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A black and white photograph of a prison cell, showing the metal bars and the floor. The lighting is dramatic, with strong shadows and highlights.

**PERCEPTIONS OF
LENGTHY SENTENCES
FOR YOUTH: A Survey
of Michigan Residents**

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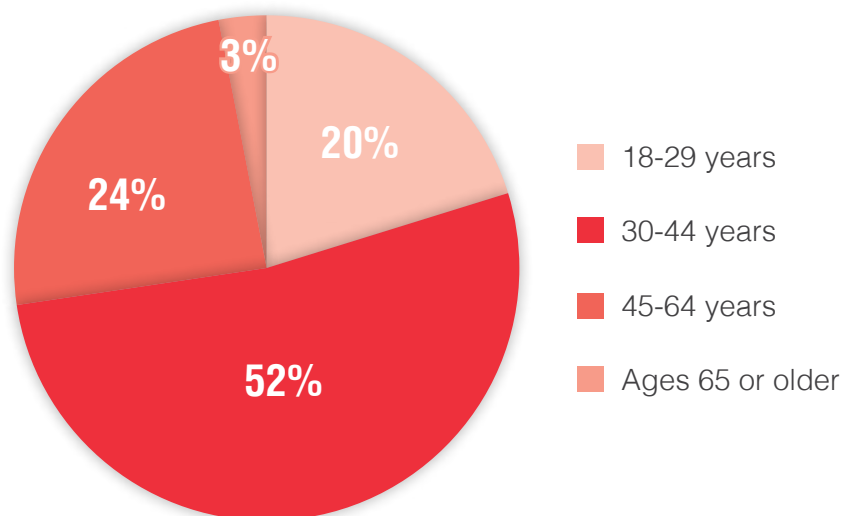
In a series of cases between 2005 and 2012, The Supreme Court of the United States held that the most serious of criminal sanctions—first the death penalty (*Roper v. Simmons*, 2004), then LWOP for non-homicide offenses (*Graham v. Florida*, 2010) and finally mandatory LWOP for homicide offenses (*Miller v. Alabama*, 2012)—are unconstitutional for individuals who were under the age of 18 at the time of their offense. The Miller Court emphasized that adolescence is marked by “transient rashness, proclivity for risk, and inability to assess consequences,” and required sentencing courts to consider developmental factors when sentencing adolescent defendants. In *Montgomery v. Louisiana* (2016), the Court held that Miller had established a new substantive rule prohibiting the imposition of LWOP for most adolescents, thereby retroactively invalidating all juvenile LWOP (JLWOP) sentences that had been mandated by statute.

Following *Montgomery*, 32 states and the District of Columbia have banned life without parole sentences for children, and a handful of other states are considering similar legislation. Many of these changes have come about through advocacy pushes at the legislative level. At the same time, public opinion data regarding LWOP and other lengthy sentences for adolescents is scarce. To address the dearth of public opinion we chose to survey residents of Michigan—whose legislature is currently contemplating legislative changes to their LWOP laws for adolescents—on their opinions of adolescent development and sentencing options for youth. Our goal was to

- 1 understand whether adults in Michigan support current sentencing policy;
- 2 to determine sentence preferences given alternate choices to the current law;
- 3 to assess whether demographic characteristics are predictive of various policy endorsements.¹

METHOD

Two hundred voter eligible Michigan residents participated in the survey via an online platform, Amazon Mechanical TurkPrime. Fifty-five percent of participants were female, and the average age of all participants was 40, ranging from 19 to 73 years. 20% of participants were between ages 18 to 29, 52% were ages 30 to 44, 24% were ages 45 to 64, and 3% were ages 65 or older. Forty-eight percent had earned at least a bachelor’s degree.²



¹ This paper is currently under review at Crime and Delinquency.

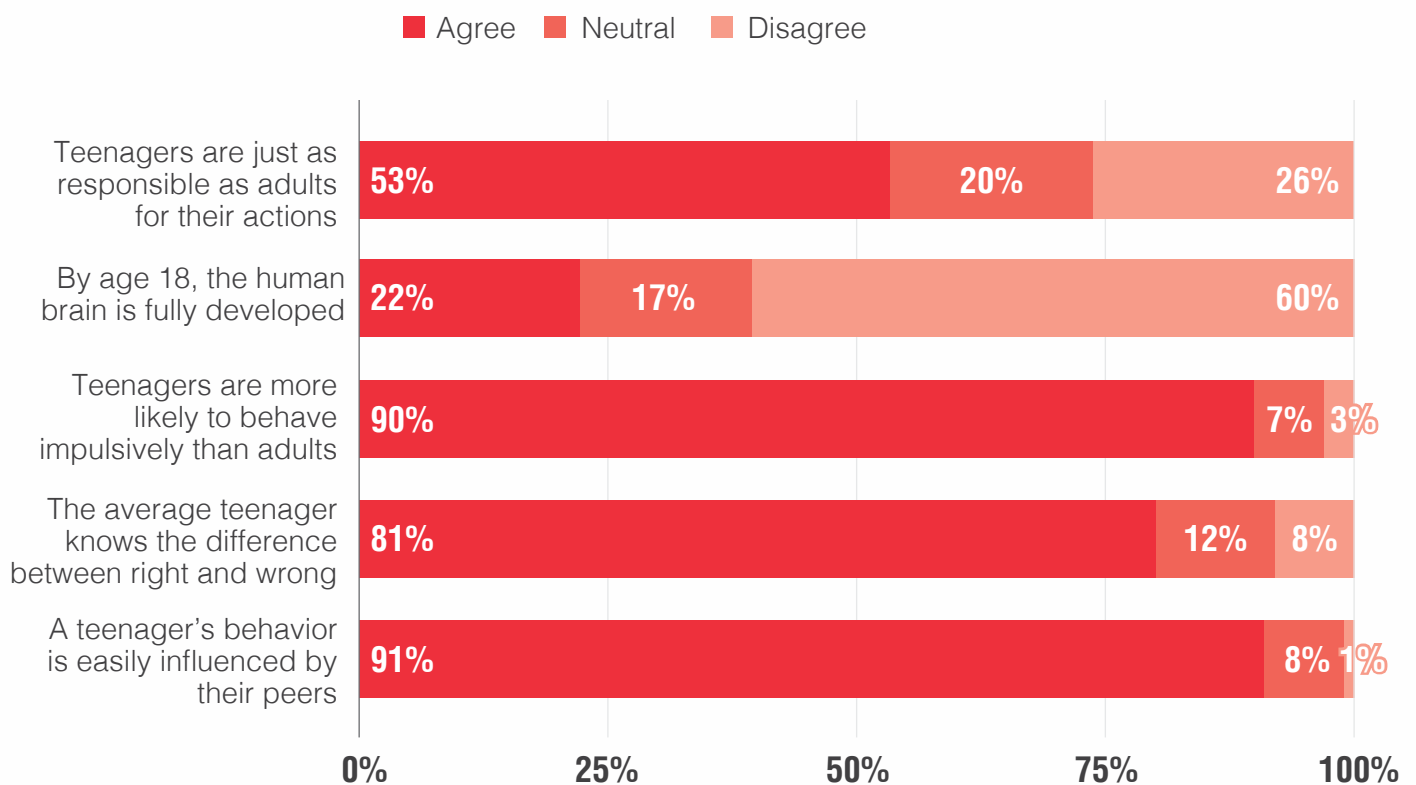
² By comparison, estimates by the U.S Census Bureau indicate that 50% of Michigan residents are female, 74% are White, and 30% have earned at least a bachelor’s degree (U.S. Census Bureau, 2020). The age demographics of voter-eligible adults in Michigan are as follows; 21% are 18-29 years old, 22% are 30-44 years old, 34% are 45-64 years old, and 23% are 65+ years old. Therefore, our sample is fairly representative of the Michigan population, although our sample may overrepresent the number of residents who have earned a college degree.

PERCEPTION OF ADOLESCENT BEHAVIOR

Overall, the majority of respondents positively endorsed statements that acknowledge an understanding of adolescent development and its impact on adolescent behavior. For example, a majority of respondents (81%) expressed some level of agreement with the statement “teenagers generally know the difference between right and wrong” and that they are just as responsible for their actions as adults (53%). However, most respondents also conveyed some level of agreement that

adolescents are more impulsive than adults (90%) and more easily influenced by their peers (91%). In addition, respondents endorsed some level of agreement that an adolescent’s ability to control their impulses (59%) and understand the consequences of their actions (73%) should be considered when deciding on punishment. Finally, many at least partially believed that adolescents who commit violent offenses are strong candidates for rehabilitation (68%).

Respondent’s Perceptions of Adolescent Behavior



SENTENCING PREFERENCES FOR YOUTH

Most respondents endorsed some level of agreement that all adolescents, even those convicted of a violent offense, have the capacity for positive change (78%). More than half of respondents endorsed some level of agreement that no one should be sentenced to life in prison without a second chance for a crime they committed as an adolescent (61%).

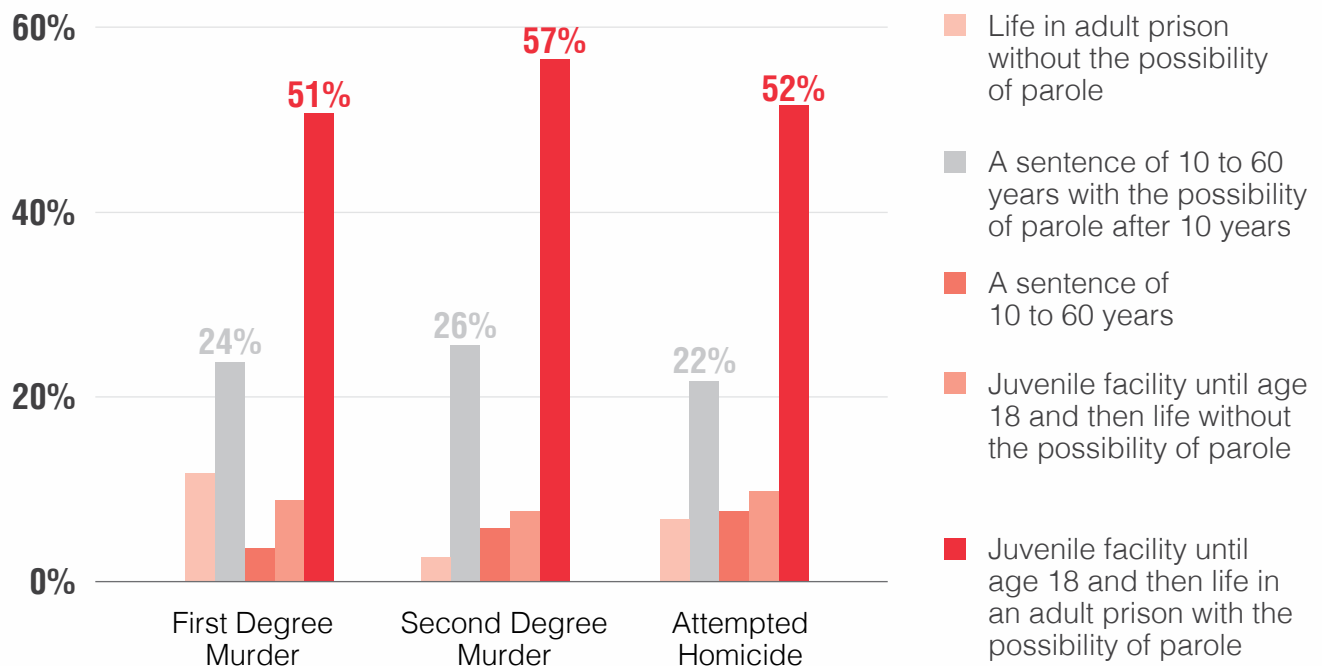
Respondents were also given several choices for selecting their preference for sentencing of adolescents convicted of homicide (first degree, second degree, and attempted). Across all offense types, respondents were least likely to select JLWOP (current Michigan law) and most likely to endorse the least punitive option—incarceration in a juvenile facility till age 18 followed by life in an adult prison with the possibility of parole after 10 years.

Overall, across all offense types, respondents with a greater understanding of adolescent development were more likely to endorse developmentally appropriate sentences.

Those with a greater understanding of adolescent development were significantly more likely to prefer the blended sentencing option of a juvenile facility till age 18, and then life in an adult prison with the possibility of parole after ten years.

Respondents who perceived adolescents to have a greater capacity for change were more likely to endorse the sentencing option of a juvenile facility till age 18, and then life in an adult prison with the possibility of parole after ten years.

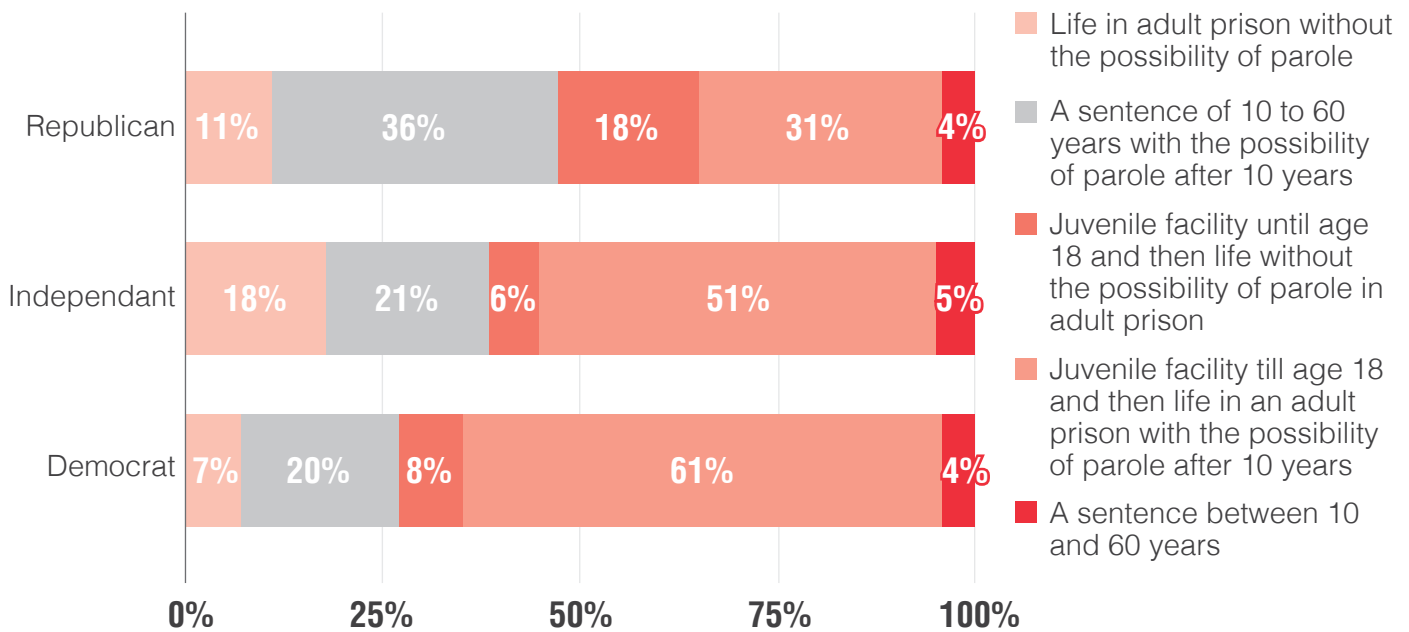
Respondent's Sentencing Opinions Based on Homicide Type



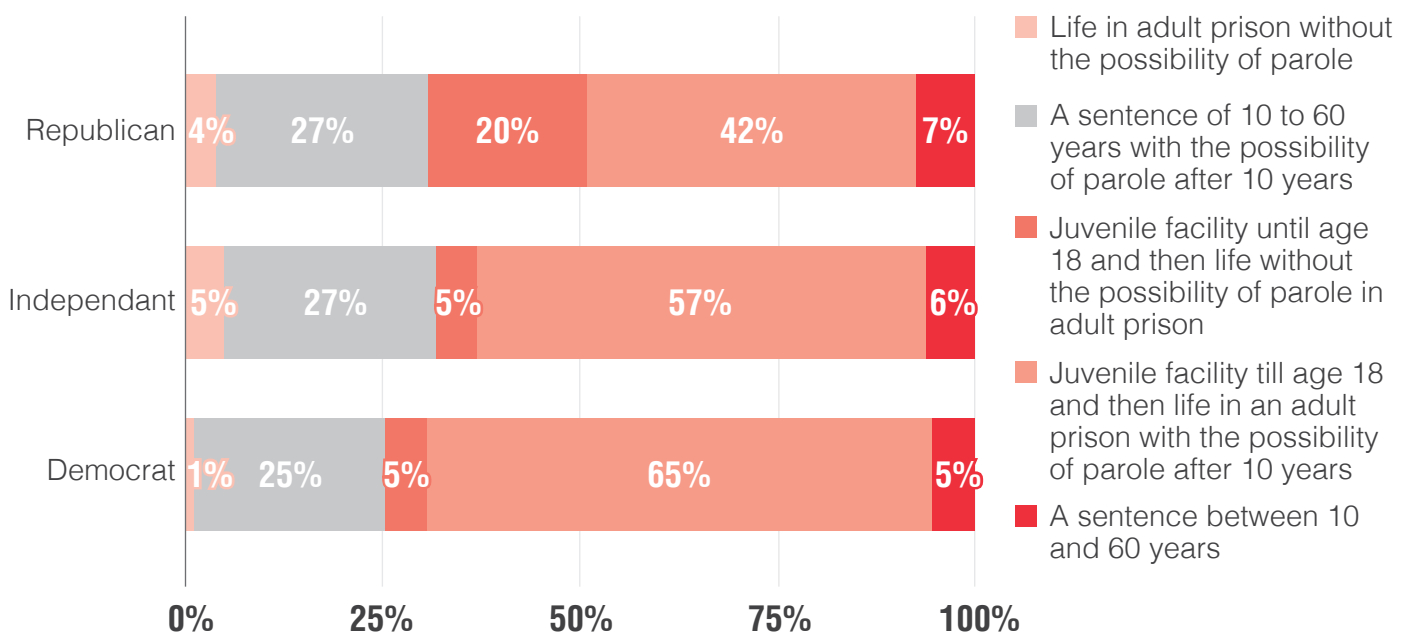
DEMOGRAPHIC DIFFERENCES IN SENTENCING

The only demographic factor of respondents significantly correlated with sentencing opinions for adolescents was political affiliation; with Democrats endorsing less severe sentences as compared to Republicans. Although, it should be noted that the majority of Republican respondents also endorsed the least severe sentences, just not at as high a rate as Democratically affiliated respondents.

Sentencing Preferences for First Degree Murder by Political Affiliation



Sentencing Preferences for Second Degree Murder by Political Affiliation



CONCLUSION

Overall, public opinion on adolescent sentencing appeared to be generally consistent, with a majority of participants endorsing beliefs in the rehabilitative capacity of adolescents, while disapproving of excessive and harsh punishments for them. The majority of respondents in our survey had a sufficient understanding of adolescent development and its impact on adolescent behavior. This appreciation for adolescent development was correlated with support for the most lenient of sentencing options, and a rejection of JLWOP sentences. Thus, it seems as though knowledge of developing brain's limitations influences

the shift towards rehabilitative preferences versus punitive, when it comes to sentencing adolescents for violent offenses, and that public opinion supports the notion that adolescents are still maturing and this should be taken into consideration during the sentencing process. These findings are not novel or unsurprising. Indeed, a significant body of research exists supporting these results, and as demonstrated by our findings, play out amongst the electorate, but might not always be reflected in the law. Of course, this is a small sample study, but the results are promising and could provide some guidance to policymakers.

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ABOUT MONTCLAIR STATE UNIVERSITY

Montclair State University is a research doctoral institution ranked in the top tier of national universities. Building on a distinguished history dating back to 1908, the University today has 11 colleges and schools that serve 21,000 undergraduate and graduate students with more than 300 doctoral, master's and baccalaureate programs. Situated on a beautiful, 252-acre suburban campus just 12 miles from New York City, Montclair State delivers the instructional and research resources of a large public university in a supportive, sophisticated and diverse academic environment.



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