

Anticipatory Injustice Among Adolescents: Age and Racial/Ethnic Differences in Perceived Unfairness of the Justice System[†]

Jennifer L. Woolard, Ph.D.^{*},
Samantha Harvell, M.P.P.[‡] and
Sandra Graham, Ph.D.[§]

The present study examines age differences in anticipatory injustice, or the expectation of *unfair* or discriminatory treatment in the legal system. 1,393 adolescents and young adults from the community or from detention centers and jails were interviewed regarding demographic and justice system experience, intelligence, expectations about fair treatment, and legal decisions. African Americans and Latinos and those with more system experience expected greater injustice across multiple legal contexts. Anticipatory injustice increased with age among African Americans and those with the most system experience. It also predicted choices about police interrogation, attorney consultation, and plea agreements. Anticipations of injustice during adolescence may affect future interactions with court officials as well as more general constructs of legal socialization. Copyright © 2008 John Wiley & Sons, Ltd.

INTRODUCTION

Experience of court process is a key predictor of compliance with, and acceptance of, court outcomes. People are more likely to accept the decisions of legal authorities and support the legal system generally when their experience of the legal process is

*Correspondence to: Jennifer L. Woolard, Georgetown University Department of Psychology, 306H White Gravenor Building, 3700 O Street NW, Washington, DC 20057, U.S.A.
E-mail: jennifer.woolard@gmail.com

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[‡]Georgetown University.

[§]University of California at Los Angeles.

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viewed as fair and respectful (Tyler & Lind, 2000). Theories of procedural justice provide a useful framework for linking system experiences with perceptions of the legitimacy of authority, the willingness to accept legal decisions, and the willingness to obey legal rules (Cohn & White, 1990; Tyler, 1988, 1990, 2002; Tyler & Lind, 2000). Specific experiences of procedural fairness among citizens (Tyler, 1990), felony (Casper, Tyler, & Fisher, 1988) and misdemeanor defendants (Tyler, 1984) have been shown to predict general views about legal authority. Even when outcomes were potentially severe (e.g. incarceration), adults' procedural experiences outweighed outcome favorability to predict general attitudes about the legitimacy of law and legal institutions. Personal experiences with legal authorities appear to have a broader impact beyond the immediate encounter, potentially influencing behavior in future encounters. In this way, authorities are able to induce compliance with the law through trust and expectations of fair process, rather than simply by deterrence through threat of punishment or force (Tyler, 1990).

Anticipatory injustice (AI), or the degree to which persons expect *unfair* or discriminatory procedures and outcomes (Shapiro & Kirkman, 2001), potentially undermines the legitimacy and compliance desired by a normative model of legal authority dependent upon voluntary behavior of citizens. Individuals who do not believe they will be treated fairly are likely to distrust authorities, and research has shown that negative attitudes toward legal authority (e.g. distrust) are associated with less acceptance of court decisions (Tyler & Huo, 2002) and lower levels of compliance with the law (Tyler, 1990). Although existing studies focus more on trust than distrust, adult defendants' judgments of procedural fairness in the criminal justice system predict their attitudes about the legitimacy of law more broadly; these, in turn, predict compliance with directives and the probability of future law-abiding behavior (Tyler & Huo, 2002).

Shapiro and Kirkman (2001) argue that anticipatory injustice engenders additional negative consequences. They speculate that persons who expect unfairness are more likely than others to actually find injustice in their specific interactions even if alternative explanations for unfair procedures or outcomes are provided. Such speculation is supported by social psychological theories such as self-fulfilling prophecy and confirmation bias (Bell *et al.*, 2004) as well as Tyler's (1990) findings that positive expectations predict more positive evaluations of interactions with authorities. Shapiro and Kirkman also suggest that expectations for one type of injustice can raise the likelihood of perceiving other types (e.g. perceiving both procedures and outcomes to be unfair). Given the number of potential cases processed through criminal courts each year (i.e. over 14 million arrests, Federal Bureau of Investigation, 2006, overview section, para. 1), the importance of procedural fairness to case-specific outcomes and general attitudes about the system should not be underestimated.

Substantial numbers of juveniles are processed through the justice systems too (e.g. over 1.6 million delinquency cases; Snyder & Sickmund, 2006), but we know little about the development of relationships among procedural fairness, anticipatory injustice, and attitudes about the legitimacy of law. A fundamental assumption of the procedural justice literature is that each individual enters adulthood with a reservoir of beliefs about law and legal authority. Lind and Tyler (1988) argued that the development of values and beliefs about the legal system during childhood and adolescence forms the basis for a lifelong predisposition toward authority that is a more critical motivator of attitudes toward and compliance with authoritative

directives than short-term self-interest. Fagan and Tyler (2005) describe this developmental process as legal socialization.

An increased understanding of procedural justice and anticipatory injustice mechanisms in adolescent samples is important for both examining specific case outcomes (e.g. compliance with legal directives) and promoting broader developmental outcomes (e.g. positive orientation to law). As teenagers transition from childhood to adulthood, their desire for autonomy increases and their expectations for adult treatment are heightened. They increasingly expect to have a voice in decisions that affect their lives and to be treated with dignity and respect. Combined with immature psychosocial capacities that contribute to a foreshortened time perspective (Scott, Reppucci, & Woolard, 1995) and reduced ability to take others' perspectives (Steinberg & Cauffman, 2006), adolescents may have a heightened attention to fairness in justice system procedures (National Juvenile Defender Center, 2000). If procedural mechanisms function similarly in adolescents and adults, then securing a procedurally fair process that validates youths' needs for voice, trust, standing, and neutrality can potentially increase their compliance with specific sanctions and the likelihood of participating in law-abiding behavior in the future.

In the one study to date that has explicitly tested the procedural justice model of interactions with legal authorities among adolescents, teenagers' procedural justice judgments about their personal interactions with police, school security, and retail store officers did predict their attitudes toward the legitimacy of law, which, in turn, predicted self-reported delinquent behavior (Fagan & Tyler, 2005). The study did not test for age-based differences in procedural justice assessments of the interactions with authority figures in aggregate or by type of officer. It is also unclear whether the predictive strength of procedural justice assessments is moderated by age. Fagan and Tyler did demonstrate age-based differences in key components of legitimacy. Compared with younger adolescents (age 10–14 years), older adolescents (age 15–16 years) scored lower on legitimacy of law and moral disengagement but higher on legal cynicism. This finding suggests that cynicism toward law may increase with age and that attitudes toward the legitimacy of law may become more negative as youth get older. Such findings underscore the importance of unpacking the reservoir of beliefs about legal authority, which appear to change during adolescence. In the study reported here, we test for age-based differences in one component of that reservoir of beliefs, anticipatory injustice.

In addition to effects of age, anticipatory injustice must be understood in the context of race/ethnicity and experience with the justice system. Numerous studies document disproportionate negative treatment towards minority groups in the juvenile and criminal justice systems (Cole, 1999; Hawkins & Kempf-Leonard, 2005; Tyler & Huo, 2002). Although there is debate as to whether this is due to discrimination or base level differences in offending between racial groups (see, e.g., Redding & Arrigo, 2005; Lauritsen, 2005), recent analyses suggest that differential processing cannot be explained by base level differences alone (Bishop, 2005). Experiences of discrimination throughout the justice process have the potential to negatively impact perceptions and expectations of fair (or unfair) treatment. Procedural justice studies have examined two main possibilities for racial and ethnic differences: what people think is fair treatment, and how judgments of fairness affect satisfaction, acceptance, compliance, and legitimacy. Although majority and minority group members place comparable emphasis on quality of legal authorities'

performance as a predictor of overall reactions to the legal system, African American adults generally hold less positive views than whites and Latinos of court performance, personnel, and honesty and fairness of judges (see, e.g., Rottman & Hansen, n.d.; Rottman, Hansen, Mott, & Grimes, 2003; Tyler, 2001). Tyler and Huo (2002) found that African Americans and Latinos in their sample were no more likely to receive negative justice system outcomes, measured subjectively or objectively through self-report, but they were less likely to accept decisions and more likely to have negative evaluations of legal authorities. Minorities were also more likely to describe the procedures used by authorities as unfair, more likely to express low levels of trust in the motives of authority, and more likely to report receiving a lower quality of treatment and decision making.

These findings are consistent with the 1999 Hearst national survey, in which African Americans' evaluations of courts were more strongly influenced by perceptions of unequal treatment among groups compared with Latinos and whites (Tyler, 2001). In the 2000 National Center for the State Courts survey, one-half of African Americans believed that African Americans often or always receive worse treatment compared with others (Rottman & Hansen, n.d.). Thus, procedural fairness may be equally important in predicting overall evaluations of the courts, but racial and ethnic groups may vary in the degree to which they expect fairness within that court system.

The few studies that assess juveniles' views of the legal system find similar racial and ethnic differences. The national *Monitoring the Future* study asked a national sample of high school seniors how good a job the "courts and justice system in general" are doing for the country (Pastore & Maguire, n.d.). Approximately 32% of youth reported the system is doing a good or very good job, but this overall percentage masks dramatic racial and ethnic differences between whites (36%) and blacks (19%). Similarly, almost 45% of white high school seniors believed the police are doing a good or very good job, but only 26% of African American students did.

Among adults, direct personal experience with the justice system also has an impact on expectations of injustice. Fairness assessments play a more prominent role in the calculus by which courts are evaluated by adults with personal court experience; those without such experience rely more heavily on general views about courts and government (Tyler, 2001). In the 2000 NCSC survey, past personal experience with courts' procedural and outcome fairness strongly predicted expectations about the likelihood of fair outcomes and procedures in future court dealings. The more fair the past experience, the more likely respondents reported they would take a similar problem to court in the future (Tyler, 2001).

In the current study we conceptualize experience in terms of direct personal experience as a justice system defendant. Benesh and Howell (2001) characterize court experience along a continuum that combines two dimensions—stake in the case and control over the outcome. In contrast with other types of experience such as jury service, criminal defendants have a large stake but little control over their case outcome. As such, defendants face considerable uncertainty in the pretrial stages of their processing and likely attempt to make sense of the environment in part through anticipation or expectations of what will happen. Defendants with more extensive system experience likely draw on these past encounters to anticipate what future encounters may hold. Individuals without any direct personal experience also attempt to predict what may happen if faced with a justice system

process but their anticipations would likely be grounded in more general views about the system.

The Present Study

Building on the research reviewed above, we offer a developmental analysis of individuals' beliefs about the legal system by examining age differences in anticipatory injustice. Adolescents and young adults between the ages of 11 and 24 years completed questionnaires that assessed whether they expected fair or unfair treatment in the legal system. They also responded to hypothetical vignettes that assessed compliance with authority figures (e.g. police, defense attorney) in legal dilemmas. The sample was selected to vary in ethnicity (African American, Latino, white) and experience in the justice system.

We hypothesized that age, race/ethnicity, and prior justice system experience influence the degree to which an individual experiences anticipatory injustice with respect to the justice system. We predicted that anticipatory injustice would increase throughout adolescence, leveling off or decreasing into young adulthood. We also hypothesized that anticipatory injustice would be greater among African American and Latino respondents compared with whites, and among those with direct personal experience with the justice system. Finally, we proposed that anticipatory injustice would significantly predict decision outcomes in vignettes depicting interactions with legal authorities. As perceptions of unfair treatment increased, respondents would be less likely to comply with authority figures in the justice system.

METHOD

This study uses data from the MacArthur Juvenile Competence Study (Grisso et al., 2003). Details about the entire protocol and methodology are available in an archival document at www.mac-adoldev-juvjustice.org.

Participants

Participants included 1,393 adolescents and young adults from the community and the juvenile and adult justice systems in four locations: Los Angeles, Philadelphia, north central Florida, and northern and eastern Virginia. The 929 adolescents included 453 youths currently held in pretrial detention centers and 474 youths from communities comparable to those of detained youth. The 466 young adults included 233 in jail awaiting trial¹ and 233 from comparable communities. The community adolescents and young adults were screened to include only those who self-reported no current charges and no overnight stays in jails or detention centers.

Demographic characteristics are presented in Table 1. Respondents were sampled in four age categories: 11–13, 14–15, 16–17, and 18–24. Forty percent were

¹ A few of the detained juveniles and adults had recently been adjudicated and were awaiting placement (see working paper at www.mac-adoldev-juvjustice.org, retrieved February 9, 2007). The original study did not identify those post-adjudication/pre-placement individuals in the dataset.

Table 1. Sample demographics

	Youth age groups			Adults
	11–13	14–15	16–17	18–24
Participants (<i>n</i>)	190	345	392	466
Male (% of age group)	60.5	61.2	59.7	63.7
Race/ethnicity (% of age group)				
African American	48.1	42.3	36.3	40.0
Latino/a	20.8	25.0	23.2	24.9
Non-Latino white	31.1	32.7	40.5	35.1
Justice system experience (% of age group)				
None (community)	61.4	46.2	50.9	50.2
Some	22.8	17.4	15.3	15.3
More	15.9	36.3	33.8	34.5

African American, 35% non-Latino white, 23% Latino, and 2% from other groups. Males comprised 62% of the sample. Ninety percent of participants scored in the three lowest categories of the Hollingshead (1975) classification of socioeconomic status. Mean intelligence scores were in the average range for the community sample (97.5, *SD* = 15.6) and the low average range for the justice sample (86.3, *SD* = 13.0).

Among the justice system youth, 40% reported current charges as offenses against person, 40% as offenses against property, and 10% as offenses involving drugs. Among jailed adults, 29% reported property offenses, 22% person offenses, and 32% drug offenses.

Variables

The entire protocol included assessments of demographic and justice system experience, intelligence, mental health problems, functional abilities related to competence to stand trial, and decisions and judgment in the adjudicative process. We describe the relevant subset of variables in greater detail.

Demographic and Background Variables

Information on age, gender, race/ethnicity, socioeconomic status, and justice system experience was obtained by self-report. Socioeconomic status (SES) was calculated by combining questions about education and occupation according to Hollingshead (1975), which produces a five point scale ranging from I (highest class) to V (lowest class). This variable was recoded so that higher scores represent higher SES. Justice system experience was scored on a three point scale based on prior experience with overnight detention in a justice facility or findings of guilt in a justice proceeding. The community sample was prescreened to ensure neither experience; they were coded as 0. Because all justice system sample participants were held in detention at the time of the interview, they were coded as 1 (limited experience) if they were first time detainees with no prior guilt findings, and 2 (more experience) if they had prior overnight detention experience and/or a finding of guilt.

Anticipatory Injustice

Anticipatory injustice assessments were obtained from the MacArthur Assessment Tool—Criminal Adjudication (MacCAT-CA; Poythress et al., 1999). The MacCAT-CA uses a 22-item semi-structured interview to assess three components of functional abilities relevant to competence to stand trial: Understanding, Reasoning, and Appreciation. The six Appreciation items assess the ability to appreciate the legal process and how it will function in the examinees' case, as opposed to a hypothetical defendant. Justice samples were asked about their own situation; community samples were asked to think about what they would do if they got in trouble with the law (their additional introduction statements are in italics below). In this paper we focus exclusively on four of the six items from the Appreciation subscale:

1. [*Let's say you got into trouble with the law.*]

Compared to other people in trouble with the law, are you more likely, less likely, or just as likely to be treated fairly by the legal system?

2. [*Let's say you were charged with a crime and you needed the help of a defense attorney.*]

Do you think that your lawyer will help you more, less or about the same as lawyers usually help people who are in trouble with the law?

3. [*Let's say you were arrested for hurting someone badly in a fight.*]

Compared to other people who are charged with the same offense as you are, do you think you are more likely, less likely, or just as likely to be found guilty?

4. [*Let's say you were found guilty of hurting someone badly in a fight.*]

Compared to other people found guilty of this kind of crime, do you think you will get more punishment, less punishment, or about the same punishment, if you are found guilty?

Typically, scoring of Appreciation items is not based on the respondents' actual choice in the above questions, but instead on the degree of plausibility of the respondents' *reasoning* to follow-up prompts that ask for the reasons *why* they think their choice is true. Of a possible two points, respondents may receive a zero if they provide implausible reasoning likely resulting from mental disorder, or fail to provide any reasons (Poythress et al., 1999). This scheme both reliably differentiates among adult defendants presumed incompetent and those hospitalized for competence restoration treatment (Poythress et al., 1999) and documents age-based differences in competence capacities among younger adolescents and adults (Grisso et al., 2003).

Although age differences in reasoning about one's own legal case are clearly important, in this paper we are interested in the *initial answers* as indications of whether people see themselves as disadvantaged relative to other similarly situated persons in the justice system. We created an alternative scoring scheme that focuses

on whether the participant demonstrates anticipatory injustice versus other responses. If the injustice response was chosen (i.e., I will be treated less fairly, my lawyer will provide less help, I am more likely to be found guilty, I will receive more punishment) the participant received a score of one for that item. If the respondent did not anticipate injustice (i.e. expected treatment similar to or better than others) they received a score of zero for that item. We also created an anticipatory injustice score that ranges from zero (never selected the injustice option) to four (expected injustice in all four situations). The four questions include components of both procedural injustice (e.g. fairness of treatment, help from lawyer) and distributive justice (e.g. finding of guilt, amount of punishment).

Although not originally intended to measure anticipatory injustice, the format and style of these four items are consistent with existing measures of procedural and distributive fairness. For example, Casper, Tyler, and Fisher (1988) asked felony defendants to compare their own sentences with those of people convicted of the same crime and report whether they were treated more or less harshly, or about the same. In the Chicago study, Tyler (1990) asked respondents several questions about whether their treatment by court officials and case outcome were the same as or better or worse than the treatment and outcomes of people in similar court situations. In this study the questions are framed to ask about expectations of unfairness and poor treatment in future encounters.

Initial psychometric analysis supported the scoring scheme for anticipatory injustice. Confirmatory factor analysis indicated that a one factor model we call anticipatory injustice was a reasonable fit to the data ($\chi^2(2, N = 1348) = 1.45, NS$), $RMSEA < .001$, with all factor loadings above .70). The use of a single factor does combine questions about procedural and distributive fairness, but prior work has documented the close interrelationship between these constructs (Tyler, 1990) and these questions emphasize the common construct of future expectations across fairness dimensions.²

Legal Choices

Created for the original Juvenile Competence Study (Grisso *et al.*, 2003), the MacArthur Judgment Evaluation (MacJEN) indexes participants' choices and reasoning in three contexts: being interrogated by police, consulting with an attorney, and considering a plea agreement. After a brief vignette about each topic,

² Several authors have raised concerns that the Appreciation scale may work differently for adolescents than adults (e.g. Grisso *et al.*, 2003; Woolard & Harvell, 2005). Specifically, it is unclear whether Appreciation scores would (a) be less sensitive to differences in the manifestation and stability of youths' mental illness compared with adults for whom the instrument was designed and (b) lead persons to incorrectly attribute low scores among youth to mental illness, when they are apparently more likely due to youths' failure to provide any reason for their choices; a lack of reasons is a valid contributor to inadequate scores but may not be as commonly found among adults. Although legitimate, these concerns are less relevant for the current Anticipatory Injustice scoring scheme because we are focusing on the initial choice rather than the ability to articulate a nondelusional justification for the choice. Moreover, the anticipatory injustice construct is also distinct from the Appreciation construct tapped by the original MacCAT-CA scoring scheme. Although sample sizes preclude more advanced analyses to examine how the measure works across age groups, the bivariate correlations between Anticipatory Injustice and Appreciation within age groups (r from $-.14$ to $-.03$) and across the entire sample ($r = .04$) were nonsignificant, indicating AI is not a simple reframing of Appreciation as scored by the original MacCAT-CA coding scheme.

respondents are asked to report their recommendation for the vignette character's dilemma. In the police interrogation vignette, choices are classified as confessing to police, lying about involvement in the offense, and remaining silent. The attorney consultation vignette offers the choice to fully disclose involvement to the defense attorney, partially disclose information, lie about involvement, or refuse to cooperate. Choices for the plea agreement vignette include accepting or rejecting a reduced sentence in exchange for pleading guilty and providing information about other defendants. In each of the MacJEN vignettes, one decision option represents compliance with legal authorities (i.e. confessing to police, disclosing full information to a defense attorney, accepting a plea offer). An authority compliance score summed the number of compliant choices across vignettes. As noted in the original study, MacJEN choices have not been compared with defendants' actual choices to evaluate construct validity; further research is warranted. The finding that authority compliant choices increase with age is consistent with other studies using similar hypothetical vignettes (see Grisso et al., 2003).

Procedure

All research assistants were trained by the project coordinating team to ensure fidelity of recruitment procedures and protocol administration. Administered orally as an in-person interview, the entire protocol required between 90 and 180 minutes to complete.

For the justice system samples, research assistants coordinated with facility staff on weekly visits to identify eligible detainees. Eligible detainees were approached by research assistants unless independent participant advocates (required for special protection of detained youth as a "vulnerable population") or parents of detained youth objected to a youth's participation. Once appropriate consent and/or assent were obtained, detained participants were interviewed individually in their facility.

Community youth and young adults were recruited from neighborhoods in the service area surrounding the detention and jail facilities. Youth were identified through schools and youth-serving organizations. Adults were identified through community agencies, organizations, and in response to media advertisements. Community participants were interviewed in their community location or the local university.

The study procedures were approved by the Institutional Review Boards at the project coordinating site (University of Massachusetts Medical Center) as well as the IRB for each university involved in data collection. All participation was voluntary. Community participants received \$25 and detained participants received \$10 (or snacks if monetary awards were not permitted in the institution). Confidentiality was maintained except when the researcher was obliged to report information indicating imminent risk of harm to self or others, or danger to self or others.

RESULTS

In the first set of analyses we examined the effects of demographic and justice system experience variables on expectations of injustice. Then we investigated whether

expectations of injustice uniquely contribute to decision choices in legally relevant vignettes regarding police interrogation, attorney consultation, and consideration of plea agreements.

Anticipatory Injustice

Four questions asked participants about whether, in relation to similarly situated persons, they expect to be treated less fairly by the justice system, receive less help from a lawyer, be more likely to be found guilty, and receive more punishment if found guilty. Between 10% and 20% of respondents reported expectations of injustice in each question. Combining across questions, approximately 40% of the sample anticipated injustice in at least one of the four circumstances, with an average total score of 0.7 (SD = 0.94).

We hypothesized that race, justice system experience, and age would affect expectations of injustice. Specifically, we predicted that participants who are older, have justice system experience, or are African American or Latino would expect greater injustice in each aspect of the legal system than those who are younger, inexperienced, or white.

A standard multiple regression was performed between total anticipated injustice as the dependent variable (scores ranged from 0 to 4) and age, justice system experience, African American race, Latino ethnicity, gender, socioeconomic status, and IQ as independent variables. All two-way interaction terms with age and justice system experience were tested.

Evaluation of the total anticipated injustice score led to the use of a square root transformation to reduce skewness. Males ($\beta = .17$), African Americans ($\beta = .24$), and Latinos ($\beta = .19$) reported higher expectations of injustice. These main effects of race/ethnicity were moderated by justice system experience. Figure 1 shows that the hypothesized racial/ethnic differences in anticipated injustice were most pronounced among those with no justice experience. Race and justice experience also interacted with age. Anticipated injustice increased with age for African Americans but remained fairly consistent across age for Latinos and whites. It also appeared to increase throughout adolescence among those with more justice experience compared with those with no experience.

To provide comparisons with the original findings of the MacArthur competence study (Grisso *et al.*, 2003), we also conducted an analysis of variance using their age groups (11–13, 14–15, 16–17, and 18–24). The analysis indicated significant two-way interactions between age group and justice system experience $F(6, 1,283) = 2.42, p < .05$, and age group and African American race $F(3, 1,283) = 5.09, p < .01$. We also found a significant interaction between justice system experience and Latino ethnicity, $F(2, 1,283) = 3.77, p < .05$. These interactions supported the findings from the regression analyses.

Anticipatory Injustice Within Legal Contexts

Next, we used the same independent variables as predictors of anticipatory injustice in each of the four legal contexts separately. Because the dependent variable in each

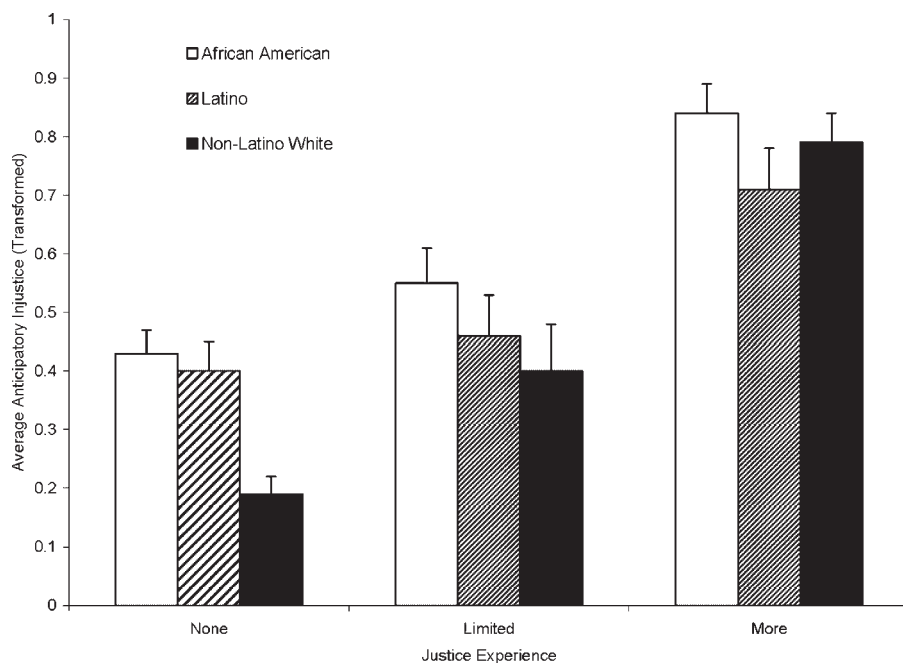


Figure 1. Effects of race/ethnicity and justice system experience on total anticipated injustice (transformed).

of these contexts was categorical, the analysis strategy was logistic regression. Using contrast coding, justice system experience was represented by two variables (some experience and more experience). We also tested all two way interactions with age and justice system experience. Table 2 provides the odds ratios for significant predictors in each model. We discuss the main effects and interactions in turn below.

Main effects of race/ethnicity and gender predicted anticipated injustice in most legal contexts. Compared with whites, greater numbers of African Americans and Latinos anticipated unfair treatment, more likelihood of a guilty verdict, and larger amounts of punishment. More males than females anticipated unfair treatment, less help from lawyers, and a greater likelihood of a guilty verdict.

Significant interactions between race/ethnicity and justice system experience were found for the outcomes of distributive injustice contexts (i.e. more likely found guilty, more punishment). Different expectations about guilty verdicts by race/ethnicity were not found among those with more system contact: regardless of race/ethnicity, about one-third anticipated injustice in these two contexts. However among the community participants (no justice system experience), a greater percentage of African Americans (18%) and Latinos (13%) compared with whites (4.6%) expected to be found guilty more often than similarly situated defendants. Like the model for expectations of being found guilty, almost no community whites (2%) expected to receive more punishment compared with African Americans (10%) and Latinos (10%) in the community sample.

Latinos tended to expect less procedural injustice compared with whites but this ethnicity effect was moderated by justice system experience. Among those with the most justice system experience, fewer Latinos (20.9%) anticipated unfair treatment

Table 2. Summary of separate logistic regression analyses for demographic variables and justice experience predicting four contexts of anticipated injustice ($N = 1,323$)

Variable	Odds ratios			
	Treat less fairly	Lawyer help less	More likely found guilty	Get more punishment
IQ	1.00	1.00	.98**	.98
Socioeconomic status	.89	1.29	.90	.84
Gender	1.58*	2.44**	1.64*	1.67
African American	2.56***	2.19*	3.09***	4.24**
Latino/a	2.09*	2.25	1.79	3.76**
Justice experience				
Some experience	.27	8.17	.13	.30
More experience	2.36	15.12	.30	4.42
Age ^a	1.12	1.05	1.03	.69
Age × African American	1.12*	1.19**	1.07	1.22**
Age × Latino/a	1.11	1.06	1.06	1.13
Age × justice experience				
Some experience	.91	1.14	.88	.92
More experience	.87**	.97	.93	1.01
Age × gender	1.08	.99	1.08	1.03
Age × IQ	1.00	1.00	1.00	1.00
Age × SES	1.01	.97	.99	.99
Justice exp × gender				
Some experience	.55	.10	2.0	.42
More experience	.73	.31**	.73	.58
Justice exp × African Am.				
Some experience	.54	.40	.88	.31
More experience	.52	.53	.30**	.16***
Justice exp × Latino/a				
Some experience	.70	.17*	1.24	.17
More experience	.30**	.44	.46*	.28*
Justice exp × IQ				
Some experience	1.02	1.00	1.02	1.03
More experience	1.01	1.00	1.03**	1.02
Justice exp × SES				
Some experience	1.10	1.05	1.13	1.28
More experience	1.01	.69	1.07	1.13

All equations are significant at $p < .001$.

^aAge is the original continuous variable. The age variable is centered when used in interaction terms.

* $p < .05$.

** $p < .01$.

*** $p < .001$.

than whites (27.9%). Among those with some experience (their first time in detention/jail), fewer Latinos (7.0%) anticipated injustice by their lawyer compared with whites (18.2%) and African Americans (17.7%). Expectations of less help from a lawyer were comparable across racial and ethnic groups among those with no experience (five to eight percent) and the most justice system experience (17% to 20%).

Age did not raise the odds of anticipating injustice in any of the four legal contexts. However, we did find effects of age that were moderated by race. Perceptions of anticipated injustice increased consistently and dramatically with age among African Americans across contexts of fair treatment (this context is displayed in Figure 2), as well as help provided by a lawyer and amount of punishment received. Among

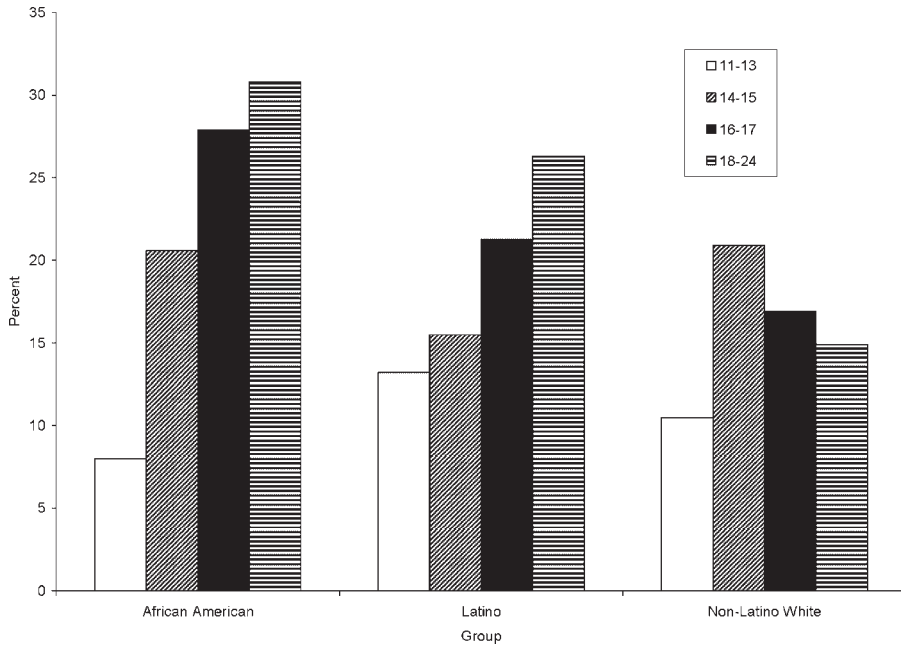


Figure 2. Age differences in expectation of less fair treatment by race and ethnicity.

whites, anticipated injustice tended to decrease from age 14 onward in the same situations. For example, 21.1% of white 11–13 year olds expect to be helped less by a lawyer compared with 11.1% of 14–15 year olds, 6.6% of 16–17 year olds, and 8.8% of adults.

Age effects on expectations of unfair treatment were also moderated by justice system experience. Among those with the most experience, anticipated injustice increased throughout adolescence but then dropped off slightly among young adults.

In summary, the predicted main effects of race/ethnicity were found in three of the four contexts, although these effects were more evident among those with less justice system experience. The predicted main effects of age were not found, but instead a more complicated set of two way interactions among age, race/ethnicity, and justice experience emerged. African Americans and those with the most system experience perceived more anticipatory injustice as they increased in age.

Perceptions of Injustice, Legal Choices, and Compliance with Authorities

Next we turn to the relationship between perceptions of injustice and choices in legal contexts. The MacJEN is comprised of three scenarios in which a hypothetical defendant must make important legal choices regarding police interrogation, attorney consultation (with random assignment to either the private attorney or public defender condition), and consideration of a plea agreement. Prior analyses documented significant age differences in the likelihood to confess and accept a plea (Grisso et al., 2003). In this section we extend these analyses to examine whether

anticipatory injustice predicts legal choices above and beyond the established age effects. Anticipatory injustice was measured as the total score summed across the four legal circumstances.

Four separate hierarchical logistic regressions investigated whether age, anticipatory injustice, race/ethnicity, gender, justice system experience, socioeconomic status, and IQ predicted the likelihood of confessing, disclosing information to a public or private defense attorney, and accepting a plea offer. The second step of each regression included two way interaction terms of anticipatory injustice (centered) with race/ethnicity, gender, justice system experience, age (centered), SES, and IQ. Only the significant interactions are reported. The results of these analyses are shown in Table 3.

Confessing to Police

The model explained a significant amount of variance in the likelihood of recommending confession to police, $\chi^2(10, N = 1,324) = 203.45, p < .001$. As age increased and anticipatory injustice increased, the likelihood of confession decreased. Males, lower socioeconomic status individuals, and those with more justice experience were also less likely to choose confession.

Accepting a Plea Agreement

The plea agreement model had several main effects but no significant two-way interactions, $\chi^2(9, N = 1,322) = 106.39, p < .001$. Participants who were older, were male, had the most justice system experience, had lower socioeconomic status, and

Table 3. Separate logistic regression analyses for demographic variables, justice experience, and anticipated injustice predicting decision outcomes

Variable	Odds ratios			
	Confess to police	Accept plea agreement	Consult private attorney	Consult public defender
IQ	.99	1.01	1.00	1.02*
Socioeconomic status	.79***	.81***	1.14	1.00
Gender	.63***	.64***	.34***	.45***
African American	1.14	.87	.64	.74
Latino/a	1.31	.89	.71	.64
Justice experience				
Some experience	.54***	.99	.96	.72
More experience	.46***	.65**	.54*	.65
Age	.80***	.90***	1.10**	.97
Anticipatory injustice ^a	.70*	.79***	2.33	.81*
Ant. inj. × African Amer.	1.45*			
Ant. inj. × Latino/a			.46**	

All equations are significant at $p < .01$ or $p < .001$.

^aAnticipatory injustice is the original continuous variable. The variable is centered when used in interaction terms.

* $p < .05$.

** $p < .01$.

*** $p < .001$.

had greater anticipatory injustice were less likely to recommend taking a plea agreement.

Consulting with an Attorney

In the model of interaction with a public defender, anticipatory injustice reduced the likelihood of full disclosure, $\chi^2(9, N = 661) = 46.12, p < .001$. Males were less likely to fully disclose to the attorney. Higher IQ was associated with a slight increase in the likelihood of disclosure.

The logistic regression of full disclosure to a private attorney was run with all main effects and the sole significant interaction effect (anticipatory justice by Latino ethnicity). In the final model, gender, age, and the categorical variable for those with the most justice system experience were significant, $\chi^2(10, N = 660) = 38.96, p < .001$. The significant anticipatory injustice by race/ethnicity interaction indicated that fewer Latinos who expected high levels of injustice would fully disclose to their private attorney than whites with similarly high injustice expectations.

Compliance with Authority

In each of the MacJEN vignettes, one decision option represents compliance with legal authorities (i.e. confessing to police, disclosing full information to a defense attorney, accepting a plea offer). An authority compliance score summed the number of compliant choices across vignettes. A linear regression examined the predictive value of anticipatory injustice, demographic, and justice system experience factors on the authority compliance score, $F(8, 1,300) = 28.03, p < .001$. As expected, higher perceptions of injustice predicted less compliance with authority figures, $\beta = -.16, p < .001$. Lower compliance scores were more likely among males, $\beta = -.18, p < .001$, and those with more justice system experience, $\beta = -.12, p < .001$. As found in prior analyses, compliance scores decreased with age as well, $\beta = -.21, p < .001$.

In summary, anticipatory injustice consistently predicted recommended choices across three vignettes of police interrogation, attorney consultation, and consideration of plea agreement, making unique contributions in addition to age and other demographic and experience variables.

DISCUSSION

An interesting but complex story emerged about age, race/ethnicity, and justice experience effects on anticipatory injustice. Our first set of analyses examined their effects on total anticipatory injustice and four separate aspects of the justice system—overall fair treatment, assistance from counsel, being found guilty, and receiving punishment. Age does appear to predict anticipatory injustice, but only when considered in the context of other factors such as race/ethnicity or justice system experience. Greater proportions of older African American adolescents and adults anticipate less fair treatment and more punishment than younger teens. Anticipatory injustice about receiving less help from a lawyer decreased with age

among whites, but showed no age effects for African Americans. These findings for African Americans are somewhat consistent with prior research on age differences in legal socialization and procedural justice. Fagan and Tyler (2005) found that legal cynicism increased and perceptions of legitimacy of law decreased with age among a youth sample, although they did not examine potential moderating influences of race/ethnicity.

Perhaps the clearest finding is not entirely surprising: experience with the justice system generally increases total anticipatory injustice, primarily among those with more experience compared with nonexperienced community members. Although these data did not allow us to test possible personality or mental health explanations for this association between justice experience and anticipatory injustice (e.g. potentially high rates of antisocial personality or conduct disorder among justice-experienced populations; see Abrams, Teplin, McClelland, & Dulcan, 2003), our findings are consistent with prior work establishing that court experience polarizes opinions about court process (Benesh & Howell, 2001). Because the anticipatory injustice items ask participants to consider how they might be treated as a justice system defendant, those without prior arrest and detention experience face a different experience: how *would* they expect to be treated *if they were* defendants. In contrast, those participants with justice experience could answer the question relative to their current status as pretrial defendants. For this reason, the questions are worded differently and the community group not only has less experience but less personal stake in the questions than the detained defendants. So, findings about experience must be interpreted in light of the different circumstances of these two groups. Even so, the significant effects of justice system experience (moderated by other demographic variables) were more often found in the comparisons between the community group and the most experienced defendants; few significant differences were found between the community group and first time defendants, suggesting that item wording alone is not responsible for the effect. Perceptions of the community sample remain important as indicators of their anticipations should justice system contact occur. Studies of community samples document their concerns about whether courts treat persons equally; such concerns predict lower confidence in the courts (Benesh & Howell, 2001).

This effect of justice system experience on anticipatory justice is moderated somewhat by race/ethnicity for anticipated outcomes of being more likely to be found guilty and receive more punishment. In both situations, it is among the community sample, with no justice system experience, that African Americans and Latinos demonstrate higher anticipatory injustice than whites. Among those with justice experience, however, expectations of injustice do not vary among racial and ethnic groups. Latinos with justice experience were less likely than other groups to anticipate injustice regarding fair treatment or help from the lawyer. This finding is consistent with national surveys that found Latinos were more positive about the justice system generally than African Americans (Rottman & Hansen, n.d.; Tyler, 2001).

Though IQ and SES were included as control variables, it is important to note that neither emerged as strong predictors of anticipatory injustice. This is interesting, given that those from disadvantaged backgrounds may have less access to resources (e.g. a hired attorney) and individuals with lower IQ might find the overall justice process as more challenging. In both cases, it is possible that this could negatively influence expectations of justice and fair treatment. The fact that this did not appear

in the data may be due to the specific expectations we examined, which are not directly tied to access to resources or competence issues. Further research that looks at these and other types of expectation may clarify the effect of IQ and SES on broader anticipatory disadvantage.

Overall, the findings indicate that anticipatory injustice is a function of multiple factors. Results varied across the four aspects of system processing, but generally we can say that minorities tend to anticipate greater injustice than whites, particularly for African Americans. Experience does not translate into more negative expectations among minorities about outcomes of guilt and punishment; rather, minorities *without* experience believe they will be treated unjustly in these circumstances. Their expectations are more comparable to those of their justice system experienced counterparts than whites. These findings echo the data of Tyler and Huo (2002), in which minorities did not necessarily report more negative outcomes from their system experiences than whites, but instead were less trustworthy of and confident about the fairness of system procedures and outcomes.

The second set of analyses demonstrated that anticipatory injustice does predict participants' choices in legally relevant vignettes. Participants with higher overall anticipatory injustice were less likely to choose confessing to police, less likely to fully disclose to their public defender, and less likely to accept a plea agreement from a prosecutor. Each of these options represents a lack of compliance with authority figures, and indeed higher anticipatory injustice predicted a lower compliance score on that scale. Further, older participants were less likely than younger participants to choose confessing to police, accepting a plea agreement, and full disclosure to a private attorney. Although these age-based differences are likely influenced in part by overall cognitive development, they extend the MacArthur competence study findings to raise new questions about the role of expectations among adolescents.

Our findings suggest that there are important age and context effects on anticipatory injustice that warrant further study. The "reservoir of legal socialization" often described in procedural justice models is, not surprisingly, likely a dynamic process that changes over the course of adolescence into adulthood. Adolescence may be a critical time in which initial impressions of the justice system become instantiated as expectations that affect future interactions with court officials as well as more general constructs of legal socialization (Fagan & Tyler, 2005), civic engagement (Flanagan, Bowes, Jonsson, Csapo, & Sheblanova, 1998; Yates & Youniss, 1998), and political participation (Greenstein, 1969; Hess & Torney, 1967). If persons who anticipate injustice are more likely to find it, and more likely to find multiple examples of it (i.e. confirmatory bias; Shapiro & Kirkman, 2001), early negative expectations might set in motion reinforcing processes that become increasingly difficult to overcome. Even if "reasonable" justifications are presented to explain an apparent incident of injustice, those with higher anticipatory injustice may be less likely to accept them as valid (Shapiro & Kirkman, 2001), rendering subsequent intervention to "correct" potentially erroneous anticipations less effective.

In considering the meaning of age differences in anticipated injustice, the context toward which those anticipations are directed may provide a partial explanation. In this sample, all juveniles with court experience were processed in juvenile court; all adults were processed in criminal court. Although recent trends in state law have pushed juvenile courts towards more punitive and determinate sentences, historically and philosophically the juvenile court system orients more toward individualized

justice, process, and rehabilitation. In contrast, the criminal justice system offers little in the way of rehabilitation, focusing more on punishment, deterrence, and incapacitation. One could hypothesize competing explanations for contextual influences on anticipatory injustice that produce different results. The individualized, rehabilitative model of juvenile justice might be more likely than criminal courts to produce expectations of justice based on the “custom fit” of individual circumstances taken into account. Conversely, individualized justice can also mean that juveniles who appear similarly situated in terms of alleged offense and circumstances might experience different processes and outcomes, perhaps contributing to a sense of unfairness or injustice. Further empirical investigation of youth perceptions and multiple measures of court context and culture would be necessary to evaluate these competing explanations. Not only could interesting comparisons be made across juvenile courts with different perceived environments, but the growing number of boutique courts for both adults and youth (e.g., drug court, mental health court) that emphasize active involvement in a supportive or therapeutic relationship with the court could generate different expectations of injustice among participants. For example, the restorative justice model of group conferences is perceived as having more fair procedures than traditional juvenile courts; youth experiencing more fair procedures reported more positive legal socialization and reduced recidivism (Strang, Barnes, Braithwaite, & Sherman, 1999). Although the restorative justice emphasis on reintegrative shaming and responsibility to family and community differs from the procedural justice mechanism of obligation to authority that may occur in traditional juvenile court (Tyler, 2006), the common emphasis on fairness suggests that comparisons of anticipatory injustice in the two contexts might be fruitful.

The interaction of age and race/ethnicity in our findings describes a more complex phenomenon than initially anticipated. Prior work on ethnic group differences in procedural justice consistently finds that minority respondents view their interactions with system officials as less positive than whites (Tyler & Huo, 2002). Tyler and Huo suggest that these ethnic group differences are differences in perceptions about not the favorability of outcomes, but instead the fairness of the interactions. Our data indicate that these findings must be understood in a developmental context as well, in that race/ethnicity and age interact across the process and outcome components of anticipated interactions with the system. The finding that race differences were more pronounced in the nonexperienced community sample suggests that there may be cultural consensus among the ethnic minority public that people of color will be treated less fairly in the justice system than whites. Disproportionate minority confinement, particularly of African American adolescent and young adult males (Pope, Lovell, & Hsia, 2002; Snyder & Sickmund, 2006), likely contributes to this perception. A useful question for future research will be to examine the ways in which African American youth may be socialized by family and community members to mistrust the legal systems; a growing empirical literature on racial socialization practices is pertinent to this question (e.g. Hughes *et al.*, 2006).

Anticipatory injustice may affect decision choices of defendants entering the system. Although this study used hypothetical vignettes that cannot be directly linked to actual behavior, those with higher anticipatory injustice scores were significantly less likely to recommend compliance with authorities. Failure to comply may serve the defendant’s interests in some circumstances (e.g. confessing to police) but undermine it in others (e.g. sharing information with one’s attorney). The

greater proclivity for younger adolescents to confess may be tempered somewhat if the youth anticipates greater injustice. Moreover, anticipated injustice is not simply a proxy for experience, as both variables independently predicted vignette choices. Further research could evaluate the relationship between overall cognitive and psychosocial development, anticipatory justice, decision proclivities, and actual choices by young defendants in the system. Anticipatory injustice may at the least represent a cognitive framework of expectancies against which actual interactions are measured. If such a relationship is established, anticipatory injustice may be an important explanatory variable and opportunity for system intervention. Critical decisions about whether to confess to police, cooperate with one's lawyer, and accept a plea agreement have important implications for case processing, adjudication, disposition, and future system involvement, as well as judgments about the legitimacy of law more broadly.

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