

Russian and U.S. youth, delinquents reported lower levels of legal reasoning than nondelinquents. This finding was replicated in an American study of college students.

In a study of serious juvenile offenders, Alex Piquero and colleagues investigated the developmental course of two aspects of legal socialization: legitimacy and legal cynicism. They found that both factors remained relatively stable for more than 18 months. The researchers also found that older adolescents viewed the law as less legitimate than younger adolescents and that a greater number of prior arrests was associated with greater legal cynicism. Conversely, Tom Tyler and Jeffrey Fagan's cross-sectional research on children aged 10 to 16 years did find age differences, with legal cynicism increasing with age and legitimacy dissipating with age.

Measures of Legal Socialization

Researchers have measured legal socialization differently. Early researchers developed open-ended questions about legal reasoning that are coded into the three levels. More recently, investigators have developed a closed-ended version of the legal reasoning measure. In addition, some researchers have included measures of legitimacy and legal cynicism as measures of legal socialization or have asked about specific attitudes toward the legal system.

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See also Jury Deliberation; Juvenile Offenders; Juvenile Offenders, Risk Factors; Legal Authoritarianism; Public Opinion About the Courts

Further Readings

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LENIENCY BIAS

It is well established that if a verdict option is favored by a substantial (e.g., two-thirds) majority of jurors prior to deliberation, the jury is very likely to ultimately reach that verdict. A number of studies have suggested the following qualification to this simple rule—in criminal juries, pro-acquittal factions tend to be more influential than proconviction factions of comparable size. The net effect of this asymmetry is a tendency for juries to be more lenient than individual jurors, except for cases that produce a large majority of jurors for conviction. This tendency constitutes the *leniency bias*.

Evidence for the Leniency Bias

The initial and strongest evidence for this bias comes from a number of jury simulation studies. Robert MacCoun and Norbert Kerr meta-analytically combined the results of 13 such studies and reported that (a) on average, acquittal was about four times as likely as conviction for mock juries that began deliberation evenly split (e.g., 6 G vs. 6 NG); (b) an initial two-thirds majority favoring acquittal was more likely to ultimately prevail (94% of the time, on average) than a two-thirds majority favoring conviction (67% of the time); and (c) the stronger the evidence against a defendant, the weaker was this bias. On the other hand, a handful of surveys of ex-jurors from actual criminal jury trials (e.g., by Dennis Devine and his colleagues) have suggested either no such asymmetry or even the reverse effect (i.e., a harshness bias), but at present it remains unclear whether or not actual criminal juries do exhibit a leniency bias. This is because there are a number of potentially important methodological ambiguities clouding the comparisons of the mock versus actual juries. For example, the surveys of actual jurors all appear to have treated jurors who say that they are undecided at the first jury vote as advocates for acquittal, which is likely to overestimate the true size of the pro-acquittal faction in the jury. In summary, there is good evidence of a leniency bias in mock juries where

estimates of pro- and anticonviction faction sizes are based on direct assessment of mock jurors' predeliberation verdict preferences in relatively close cases. There is currently no strong evidence of such a bias (and some evidence to the contrary) where these estimates are based on ex-jurors' retrospective recollections of the number of proconviction votes at their actual jury's first ballot, in convenience samples of diverse cases.

Explaining the Leniency Bias

One explanation for the leniency bias is the existence of a prodefendant norm among jurors. Research on group decision making and polarization suggests that one effect of group deliberation is to increase commitment to shared norms. The more consistent evidence for a leniency bias among mock jurors, who are usually college students, than among actual jurors could be interpreted as reflecting different norms in the student and nonstudent populations. A direct comparison of the leniency bias for a student versus a nonstudent sample has shown that nonstudents exhibit a somewhat weaker leniency effect, but the difference was not statistically significant.

Another, related explanation is based on the common law's aversion to false conviction. Such values are reflected in several elements of the law, including the presumption of innocence, the prosecution's burden of proof, and particularly the reasonable-doubt standard of proof. The law prescribes that juries must give a criminal defendant the benefit of any reasonable doubt. This should give advocates of acquittal an advantage over advocates of conviction during jury deliberation. For example, jurors favoring acquittal need only raise a single reasonable doubt in the minds of proconviction jurors, whereas jurors arguing for conviction must refute all reasonable doubts in the minds of pro-acquittal jurors. This explanation predicts that there should be no leniency bias when jurors apply a standard of proof that is not slanted to favor the defendant, such as the "preponderance of evidence" standard used in civil trials; this prediction has been confirmed experimentally. A model presented by Norbert Kerr, Robert MacCoun, and Geoffrey Kramer generalizes the asymmetry effect, demonstrating how any shared local norm can create disproportionate influence for one side of an issue.

Implications of the Leniency Bias

The leniency bias has a number of interesting implications, both for the development of psychological theory and for legal application. Asymmetries in the power of opposing factions, such as the leniency bias, have been used to analyze the group decision-making process and thereby, to better understand exceptions to the "majority-wins" rule and to predict when and why groups differ from individuals in their susceptibility to a variety of judgmental biases. The most direct applied implication of the leniency bias is that, except for cases with very strong evidence against the defendant, deliberating juries should be more likely to acquit than individual triers of fact (e.g., a judge in a bench trial). Thus, the leniency bias provides an alternative explanation for a classic finding from the landmark product of the Chicago Jury Project, *The American Jury*—most verdict disagreements between juries and judges were instances in which the jury was more lenient (i.e., more likely to acquit) than the judge. Harry Kalven and Hans Zeisel attributed this to differences in what judges and jurors value or know (e.g., knowledge of prior convictions). But the leniency bias suggests that this effect may stem not from who makes the decision (judges vs. jurors) but from how the decision is made (i.e., individual vs. group decision making). This interpretation suggests that if panels of judges were the triers of fact, they would likewise tend to be overall more lenient than individual judges. The fact that, in *The American Jury*, there was no such asymmetry in the disagreements of judges and juries for *civil* cases (where a symmetric standard of proof is applied) further supports this interpretation.

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See also Chicago Jury Project; Juries and Judges' Instructions; Jury Decisions Versus Judges' Decisions; Jury Deliberation

Further Readings

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LINEUP FILLER SELECTION

Lineup fillers prevent unreliable witnesses from guessing the identity of the police suspect and should allow for a fair recognition test for those witnesses who do remember the culprit. The primary strategies for selecting fillers for criminal identification lineups are presented in this entry. The suspect-matched and perpetrator-description-matched strategies are two methods of constructing lineups that have been compared by researchers. Additionally, care should be taken to ensure that the structure of the lineup is uniform across members. To assess the fairness of a lineup, several indices that measure lineup bias and lineup size have been developed.

The Function of Lineup Fillers

Lineup fillers, also known as *foils* (an innocent person in a police lineup), serve the major purpose of testing an eyewitness's recognition memory for a criminal perpetrator so as to establish evidence that the suspect is guilty of the crime. Fillers also serve to screen out unreliable witnesses: Witnesses who identify foils may have a weak memory for the perpetrator or may be guessing. With respect to the problem of guessing, the probability that a witness will select the suspect from a lineup based on chance alone equals $1/k$, where k equals the number of foils in the lineup. Having more options during the identification test decreases the probability that witnesses will identify the suspect by guessing alone. Additionally, presenting foils that resemble the suspect works toward preventing the witness from being able to deduce who the suspect is simply by eliminating improbable choices from the lineup.

Filler Selection Strategies

There are two primary filler selection strategies that have been investigated by researchers. First, foils may be selected for the lineup on the basis of their similarity to the physical appearance of the suspect, a procedure that is known as the *suspect-matched* strategy. Second, foils may be selected based on their resemblance to a

physical description of the perpetrator given by the eyewitness, a procedure that is termed the *perpetrator-description-matched* strategy.

Two main concerns arise when foils are selected for the lineup on the basis of the suspect-matched strategy. First, if the suspect is not the culprit and is in fact innocent, then selecting the foils based on their match to the innocent suspect may result in a lineup in which the similarity of the foils to the perpetrator is low. This is a concern in cases in which the suspect is apprehended because he or she is physically similar to the description of the culprit given by an eyewitness. In such cases, the suspect may be the only one in the lineup that resembles the perpetrator. As a result, the innocent suspect might be frequently identified from lineups in which the foils are chosen on the basis of their match to the innocent suspect's appearance, a consequence that is known as the *backfire effect*. Another concern that arises when the foils are chosen for the lineup using the suspect-matched strategy is that if the suspect is in fact the culprit, then the foils could potentially be too similar to the suspect, and thereby decrease the odds that a witness who remembers the perpetrator can distinguish the guilty suspect from the foils.

In view of these concerns, the perpetrator-description-matched strategy has been proposed. In the event that an innocent suspect is in the lineup, the perpetrator-description-matched strategy is thought to ensure that the innocent suspect and the foils have the same probability of being chosen. The rationale is that if investigators select the foils and the suspect for the lineup using the same criteria (i.e., their match to the witness's description), then the foils should look no more like the perpetrator than does the innocent suspect. Additionally, for a witness who remembers the perpetrator, the perpetrator-description-matched strategy allows for *propitious heterogeneity*, a term that refers to having sufficient variability across lineup members to allow the witness to recognize a guilty suspect.

Some researchers studying lineup identification in the laboratory employ a hybrid of the suspect-matched and perpetrator-description-matched strategies. A pool of potential foils that fit the modal description of the target (i.e., the "perpetrator") is obtained. Participant raters then judge the similarity of each face in the pool to the target. The faces that are rated as being the most similar to the target are selected as fillers. An additional method on the horizon for the selection of fillers for lineups is the use of principal components analysis (PCA). PCA represents