with a chorus of practitioners, just as forcefully arguing for its retention (Bishop, 2004; Dawson, 1990; Guarino-Ghezzi and Loughran, 2004; Sanborn, 2003).<sup>1</sup>

It might be argued that public views about juvenile justice are irrelevant.

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1. Many journals have devoted special issues to the topic (e.g., *The Future of Children*, 1996, vol. 6, no. 3, “The Juvenile Court”; and *The Annals*, 1999, vol. 564, “Will the Juvenile Court System Survive”). Similarly, many books examine the dramatic shifts in juvenile justice (e.g., Fagan and Zimring, 2000; Feld, 1999a; Howell, 2003; Katzmann, 2002; Krisberg, 2005).

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Yet, theoretical and historical accounts argue that the juvenile court resulted because of changes in how U.S. society viewed children and youth (Howell, 1997). Public views are also central to accounts that argue that the juvenile court emerged from middle- and upper-class attempts to subordinate the lower classes (Ferdinand, 1989; Platt, 1977). Furthermore, policy changes almost invariably involve recourse to public sentiment (Cullen, Fisher, and Applegate, 2000; Roberts, 2004; Stolz, 2002). Indeed, a central assumption underlying theoretical accounts of the transformation of juvenile justice is that the politicization of crime (Guarino-Ghezzi and Loughran, 2004; Stolz, 2002), through widespread alarms about a new breed of super-predators (Bernard, 1992; DiIulio, 1995; McNulty, 1995), led the public to support toughening, and ultimately criminalizing, the juvenile justice system (Howell, 2003; Krisberg, 2005). To be certain, public views may also stem from political initiatives, not the other way around (Beckett, 1997). Yet, even in such cases, important questions arise about the fact that there may be significant disjunctures between public views and public policies (Cullen et al., 1998; Roberts, 2004).

In this article, we advance efforts to understand changes in juvenile justice and highlight the salience of public views to debates about maintaining a separate system of justice for young people. We begin by discussing scholarly accounts of juvenile justice and public policy that provide the context that motivates our investigation. We then develop hypotheses about 1) the extent to which the public supports abolishing juvenile justice and expanding criminal justice jurisdiction (i.e., including younger offenders by lowering the age at which they can be tried as adults) and 2) the role of “get tough” and child-centered beliefs, as well as select other factors, on views about eliminating or toughening the juvenile justice system. Drawing on data from a survey of Florida adults, we test these hypotheses and discuss the study’s implications.

### HISTORICAL CONTEXT

#### THE AMERICAN JUVENILE JUSTICE SYSTEM

The first juvenile court in America opened in 1899 in Illinois and led to the rapid expansion of juvenile courts to every state in the country (Howell, 1997). The philosophy of *parens patriae* (the “state as parent”) guided the early child-saving proponents of the juvenile court (Platt, 1977). The child-savers were part of a more general progressive, or liberal, movement that emphasized the possibility, buttressed by a rise in positivism in the social sciences, of changing behavior through scientific means (Butts and Mitchell, 2000). This movement stressed the importance of individualized case-by-case diagnosis and treatment, much as a doctor might do with medical problems (Guarino-Ghezzi and Loughran, 2004).

Many scholarly accounts critique the notion that the motivation of the juvenile court founders was benign. Among the most vocal advocates of this position, Platt (1977) has argued, for example, that the court served as a means by which the middle and upper classes could control the lower classes. Although his assessment may be true, it nonetheless remains the case that the rhetoric of the founders emphasized rehabilitation, the notion of acting in the “best interests” of juveniles, including protecting and where necessary raising them, and the idea that young people not only could be changed but also deserved a “second chance” in life (Tanenhaus, 2004; Zimring, 1998b). Punishment was considered a goal of the juvenile court, but the primary mission was to ensure that youth received the services and resources needed to help improve their behavior (Butts and Mears, 2001).

#### THE JUVENILE COURT IN MODERN TIMES

Beginning in the 1960s, in response to concerns that had arisen about abuses of youth in the juvenile justice system, a series of U.S. Supreme Court cases led to the “constitutional domestication” of the juvenile court (Feld, 1999a, 1999b). No longer were informal, nonadversarial proceedings to be the norm. Rather, juveniles now were to be given many of the same due process rights of adults, including the right to counsel. The changes were welcomed by many—juvenile courts subjected youth to arbitrary and inconsistent decisions that often resulted in sanctions that would never occur in adult court (Bishop, 2000; Howell, 1997). The new set of legal rights would, it was hoped, prevent these and other abuses. Subsequent studies showed, however, that actual practice departed substantially from theory (Butts and Mitchell, 2000). Youth frequently did not, for example, enjoy access to counsel or to counsel sufficiently familiar with and trained in juvenile law to effectively advocate for them (Feld, 1999a).

An irony of these changes is that their liberal, youth-oriented emphases laid the groundwork for more substantial changes in the 1980s and 1990s that in many respects eroded the foundation of the juvenile court. In these decades, prompted in no small part by concerns about a demographically driven juvenile crime wave (Bernard, 1999; Butts and Travis, 2002; Fox, 1996) involving a new generation of putative “super-predators” (DiIulio, 1995; McNulty, 1995), states across the country enacted sweeping “get tough” changes to their juvenile justice systems. Blended sentencing and transfer (also called “waiver”) laws were among the most prominent (Snyder and Sickmund, 2006). These laws enabled sentences (“dispositions,” in the language of the juvenile court) to begin in the juvenile justice system and continue in the adult system, facilitated sending young offenders to the adult system, and sometimes required that certain cases begin in criminal courts (Kupchik, 2003; Mears, 2003). Other changes occurred as well,

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including reduced confidentiality of court proceedings and increased access to court records (Snyder and Sickmund, 2006; Torbet and Szymanski, 1998). The scope and depth of the changes led to strident debates about whether the juvenile court was any longer a viable concept, as well as to arguments for its abolishment (Ainsworth, 1995; Feld, 1999a).

Underlying many accounts of the transformation of juvenile justice is the notion that the public no longer supports preferential treatment of juvenile offenders (Moon, Sundt, et al., 2000). Indeed, the very idea of a “super-predator” contravenes images of innocent youth who deserve a “second chance” in life. Some studies emphasize that policy makers have merely responded to public calls, whether well founded or not, for tough actions against juvenile crime (Dawson, 1988; Guarino-Ghezzi and Loughran, 2004; Howell, 2003). Others suggest that crime policies during the 1990s became politicized, with both Democratic and Republican policy makers focusing on crime because it would enable them to gain public support (Marion, 1997; Stolz, 2002). However, few studies have directly examined whether the public actually supports abolishing the juvenile justice system, the ultimate “get tough” juvenile crime policy.

Criminalization of delinquency—treating young offenders as adults—of course runs counter to the basic tenets of and justification for the juvenile justice system (Kupchik, 2003; Mears and Field, 2000; Singer, 1996b). Just as important is the risk that treating young offenders like adult criminals entails a type of “get tough” approach to punishment that may increase juvenile crime through recourse to more formal, punitive sanctions (Dawson, 1990; Ferdinand, 1989) and less emphasis on treatment and balanced approaches—that is, ones that draw on a range of continuum of sanctions and services to prevent and reduce juvenile crime (Cullen, 2005; Guarino-Ghezzi and Loughran, 2004; Howell, 2003; Krisberg, 2005). The risk may be overstated, given the dearth of evidence to suggest that processing or outcomes would vary substantially for youth if the juvenile justice system were eliminated (Butts and Roman, 2005). Nonetheless, most observers agree that the stakes involved in debates about whether to retain the juvenile justice system, and, if so, in what form, are high.

## VARIATION IN THE UPPER AGE OF JUVENILE COURT JURISDICTION

The exponential growth in transfer laws has created multiple age thresholds of juvenile court jurisdiction (Singer, 1996a).<sup>2</sup> Notably, from the

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2. Many types of transfer exist. There are discretionary, presumptive, or mandatory judicial transfer laws as well as diverse nonjudicial mechanisms of transfer, including concurrent jurisdiction, statutory exclusion, reverse waiver, and blended sentencing. In each instance, states vary in the age at which each type

inception of the first juvenile courts, the upper age of original juvenile court jurisdiction has varied considerably across states, even before new mechanisms of transfer emerged. Today, the age threshold varies from age 15 to 17—3 states designate age 15 as the upper age of jurisdiction, 10 use age 16 as the threshold, and 38, the District of Columbia included, use age 17 (Snyder and Sickmund, 2006: 103).

The variation in the upper age of juvenile court jurisdiction—both original jurisdiction and that created through transfer laws—is notable for several reasons.<sup>3</sup> First, changing the upper age of jurisdiction is one of the simplest ways to toughen responses to juvenile offending, if only because it implicates large numbers of youth (McCord, Widom, and Crowell, 2001). In recent decades, some states—including New Hampshire, Wisconsin, and Wyoming—have in fact lowered the upper age of jurisdiction of their juvenile justice systems,<sup>4</sup> creating a more far-reaching effect than merely enabling the transfer of youth of particular ages who have committed specific offenses. Second, on jurisprudential and scientific grounds, it is anomalous. On what legal basis, for example, does it make sense for a 16-year-old in one state to be considered an “adult” but in another a “juvenile”? Perhaps in other arenas of life, such variation might be viewed as benign; however, state-sanctioned punishments constitute the most extreme form of control exercised by government. Not in the least, the scientific grounds for specific age designations is, if anything, more tenuous. Research unequivocally establishes that youth vary in their development; indeed, physical, emotional, and cognitive maturation, along with development of self-control, moral understanding, and judgment, vary considerably among individuals and even more so within youth populations (Bishop, 2004; Grisso, 2004; Steinberg, Chung, and Little, 2004).<sup>5</sup>

In short, despite debates about whether juvenile justice should be abolished, an arguably far more pressing issue is what the proper age of juvenile court jurisdiction—whether original jurisdiction or as provided in

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can occur and for which offenses (see Snyder and Sickmund, 2006: 111). Many states do not designate minimum ages for transfer (2006: 114).

3. It also is complicated in that states vary in the age at which jurisdiction of youth sanctioned as juveniles ends. The threshold varies from ages 18 to 24 (Snyder and Sickmund, 2006: 103).
4. New Hampshire and Wisconsin lowered the upper age of jurisdiction from age 17 to age 16 and Wyoming from age 18 to age 17 (Snyder and Sickmund, 2006: 103).
5. Some scholars have emphasized these issues when discussing the processes that should be followed when youth are transferred. For example, Grisso has argued that clinical assessments should be undertaken to assess whether a youth is a danger to others and is amenable to treatment (2000: 325) and whether his or her conduct can be “modified within the resources available to the juvenile court” (2000: 326). Such issues assume more importance when transfer increases or when states lower the upper age of original juvenile court jurisdiction.

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waiver statutes—should be. As we suggest below, investigation of what the public thinks about the issue and the factors linked to their views may help inform policy discussions about, as well as scholarly accounts of changes in, juvenile justice.

### PUBLIC OPINION AND JUVENILE JUSTICE

The historical development of the juvenile justice system rests on tensions that have become more prominent in modern times. As Feld (1999a) has noted, there is the increased challenge involved in trying to achieve seemingly incompatible goals—on the one hand, punishment of young offenders and, on the other hand, providing services in the “best interests” of young offenders’ welfare. At the same time, long-standing tensions concerning the existence of the juvenile justice system have dominated scholarly discourse, as reflected in the considerable volume of literature on transfer laws (Mears, 2003). This literature, in turn, has indirectly led to questions about the proper age at which a youth should be subject to juvenile court jurisdiction.

Against this backdrop, public views, either actual or assumed, have featured prominently in debates about juvenile crime and justice policy. There are, for example, prominent arguments that Americans’ views of childhood, especially views among the middle and upper classes, served to justify the creation of the first courts (Feld, 1999a; Platt, 1977) and, in recent years, that public fear of violent juvenile crime led policy makers to adopt tougher laws (Butts and Mitchell, 2000; Roberts, 2004; Schiraldi and Soler, 1998; Zimring, 1998a).

Even if public views do not contribute to public policy, concerns arise, especially in democracies, when policies are at odds with public views because government is expected to be responsive to the attitudes of constituents (Moon, Sundt, et al., 2000). Their views should not always or even necessarily hold sway, but in democracies they indisputably are salient to policy debates (Burstein, 2003). With respect to juvenile crime, it thus is notable that research documents significant disjunctures between public opinion and policies. Concerning recent juvenile justice reforms, for example, Roberts (2004: 523) has noted “research demonstrates that some of the U.S. policy changes exceed the desire of the public to ‘get tough’ with juveniles . . . creating an inconsistency between community sentiment and the practice of the system.”

Returning to the former issue, it bears emphasis that, as scholars have stressed (Beckett, 1997; Flanagan, 1996), the link between public opinion and policy is problematic rather than true by definition. Such factors as the presence of powerful interest groups, an uninformed electorate, and the

actions of the mass media can produce a divergence between public opinion and the focus of governmental policies (Cullen et al., 1998; Roberts, 2004). Juxtaposed against such work is, however, a large body of theoretical and empirical research that suggests that public opinion can influence policy (Burstein, 1998, 2003; Monroe, 1998; Page and Shapiro, 1983). Burstein (1998), for example, reviewed 20 quantitative studies of this issue published between 1983 and 1998, finding that 19 of the 20 point to a significant effect of public opinion on public policy. Significant effects were observed for all issues considered, including social welfare spending, policies for economic growth, and defense policies. He noted that, in some instances, these effects are statistically significant but only moderate in magnitude. In other instances, however, it is clear that "the effect is so strong that public opinion is clearly more important than any other variable" in affecting public policy (1998: 41). Other scholars have provided in-depth accounts of how policy makers, including U.S. presidents, pursue policies that stem, in part, from public concerns and that will gain them public support (Marion, 1997).

In short, public opinion can shape public policy, including policies focused on crime in general (Cohen, 1985; Garland, 2001) and those focused on juvenile crime in particular (Bernard, 1992; Males, 1996; Roberts, 2004; Zimring, 1982, 1998a). To be certain, the accounts of why specific policies emerge typically involve complex, multicausal explanations (Garland, 2001), and sometimes it likely is the case that public views have no influence on policy or that policy maker decisions influence public opinion rather than the other way around (see, e.g., Beckett, 1997). At a minimum, however, studies indicate that public opinion has featured prominently in juvenile justice policy debates and actions (Roberts, 2004: 526). To illustrate, Schiraldi and Soler (1998: 591) reported Senator Orrin Hatch, one of the sponsors of the Violent and Repeat Juvenile Offender Act of 1997, as saying, "People are expecting us to do something about these violent teenagers. We've got to move on this." Even at the founding of the juvenile court, and in every decade since, public concern about juvenile crime has been argued to influence society's responses to such crime (Bernard, 1992). Thus, it is reasonable to expect that an analysis of public opinion may help inform attempts to understand shifts in juvenile justice policy as well as inconsistencies between public policies and public views (Roberts, 2004).

As we detail in the hypotheses that follow, several studies of public opinion of juvenile justice exist. Most point to the general conclusion that, although the public supports tough punishments for violent offenders, it also supports rehabilitative measures. In general, such support is greater when questions ask about young offenders, suggesting that "Americans retain a strong belief in 'child-saving'" (Cullen, Fisher, and Applegate,

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2000: 55; see also Roberts and Stalans, 1998; Schwartz, Guo, and Kerbs, 1993; cf. Males, 1996). The dual emphasis arguably is well represented in recent policies that focus on “get tough” measures for the most serious and violent offenders but that leave other parts of the juvenile justice system untouched (Butts and Mears, 2001). However, these studies almost invariably focus on the question of transfer not, as is the case here, the status of the juvenile justice system or age of juvenile court jurisdiction.

## HYPOTHESES

Building on the preceding discussion and drawing on prior research, we develop and test two sets of hypotheses, one related to views about juvenile justice and the other related to explaining variation in these views. *Our first hypothesis is that at least a majority of the public will support retention of the juvenile justice system.* Virtually every state has retained its juvenile justice system, suggesting majority support within each state. Moreover, opinion polls consistently show that a majority of the public supports separate treatment of juvenile offenders. One national survey found, for example, that 62 percent of the public “opposed giving juveniles the same sentences as adults” (Schwartz, Guo, and Kerbs, 1993: 8). Even when the public supports transferring some youth to the adult justice system, they prefer that these youth be housed in separate prisons (Sprott, 1998). As Triplett (1996: 139), in reviewing prior research, has observed: “The findings . . . suggest that although the majority of the public supports trying juveniles in adult court, they are not necessarily supportive of treating juveniles like adults in terms of sentence length and place of confinement,” suggesting the complex balancing of competing views held by the public. In this instance, the findings pertain to studies of transfer, a policy that applies only to serious or chronic offending; thus, if the questions pertained to eliminating the entire juvenile justice system, affecting both non-violent and violent offenders, support presumably would be less. However, it bears mention that, in Sprott’s (1998) study of citizens in Ontario, Canada, 64 percent of respondents favored abolishing the juvenile justice system. The results emerged at a time and in a place where juvenile crime rates were less than in the United States, suggesting that Americans’ support for juvenile justice cannot be taken for granted.

*A related hypothesis is that support for different upper ages of juvenile court jurisdiction will vary, as reflected more generally in the variation observed among states.* Here again, prior research affords little insight into the precise distribution of responses we might expect. However, the fact that states specify different upper ages of juvenile court jurisdiction, from age 15 to 17, and that age thresholds for waiver and the death penalty vary as much if not more so (Snyder and Sickmund, 2006) suggests that the

public might well hold equally variable views (see, e.g., Moon, Wright, et al., 2000). Given that age 18 is the age of adulthood for various legal rights and responsibilities (e.g., voting and jury duty), we expect that the most support would be expressed for this age cutoff. Furthermore, we speculate that there should be a steady, monotonic increase in support for each cutoff, with greater support emerging for higher age thresholds.

Variation in public views would be notable for many reasons—it would indirectly support state-level variation in age thresholds (Snyder and Sickmund, 2006); echo conclusions of psychologists that there are no fixed ages of adulthood when it comes to physical, emotional, or cognitive development and functioning (McCord, Widom, and Crowell, 2001; Steinberg, Chung, and Little, 2004); and, last but not least, reinforce the juvenile court's foundations, including the argument for flexibility in how individual cases are handled (Howell, 1997). To be clear, evidence of variation in public views concerning the age at which adult sanctioning should occur would not, as we discuss in the conclusion, demonstrate that public views factored prominently in state-level decisions about original juvenile court or transfer-related ages of jurisdiction. It would, however, reinforce what is implicit in existing statutes—namely, that marked disagreement exists about when exactly adult sanctioning is appropriate and that little is known about how such variation is justified.

Turning to our arguments about what may explain variation in opinion, we hypothesize that variation in views concerning elimination of the juvenile court and restricted age jurisdiction of the juvenile court will be driven by three sets of factors. *First, we expect that “get tough” orientations toward crime and sanctioning—including support for punitive sanctions—should increase support for eliminating the juvenile justice system and for enabling younger juveniles to be subject to adult court jurisdiction.* Given the politicization of crime policies in recent years (DiIulio, 1995; McNulty, 1995), increased public support for punitive policies (Roberts and Hough, 2005), criminalization of the juvenile court (Mears and Field, 2000; Singer, 1996b), and research linking conservative political ideologies and retributive philosophies of punishment to views about crime (Jacobs and Carmichael, 2004), we anticipate that both ideology and punishment philosophy will influence public views of juvenile justice. This expectation is also grounded in research that suggests that conservatives tend to be more supportive of punitive sanctions for juvenile offenders (Applegate et al., 2000; Mears, 2001; Silvia, 2003; Taylor, Scheppele, and Stinchcombe, 1979). If conservative ideology emerges as significant, it suggests support for accounts that stress the importance of politicization processes in the recent transformation of juvenile justice.

*Second, we expect that, the recent “get tough” era notwithstanding, child-centered orientations should be prevalent and that these should increase*

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*support for juvenile justice and higher upper age thresholds of juvenile court jurisdiction.* Specifically, if public views are consistent with those of the court's founders, they should feel that even the most challenging youth—violent juvenile offenders—can be rehabilitated, and this in turn should influence their support for juvenile justice and views of what the upper age should be. To be certain, research indicates that the public typically expresses support for rehabilitation of juveniles more so than it does for adults (Cullen, Fisher, and Applegate, 2000; Roberts and Stalans, 1998), and proponents of rehabilitation tend to be less supportive of transfer (Mears, 2001; Triplett, 1996). We extend this work by examining how such factors influence views about the two arguably more extreme policies of interest here and how such views are related to perceptions about violent juvenile offenders. We also examine the salience of other child-centered dimensions, including whether having children and supporting tax increases to fund education of offenders influences support for these policies (Schwartz, Guo, and Kerbs, 1993). If child-centered factors affect views about retaining the juvenile justice system, it would lend support to accounts that emphasize the entrenched “child-saving” orientations of Americans. Such a finding would also support the argument that, however much it may be criminalized, juvenile justice is likely to remain a prominent institution in American society.

*Third, our review of the literature suggests that several additional sets of factors may influence views about eliminating or toughening the juvenile justice system.* We do not expect that these factors should markedly influence the effects of either the “get tough” or the child-centered measures. We do, however, expect that the additional factors may affect public views independently of such measures. For example, an increasingly prominent literature on “focal concerns” and “symbolic threats” suggests that young black males constitute a particular target for punitive sanctions because they are perceived by “mainstream” society—most notably, the middle and upper class—to be a potent threat to the social order (Chiricos, Welch, and Gertz, 2004; Leiber and Mack, 2003; Steffensmeier, Ulmer, and Kramer, 1998). This literature also suggests that, for certain segments of the public, crime is equated with race and, in particular, with blacks (Beckett and Sasson, 2000; Hogan, Chiricos, and Gertz, 2005). Drawing on this body of work, then, we hypothesize that individuals who are older, white, better educated, and wealthier will be more likely to embrace punitive sanctions for juveniles—namely, elimination of the juvenile justice system and lower ages at which adult sanctions should be applied. Social class may be salient for an additional reason. Recall that scholars have suggested that the middle and upper classes were largely responsible for creating the juvenile justice system as a way of extending control over the lower classes (Platt, 1977). Today, the juvenile justice system already

exists. So, ironically, eliminating it might well be the focus of the middle and upper classes, given that the criminal justice system, as a general rule, would allow for lengthier sanctions. Notably, research on the effects of these different factors is mixed concerning juvenile sanctions. For example, Triplett (1996) found that they mattered little if the focus was on support for transferring serious, violent offenders, but they influenced views when the focus was on offenders engaged in property crime and selling illegal drugs (see also Sims and Johnston, 2004). She found that older respondents, whites, those with less education, and the wealthier supported more punitive sanctions.

Some theories suggest that women's moral decision making tends to be based on a "sensitivity to the needs of others" (Gilligan, 1982: 16) and on an obligation to care for and avoid harming others (1982: 100) (see also Beutel and Marini, 1995; Hurwitz and Smithey, 1998). Such differences in turn may translate into less support for punitive measures, perhaps even more so when children and youth are involved. Research does not consistently support the former hypothesis, except when the focus is on the death penalty (Grasmick et al., 1993; Hurwitz and Smithey, 1998; Moon, Wright, et al., 2000). We speculate that because elimination of the juvenile justice system arguably constitutes an extreme form of punishment, as does lowering the age at which youth can receive adult sanctions, women will be less likely to support either option.

Fundamentalist beliefs may contribute to support for punitive measures (Applegate et al., 2000; Young and Thompson, 1995). A central argument is that fundamentalists, especially conservative Protestants, "follow their political counterparts and place little weight on environmental conditions that diminish culpability" (Jacobs and Carmichael, 2004: 253). They also tend to adhere to the belief that individuals ultimately are responsible for their own actions (Cullen, Fisher, and Applegate, 2000: 10). Studies indicate that they are more likely to endorse corporal punishment of children (Gershoff, 2002). We therefore hypothesize that they will be more likely to support elimination of the juvenile justice system and adult sanctioning of youth.

Finally, we anticipate that *victimization* and *criminal justice system employment* may make individuals less sympathetic toward juveniles. Research is mixed concerning victimization, but some studies suggest that victims are more likely to support punitive sanctions (e.g., Schwartz, Guo, and Kerbs, 1993; Taylor, Scheppele, and Stinchcombe, 1979; Wanner and Caputo, 1987). We know of few studies that examine how criminal justice system employment may influence an individual's support for punitive sanctions. However, many accounts point to the "hardening" effect of work with inmates. Conover's (2000) recent account of working at Sing Sing prison, for example, describes a process in which he progresses

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increasingly toward viewing inmates in a more harsh, antagonistic light (see, generally, Rhodes, 2004). Because criminal justice systems generally have expanded dramatically over the past 25 years, individuals who have either worked in criminal justice or know people who have constitute a growing proportion of the workforce.

## DATA AND METHODS

This study draws on data ( $N = 1,308$ ) from a Spring 2006 telephone survey of Florida residents aged 18 and older. The sample, designed to represent the entire state, was developed using a two-stage modified Mitofsky–Waksberg method (Tourangeau, 2004: 778–79). The overall response rate for this research was 48.6 percent, using the American Association for Public Opinion Research (AAPOR, 2004) recommended calculation. This rate is comparable with that obtained in studies that use rigorous survey methodologies (Pew, 2004). It also is comparable with or higher than that of many other published public opinion studies (e.g., Cullen et al., 1998; Moon, Wright, et al., 2000). Cases of unknown eligibility, such as answering machines, busy signals, no answer, and known ineligibility, such as disconnected numbers, businesses, and fax numbers, were excluded from this calculation as recommended by AAPOR (2004). In addition, a 15-callback rule before substitution was implemented for records of unknown eligibility. All interviewing was conducted using the Ci3 Sawtooth computer-assisted telephone interviewing (CATI) software (Sawtooth Technologies, Northbrook, IL) to ensure accuracy in recording data gathered. Notably, of those who began the survey, 91 percent completed the interview. This completion rate is substantially higher than the 60 percent average for national telephone interviews (Weisberg, Krosnick, and Bowen, 1989). The age, sex, and racial and ethnic composition of the sample was largely similar to that for the state as a whole,<sup>6</sup> and the sample size afforded us the opportunity to develop multivariate models designed

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6. The survey sample, as compared with the Florida population, included fewer individuals ages 25–34 (11 vs. 16 percent) and more individuals ages 45–54 (25 vs. 18 percent). The sample, relative to the state, included more females (61 vs. 52 percent) and non-Hispanic whites (80 vs. 65 percent). It also consisted of individuals with more education—30 percent had only a high-school degree or less, compared with 47 percent for the state. Such differences are typical in telephone-based survey research (Lavrakas, 1987) and are not sufficient to create substantial concerns about the representativeness of the sample. Of course, the differences have the potential to bias the estimate of the statewide prevalence of support for our two dependent variables. However, given the regression results and the fact that over 80 percent of sample respondents disapproved of eliminating the juvenile justice system, it is doubtful that the prevalence estimates depart dramatically from what would emerge with a sample identical to that of the Florida adult population. With respect to our second dependent variable, transfer,

to test theoretical hypotheses concerning specific segments of the Florida population.

The survey focused primarily on residents' views of the state correctional system, but it included items on attitudes toward juvenile offenders and juvenile justice. These items allowed us to tap into unique dimensions—including our two dependent variables of interest and the child-centered measures—largely unaddressed in prior studies. In addition, the data included a relatively rich source of social and demographic characteristics, some of which draw on questions typically used in General Social Survey surveys, of use in testing our hypotheses.

Because the data come only from one state, the results may not necessarily generalize to the rest of the country. Nonetheless, state samples can provide valuable insights that may not necessarily differ dramatically from those of national studies (Cullen, Fisher, and Applegate, 2000: 61). Moreover, Florida, the fourth largest state in the country (U.S. Census Bureau, 2006b), has demographic characteristics similar to those of the country as a whole.<sup>7</sup> More importantly, it is a prominent part of a block of southern states that have emphasized “get tough” approaches to juvenile crime (Frazier, Bishop, and Lanza-Kaduce, 1999). For example, Florida has one of the highest rates of incarceration of young and adult offenders in the country. In 2003, Florida held 452 juvenile offenders in custody for every 100,000 juveniles in the state, compared with a national juvenile incarceration rate of 307 (Snyder and Sickmund, 2006: 201). Similarly, in 2004, Florida incarcerated 486 adult offenders for every 100,000 residents, compared with a national (state) adult incarceration rate of 432 (Harrison and Beck, 2005: 4). The tough stance Florida takes toward crime thus affords an opportunity to assess public views, and factors associated with these views, that may emerge or be salient in other states as they continue to toughen their juvenile justice systems. As discussed, virtually every state in the

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the general bell curve distribution would remain unchanged. The representativeness of the sample is less of a concern in this article, where the focus is on testing hypotheses about the influences of different factors. In these instances, the multivariate models control for a range of measures and so likely reduce or eliminate any substantial estimation bias.

7. Demographically, males comprise 49 percent of both the Florida population and the country; 77 percent of Floridians are age 18 or older, compared with 75 percent of all Americans (17 percent of Floridians are age 65 or older, compared with 12 percent of Americans); 77 percent of Floridians are white, 15 percent are black, and 20 percent are Hispanic or Latino (of any race), compared with 75 percent, 12 percent, and 15 percent, respectively, of U.S. residents; and 85 percent of the Florida population age 25 or older has a high-school education or more, whereas 25 percent have a bachelor's degree or more, compared with 84 percent and 27 percent, respectively, among American residents (U.S. Census Bureau, 2006a).

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country has enacted measures to allow for more severe and adult-like sanctioning of juvenile offenders (see, generally, Snyder and Sickmund, 2006).

Below and in table 1, we describe the specific measures and associated coding that we use to test our hypotheses. Analytically, we proceed first by examining the extent of public support for eliminating the juvenile justice system and for specific age thresholds of juvenile court jurisdiction. We then use ordinary least-squares (OLS) regression to examine the salience of three sets of predictors for each of these two dependent variables. The first set includes measures that we hypothesize should be associated with a “get tough,” more punitive orientation, one that emphasizes either eliminating the juvenile justice system or enabling younger offenders to receive adult sanctions. The second set of measures includes items that could be construed as child-centered; here, we expect the effects to be positive. The third set includes measures that are variably hypothesized, as discussed, either to increase or decrease support for the juvenile justice system and raising or lowering the age at which adult sanctions are allowed.

Two dependent variables are used in our analyses. The first examines *support for abolishing the juvenile justice system*. The survey question was: “Currently, most juvenile offenders are handled in the juvenile justice system. How much would you approve of eliminating this system and handling all juvenile offenders in the same system used for adults?” where 1 = strongly disapprove, 2 = disapprove, 3 = approve, and 4 = strongly approve. The second dependent variable examines the lowest age at which respondents felt individuals should be tried as adults—that is, the *lower age of adult jurisdiction* or, conversely, the upper age of juvenile jurisdiction. The specific question was: “In your opinion, what is the youngest age that someone should be allowed to be tried as an adult rather than juvenile offender?” This question speaks directly to debates about lower age thresholds for transferring select cases to the adult justice system and indirectly to what in general should be the age threshold of juvenile court jurisdiction. We truncated the lower bound at age 11 and under and the upper bound at age 19 and older because too few cases were in ages below and above these thresholds, respectively. For the predictive analyses, we reverse-coded the age categories to facilitate comparison of the coefficients across the two dependent variables. In each instance, positive coefficients indicate greater support for a “tougher,” more adult-like response to juvenile offending—specifically, for eliminating the juvenile justice system or for lowering the age of adult jurisdiction.

Three measures were used to capture different dimensions of a “get tough” orientation toward crime. The first, *political ideology*, consists of two dummy variables—conservative (1 = conservative, 0 = other) and moderate (1 = moderate, 0 = other)—with the third, liberal, serving as the

omitted reference category. The original survey question was: “Overall, do you consider yourself liberal, middle of the road, or conservative?” The second, *retributive philosophy*, was developed using a question that asked respondents their views about the Florida correctional system: “How much do you agree that giving offenders the punishment they deserve should be a top priority for the Department of Corrections?” A comparable question was not asked concerning juvenile offenders, but it is reasonable to anticipate that responses to this question serve as a proxy. Given the distribution of responses—5.7 percent of respondents strongly disagreed or disagreed, 34 percent agreed, and over 60 percent strongly agreed—we created a dummy variable that categorized individuals into two groups, those who strongly hold punitive views versus all others (1 = strongly agreed, 0 = all others). Finally, respondents were asked whether they would support *tax increases for building new prisons*: “How much more would you be willing to pay in taxes each year to support building new prisons?” where 1 = not willing to pay more, 2 = less than \$1, 3 = \$1–\$5, 4 = \$5–\$10, and 5 = more than \$10.

Child-centered views were captured using three measures as well. The first examines the extent to which respondents hold what might be characterized as a “child-saving” orientation. The survey question was: “How much do you agree that juvenile offenders who commit violent crimes can be rehabilitated?” where 1 = strongly disagree, 2 = disagree, 3 = agree, and 4 = strongly agree. To our knowledge, this question—in particular, the emphasis on *whether violent juvenile offenders can be rehabilitated*—is unique in public opinion research on juvenile offenders (see, e.g., Mears, 2001; Schwartz, Guo, and Kerbs, 1993; Sprott, 1998). Its importance lies in the fact that “get tough” juvenile justice policies typically envision violent young offenders, and so the critical question is whether the public views such individuals, as opposed to young offenders generally, as capable of being rehabilitated. Similar to the prison tax question, we also were able to draw on a question about support for *taxes to support education for inmates*—“How much more would you be willing to pay in taxes each year to provide a high school education to every inmate who does not have one?”—which used the same response categories. The presumption here is that a willingness to support tax increases indicates a substantial commitment to child-centered policies. The third measure, whether respondents have had *children*, drew on the following question: “How many adopted or biological children have you had in your lifetime?” where 1 = one or more children and 0 = no children.

In addition to tapping into dimensions of “get tough” and child-centered attitudes, respectively, we include in our analyses other factors, as discussed, that were hypothesized to influence public views about juvenile justice. These factors are of interest in their own right, but they also can be

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viewed as controls that help further isolate the net effect of the “get tough” and child-centered measures. Demographic questions include age, sex, and race/ethnicity. For *age*, the question was: “Which of the following categories best describes your age?” and provided the following options: 1 = 18–24, 2 = 25–34, 3 = 35–44, 4 = 45–54, 5 = 55–64, 6 = 65–74, and 7 = 75 and over. We examined dichotomous (dummy) variable codings and the use of a quadratic term; because these did not reveal any nonlinearity with respect to the dependent variables, we retained the use of an age measure that relied on these age groupings. *Sex* was coded as 1 = male and 0 = female. *Race/ethnicity* was measured by combining two questions and is coded as 1 = non-Hispanic white (80 percent of the sample respondents were in this category) and 0 = others. In one question, respondents were asked to self-designate as being of Spanish, Latino, or Hispanic origin, and in the other, they were asked to self-designate their race. In disaggregated analyses using other racial/ethnic groupings, there was little evidence of pronounced differences among minority groups relative to that of non-Hispanic whites.

Two social status measures—education and income—were included as well. For the *education* measure, the question was: “What is the highest grade of school or year in college you yourself completed?” Responses were coded into the following categories: 1 = high-school degree or less, 2 = some college, 3 = college graduate, and 4 = attended and/or completed graduate school. For the *income* measure, the question was: “Now consider your family’s household income from all sources. As I read a list, please stop me when I get to the income level that best describes your household income in 2005.” Response categories were: 1 = less than \$20,000, 2 = \$20,000 to \$34,999, 3 = \$35,000 to \$49,999, 4 = \$50,000 to \$74,999, 5 = \$75,000 to \$99,999, 6 = \$100,000 to \$150,000, and 7 = over \$150,000. There was little indication of a nonlinear relationship between the categories and the dependent variables.

Finally, three additional measures were included in our models. *Conservative Protestantism* was derived from the following question: “Which of the following best describes your current religious preferences: Protestant, Catholic, Jewish, or something else?” and a follow-up question in which respondents were asked to specify the denomination with which they were affiliated. We then drew on classifications used in prior studies (see, e.g., Roof and McKinney, 1987; Smith, 1990) to create a conservative Protestantism measure, with conservative Protestants coded as 1 and all other religious groups coded as 0. Our *victim of crime* measure comes from a question in which respondents were asked: “Over the past five years, has anyone in your immediate family been the victim of a crime?” Responses were coded as 1 = yes and 0 = no. Finally, the last measure was whether respondents had been *employed by law enforcement, the criminal*

TABLE 1. DESCRIPTIVE STATISTICS

	Mean	SD	N
<b>Dependent Variables</b>			
Eliminate JJS <sup>a</sup> (1 = strongly disapprove, 4 = strongly approve)	1.86	.86	1,284
Strongly disapprove	39.6%		
Disapprove	40.9%		
Approve	13.9%		
Strongly approve	5.7%		
Youngest age of CJS <sup>b</sup> jurisdiction (range = 11–19 years old)	15.58	1.99	1,262
Age 11 or younger	3.7%		
Age 12	5.7%		
Age 13	6.6%		
Age 14	12.0%		
Age 15	13.0%		
Age 16	28.1%		
Age 17	9.1%		
Age 18	19.1%		
Age 19 or older	2.8%		
<b>Independent Variables</b>			
Political ideology			
Liberal (reference category)	.21	.41	1,262
Moderate	.43	.50	1,262
Conservative	.34	.47	1,262
Retributive philosophy (1 = strongly agree, 0 = agree or disagree)	.60	.49	1,277
Prison tax (1 = no, 2 = less than \$1, 3 = \$1–5, 4 = \$5–10, 5 = \$10+)	2.53	1.42	1,274
Violent juveniles rehabilitatable (1 = strongly disagree, 4 = strongly agree)	2.70	.77	1,231
Education tax (1 = no, 2 = less than \$1, 3 = \$1–5, 4 = \$5–10, 5 = \$10+)	2.67	1.37	1,281
Children (1 = 1 or more children, 0 = none)	.78	.42	1,298
Age (1 = 18–24, 2 = 25–34, 3 = 35–44, 4 = 45–54, 5 = 55–64, 6 = 65–74, 7 = 75+)	4.06	1.64	1,302
Sex (1 = male, 0 = female)	.39	.49	1,308
Race/ethnicity (1 = non-Hispanic white, 0 = non-white)	.80	.40	1,277
Education (1 = H.S. or less, 2 = some coll., 3 = BA/BS, 4 = some grad.)	2.27	1.05	1,294
Income (1 = up to \$20K, 2 = \$20–34.9K, 3 = \$35–49.9K, 4 = \$50–74.9K, 5 = \$75–99.9K, 6 = \$100–150K, 7 = over \$150K)	3.80	1.65	1,141
Conservative Protestant (1 = yes, 0 = no)	.35	.48	1,308
Anyone in family victim of a crime in past 5 years (1 = yes, 0 = no)	.30	.46	1,292
Employed by criminal justice system (1 = yes, 0 = no)	.10	.29	1,308

<sup>a</sup>JJS = juvenile justice system. Percentages do not add to 100 due to rounding.

<sup>b</sup>CJS = criminal justice system. Percentages do not add to 100 due to rounding.

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*justice system, or corrections.* In the survey, they were asked: "Is anyone in your household employed by the media, law enforcement, criminal justice, or the corrections system?" Respondents who said "yes" to any of the last three categories were coded as 1 = employed by the criminal justice system and all others were coded as 0.

## FINDINGS

Support for our first hypothesis is indicated in table 1, showing that 80.5 percent of the public disapproved of eliminating the juvenile justice system; notably, 39.6 percent strongly disapproved of its elimination. This level of support well exceeds what is suggested by some prior studies, such as Schwartz, Guo, and Kerbs' (1993) study and particularly Sprott's (1998) study in Ontario, which found that roughly two thirds of citizens there favored abolishing the juvenile court. Nonetheless, a nontrivial percentage (19.6 percent) of respondents approved of eliminating the juvenile justice system. The "child-saving" spirit, in so far as it is reflected in support for the juvenile justice system, may be present in most Americans, it appears, but certainly not all.<sup>8</sup>

We turn now to variation in public views about the lowest age at which young people should be tried in adult court. As table 1 shows, to the extent that the views of Florida citizens are representative of national opinion, the public indeed varies considerably in their views about when youth should be subject to adult sanctioning. On average, respondents felt that 15.6 years old is the lowest age at which youth should be processed in the adult justice system. The average, however, obscures substantial differences concerning specific age thresholds—28 percent of the public said that age 14 or lower should be the cutoff for when youth can be tried as adults, 13 percent said age 15 should be the cutoff, 28 percent said age 16 should be the cutoff, and 31 percent said age 17 or older should be the cutoff (see table 1).

We next focus on our hypotheses concerning what may explain these variations, examining how "get tough," child-centered, and other factors influence support for eliminating the juvenile court (table 2) and lowering the ages at which adult sanctions should be imposed (table 3). As inspection of model 1 in table 2 shows, such "get tough" measures as conservative political ideology, a retributive philosophy of punishment, and

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8. Of course, one may hold a child-saving orientation and nonetheless argue for abolishing the juvenile justice system out of concerns about due process and the actual treatment of youth under a separate system of justice (Feld, 1999a). Regardless, it is reasonable to assume that members of the public who favor retaining the juvenile justice system do so out of the hope that this system affords preferential, more child-focused treatment of young people (cf. Males, 1996).

support for taxes to increase prison construction were statistically significant and associated with increased support for abolishing the juvenile justice system.<sup>9</sup> Similar effects surfaced in table 3, model 1, except that the prison tax measure was not statistically significant. For example, political conservatives were more likely than liberals to support a lower age at which young offenders can be tried as adults—all else equal, conservatives favored an age threshold of .4 years lower than that which liberals supported. Notably, there was no difference between political moderates and liberals. The effect of a retributive philosophy of punishment was even more pronounced, with retributivists supporting an age threshold .7 years lower than that which their counterparts supported.

Perhaps not surprisingly, “get tough” measures are salient, but what about child-centered factors? Model 2 in both tables indicates that such factors, too, are significant. In table 2, for example, we see that respondents who were more likely to view violent juvenile offenders as rehabilitatable were less likely to favor abolishing the juvenile justice system. The effect is more striking in table 3, where each unit increase along a 4-point Likert scale is associated with support for a .6 increase (reflected in the negative coefficient) in the age at which young offenders should be tried in juvenile court. In both tables, those who support tax increases for education were more likely to support retaining the juvenile justice system and higher upper ages at which youth can be tried as adults. Respondents with children were more supportive of the juvenile justice system than were those without, but no comparable effect emerged in table 3. The influence of the “get tough” measures was not appreciably diminished by the introduction of child-centered measures, reinforcing assessments that public views are complex and multifaceted (Cullen, Fisher, and Applegate, 2000; Roberts and Hough, 2005) and suggesting that child-saving orientations can exist alongside and independently of political ideology and punitive attitudes.

That observation is underscored by the widespread belief among respondents that even violent juvenile offenders can, in the language of the progressives, be “saved.” Specifically, 64 percent of the Florida public either agreed or strongly agreed that violent offenders can be rehabilitated. Indeed, even though political ideology factors prominently in views about the juvenile justice system, it nonetheless remains the case that optimistic views of young people cut across ideological divisions. For example, 70 percent of liberals said they “agreed” or “strongly agreed” that violent juvenile offenders can be rehabilitated, with similarly optimistic views

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9. Logistic regression analyses using a dichotomous version (approval vs. disapproval) of the “support for eliminating the juvenile justice system” dependent variable produced largely similar results.

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TABLE 2. ORDINARY LEAST-SQUARES REGRESSION OF SUPPORT FOR ELIMINATING THE JUVENILE JUSTICE SYSTEM ON SELECT PREDICTORS

	Model 1	Model 2	Model 3
Intercept	1.545*** (.069)	2.280*** (.125)	2.142*** (.172)
Ideology—moderate	.045 (.063)	.055 (.064)	.016 (.068)
Ideology—conservative	.252*** (.066)	.233*** (.068)	.155* (.073)
Retributive punishment philosophy	.166*** (.050)	.123* (.052)	.133* (.056)
Support more prisons tax	.041* (.017)	.077*** (.020)	.086*** (.021)
Violent juveniles rehabilitatable	—	-.130*** (.033)	-.128*** (.036)
Support education tax	—	-.101*** (.021)	-.104*** (.023)
Children	—	-.219*** (.059)	-.190** (.067)
Age	—	—	-.002 (.019)
Male	—	—	.257*** (.055)
Non-Hispanic white	—	—	-.085 (.068)
Education	—	—	-.049† (.028)
Income	—	—	-.011 (.017)
Conservative Protestant	—	—	.005 (.056)
Victim	—	—	-.033 (.058)
Employed by criminal justice system	—	—	-.023 (.090)
Adjusted R <sup>2</sup>	.031	.079	.101
N	1,188	1,115	979

† $p \leq .10$ ; \* $p \leq .05$ ; \*\* $p \leq .01$ ; \*\*\* $p \leq .001$ .

NOTE: Unstandardized coefficients (with standard errors in parentheses) are presented.

expressed by two thirds of moderates (66 percent) and a majority of conservatives (57 percent).

Such views are particularly striking given that the question focused on

TABLE 3. ORDINARY LEAST-SQUARES REGRESSION OF SUPPORT FOR LOWER AGES OF CRIMINAL JUSTICE SYSTEM JURISDICTION ON SELECT PREDICTORS

	Model 1	Model 2	Model 3
Intercept	13.755*** (.164)	15.928*** (.288)	15.775*** (.394)
Ideology—moderate	.230 (.149)	.212 (.147)	.129 (.156)
Ideology—conservative	.442** (.157)	.331* (.158)	.313† (.170)
Retributive punishment philosophy	.709*** (.119)	.557*** (.120)	.537*** (.128)
Support more prisons tax	.007 (.041)	.093* (.045)	.074 (.048)
Violent juveniles rehabilitatable	—	-.609*** (.077)	-.617*** (.082)
Support education tax	—	-.189*** (.048)	-.231*** (.052)
Children	—	-.108 (.136)	-.011 (.153)
Age	—	—	-.101* (.042)
Male	—	—	.328** (.125)
Non-Hispanic white	—	—	.313* (.156)
Education	—	—	.128* (.064)
Income	—	—	-.017 (.040)
Conservative Protestant	—	—	.049 (.129)
Victim	—	—	.343* (.135)
Employed by criminal justice system	—	—	.337 (.208)
Adjusted R <sup>2</sup>	.038	.116	.148
N	1,168	1,101	968

† $p \leq .10$ ; \* $p \leq .05$ ; \*\* $p \leq .01$ ; \*\*\* $p \leq .001$ .

NOTE: Unstandardized coefficients (with standard errors in parentheses) are presented.

violent juvenile offenders rather than on all offenders. Research indicates, for example, that when the public supports harsh, more adult-like punishment of juveniles, they typically envision a violent offender with a long

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history of prior criminal behavior (Roberts and Stalans, 1998: 52). Notably, too, 14 percent of respondents supported tax increases of less than \$1 annually, 27 percent supported increases of between \$1 and \$5 annually, and 29 percent supported tax increases of \$5 or more annually. In short, the original premises for the juvenile court—especially the idea that youth, regardless of the nature of their offenses, can be rehabilitated and that they deserve a second chance—seem to have continuing appeal in modern times.

Finally, we turn to analysis of additional factors that might influence public views of juvenile justice. Table 2, model 3, suggests that, of the factors examined, only sex exerts an effect on public support of juvenile justice. Specifically, and as hypothesized, males were more likely than females to support eliminating the juvenile justice system. By contrast, and counter to our hypotheses, there was little evidence of a statistically significant effect of age, race/ethnicity, education, income, conservative Protestantism, victimization, or criminal justice employment. A slightly different set of effects emerged in table 3. In model 3, we see that, in addition to differences between males and females, effects of age, race/ethnicity, education, and victimization surface. Contrary to our expectation, older respondents supported a higher upper age at which juveniles can be tried as adults. However, consistent with what we hypothesized, non-Hispanic whites, the better educated, and respondents who had been victimized supported a lower age at which youth can be transferred to adult court.

## CONCLUSION

### SUMMARY

Juvenile justice stands at a crossroads today, reflected in no small part by calls for its abolishment. A century after the first American juvenile court emerged, juvenile justice increasingly faces the unique challenge, in an era of “get tough” crime policies, of balancing what many view as two fundamentally incompatible goals—advocating both for the “best interests” of youth, largely by providing individualized treatments and services, and for punishment (Feld, 1999a). The probability is that the juvenile justice system will remain separate from the adult justice system, if only because abolishing this long-standing institution might well create more problems than it could solve (Butts and Roman, 2005; Dawson, 1990). Yet, state legislatures have shown a willingness, based on assumptions about what the public supports, to substantially modify the jurisdiction of the juvenile court, in some cases lowering the upper age of original jurisdiction and in others creating a multitude of transfer options that enable judges or prosecutors to send young offenders to adult court (Snyder and Sickmund,

2006). These changes, in turn, highlight the increased salience of investigating what exactly the upper age of juvenile court jurisdiction should be and the ages at which transfer should be allowed.

This focus is apropos, not in the least because public support has been taken for granted from the inception of the juvenile court and used in recent years to justify criminalizing juvenile justice (Singer, 1996b). In the latter context, politicization of crime has been argued to be paramount in driving juvenile and criminal justice policies (Guarino-Ghezzi and Loughran, 2004; Stolz, 2002), raising questions about the salience of political ideology among the public in their views about abolishing the juvenile court. Yet, many observers point to a putatively long-standing “child-saving” orientation that pervades American society (Cullen, Fisher, and Applegate, 2000), despite survey research suggesting that substantial majorities of the public support transferring youth to the criminal justice system for specific types of offenses (Roberts and Stalans, 1998; Triplett, 1996).

This article advances research by testing hypotheses concerning views among the public about juvenile justice today, and, in particular, the extent to which “get tough” and child-centered factors, as well as a range of demographic and symbolic threat factors, influence support for eliminating or toughening the juvenile justice system. Drawing on a survey of Florida citizens, the findings suggest that over 80 percent of the public disapprove of abolishing the juvenile justice system and that considerable variation exists concerning views about the age at which adult sanctioning of youths should be allowed.

The findings point to the influence, controlling for other factors, of “get tough” factors (e.g., holding a conservative political ideology and strong retributivist views) and child-centered factors (e.g., believing that even violent juvenile offenders can be rehabilitated, having children, and supporting tax increases for educating offenders) on support for juvenile justice. These findings thus lend support to what seem to be competing perspectives—those that emphasize the importance of politics in juvenile justice, including class conflict at the turn of the twentieth century (Platt, 1977) and political expediency at the end of the century (Howell, 1997; Marion, 1997), and those that point to the special status of youth in American culture (Cullen, Fisher, and Applegate, 2000).

The analyses also revealed that younger respondents were more likely to favor an expansive juvenile justice system, one that sets the age threshold for adult sanctioning higher than what older respondents would allow. Males were more punitive than females in both supporting elimination of the juvenile justice system and lowering the age at which transfer is allowed. Last but not least, non-Hispanic whites, the better educated, and

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victims of crime all were more supportive of transferring younger offenders. These latter findings suggest modest support for symbolic, and especially, racial threat theories of punishment (Beckett and Sasson, 2000; Chiricos, Welch, and Gertz, 2004). They also suggest that age, race/ethnicity, education, and victimization may all factor more in views about young offenders when the focus is on a policy issue less extreme than that of eliminating the juvenile justice system. This type of pattern has been documented in studies that focus on the influence of certain factors on public views about sanctions in general versus specific and more extreme sanctions, such as the death penalty (Cullen, Fisher, and Applegate, 2000).

## RESEARCH IMPLICATIONS

A limitation of this study is that it focuses only on Florida. Yet, as we have argued, lessons can be gleaned from investigating public views in a setting where “get tough” juvenile justice reforms have been prominent (Frazier, Bishop, and Lanza-Kaduce, 1999). Furthermore, the lessons underscore those emerging from a growing body of research on changes in juvenile justice (e.g., Ferdinand, 1989; Howell, 2003; Singer, 1996a; Tanenhaus, 2004), most notably the need for accounts that develop more nuanced understandings of how public opinion is shaped and how it may inform or be misrepresented by public policy (Applegate et al., 1996; Beckett, 1997). More generally, it highlights that basic tensions in public views about juvenile justice continue to exist. As Cullen, Fisher, and Applegate (2000: 53–4) have observed, “The American people can be punitive and can be skeptical about any policy that does not incapacitate violent offenders, but they also believe that the state should make a concerted effort to help offenders change for the better.”

One theme that bears greater attention is the extent to which extremes influence juvenile justice policy. For example, in our study, there was no significant difference between political liberals and moderates in their views; yet pronounced differences were identified between liberals and conservatives. Similarly, individuals who adhere strongly to retributive philosophies held substantially different views about juvenile justice as compared with individuals adhering to less strongly retributive or to nonretributive views. In short, one contributing factor to changes in the goals and operations of juvenile justice may be the extent to which certain segments of the U.S. population can influence state and national policy by leveraging depictions of juvenile offenders as a critical threat to society (Bernard, 1992; Roberts, 2004).

In addition to this line of theory and research is a need for studies that examine the “child-saving” orientations of Americans. Platt’s (1977) analyses intimate that the juvenile justice system springs from a form of class conflict, one in which the middle and upper classes use the justice system

as a means of controlling the lower classes. It remains unclear, however, that this explanation, or those that emphasize symbolic or racial threats, adequately accounts for the founding or continuation of the juvenile court. Our study finds, for example, little evidence of a class effect, and much public opinion research suggests that any such effect, if present, is modest (Mears, 2001; Triplett, 1996). A counter-argument would seem to be more supported by research to date—namely, the American public supports preferential, rehabilitation-oriented treatment of most juvenile offenders, but it wants certain young offenders, especially serious and violent offenders, treated more like adults (Roberts, 2004). Such preferences may reflect broader undercurrents in America, including the central importance of “childhood” and “adolescence” as defining stages of life. As Feld (1999a: 45) has written, “the normative idea of an adolescent moratorium to prepare young people for adult autonomy remains a cultural fixture.”

The point bears emphasis, if only because it runs counter to some claims. For example, Cullen, Fisher, and Applegate (2000: 60) have noted that “for most citizens, youths who are violent or seriously criminal forfeit their status as ‘children’.” The results here suggest a qualification of that assessment, given that close to two thirds (64 percent) of Floridians believed that even violent juvenile offenders can be rehabilitated. Of course, that does not necessarily mean that they prefer juvenile rather than adult sanctions for young people; indeed, research establishes that the public often will support rehabilitation even as it supports tougher punishment for juveniles (Roberts, 2004). But it does suggest that the public holds an optimistic view about the possibility of “saving” juveniles, even violent ones (Moon, Sundt, et al., 2000). Cullen, Fisher, and Applegate (2000: 28) suggest just such a possibility in their review, noting that “for many Americans, punitive views exist side by side with progressive views” (see also Cullen, Golden, and Cullen, 1983; Cullen et al. 1990; Roberts, 2004).

Finally, we believe that analysis of variation in public views about the juvenile justice system and its proper age of jurisdiction holds the potential to help illuminate why states have arrived at a situation in which the age thresholds of juvenile court jurisdiction—as well as the age thresholds of the death penalty (Moon, Wright, et al., 2000b)—vary so considerably. Such studies are not a substitute for, but rather a complement to, historical comparative research into the precise factors that have led states to adopt and change specific upper age thresholds related to original jurisdiction or to transfer for commission of specific offenses. Indeed, any investigation of the causes of state-level variation holds the potential to shed light on the ideas and tensions that center around juvenile offending; definitions of childhood, adolescence, and adulthood; and culturally acceptable responses to juvenile crime.

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## POLICY IMPLICATIONS

All else being equal, support for policies seems most assured when no significant divisions exist among members of the public. It is, therefore, notable that, although a conservative-versus-liberal divide exists concerning support for eliminating the juvenile justice system and lowering the age at which young people can be sanctioned as adults, many conservatives nonetheless view violent juvenile offenders as capable of being rehabilitated. Also, importantly, our study found that other factors—such as age, race/ethnicity, education, income, conservative Protestantism, victimization, and employment by the criminal justice system—are largely unrelated to views about eliminating the juvenile justice system. Put differently, the idea of a separate juvenile justice system is one that seems to hold currency with large swaths of diverse segments of the U.S. population. Thus, debates about abolishing the juvenile court would seem to be unproductive. As Zimring (1998b: 480) has commented, “One troublesome feature of the current debate about responding to youth violence is the dominance of jurisdictional concerns” as opposed to discussions about “substantive principles” that “might apply within either juvenile or criminal courts.”

A more mundane implication arising from our study is the need, as Cullen, Fisher, and Applegate (2000: 62) have emphasized, to educate the public, especially concerning the range of available juvenile sanctions (Wu, 2000). Studies consistently show that the public underestimates the punitiveness of juvenile and criminal justice systems and that this leads to support for harsher sanctions (Roberts, 2004; Roberts and Stalans, 1998).

Finally, we contend that there should be a uniform upper age of original juvenile court jurisdiction as well as a uniform lower age for transfer to adult courts across states. Clearly, the public varies considerably in their views on this issue. More importantly, however, science cannot definitively say that there is a single age upon which all youth become adults (Grisso, 2004; Steinberg, Chung, and Little, 2004). If anything, research from developmental psychology would seem to support a relatively high upper age of juvenile court jurisdiction, with the caveat that, per many transfer laws, some youth can be found to “be” adults—based on assessments of such dimensions as maturity, physical, emotional, and cognitive development; self-control; moral understanding; judgment; and amenability to treatment (Grisso, 2004; Grisso and Schwartz, 2000; McCord, Widom, and Crowell, 2001)—and therefore sent to the adult justice system.

The central difference from current practice would be the adoption of a common upper age of original juvenile court jurisdiction and lower age at which transfer to adult court can occur. This approach would eliminate a situation in which states make widely divergent assessments as to when

individuals become “adults.” And it is indicated because there are no clear or consistent philosophical, political, or jurisprudential grounds for such variation. Any age threshold entails some level of arbitrariness, but it would substantially reduce the variation across states. Of course, if both juvenile and criminal justice systems were guided by a core set of principles (Feld, 1999a; Hirschi and Gottfredson, 1993; Zimring, 1998b)—such as systematic assessments of culpability and treatment needs and a consistent balancing of punishment and treatment—thresholds and separate systems would become largely irrelevant.

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