

Aboriginals' Primary and Secondary Control Over and
Satisfaction with the Canadian Justice System

By

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Abstract

In Canada, no group has a more complex, negative history of involvement with the justice system than Aboriginals. The study investigated differences between the control and satisfaction perceived by Aboriginals and non-Aboriginals through the use of original questionnaires administered both during and after participant contact with the Canadian justice system. As predicted, there was a positive correlation between primary and secondary control ratings. However, Aboriginals and non-Aboriginals failed to differ in level of control and satisfaction. Participants reported higher levels of perceived secondary control than primary control for the treatment they received by staff but not the usefulness of legal services. Women reported higher levels of total perceived control than men, but only for Aboriginal women. Women reported significantly higher levels of expected than obtained outcome satisfaction. Findings suggest that people's experiences and misgivings about the Canadian justice system are not significantly different, regardless of ethnicity. Although people are not particularly happy with the current system, no group feels clearly more helpless than any other with regards to addressing their legal needs.

Introduction

The sense of being treated fairly, of being given a fair chance, does much to determine the degree of attachment to the institutions, the communities, and the society in which people live their lives. Fair treatment nourishes loyalty to the society and makes people more willing to contribute to its functioning. In contrast, unfairness is socially destructive (Breton, Hartmann, Lennards, & Reed, 2004).

The Universal Declaration of Human Rights proclaims that, “all human beings are born free and equal in dignity and rights, that all are entitled to equal protection against any discrimination, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national, or social origin, property, birth, or other status” (United Nations, 2002, p. 1). Unfortunately, in all aspects of societies – including political, social, and legal institutions – this Declaration too often is adhered to in theory only. Disparity in the administration of justice is a global problem that undermines the intentions of the law, damages public faith in the justice system, and results in victimization of members of minority groups by the very institution that is supposed to protect them (Amnesty International, 1999; Stoller, 2004). Breaches in equal treatment have been reported to exist at all levels of the justice system: in racial profiling in the investigation of crimes, in police mistreatment during apprehensions and/or custody, and in the sentences handed down (Stoller, 2004). Such disparity can cause significant and sometimes irreversible harm to individuals and society, and have lasting negative consequences that seep into future generations (Human Rights Watch, 2006).

The present study explores individuals’ perceptions about the Canadian justice system and how these perceptions relate to their perceived control when involved in legal processes as well as their satisfaction with the legal services and supports that they utilize. Individuals who seek out or are ordered to access legal services in the Province of Alberta were studied.

Participants were identified as Aboriginal¹ and non-Aboriginal based on self-identification. Inter-group perceptions were compared and contrasted. Individuals' perceptions of their ability to influence the outcome of the legal processes they are involved were examined and classified as *primary* and *secondary* control-related.

Disparities in the Administration of Justice

The treatment, in general, of persons who come into contact with justice systems by those assigned to manage them has long been an issue for concern (Martin & Caul, 1995). It is generally agreed that differential treatment based on identifiable factors such as ethnic origin is morally wrong and a violation of the principal of equality. The *equality principle* dictates that those persons who are equal be treated equally based on similarities and that race or ethnicity is not a relevant consideration in that assessment (May & Sharratt, 1994). "It is only possible to justify treating people differently if there exists some factual difference between them that justifies such difference in treatment" (Rachels, 1999, p. 94).

Discrimination and disparity have often been used interchangeably to refer to the phenomenon that exists whereby relatively powerless groups are less able to avoid contacts with legal systems (Daly, 1994). *Discrimination* is defined as occurring when some case attribute that is objectionable on moral or legal grounds is associated with judicial outcomes after all other relevant variables are controlled. According to Daly, *disparity* occurs when similar cases with respect to case attributes are sentenced differently, regardless of their legitimacy. This simply means that there is a difference among the groups represented in the various stages of the justice system (Rivera, 2006). The former refers to the *legitimacy* of the criteria being applied and the

¹ For the purposes of this study First Nations, Métis, and Inuit people will be collectively referred to as Aboriginals, as this is the term that is currently used by Canada's Constitution Act (1982). It is recognized, however, not all people who are considered to be Aboriginals chose to refer to themselves using this term.

latter refers to the *consistency* with which the criteria are applied. For example, Aboriginal women make up less than 2 percent of Canada's population, yet they make up 27 percent of the federal female prison population. They often are given jail time for lesser charges and receive longer sentences than non-Aboriginal women (Native Women's Association of Canada, 2007; PrisonJustice.ca, 2003).

People who fall into minority groups typically are exposed to the greatest amount of discrimination. For the purposes of this paper, *minority* refers to any racial, religious, political, national, or other group regarded as being different from the larger group of which it is a part. *Minority group* refers to any group whose members are relegated to a subordinate position in society and therefore experience various negative outcomes, including lack of prestige, privilege, and power. Members of minority groups are subjected to a wide range of discriminatory treatments by societal institutions, such as schools, the employment sector, and the law (Yerbury & Griffiths, 1999).

The vast majority of documentation regarding inequitable treatment in the justice system is focused on race and ethnicity. *Race* refers to groups of people who are alike in their biological inheritance and are distinct from other groups (American Anthropological Association, 1997). *Ethnicity* refers to a cultural phenomenon in which a person identifies with a particular group (Hinman, 1998).

Ethnic groups are inherently ethnocentric (Yerbury & Griffiths, 1999). This infers that members of different ethnic groups view their own cultural characteristics on the basis of religious values, sexual behaviours, eating and drinking habits, political conceptions, economic structures, laws, and customs, etc. According to Yerbury and Griffiths, people instinctively view their own cultural characteristics as natural, correct, and thus superior to those of other ethnic groups. *Prejudice* is a manifestation of ethnocentrism and involves adverse or hostile attitudes

towards individuals that are based on the fact that they belong to a particular group that is assumed to be characterized by qualities that are less natural and desirable than those of one's own group. The actual acting upon these beliefs is referred to as *discrimination*.

One of the most pervasive and visible forms of discrimination is racism. *Racism*, generally, can be defined as social practices that explicitly or implicitly attribute merits or values to members of racially categorized groups solely based on their race. There are three main types of racism. These are *personal prejudice*; *ideological racism*, in which biology and culture are used to rationalize and justify the superior position of a dominant culture; and *institutional racism*. In the latter case, which is of particular relevance to this study, policies and practices of institutions operate to produce continuing, systematic differences between racially defined groups (Zatz & Mann, 1998). Institutional racism is argued to be rampant in North American and around the world (Banks, 2004; Milovanovic & Russell, 2001).

One aspect of institutional racism is referred to as *petit apartheid*, a concept that includes daily informal and hidden interactions between law enforcement officers and minorities (Zatz & Mann, 1998). The focus of members of *petit apartheid* appears to be attitudinal factors or culturally biased beliefs and actions that influence policing as well as decisions that are made within the system (Banks, 2004). His examples include which people police target for stop-and-question procedures, insults, rough treatment, and the quality as well as objectivity of judicial instructions during trials.

Institutions such as the legal system do not exist in vacuums. There is an inextricable link between the public and people in power, which acts as a mechanism that allows the people in power to act in accordance with the wants, needs, and demands of the public. Yet, researchers have proposed that, unfortunately, the attitudes of the general public towards corrections and correctional issues tend to be ambivalent, apathetic and uninformed, punitive, and ignorant

(Gottfredson & Taylor, 1987). Research has shown that the majority of people do not take the initiative to learn about legal processes until they are personally faced with a legal problem (Stratton, 2006). Yet, according to Gottfredson and Taylor, policymakers tended to perceive public attitudes as being punitive and primarily concerned with protection and safety.

Whether it be youth, racial groups, offenders that have committed a specific type of crime, or any group, the general public largely determines who the “targets de jour” will be (Passer, Smith, Atkinson, Mitchell, & Muir, 2005). Fuelled often by mass media, which routinely sensationalizes the information that is shared, people come to identify dangers or dangerous people and want such perceived threats to be eliminated. Passer et al. found that people commonly rely on the *availability heuristic* when interpreting perceived threat or danger in that they judge the likelihood of an outcome occurring to them based on how readily they can think of an example of that same outcome happening to others.

Some researchers argue that there is little evidence of any systematic or overt bias on the part of decision makers within criminal justice systems (Banks, 2004; Sampson & Lauritsen, 1997). Rather, there is a perception of racial discrimination in the administration of justice that is fuelled by moral panics and the political responses to those panics (e.g., war on crime, war on drugs, pedophiles). Banks reported that these panics (and often responses) are targeted towards specific lifestyles or locations that are often associated with minorities. Cohen (1972) stated that deviance, in essence, emerges as an artefact of social control. Most (if not all) moral panics are thought to be issues of power and control (Schissel, 1997). According to Schissel, constructing images of crime and criminality is a social control strategy aimed at identifying “dangerous classes” of people as tangible sources of perceived problems that are usually at the bottom of social hierarchies. And, in Canada, Aboriginals have been pushed to the bottom of the social hierarchy since first contact with Western Europeans.

Historically, there have been perceptions that poorer neighbourhoods or neighbourhoods that are dominated by members of various minority groups are more dangerous. Strain theories such as Merton's (1938), Cohen's (1955; 1965; 1977), and Agnew's (1985; 1992) add perspective to why this may be so. According to this *strain theory*, individuals have a general desire to achieve specific, socially defined goals such as monetary status and respect. They also have a general desire to be treated in a fair and just manner. Discrimination based on class, race, ethnicity, gender, and so forth represents a fundamental violation of these desires. Negative experiences as a result of perceived discrimination, especially by those (e.g., legal professionals) who are supposed to defend every person's best interests and provide reliable safety, can generate feelings of injustice and increase the likelihood of antisocial activities.

When people still lived in very segregated areas, as an example, the majority of crimes committed by members of minority groups were against other members of the same groups. Crimes occurring in these communities were thought to be of little interest to law enforcement officials (Banks, 2004). However, as many communities have become less seclusionary and people from different racial and ethnic backgrounds are coexisting more and more, crimes more frequently occurred on an intergroup basis. Mauer (1999) argued that this is why the rate of imprisonment for minority groups has increased in recent years. For example, Black people represented only 21 percent of those imprisoned in the United States in 1926. Banks and Mauer indicate that Black people currently represent 50 percent of all prison admissions.

Human Rights Watch (2006) warned that political rights that are theoretically guaranteed under the laws of any country may be denied to vulnerable groups in practice through abuse of executive or police power. Furthermore, there are many known incidences in which members of minority groups have reportedly been denied equal protection by police and the courts.

Discrimination in the justice system has been posited to be a significant factor in

preserving and promoting economic, social, and political inequities that are founded in broader discrimination that occurs in state and private practices (Human Rights Watch, 2006). However, when examining trends within the criminal justice system, it is important to determine whether differences found in legal processes are due to discrimination or to disparity.

Charges of bias in justice systems range from allegations of overt racism to more subtle evidence of so-called “adverse effects” discrimination; policies that are appropriate for one (usually the dominant) group but have adverse effects on members of other groups (Gordon & Nelson, 1999). Some researchers claim that there exists an unhealthy cycle in which minorities are unjustly targeted by the justice system, resulting in an overrepresentation of minorities (as victims and defendants) in the justice system, which then reinforces prejudicial attitudes that can perpetuate further discrimination (Stoller, 2004). Even within Canada, the application of the Criminal Code to various minority religious sects including Aboriginal peoples, historically and contemporaneously, has often been accused of being characterized by discrimination and conflict (Yerbury & Griffiths, 1999).

When people see evidence of disparity, they often assume that discrimination must be involved but that is not the only possibility (Rivera, 2006). In assessing the legal process, three main factors are usually considered. The first is comparability – that similar legal problems are addressed similarly. The second is consistency – that legal principles are applied evenly. The third is commensurability – which legal actions seem to be the appropriate response relative to what the legal problem warrants (Daly, 1994).

If, for example, criminal justice processes are reviewed, members of different minority groups across societies have been and still are involved with the criminal justice system to a greater extent than are members of the dominant groups. This involvement is manifested in three main ways (Yerbury & Griffiths, 1999):

1. Behaviours that are accepted in one culture may not coincide with the standards and laws of the dominant culture.
2. Rebellion against the dominant authority or perceived political dissent can be responded to as a crime.
3. High rates of conventional crimes, such as assault and theft, can be seen as a consequence of the disadvantaged position held in society and the resultant treatment of minority group members.

When minority groups are perceived as having problems or are perceived to be problems by the dominant group, these problems are inevitably attributed to the inherent characteristics of the minority group, rather than to defects in the larger social system. For example, Canadians frequently attribute the high school dropout rates of Aboriginal peoples, as well as their chronic poverty, and their overrepresentation in the justice system to deficiencies inherent in this group of people (Yerbury & Griffiths, 1999).

Patterns of exclusion and segregation, both informal and formal, in the form of legislation and court decisions have endorsed overt racism (Banks, 2004). That being stated, there is a significant body of recent research, which indicates that although there is racial discrimination within the justice system, the system itself is not characterized by racial discrimination; in other words, discrimination is not systemic (Banks, 2004; Blumstein, 1993; Russell, 1998; Tonry, 1994). However, according to Banks and Russell, research on discrimination within justice systems tends to focus on formal, easily observed decision-making points and fails to take into account more informal law enforcement actions. For example, it is informal decision-making that actually determines who will be arrested and who will enter into the justice system (Banks, 2004).

Perceptions of the Justice System

No justice processes have a more notorious reputation, rightly or wrongly, for being discriminatory than criminal justice processes. Stoller (2004) found that there was evidence that many members of minority groups are disproportionately the victims of police brutality during investigations, arrests, and while in custody. A great deal of this alleged abuse takes place behind closed doors, without independent witnesses. Additionally, Stoller reports that many of the victims from minority groups are reluctant to press charges due to fear of retaliation, the expectation that they will not be believed, insufficient awareness of their rights, and lack of access to legal council.

Even though the countries such as the United States and Canada are home to people from a vast variety of racial and ethnic backgrounds, Banks (2004) reported that racist attitudes continue to manifest and be evidenced in the actions of law enforcement officials. Aboriginals suffer economic, educational, and social stereotyping that is apparent in their treatment by the justice system.

A term that first gained currency in the United Kingdom and the United States, *racial profiling*, refers to the use of racial or ethnic stereotypes by law enforcement officials as a factor in determining who is or may be involved in criminal activity (Stoller, 2004). This phenomenon has increasingly attracted the attention of the rest of the world. However, racial profiling has received the most attention in the United States, where statistics have indicated that the practice is alarmingly common. For example, Stoller reports a study conducted in Maryland, which found that 79 percent of the drivers stopped and searched on the Maryland Turnpike were Black even though 48 percent of drivers exceeding the speed limit were White and only 18 percent were Black. Other states have reported similar findings.

Banks (2004) also found that, once in court, cases where the accused is a minority often

take much less time from start to finish. For example, the average length of time spent in court by persons from minority groups in New York was found to be four to five minutes. He concluded that this suggests a sort of assembly line justice. Prosecutors have been found to request the death penalty (where it is an option) more often and sometimes only when the defendants are of minority status. Additionally, minorities are frequently underrepresented on juries (Amnesty International, 1999; Banks, 2004). In some cases reported by Amnesty International, jurors, lawyers, and even judges have been observed to make discriminatory statements regarding defendants.

Mauer (1999) states that the way in which discrimination plays a role in sentencing decisions is very subtle and is influenced by multiple factors. Such factors include; whether White offenders benefit from more and higher quality resources (e.g., private lawyers, education), whether Whites have access to expert evidence more often, whether Whites are able to afford the costs of programs such as substance abuse treatment more often, and whether Whites arouse less unease in criminal justice decision makers than do minorities (Banks, 2004; Mauer, 1999). Other researchers (e.g., Bright & Keenan, 1995; Weitzer, 1996) have also argued that minorities suffer during sentencing because they are more frequently represented by public defenders. Public defenders have been accused of being often underpaid, poorly trained, and lacking resources (Bright & Keenan, 1995; Weitzer, 1996).

In cases where there are multiple possible penalties for a criminal offence (e.g., drug possession), law enforcement officials may be more likely to tailor which penalty they hand out, based on who the offender is. For instance, Mauer (1999) looked at penalties for marijuana possession in the city of Milwaukee and found that, in the inner city, it was classified for many years as a misdemeanour while, in the suburbs, it was an ordinance violation. Therefore, the mainly White offenders in the suburbs paid fines for possession but the inner city (mostly

nonwhites) offenders often received jail time and criminal records.

Researchers have noted that, although there have been reports of disparity in sentencing, quite often minority offenders have more lengthy criminal records and receive different charges than do majority group members. The sentencing process itself does not appear to be blatantly unfair. Researchers argue with increasing regularity that it is discrimination that happens at earlier, more subjective points in the justice process (e.g., first contact with police officers; *Brown v. Board of Education*, 2006).

A series of studies has been conducted that examine the impact of race on jury decisions (*Brown V. Board of Education*, 2006). Findings indicate that people tend to be more lenient on defendants of the same race, especially if victims are of another race. However, if the mock juries were mixed and the jurors were able to interact with fellow jurors of another race, this effect all but disappeared. Unfortunately, it is still too often the case that minority group members are excluded from juries (Equal Justice Initiative, 2006).

There are a number of obstacles to effectively addressing discrimination in the criminal justice system (Stoller, 2004). These include entrenched assumptions about the criminal proclivity of various minority groups, the propensity of government officials to exploit associations between minority groups and crime for political ends, and the significant alienation that is felt by members of many discriminated-against groups from law enforcement officials. Structural issues that abound in the system can exacerbate these problems. For instance, very few places keep consistent and detailed data on race and ethnicity as related to the justice system.

It seems that humans are aware of power differentials, based on social position or perceptions of differences between humans that used as justification for hierarchical positioning of groups and individuals within groups. Research that has investigated the origins and nature of stigma suggests that certain “marks,” be they physical or blemishes of character, define

individuals as deviant, flawed, spoiled, and generally undesirable (Jones, Farina, Hastorf, Miller, & Scott, 1984; Weiner, Perry, & Magnusson, 1988), thus a viable target for hostility. A stigma is any characteristic or attribute possessed by a person that is linked to an undesirable social identity and is devalued in any context (Andreoletti, Zebrowitz, & Lachman, 2001).

Coming into contact with the justice system is one such character flaw (Jones et al., 1984). Stigmas often imply a particular cause or are associated with particular attributions such as moral weakness (Weiner et al., 1988). According to attribution theory (e.g., Weiner, 1983), the perceived cause of the stigma should determine affective responses to the individual. Being stigmatized increases individuals' stress, uncertainty, and lead to underperformance (Inzlicht, Aronson, & McKay, 2006). Additionally, being stigmatized can weaken individuals' general ability to control and regulate their actions and behaviours as well as to perceive that they have the ability influence the outcomes of events in their lives.

Gender and the Canadian Justice System

Differential treatment of people who are involved in legal processes is a function not only of race and ethnicity but also gender (e.g., Foley, Hang-Yue, & Wong, 2005; Hudson, 2006; Leiber, Brubaker, & Fox, 2009). In fact, it has been argued that, when examining individuals' experiences with justice systems, race cannot be looked at without considering gender and vice versa (Guevara, Herz, & Spohn, 2008; Leiber, et al., 2009).

Western justice systems are still very formal and based on a subjectivity that is reminiscent of White, European, upper middle class, and male norms (Hudson, 2006). Investigations of the relationship between gender and legal experiences have reported mixed findings. One consistency that seems to have emerged is that female members of minority groups – particularly youth – have been found to receive harsher sentences than males, particularly for status offenses (Guevara et al., 2008; Leiber et al., 2009; Marchetta, 2008). Guevara et al. have

attributed this pattern to paternalistic attitudes of judicial decision makers, which translate into attempts to discipline females, as well as to reactions to perceived violations of gender roles. Judicial decision making, particularly in criminal justice processes, is largely based on factors such as perceived dangerousness and risk of reoffending. Women who commit crimes are venturing farther outside of societal behavioural norms and thus more likely to be perceived as being “dangerous.” This is a widely recognized problem with the administration of justice; so much so that Crenshaw (1989) coined the term *intersectionality* to illustrate the challenges faced by judiciary in recognizing and understanding the compound discrimination against minority women.

Women continue to suffer from systemic discrimination and neglect if they are incarcerated. Because their numbers are so much lower than male offenders, money and resources are not devoted to programming and facilities for women (LaBoucane-Enson, 2009). As a result, women who become involved with the criminal justice system are at heightened risk for being removed from their support networks and for reoffending once released back into their communities (Hudson, 2006).

There are some circumstances in which the treatment of women has improved in recent years, though. Police have become more sensitive and effective in their responses to domestic violence and sexual assaults. Additionally, more women are reporting sex crimes, a wider range of expert witnesses are being used in trials, and greater value is being placed in victim impact statements (Hudson, 2006).

Canadians, however, are experiencing increased rates of incarceration (currently 141 per 100,000 people) at the same time that crime rates are decreasing (Statistics Canada, 2009). Although women’s involvement in crimes has reportedly increased in recent decades, men are still charged with five crimes for every one crime a woman is charged with (Statistics Canada,

2007). Thus, men are still far more likely to commit serious crimes such as murder and armed robbery (Broidy & Agnew, 1997) as well as to receive harsher sentences than women (i.e., sentences of over two years in prison; Statistics Canada, 2009).

Dissatisfaction with the Justice System

The justice system in Canada is very complex and is seen by many as being very punitive rather than socially constructive. Research has shown that the public's general understanding of the justice system is very limited and often fuelled by mass media, if not personal experiences. There is currently a lack of confidence in the justice system, especially among minority groups (BLINK, 2002). Mass media has contributed to an increased public interest in justice matters and processes. However, although popular television shows and news casts provide a great deal of information about justice statistics and processes, it may not always be accurate (The John Howard Society of Alberta, 2005). BLINK reported that many people feel excluded from the system and, as a result, are less likely to feel motivated to participate in finding solutions. Additionally, public perceptions about the justice system are typically generalizable to the *whole* system.

Agnew's (1985; 1992) strain theory, in particular, can help add to the understanding of how the phenomenological nature of the relationships individuals have with the justice system, and how these can exacerbate antisocial behaviours and hinder rehabilitative attempts. Strain theories focus primarily on negative relationships, or relationships in which individuals are not treated the way they wish to be treated. Typically, strain theories look at relationships in which other people prevent individuals from achieving positively valued goals (c.f., Agnew, 1985; 1992; Cohen, 1955; 1965; Merton, 1938). Accordingly, individuals are pressured into antisocial acts by the negative affective states they experience (often anger-related) as a result of negative relationships.

There are three major types of strain that result from negative relationships. The first is when others prevent the attainment of goals, the second is when others remove or threaten to remove something the individual values, and the third type is when others present or threaten to present the individual with noxious or negatively valued stimuli. Agnew (1985; 1992) views strain not only results from the thwarting of desired goals but from the inability to escape legally from painful situations. He also focuses on the micro or *individual* level of social strain. In other words, Agnew sees strain as emotional and therefore unique to each individual, based on his or her interpretation of what aspirations he or she should have and how well he or she is equipped to meet them.

When individuals perceive themselves as being in a situation of inequality, threat, or discrimination and that the outcomes they are experiencing are unjust, they experience distress. This distress can include feeling of disappointment, fear, depression, hopelessness, and anger. Deviance is a common reaction to such distress (Agnew, 1992). Inequity leads to anger and frustration. People who experience such inequity may turn to antisocial behaviours for several reasons: to increase their outcomes (e.g., theft), lower their inputs (e.g., stop participating in programs), lower the outcomes of others (e.g., assault), and/or increase the inputs of others (e.g., being disorderly).

Skinner (1948) theorized that, if managed correctly and according to strict behavioural principles, there would be no need for prisons. In essence, Agnew's (1992) and Skinner's theories would seem to suggest that if no social strain existed because there was no perceived need or opportunities to compete for socially endorsed rewards such as prestige and money, people would not have any legal problems. However, this has not occurred (nor is it likely to occur) in reality. As a result, methods of dealing with people who have legal problems are required. However, to be effective, these methods must be impartial.

Considerable research has been undertaken to analyse the degree of discrimination in justice system processes (Lowe, Schmold, & Stratton, 2006). There is undoubtedly disparity in how individuals who come into contact with justice systems are treated. Arguably the most attention has been paid and discrimination had been most clearly documented in criminal justice processes. Criminal law is the area where the consequences of discrimination have the most tangible and overtly dire consequences. Loss of freedom, abuse, and even death are just some of the outcomes that individuals face who are engaged in criminal justice processes.

The gravity of the impact of discrimination in criminal justice processes cannot be understated. However, criminal law is not the only avenue through which individuals come into contact with the justice system. In Canada, justice processes and services can be divided into criminal, family, civil, and administrative law. Far less research has focused on the latter three areas of law, let alone the existence and impact of discrimination in these areas. Yet, for members of the public, these four areas are not differentiated and significantly more people come into contact with the latter three areas than with criminal justice (Curry, 2005; Stratton, 2006).

Aboriginals and the Canadian Justice System

For Canada's Aboriginals, Western justice systems are often not effective (Andersen, 1999; LaPrairie, 1996; Native Women's Association of Canada, 2007). McNamara (1993) concluded that indigenous peoples do not want to come into contact with justice systems and are not indifferent, as is often perceived. In reality, they find contact with justice systems to be very negative. However, indigenous peoples feel imprisoned by society already and many view themselves as living in a prison, whether they are incarcerated or in the general population. Indeed it has been evidenced that there are many factors that are unrelated to alleged legal problems that play a significant role in the disparity with which indigenous peoples are treated at various levels of the justice process (Chartrand & Whitecloud, 1991; MacNamara, 1993).

Canadian Aboriginals experience a number of significant barriers when engaging with the justice system. These include processes that are incompatible with Aboriginal traditions, language, geographic dispersion, a divergence of perspectives regarding child welfare and guardianship, inadequate support services, and social discrimination (Stratton, 2006). Not only do Aboriginal people face discrimination, they also must endure assumptions that all Aboriginal people are the same. This can lead to potentially harmful interactions and inappropriate approaches to legal programming and procedures. Previous research has found that visible minorities are 1.4 times more likely than other respondents to perceive justice-related outcome as unfair (Currie, 2005).

The perceptions that Aboriginal people hold about the Canadian justice system are rooted in a profoundly negative history of involvement with the law. In fact, for many people, any involvement with the Justice System is seen as furthering punishment rather than leading to a fair resolution (Stratton, 2006). A survey conducted by the Angus Reid Group (1992, p. 2) found that 64 percent of Canadians disagreed or disagreed strongly with the statement that “everyone, no matter who they are, is treated the same by the justice system in Canada.”

There has been a recurrent theme in literature around diversity and justice as of late. That theme is the importance of empowering communities to identify and solve their own crime problems. To exemplify this ideology, there has been much debate over the years around Aboriginal justice issues in Canada. The numerous reports, studies, inquiries, and so forth coalesce around four conclusions (Giokas, 1999):

1. The current justice system has failed Aboriginal peoples.
2. The solution is to increase Aboriginal responsibility for defining and resolving Aboriginal justice problems.
3. In recognition of the diversity of Aboriginal peoples across the country, these solutions

will not be identical for every community.

4. These Aboriginal definitions and solutions cannot exist apart from the current justice system, at least at the outset.

Canadian Aboriginals are not alone in their struggles with justice issues. Research conducted with minority groups across North America has previously found that there are varying levels of disparity regarding how people who are members of visible minority groups and non-minority groups are treated when they come into contact with the justice system. However, because the experiences of different minority groups will have uniquenesses and are deserving of focussed attention, Aboriginals' perceptions about and experiences with the justice system as compared to non-Aboriginals will be a major focus of this study.

Perceived Control

Being in Control versus Perceived Control. In everyday life people recognize that their actions and emotions are influenced by outside factors. This is called *being controlled*. But people can take the reverse perspective and look at how much they control factors in their lives. Major negative life events have many aspects that one might want to control, such as escaping punishment or avoiding judgement (Thompson, Sobolew-Shubin, Galbraith, Schwankovsky, & Cruzen, 1993). Having legal problems is one such negative life event. People are particularly vulnerable to low controllability when involved with the justice system.

Perceived control may be defined as the belief that one can influence some outcome to some extent (Nickels, Cramer, & Gural, 1992). Typically, perceived control involves the production of a voluntary response that increases the probability of reward or reduces the probability of punishment (Seligman & Isaacowitz, 2000; Seligman & Peterson, 2002; Weisz, Rothbaum, & Blackburn, 1984). Perceived control appears to enhance confidence and make

challenging tasks less stressful (Bandura, 1986; Parker 1993). High levels of perceived control have been associated with emotional well-being, enhanced ability to cope with stress, reduced psychological impact of stressors (Ruthig, Chipperfield, Perry, Newall, & Swift, A., In press; Thompson & Spacapan, 1991).

Normatively, perceptions of control should be based on a judgment of contingency between action and outcome, or the extent to which the probability of the outcome after action is different from the probability after no action. However, Thompson et al. (1993) proposed that people actually rely on simpler judgments for assessing their perceived levels of control. They merely look for a connection or association between their actions and the desired outcome. Depression and other negative affective states may be associated with lower assessments of personal control because the focus for those who are experiencing negative emotions tends to be on failure, not on success.

Illusory Control. The belief that one has control is often as important as actually having control (Langer, 1983; Shapiro, Schwartz, & Astin, 1996). Desire or need for an outcome may increase illusions of control because they increase attention to the outcome and to the connection between the outcome and one's actions. People's illusions of control are particularly high when factors that are associated with skill situations are introduced into chance situations such as allowing people to select their own lottery numbers (Friedland, Kienan, & Regev, 1992; Langer, 1975). In essence, illusory control means perceiving more control than the facts actually warrant. Past research has found that it is not actual levels of control over the outcomes of events that are most significantly related to psychological well-being. Rather, it is the level of control that individuals perceive themselves as having over the outcomes. Therefore, illusory control becomes as important as perceived veridical control. According to Langer, people have been

shown to respond similarly to controllable and uncontrollable events if any skill cues are present.

People are happier and more satisfied when they believe that they can successfully master the goals and tasks of their everyday life (Lang & Heckhausen, 2001). Believing that one has control over the outcome of an event may be more important than exercising influence over the outcome. In fact, people who have been diagnosed with clinical depression have been actually found to be *more* realistic about the levels of control they perceive themselves as having over life events than healthy (no known mental health diagnoses) people (Lang & Heckhausen, 2001; Langer, 1983; Phares, 1973; 1976).

Thompson et al. (1993) found that, in naturally occurring life situations, control over a threatening event may not be attainable. One possibility is that people in these low-control circumstances are not able to realize the benefits of perceived control and are likely to be depressed and to cope poorly with the event. Another possibility is that people may also gain a sense of control from believing that they can ameliorate, avoid, or effectively handle the various consequences of that event (Thompson et al., 1993; Thompson, 1999).

Control and efficacy depend on the fit between individuals and the social systems in which they are embedded (Haidt & Rodin, 1999). Haidt and Rodin (1999) broke the concept of control down into three categories; *effectance* or a striving for competence, *sense of industry* or a feeling of being able to make things and make them well, and *reactance* or a state involving increased arousal and anxiety during which a person attempts to recover from a perceived loss of control. In regards to the latter category, having the ability to exercise behavioural control over potentially aversive situations decreases or at least eliminates autonomic reactions to those events (Bandura, 1986).

Belief in personal control may moderate the stress-distress relationship, reducing distress when strong beliefs in control are present (Taylor, Helgeson, Reed, & Skokan, 1991). Empirical

research findings from studies that look at patients with illnesses such as cancer, myocardial infarction, and arthritis have confirmed that self-generated feelings of control can improve adjustment associated with physical illness (Carver, Harris, Lehman, Durel, Antoni, Spencer, & Pozo-Kaderman, 2000; Taylor et al., 1991). Similarly, people who are incarcerated for significant periods of time must deal with many uncertainties (e.g., how they will cope in prison, if their loved ones will continue to support them) and losses (e.g., physical freedom, jobs, relationship breakdowns). It is possible that self-generated feelings of control could also improve adjustment in this context.

Controlling outcomes of events may involve two different processes: *Primary control* involves behaviours directed at influencing objective or external realities, whereas *secondary control* refers to behaviours directed at the internal self and involves attempts to adapt to the situation (Heckhausen & Schulz, 1998; Rothbaum et al., 1982; Weisz et al., 1984). Although individuals can gain and maintain a sense of control by either of these two self-directed pathways, flexible coping is possible only when an individual has the skills for both modes of control and can use them in either an integrated way or differentially (Shapiro et al., 1996).

Primary Control. Primary control refers to behaviours directed at the external world and involves attempts to change the world to fit the needs and desires of the individual (Heckhausen & Schulz, 1998; Rothbaum et al., 1982; Rothbaum & Weisz, 1982; Rothbaum, & Blackburn, 1984). Primary control can take two forms; Selective primary control involves investing internal resources such as effort, time, and ability in order to attain goals. Compensatory primary control involves finding external resources (e.g., help from others) to facilitate goal attainment (Wahl et al., 2004).

Skinner (1971; 1974; 1989) introduced the notion that Western Civilization has actually

become *too good* at controlling its wayward members through social institutions such as the justice system. The resulting power imbalance prevents those individuals who are being “managed” from exerting any control at all over those who manage them – over the outcomes they experience once they have come into contact with the justice system. Skinner referred to this phenomenon as a lack of *countercontrol*.

Skinner (1974; 1989) believes that human beings are being controlled by physical and social environments all the time. Although he did not adhere to traditional control theories, he theorized that for organisms to attempt to control the world around them is as natural and innate as breathing and reproduction. Humans have discovered many ways of exerting control, but they do not always fully understand the impact of control or use these methods wisely (Skinner, 1974).

Organized institutions such as government agencies exert a very powerful and often troublesome form of control (Skinner, 1974). People who come into contact with the justice system are one of the classical examples of mistreatment. This is primarily because they cannot exercise countercontrol – they have no perceivable means of recourse against the people who are controlling them (Skinner, 1989). When countercontrol is not possible, even the most compassionate person deteriorates and becomes careless, then callous, then cruel.

In order for society to advance, those who are controlled should be able to take action against the controllers. The controlled parties will often attempt to escape control or attack in efforts to weaken or destroy the controlling power (Skinner, 1974). The perceived right to hold individuals and social bodies answerable is empowering. *Holding answerable* is one mechanism for predicting and effectively navigating social relationships, thereby maintaining legitimate expectations of the behaviour of others towards them within status hierarchies (Kenny, 2007). Although most individuals perceive their goals as being equal, equilibriums are seldom actually

reached and even more seldom are they the optimal solution. However, for Skinner, it is the continued fight for shifts in power and control that advances societies.

Secondary Control. Weisz, McCabe, and Denning (1984) proposed that people too often attempt to gain control by influencing existing realities - often via personal agency, dominance, or even aggression. In secondary control, individuals attempt to align themselves with existing realities, leaving them unchanged but exerting control over their personal psychological impact (Rothbaum et al., 1982; Rothbaum & Weisz, 1982; Weisz et al., 1984). Although primary control involves the fit of the requirements and demands of the environment to one's desires and needs, secondary control involves the fit of one's desires and needs to the requirements and demands of one's environment (Nickels, 2008).

Secondary control involves adapting oneself to better fit the situations one is in (Astin & Shapiro, 1997). Choosing not to exercise primary control at any given time, but having the knowledge that control could be exerted should be distinguished from being deprived of control (Bandura, 1986). Much research has been conducted as of late to assess the possible benefits of secondary control strategies. This research tends to focus on two areas; aging (see Chipperfield, Perry, & Menec, 1999 for an overview) and chronic illnesses (see Taylor et al., 1991, and Weisz et al., 1984, for overviews).

There are two ways to conceptualize and measure secondary control (Thompson et al., 1993). The first way is to focus on the four aspects of secondary control. Rothbaum et al. (1982) identified these four aspects as *predictive* (predicting results to protect against disappointment), *illusory* (trust in luck or chance), *vicarious* (faith in powerful others), and *interpretive* (deriving meaning from the event). Each of these four processes has a primary control form as well.

An alternative approach is to measure secondary control by focusing on the general process that characterizes it: adaptation to one's situation (Thompson et al., 1994). There are

different reasons why it may appear as if persons are reacting passively and have little to no control over a particular situation. Individuals might actually perceive the outcome as being completely noncontingent on their actions and are not attempting to control the outcome in any way. Alternatively, they might be *relinquishing* control because they feel that someone/thing else has a better chance of achieving the desired outcome (Kurman & Dan, 2007; McCarthy et al., 1997; Skinner, 1996). In choosing to let someone else control the events, the person who is relinquishing control is still attempting to influence the outcome and therefore might still perceive the outcome as being contingent on his or her own actions. To the extent that one selects the new controller and can substitute another one later on, the relinquisher would still be relying on primary control. Finally, individuals might be relying on secondary control through adjusting their own expectations or desires to conform to the outcome that they feel will most likely occur, thus maintaining a perception that the desired outcome will occur (Schulz & Heckhausen, 1996; Skinner, 1996).

Secondary control is more pronounced for low-controllability stressors than for other stressors (Weisz et al., 1994). Cognitive appraisals of the challengeability or controllability of stressors significantly influences choices of which coping method to use. Studies have found ample support for the importance of enhancing internal secondary control processes in situations in which primary control over undesirable circumstances is limited or absent (McQuillen, Licht, & Licht, 2003; Weisz et al., 1994).

Secondary control may be particularly important when individuals feel that there is little they can do to influence the outcome of their situation directly (Thompson et al., 1994). However, secondary control that is attained by lowering aspirations and giving up goals, on the other hand, is negatively related to subjective well-being across the life span (Wrosch, Heckhausen, & Lachman, 2000). Secondary control is targeted at internal processes and serves to

focus and protect motivational resources needed for primary control. Primary control is thought to be the driving force in the control system (Schulz & Heckhausen, 1998). Without engaging in the external world, individuals cannot realize their developmental potential. Secondary control is used to promote both the current and the long-term potentials of primary control.

Primary and Secondary Control Compared. Essentially, perceived control is imperative for productive, functional relationships between individuals and the justice system (Skinner, 1971; 1974). Under ideal circumstances, perceived primary control, specifically selective primary control, is generally the preferred type of control in which to engage (Heckhausen & Schulz, 1998). The reality is that individuals who are subjected to legal processes often have their liberties reduced for good reason (in most cases), and they cannot be given optimal opportunities to engage in selective primary control tactics.

It is necessary for prisoners to rely on secondary control to some extent (Astin & Shapiro, 1997). They benefit by adapting to their situation without giving up hope of being able to improve their situation at some point. Potential solutions such as introducing external regulatory bodies involve compensatory primary control (Wahl, Becker, Burmedi, & Schilling, 2004). It is essential that individuals with legal problems do not perceive themselves as completely lacking control. It is equally as important that justice system employees do not perceive themselves as having too much power (Skinner, 1971). While it is necessary to regulate and punish wrongdoings, it will continue to be necessary to maintain a delicate balance in the levels of control and countercontrol that are perceived by justice system employees and individuals.

In situations with low veridical control, maintaining a strong perception of primary control may not be adaptive (McQuillen et al., 2003). In such circumstances continuing to rely solely on primary control tactics may only serve to increase frustration and distress. Ideally, individuals will have a balance of primary and secondary control and will be able to switch

effectively between the two styles of influencing outcomes in their lives (Higgins, Griew, Prior, & Middleton, 2004). In order to be effective, any human behaviour needs to fulfill two basic requirements: the management of selectivity and the compensation of failure experiences (Heckhausen & Schulz, 1998). Primary control consists of efforts to enhance rewards or reduce punishment by modifying objective conditions so as to bring those conditions in line with one's wishes. Secondary control consists of efforts to enhance, reward, or reduce punishment by modifying oneself so as to achieve goodness of fit with prevailing conditions (Shapiro et al., 1996).

Individuals' endorsement of primary and secondary control is functionally tailored to various constraints and opportunities for development (Wrosch et al., 2000). Favourable opportunities for goal attainment typically prompt people to engage in primary control strategies. Unfavourable control structures, by contrast, elicit enhanced compensatory secondary control striving. In such situations, positive reappraisals can contribute to a self-protective control. Essentially, primary control involves modifying the environment and secondary control involves modifying the self (Chipperfield, Perry, & Menec, 1999). Through primary and secondary control, we can integrate the two dimensions of mastery and compensation into a joint model of developmental regulation (Heckhausen & Schulz, 1998).

Selectivity and compensation also play a role and determine the type of control that individuals will resort to (Heckhausen & Schulz, 1998). *Selective primary control* refers to the focused investment of resources such as effort, time, and abilities. *Compensatory primary control* is necessary when the given internal resources of the individuals are insufficient to attain a desired goal. *Selective secondary control* serves to enhance the selectivity of resource investment in ongoing pursuits of primary control goals. This type of secondary control operates on the level of cognitive strategies and serves to increase motivational commitment towards

desired goals (Wahl et al., 2004). *Compensatory secondary control* buffers the potential negative effects of failure on the motivational resources of the individual, and thus promotes the long-term potential for primary control. For Wahl et al., this form of secondary control involves the substitution or self-serving alteration of goals that are no longer achievable.

Primary and secondary control strategies can be likened to coping strategies. Problem-focused coping involves efforts to act on the source of the stress, so as to change it. Emotion-focused coping involves efforts to regulate emotional states associated with stressors (Weisz et al., 1994). The adaptive or adjustment value of a coping response may depend on the controllability of the stressor. For stressors that are low in controllability, coping that involves adjusting oneself to the stressor may actually be more adaptive. It is important to note that adjusting oneself to the situation one is in does not necessarily imply *acceptance* of the situation (as suggested by Morling & Evered, 2006). One can simultaneously strive for secondary as well as primary control (Nickels, 2008).

Present Study and Hypotheses

The present research studies Aboriginal and non-Aboriginal residents of Alberta in order to explore the interrelationship among their views of the justice system, their perceptions of their own primary and secondary control towards the justice system, and their expressions of satisfaction both before and after involvement with the justice system.

People, in general, have a very limited understanding of the justice system (Stratton, 2006). Furthermore, perceptions of the justice system are largely influenced by criminal law-related issues. Stories of injustices such as people who are being stopped and arrested, children being unjustly apprehended and removed from their families, as well as prison inmates and individuals who are targeted for a crime due to racial and ethnic biases abound in mass media and on the streets (BLINK, 2006; The John Howard Society of Alberta, 2005). In Canada, Aboriginals have a profoundly negative history of involvement with the law (Stratton, 2006). Indeed, it has been found that there are many factors unrelated to legal problems that play a significant role in the detrimental way indigenous people are treated in most justice systems (MacNamara, 1993). Factors such as fewer social supports, less resources, lack of cultural understanding, and discrimination culminate to create an often frightening, unpredictable, and adverse legal system. Accordingly, Hypothesis One is: Aboriginal participants involved with the Canadian justice system will report lower total levels of perceived personal control (i.e., primary and secondary control combined) than non-Aboriginal participants.

Women are less likely to be involved with the justice system, in general, and much less likely to be involved with the criminal justice system than are men (Canadian Centre for Justice Statistics, 2009). Women, for example, currently represent only 18% of adults charged with criminal offenses in Canada. Furthermore, women who appear in court are less likely than men to be found guilty (51% of cases involving female defendants result in convictions vs. 59%

involving male defendants) of the crimes they have been charged with. Women most often come into contact with the justice system as plaintiffs, and they have a much easier time of finding affordable legal representation and support than men (Canadian Bar Association, 1993; Mossman, 1994). Furthermore, members of visible minority groups are more likely to be receive harsher treatment at subjective points in legal processes, such as sentencing, when involved with the criminal justice system (Banks, 2004; Human Rights Watch 2006; Mauer, 1999). Given these findings, and the fact that Aboriginals are overrepresented in the Canadian justice system (Statistics Canada, 2006), it would follow that Aboriginal men would have particularly low levels of perceived control. Therefore, Hypothesis Two is: Aboriginal men involved with the Canadian justice system will report lower levels of perceived control than all other groups (Aboriginal women, non-Aboriginal men, and non-Aboriginal women).

Aboriginals and non-Aboriginals often differ in which type of control they favour or emphasize. Western cultures that traditionally value individuality over collectivism tend to place more emphasis on changing the world and primary control, whereas cultures that traditionally value harmony over individuality tend to place more emphasis on covert coping styles and secondary control (Kurman & Dan, 2007; Weisz et al., 1999). Therefore, Hypothesis Three is: Aboriginal participants involved with the Canadian justice system will report higher levels of perceived control for secondary control conditions than non-Aboriginal, whereas, non-Aboriginal participants involved with the Canadian justice system will report higher levels of perceived control for primary control conditions than Aboriginals.

High levels of perceived primary control are generally agreed to be optimal for psychological wellbeing (Astin & Shaprio, 1997; McQuillen et al., 2003; Wahl et al., 2004). However, the justice system is highly structured and often punitive, which can reduce individuals' perceived levels of primary control by instilling the impression that they have little

or no means of influencing what happens to them. It is, therefore, necessary for people to resort to secondary control strategies when involved in legal processes (Astin & Shapiro, 1997).

According to Wahl et al., hopefulness and optimism levels are higher when people can resort to primary as well as secondary control tactics. A recent research study (Hamm, 2010) reported a significant, positive correlation between ratings of primary control and secondary control across both gender and setting. Because there may be no reason to doubt that a similar correlation will also hold across Aboriginal and non-Aboriginal groups, Hypothesis Four is: A significant, positive correlation will be found between ratings of primary and secondary control, regardless of ethnicity or gender of participants.

The negative experiences that accompany marginalization lead people who are members of minority groups to experience, on average, less trust in institutions such as the justice system and to be less likely to voluntarily seek out supports and services (Banks, 2004). When it comes to involuntary involvement with the justice system, however, visible minority groups are often overrepresented. In Canada, Aboriginal people are significantly overrepresented in the justice system (Solicitor General of Alberta, 2007; Statistics Canada, 2007) and tend to perceive the justice system as lacking cultural sensitivity and being both ineffective and discriminatory (Aboriginal Justice Enquiry, 1991; Stratton, 2006). On this basis, Hypothesis Five is: Aboriginal participants involved with the Canadian justice system will be less likely than non-Aboriginal participants (a) to expect to be satisfied with the outcomes of any legal services and (b) to be actually satisfied with the outcomes after considerable experience with (or termination of) the service.

Method

Participants

One hundred and twenty two participants were recruited from organizations in Alberta that provide legal services in their offices as well as public locations such as libraries and shopping malls. The participants were individuals who had either voluntarily contacted the organizations to request legal services or had been involuntarily involved with legal and law enforcement services (i.e., being arrested or sued). Of these participants, 55 identified themselves as Aboriginal, 65 identified themselves as Caucasian or another non-Aboriginal grouping, and two failed to provide clear ethnic identification.

Measures

Participants completed the *Perceptions of Control (POC)* questionnaire (Appendix A). This instrument, created specifically for this study, collects basic demographic information, including age, gender, education, annual income, and ethnicity. It also serves as the source for the determination of which participants identify themselves as being Aboriginal or non-Aboriginal (Table 1).

Although a list of ethnic backgrounds was provided, subjects were also able to add their own listing and even give multiple listings. When participants identified themselves as being of multiple ethnic backgrounds, they were asked to write with which ethnic group they most identified (these choices are listed in the second column in Table 1). This “self-identification” was used as the basis for ethnic classification of participants in this study. Participants were classified as *Aboriginal* based on self-identification in the POC as First Nations, Métis, or Inuit. Participants were also classified as male or female based on their self-identification.

Table 1.

Ethnicity and Gender of Participants

Ethnic Groups	Identify With Most	Females	Males	Total
Aboriginal Participants				
Single Response				
First Nations	First Nations	11	21	32
Métis	Métis	0	12	12
Inuit	Inuit	1	0	1
Other				
• Cree	Cree but counted as First Nations	0	2	2
Multiple Responses				
• First Nations/Cree	Both but counted as First Nations	2	1	3
• First Nations/Métis	Both but counted as First Nations	1	0	1
• First Nations/Métis	Métis but counted as First Nations	1	0	1
• Métis/Native Spirituality	No entry but counted as First Nations	0	1	1
• First Nations/Black	First Nations	1	0	1
• First Nations/White	First Nations	1	0	1
Non-Aboriginal Participants				
Single Response				
Caucasian	Caucasian	7	42	49
African	African	1	1	2
Asian	Asian	6	2	8
Hispanic/Latino	Hispanic/Latino	0	2	2
East Indian	East Indian	0	1	1
Middle East	Middle East	0	1	1
Other				
• White/World Citizen	World Citizen but counted as White	1	0	1

Ethnic Groups	Identify With Most	Females	Males	Total
Multiple Responses				
• White/First Nations	White	0	1	1
Undeclared				
• Other: "every ethnic group"	Not Counted	0	1	1
• No entry	Not Counted	0	1	1
TOTAL		33	89	122

Demographics are presented in Table 2.

The POC also includes a scale that assesses individuals' perceptions about the amount of control they have when engaged with specific legal services within a justice system. This scale is based on eight scenarios (four related to treatment by legal service staff and four related to the usefulness of the legal services). Each scenario is rated twice, first for the participant's level of primary control over the external situation and second for the participant's level of secondary control over the self in that situation. If participants are involved with multiple legal services, they are asked to give ratings on the basis of the service they had begun using most recently. The scale was specifically developed for this study but was adapted in part from Lamboo's (2008) Assessment of Control Questionnaire.

The POC scale yields four scores: primary control treatment score, primary control usefulness score, secondary control treatment score, and secondary control usefulness score. Each score per participant was calculated by summing the ratings (each from 1 to 5) given to the four scenarios measuring the twofold combination of within-group variables under consideration.

Table 2.

Participants' Demographics

	Aboriginals	Non-Aboriginals
Age		
Range	19 - 63	12 – 74
Mean	35.94	38.84
Unreported	0	1
Income		
Range	\$0 – 60,000.00	\$0 – 120,000.00
Mean	\$19,431.93	\$26,068.11
Unreported	16	12
Education		
Less than high school	19	12
High school	22	22
Partial post secondary	4	13
Trade/College diploma	3	2
University degree	2	5
Graduate degree	0	2
Multiple degrees/diplomas	0	2
Unreported	6	7

Note: Only one participant was below the age of 18, and this non-Aboriginal and his guardian were both involved in the same legal issue for which they made contact with a legal service.

Negative items are reverse scored. Higher scores indicate higher levels of perceived control (the scoring guide is included in Appendix A).

An example of a primary control treatment item (A) and a secondary control treatment item (B) from the POC is:

You want the staff at a legal service to care about what happens to you.		
(A) You CANNOT control the <u>outcome</u> that occurs	1----2----3----4----5	You COMPLETELY control the <u>outcome</u> that occurs
(B) You CANNOT control your <u>adjustment</u> to Whatever outcome occurs	1----2----3----4----5	You COMPLETELY control your <u>adjustment</u> to whatever outcome occurs

An example of a primary control usefulness item (A) and a secondary control usefulness item (B) from the POC scale is:

You want to get immediate help from a legal service.		
(A) You CANNOT control the <u>outcome</u> that occurs	1----2----3----4----5	You COMPLETELY control the <u>outcome</u> that occurs
(B) You CANNOT control your <u>adjustment</u> to whatever outcome occurs	1----2----3----4----5	You COMPLETELY control your <u>adjustment</u> to whatever outcome occurs

The *Expected Satisfaction with Legal Processes (ESLP)* scale was also administered. This instrument was developed for this study and consists of eight items that measure the satisfaction that participants expect to get from the specific legal services that they are currently participating in (Appendix B). Again, four items measure treatment by legal service staff and four the usefulness of the legal service. Two scores are calculated for each participant: treatment

satisfaction score and usefulness satisfaction score Negative items are reverse scored. Higher scores indicate positive expectations about the participants' experiences with the justice system (the scoring guide is included in Appendix B).

An example of a Treatment item from the ESLP is:

I am confident that the staff at this legal service will give me the support I need.					
1	2	3	4	5	
1 = VERY UNTRUE of me					
2 = MODERATELY UNTRUE of me					
3 = NEITHER true nor untrue of me					
4 = MODERATELY TRUE of me					
5 = VERY TRUE of me					

An example of a Usefulness item from the ESLP is:

I believe that using this service will be a waste of my time.					
1	2	3	4	5	
1 = VERY UNTRUE of me					
2 = MODERATELY UNTRUE of me					
3 = NEITHER true nor untrue of me					
4 = MODERATELY TRUE of me					
5 = VERY TRUE of me					

The *Obtained Satisfaction with Legal Processes* (OSLP) scale was also developed for this study and contains the same eight items as the ESLP, but stated in the past tense. The OSLP measures how satisfied participants have been with the specific legal services that they have already participated in (Appendix C). This scale is scored the same way as the ESLP. Higher scores indicate positive outcome experiences with the justice system (the scoring guide is

included in Appendix C).

An example of a Treatment item from the OSLP is:

Staff at this legal service gave me the support I needed.

1 2 3 4 5

1 = VERY UNTRUE of me
 2 = MODERATELY UNTRUE of me
 3 = NEITHER true nor untrue of me
 4 = MODERATELY TRUE of me
 5 = VERY TRUE of me

An example of a Usefulness item from the OSLP is:

I got the outcome that I wanted from this legal service.

1 2 3 4 5

1 = VERY UNTRUE of me
 2 = MODERATELY UNTRUE of me
 3 = NEITHER true nor untrue of me
 4 = MODERATELY TRUE of me
 5 = VERY TRUE of me

By taking into consideration both the ESLP and the OSLP, four satisfaction scores were obtained: expected treatment score, expected usefulness score, outcome treatment score, and outcome usefulness score. Each score per participant was calculated by summing the ratings (each from 1 to 5) given to the four scenarios measuring the twofold combination of within-group variables under consideration.

Procedure

In the initial plan for collecting data, staff involved in reception and intake/enrolment at

legal services offices in the cities of Calgary and Edmonton in Alberta, Canada were supposed to tell individuals applying for services about this study and ask them if they would be willing to participate.

Staff was to provide a consent form (Appendix D) and questionnaire packages containing the POC and ESLP to those who agree to participate. These participants would then be asked to sign the consent form and complete the first package while in the office. The package containing the OLSP would be given to them by the researcher after completion of the participants' involvement with the legal services they were responding about.

Unfortunately, this approach very quickly proved to be ineffective. Only four organizations agreed to distribute the questionnaire packages. These four chose to leave the packages in their reception areas with a poster that provided information about the project. Two months into data collection, only one questionnaire had been returned using this approach. When these organizations were revisited, despite good intentions on everyone's part, the questionnaires were often covered by other flyers or brochures or pushed to the corner of desks or tables. In two instances they had been completely lost and were never found. In one instance, a staff member had thought the packages had been completed already and stored them in an office for safe keeping when, in actuality, they had only been placed on the front desk for a short period of time and none had been completed.

I chose to address these issues by utilizing a more hands-on approach that had been very successful in another similar research project I was managing. I recontacted legal services as well as other public venues and asked if I could set up a table in their reception areas to recruit participants. I introduced my study to individuals who were seeking legal services and asked them if they would be interested in participating. For those who were, I distributed the POC and ESLP and asked them to complete the packages right then. I would then contact the participants,

as originally planned, to complete the OSLP.

Between February and May of 2009, I recruited participants as follows:

- three half days at the main branch of the Calgary Public Library,
- three half days and one two hour evening session at the main branch Edmonton Public Library (I was located near the *Law* sections in both libraries except for the evening session at the Edmonton library for which I was located in the newly opened *Aboriginal* section),
- one two hour session at the Calgary Legal Guidance Centre,
- two four hour sessions at the Bonny Doon Shopping Center in Edmonton,
- one two hour session at the Multicultural Health Brokers Co-op in Edmonton,
- one four hour session at the Sik Sika Nation office in Calgary, and
- one four hour session at the Calgary Court Centre.

I also recruited participants through talking to people about my research at conferences such as Alberta's Annual Law Day and various Annual General Meetings, as well as by word of mouth. Participation was restricted to individuals who had a current legal need and were seeking out any specific legal service in Alberta.

For each participant recruiting session, I set up a table and provided free coffee and doughnuts. I explained the project to anybody who expressed an interest and provided them with the consent form that further explained what was required of them if they chose to participate. I also assured each of them that their names would be entered into a draw to win one of five gift cards to the store of their choice upon completing of the OSLP. Of the original 122 contacts, 114 stated that they were interested in having their names entered in the draw.

All of the 122 contacts agreed to participate, completed the POC and ESLP at the time of

contact, and were told they would be contacted later to complete the final questionnaire (OSLP). Participants were advised that the OSLP would be completed whenever one of the following participant outcomes was reached: resolution of the legal problem, withdrawal from use of the legal service, or the passage of six months from the original contact. Of the 122 participants administered the POC and ESLP, 117 completed the OSLP. The five who did not complete the OSLP (and were, therefore, eliminated from the satisfaction analyses) were three male Caucasians, one male East Indian, and one female Inuit. Data on two participants who completed all questionnaires were not included in any ethnic analysis because one male did not indicate any ethnicity and one male identified himself with “every ethnic group.” An additional 10 participants were eliminated from the control analyses and 2 from the satisfaction analyses, because they answered less than 75% of the items in the relevant questionnaires. Thus, 110 participants were included in the control analyses and 113 participants were included in the satisfaction analyses (see the Results Section for more details).

After interviewing was finished, all 117 participants who completed the OSLP were entered in the prize draw and five names were drawn as winners of \$25 gift cards to the stores of their choice. One male winner could not be contacted because his mobile telephone had been disconnected by the time the draw took place, so another name was drawn. Three women (all non-Aboriginal) and two men (one Aboriginal and one non-Aboriginal) won gift cards. Two winners chose grocery stores, one chose a clothing store, and two have yet to claim their prizes.

Design

Variables. Two dependent variables serve as the major focus of the present study. The first dependent variable is the amount of perceived control of participants, specifically relating to their experiences with the Canadian justice system. The second dependent variable is the amount of satisfaction with the justice system that participants reported.

The major analyses investigating participants' perceived control involve four independent variables. The first independent variable is ethnicity or participant ancestry (i.e., Aboriginal vs. non-Aboriginal); the second is type of perceived control (i.e., primary control vs. secondary control); and the third is target of control (i.e., treatment vs. usefulness).

One demographic that seemed to be potentially important was participant gender. I noted informally that the female participants with whom I conversed tended to speak about accessing legal services for reasons such as child support or domestic violence. However, male participants often spoke about having confrontations with police, facing criminal charges, and acting as advocates on behalf of other people. I, therefore, decided that it would be prudent to consider the relationship between gender and legal experiences when evaluating the findings. Thus, gender is a fourth independent variable in the analysis of perceived control.

The major analyses investigating participants' satisfaction with the Canadian justice system involve two of the four independent variables already used in the control analysis, namely, ethnicity and gender. A third independent variable (similar to target of control) is target of satisfaction (i.e., treatment by vs. usefulness of the service). The fourth independent variable is the time at which the satisfaction data were obtained (i.e., during current contact with the justice system through the ESLP vs. after the contact was over through the OSLP).

Testing the Hypotheses

Hypotheses One to Three, using control ratings as the dependent variable, were tested by means of a 2 x 2 x 2 x 2 repeated-measures ANOVA analysing participants' levels of perceived control for Aboriginals vs. non-Aboriginals, males vs. females, primary vs. secondary control, and treatment vs. usefulness. The first two variables were between groups; the last two were within groups. This ANOVA used the data obtained from the POC. Prior to performing the

ANOVA, an analysis of internal consistency was conducted. This analysis was conducted by calculating Cronbach's alpha to determine the reliability of the items in this scale. The scale had satisfactory reliability ($\alpha = .93$).

Hypothesis Four was tested by means of a Pearson product moment correlation based on control ratings from the POC for primary control versus secondary control.

Hypothesis Five, using the dependent variable of satisfaction, was tested by means of a second $2 \times 2 \times 2 \times 2$ repeated-measures ANOVA analysing participants' levels of perceived satisfaction for Aboriginals vs. non-Aboriginals, males vs. females, pre-process vs. post-process, and treatment vs. usefulness. Again, the first two variables were between groups and the last two were within groups. This ANOVA used gender data obtained from the POC as well as satisfaction data from the ESLP and OSPL. The ESPL and OSPL also had satisfactory reliability ($\alpha = .84$ and $\alpha = .76$, respectively).

Results

Prior to conducting the data analyses, each participant's responses were checked for missing data. In order for participants to be included in the control or satisfaction analyses, they had to have answered at least 75% of the questions involved in any of the four-item categories of analysis. For example, in the control analysis, four items contributed to the primary control and treatment category, so two or more missing ratings would violate the 75% rule. If only one of the four items was missing, the missing rating was given the mean of the available three ratings in that category.

Ten participants were omitted from the control analyses and two participants were omitted from the satisfaction analyses due to their not fulfilling the 75% rule: two Caucasian females, one Caucasian male, one African female, one Asian female, one First Nations female, one First Nations male, and three Métis males. The two participants excluded from the satisfaction analyses were Hispanic males. As indicated previously, two additional participants were omitted from all analyses because they did not clearly identify their ethnicities. In total, twelve participants (9.8%) were omitted from the Aboriginal vs. non-Aboriginal control analyses (N = 110), and nine participants (7.4%) were omitted from the comparable satisfaction analyses (N = 113).

Perceived Control (Hypotheses 1 to 4)

Findings for Aboriginal Participants. Total control scores for each participant were calculated by summing the ratings for all 16 items in the POC. The maximum possible total control score was 5 (highest rating) x 4 (number of ratings per category) x 4 (number of rating categories) or 80, and the minimum total control score was 1 x 4 x 4 or 16.

Means and standard deviations for all variables are presented in Table 3. Comparable

ANOVAs for all variables are presented in Table 4. These results plus follow-up tests of simple effects, where relevant, reveal (a) a type of control main effect with secondary control scores significantly higher than primary control scores, (b) a gender by ethnicity interaction with male control scores lower than female control scores but only for Aboriginals, $F(1, 106) = 7.51, p < .007, \eta_p^2 = 0.07$, and Aboriginals' control scores higher than non-Aboriginals' control scores but only for females, $F(1, 106) = 6.58, p < .012, \eta_p^2 = 0.06$, and (c) a target of control by target of control interaction with secondary control scores higher than primary control scores but only for treatment items, $F(1, 106) = 14.15, p < .001, \eta_p^2 = 0.12$, and usefulness items higher in control than treatment items but only for primary control, $F(1, 106) = 6.23, p < .014, \eta_p^2 = 0.06$. Based on these results, Hypotheses One and Three were not confirmed in that no ethnic difference was found in control ratings between Aboriginals (First Nations, Métis, and Inuit) and non-Aboriginals (all other groups). Hypothesis Two was partially confirmed in that, although Aboriginal men's control scores were lower than those of all other gender and ethnic groupings, they were only significantly lower than Aboriginal women's control scores.

The Pearson Product Moment Correlation Coefficient between primary and secondary control scores for all subjects was highly and positively correlated, $r(110) = .63, p < .001$, indicating that as individuals' perceived levels of secondary control increase, their perceived levels of primary control likewise increase. Thus, Hypothesis Four was confirmed.

Table 3.

Means and Standard Deviations for Aboriginals and Non-Aboriginals on Control

Type & Target of Control	Aboriginals		Non-Aboriginals	
	Females	Males	Females	Males
Primary Control – Treatment				
<i>M</i>	13.50	11.35	10.15	12.58
<i>SD</i>	4.02	3.99	2.30	4.40
Primary Control – Usefulness				
<i>M</i>	14.69	11.65	12.08	13.00
<i>SD</i>	2.96	3.56	3.73	4.56
Secondary Control – Treatment				
<i>M</i>	16.13	12.74	11.65	13.49
<i>SD</i>	4.07	4.33	4.24	4.24
Secondary Control – Usefulness				
<i>M</i>	15.25	12.06	12.12	13.30
<i>SD</i>	3.32	4.16	4.05	4.73
All Subjects				
N	16	34	13	47

Note: Each entry is based on the sum of four scores for each participant.

Table 4.

ANOVA Results for Aboriginals and Non-Aboriginals on Control

Source	<i>df</i>	Mean Square	<i>F</i>	<i>p</i>	Partial Eta Squared
Between subjects					
Ethnicity (E)	1	106.45	2.12	0.15	0.020
Gender (G)	1	38.47	0.77	0.38	0.007
E x G	1	432.15	8.62	< 0.01	0.075
Error (E x G)	106	50.11			
Within subjects					
Type (T)	1	78.59	9.58	< 0.01	0.083
E x T	1	6.55	0.78	0.37	0.007
G x T	1	3.90	0.48	0.49	0.004
E x G x T	1	1.49	0.18	0.67	0.002
Error (Type)	106	8.20			
Target (R)	1	8.53	1.30	0.26	0.012
E x R	1	9.49	1.45	0.23	0.014
G x R	1	10.66	1.63	0.20	0.015
E x G x R	1	2.80	0.43	0.51	0.004
Error (Type)	106	6.53			
T x R	1	34.39	12.33	< 0.01	0.104
E x T x R	1	1.19	0.43	0.52	0.004
G x T x R	1	4.92	1.76	0.19	0.016
E x G x T x R	1	0.08	0.03	0.86	< 0.001
Error (T x R)	106	2.79			

*Findings for First Nations Participants*². The original intent of this study was to compare the legal experiences of Aboriginals to those of people from other cultural backgrounds. However, I noticed during the early stages of the study that Aboriginal participants were very specific about identifying themselves as belonging to specific ethnic subdivisions, such as First Nations, Cree, Métis, or Inuit. Therefore, I thought that it might be revealing to focus in on the more specific ethnic identifications. However, at the end of the study, it became apparent that there were relatively few Métis (12) and Inuit (1) participants; an insufficient number to evaluate them separately. On the other hand, there was a sufficient representation of First Nations (N = 37 for control analyses, 39 for satisfaction analyses) to duplicate the original analysis on Aboriginal subjects. Therefore, I repeated the original ANOVA by focusing on First Nations subjects specifically and omitting all Métis and Inuit. I kept the non-Aboriginal group the same so that any difference in findings would be due to the absence of Métis and Inuit participants. The two additional participants who were omitted from the control analyses when focusing on First Nations due to identifying with multiple Aboriginal groups were both female.

Means and standard deviations for all variables using the First Nations vs. non-Aboriginal distinction are presented in Table 5 with the comparable ANOVAs contained in Table 6. All of the same significant findings that had emerged in the first analyses were found again. These results plus follow-up tests, where appropriate, reveal (a) a type of control main effect with secondary control scores significantly higher than primary control scores, (b) a gender by ethnicity main effect with female control scores significantly higher than male control scores but only for First Nations, $F(1, 93) = 5.53, p < .021, \eta_p^2 = 0.06$ and First Nations control

²The statistical analyses were also run comparing First Nations to Caucasians only and no additional significant findings regarding ethnic differences emerged.

Table 5.

Means and Standard Deviations for First Nations and Non-Aboriginals on Control

Type & Target of Control	First Nations		Non-Aboriginals	
	Females	Males	Females	Males
Primary Control – Treatment				
<i>M</i>	13.31	11.67	10.15	12.58
<i>SD</i>	4.43	4.37	2.30	4.40
Primary Control – Usefulness				
<i>M</i>	15.15	11.63	12.08	13.00
<i>SD</i>	2.61	3.99	3.73	4.56
Secondary Control – Treatment				
<i>M</i>	16.39	13.13	11.65	13.49
<i>SD</i>	2.66	3.99	4.24	4.24
Secondary Control – Usefulness				
<i>M</i>	15.77	12.54	12.12	13.30
<i>SD</i>	2.95	4.22	4.05	4.73
All Subjects				
N	13	24	13	47

Note: Each entry is based on the sum of four scores for each participant.

Table 6.

ANOVA Results for First Nations and Non-Aboriginals on Control

Source	<i>df</i>	Mean Square	<i>F</i>	<i>p</i>	Partial Eta Squared
Between subjects					
Ethnicity (E)	1	145.02	2.80	0.10	0.029
Gender (G)	1	32.36	0.63	0.43	0.007
E x G	1	374.33	7.23	0.01	0.072
Error (E x G)	93	51.78			
Within subjects					
Type (T)	1	89.64	11.06	< 0.01	0.106
E x T	1	12.70	1.57	0.21	0.017
G x T	1	3.12	0.39	0.54	0.004
E x G x T	1	1.12	0.14	0.71	0.001
Error (Type)	93	8.11			
Target (R)	1	11.97	1.80	0.18	0.019
E x R	1	4.66	0.70	0.41	0.007
G x R	1	18.53	2.78	0.10	0.029
E x G x R	1	0.10	0.02	0.90	0.000
Error (Target)	93	6.66			
T x R	1	29.81	10.31	< 0.01	0.100
E x T x R	1	0.98	0.34	0.56	0.004
G x T x R	1	8.80	3.04	0.08	0.032
E x G x T x R	1	1.34	0.46	0.50	0.005
Error (T x R)	93	2.89			

scores higher than non-Aboriginals control scores but only for females $F(1, 93) = 6.07, p < .011, \eta_p^2 = 0.07$, and (c) a type of control by target of control interaction with secondary control scores significantly higher than primary control scores but only for treatment items, $F(1, 93) = 13.88, p < .001, \eta_p^2 = 0.13$ and usefulness items higher in control than treatment items but only for primary control $F(1, 93) = 6.13, p < .015, \eta_p^2 = 0.06$.

Perceived Satisfaction (Hypothesis 5)

Total expected satisfaction scores were calculated for each participant by summing ratings on all 8 items (4 treatment and 4 usefulness) in the ESLP. The maximum possible total expected satisfaction score was 5 (highest rating) x 4 (number of ratings per category) x 2 (number of rating categories) or 40, and the minimum score 1 x 4 x 2 or 8. Means for all variables using the Aboriginal vs. non-Aboriginal distinction are presented in Table 7. Comparable ANOVAs for all variables are presented in Table 8. These results plus follow-up tests of simple effects, where appropriate, reveal (a) a target of satisfaction main effect with satisfaction-usefulness scores higher than satisfaction-treatment scores and (b) a gender by time interaction with expected satisfaction scores significantly higher than outcome satisfaction scores but only for females, $F(1, 109) = 5.67, p < .019, \eta_p^2 = 0.05$.

Based on these results, Hypothesis Five was not confirmed in that no ethnic difference was found in satisfaction ratings between Aboriginals (First Nations, Métis, and Inuit) and Non-Aboriginals (all other groups).

Findings for First Nations Participants. As with the control analyses, I ran a more focussed analysis on First Nations participants by omitting the Métis and Inuit participants. As before, the significant findings in the Aboriginal vs. non-Aboriginal analyses were significant in the First Nations vs. non-Aboriginal analyses. However, there was an additional significant

Table 7.

Means and Standard Deviations for Aboriginals and Non-Aboriginals on Satisfaction

Time & Target of Satisfaction	Aboriginals		Non-Aboriginals	
	Females	Males	Females	Males
Expected Satisfaction - Treatment				
<i>M</i>	14.81	12.82	14.59	13.52
<i>SD</i>	2.61	3.63	3.81	3.93
Expected Satisfaction - Usefulness				
<i>M</i>	15.44	14.11	14.82	14.55
<i>SD</i>	2.63	3.76	2.98	3.64
Outcome Satisfaction - Treatment				
<i>M</i>	14.00	13.50	12.59	13.83
<i>SD</i>	2.37	2.85	3.52	3.49
Outcome Satisfaction - Usefulness				
<i>M</i>	14.44	13.60	14.29	14.80
<i>SD</i>	2.50	3.78	3.87	3.80
All Subjects				
N	16	38	17	42

Note: Each entry is based on the sum of four scores for each participant.

Table 8.

ANOVA Results for Aboriginals and Non-Aboriginals on Satisfaction

Source	<i>df</i>	Mean Square	<i>F</i>	<i>p</i>	Partial Eta Squared
Between subjects					
Ethnicity (E)	1	0.13	0.004	0.95	< 0.001
Gender (G)	1	26.43	0.74	0.39	0.007
E x G	1	37.65	1.06	0.31	0.010
Error (E x G)	109	35.50			
Within subjects					
Time (I)	1	18.92	2.77	0.10	0.025
E x I	1	0.16	0.02	0.88	< 0.001
G x I	1	37.65	5.51	0.02	0.048
E x G x I	1	1.77	0.26	0.61	0.002
Error (I)	109	6.83			
Target (R)	1	59.40	18.19	< 0.01	0.143
E x R	1	3.21	0.98	0.32	0.009
G x R	1	0.21	0.63	0.80	< 0.001
E x G x R	1	0.11	0.03	0.86	< 0.001
Error (R)	109	3.27			
I x R	1	< 0.01	< 0.01	0.98	< 0.001
E x I x R	1	11.39	3.73	0.06	0.033
G x I x R	1	9.34	3.06	0.08	0.027
E x G x I x R	1	0.40	0.13	0.72	< 0.001
Error (I x R)	109	3.05			

finding regarding participants' levels of satisfaction.

Means and standard deviations for all variables using the First Nations vs. non-Aboriginal distinction are presented in Table 9. Comparable ANOVAs for all variables are presented in Table 10. These results plus follow-up tests of simple effects, where appropriate, reveal (a) a target of satisfaction main effect with satisfaction-usefulness scores significantly higher than satisfaction-treatment scores, (b) a gender by time interaction with expected satisfaction scores significantly higher than outcome satisfaction scores but only for females, $F(1, 94) = 6.86, p = .01, \eta_p^2 = 0.07$, and (c) an ethnicity by time by target interaction with usefulness control scores significantly higher than treatment control scores for First Nations on the ESLP ($F(1, 94) = 11.93, p < .01, \eta_p^2 = 0.11$) and for non-Aboriginals on the OSLP ($F(1, 94) = 11.36, p < .01, \eta_p^2 = 0.01$).

Other Quantitative Findings

Perceived Control and Demographics. Pearson Product-Moment correlations were calculated to determine if there were relationships among participants' perceived levels of control and key demographic variables, including age, educational attainment, employment status, and annual income. Correlations were calculated for Aboriginals and non-Aboriginals as well as for First Nations and non-Aboriginals. For the Aboriginals and non-Aboriginals, no significant correlations emerged.

For First Nations and non-Aboriginals:

Age was negatively correlated with perceived primary control over the usefulness of legal services ($r(95) = -.21, p < .04$) but not treatment. However, this relationship did not remain significant when primary control over treatment was partialled out ($r(95) = .10, p < .34$). It also no longer reached significance when secondary control over usefulness ($r(95) = .12, p < .22$) and treatment ($r(95) = .06, p < .54$) was partialled out.

Table 9.

Means and Standard Deviations for First Nations and Non-Aboriginals on Satisfaction

Time & Target of Satisfaction	First Nations		Non-Aboriginals	
	Females	Males	Females	Males
Expected Satisfaction - Treatment				
<i>M</i>	15.14	12.48	14.59	13.52
<i>SD</i>	2.63	3.41	3.81	3.93
Expected Satisfaction - Usefulness				
<i>M</i>	15.86	14.48	14.82	14.55
<i>SD</i>	2.48	3.71	2.98	3.64
Outcome Satisfaction - Treatment				
<i>M</i>	14.14	13.88	12.59	13.83
<i>SD</i>	2.48	3.27	3.52	3.49
Outcome Satisfaction - Usefulness				
<i>M</i>	14.64	14.28	14.29	14.80
<i>SD</i>	2.59	4.34	3.87	3.80
All Subjects				
N	14	25	17	42

Note: Each entry is based on the sum of four scores for each participant.

Table 10.

ANOVA Results for First Nations and Non-Aboriginals on Satisfaction

Source	<i>df</i>	Mean Square	<i>F</i>	<i>p</i>	Partial Eta Squared
Between subjects					
Ethnicity (E)	1	4.68	0.13	0.73	< 0.001
Gender (G)	1	23.31	0.62	0.43	0.007
E x G	1	33.22	0.89	0.35	0.009
Error (E x G)	94	37.47			
Within subjects					
Time (I)	1	11.44	1.82	0.18	0.019
E x I	1	1.17	0.19	0.67	0.002
G x I	1	54.55	8.67	< 0.01	0.084
E x G x I	1	0.13	0.02	0.89	< 0.001
Error (I)	94	6.29			
Target (R)	1	73.38	22.97	< 0.01	0.196
E x R	1	0.13	0.04	0.84	< 0.001
G x R	1	1.97	0.62	0.43	0.007
E x G x R	1	1.66	0.52	0.47	0.005
Error (R)	94	3.20			
I x R	1	0.21	0.06	0.81	0.001
E x I x R	1	10.92	3.97	0.05	0.041
G x I x R	1	10.92	3.23	0.08	0.033
E x G x I x R	1	0.03	< 0.01	0.93	< 0.001
Error (I x R)	94	3.39			

A partial correlation was then calculated to determine if the relationship between age and primary control of the usefulness of legal services held when ethnic grouping and other variables that were significantly related to age – employment status and household income - were controlled for. The negative relationship between age and perceived primary control over the usefulness of legal services remained significant ($r(92) = -.22, p < .04$) when ethnic grouping was partialled out. The same was true when employment status was partialled out ($r(79) = -.26, p < .02$) and when gross household income was partialled out ($r(72) = -.24, p < .04$).

Perceived Satisfaction and Demographics. Pearson Product-Moment Correlation Coefficients were also calculated to determine if there were relationships between participants' perceived levels of expected and outcome satisfaction and key demographics, including age, educational attainment, employment status, and annual income.

For Aboriginals and non-Aboriginals:

Educational attainment was negatively related to expected satisfaction with treatment ($r(103) = -.23, p < .02$) and total expected satisfaction ($r(103) = -.21, p < .04$). When expected satisfaction regarding the usefulness of legal services was partialled out the relationship between educational attainment and expected treatment satisfaction was no longer significant ($r(103) = -.16, p < .13$).

For First Nations and non-Aboriginals:

Employment status was negatively correlated with expected treatment satisfaction ($r(91) = -.21, p < .05$). When expected usefulness satisfaction was partialled out, however, this relationship was no longer significant ($r(75) = -.004, p < .97$).

Control and Satisfaction. Pearson Product Moment Correlation Coefficients between perceived control and expected as well as outcome satisfaction were significant.

For Aboriginals and non-Aboriginals:

Total perceived control was positively related to outcome satisfaction with the treatment

participants received ($r(103) = .23, p < .02$). Perceived secondary control was positively related to outcome satisfaction for both usefulness ($r(103) = .20, p < .05$) and treatment ($r(103) = .24, p < .01$). Outcome satisfaction with treatment was positively related to perceived primary control ($r(103) = .21, p < .04$) and perceived secondary control ($r(103) = .23, p < .01$) over the usefulness of legal services.

For First Nations and non-Aboriginals:

Total perceived control was again positively related to outcome satisfaction with the treatment participants received ($r(91) = .26, p < .01$). This relationship did not remain significant when ethnicity was partialled out. The same was true when gross income, educational attainment, gender, and age were partialled out. Outcome satisfaction was also positively correlated with primary control over the usefulness of services ($r(91) = .22, p < .03$), secondary control over the usefulness of services ($r(91) = .31, p < .003$), and secondary control over treatment ($r(91) = .33, p < .002$). None of these three relationships remained significant with the two variables were partialled out.

Demographics. Relationships among demographic variables were explored for all participants who were included in the control and satisfaction analyses.

For Aboriginals and non-Aboriginals:

Employment status (unemployed, receiving government or spousal financial support, or employed) was positively correlated with educational attainment ($r(87) = .21, p < .05$) gross household income ($r(82) = .69, p < .001$). It should be noted that participants who were receiving financial support were categorized separately for those who were employed. Age was positively related to educational attainment ($r(98) = .21, p < .04$). Educational attainment was negatively correlated with ethnic grouping ($r(98) = -.20, p < .04$). In other words, Aboriginals had lower educational attainment than non-Aboriginals.

For First Nations and non-Aboriginals:

Employment status was again positively correlated with gross household income ($r(72) = .68, p < .001$). This relationship held when age ($r(69) = .68, p < .001$), gender ($r(69) = .69, p < .001$), education ($r(68) = .68, p < .001$), and ethnicity ($r(69) = .69, p < .001$) were partialled out. Age was again positively related to educational attainment ($r(87) = .23, p < .03$). This relationship held when employment status ($r(91) = .46, p < .001$), gender ($r(84) = .26, p < .002$), gross income ($r(68) = .23, p < .05$), and ethnicity ($r(84) = .23, p < .05$) were partialled out.

Other Qualitative Findings

After participants completed the OSLP in second phase of this study, they were asked one open-ended question relating to what they would like to see change, if anything, about the legal service(s) they used. Fifty-three participants provided feedback. Atlas.ti software was used to conduct a qualitative analysis of their responses. A number of themes emerged, including:

1. Gaps in existing services.
2. Impersonal service.
3. Workloads of staff.
4. Timeliness of service.
5. Lawyers.
6. Need for information and education.

Five participants reported that they were satisfied with the outcomes of their legal processes and did not have any suggestions for improvement:

Last time I was in court my defence was a woman as was the prosecution and the judge. I feel I was treated decently by women and more women should be in the legal system.

I was extremely surprised of respect I received as well as the outcome.

However, the majority of participants reported that there were changes they would like to see happen.

Gaps in existing services. They spoke of gaps in existing services which mainly related to the need for more staff in organizations:

More personal instead of being treated like I was going through a revolving door.

They also spoke of the need for more advocates and services for Aboriginals.

Impersonal services. Participants most commonly spoke about the lack of perceived caring, compassion, and respect they experienced when accessing legal services. They simply did not feel that they mattered to the legal service providers with whom they interacted:

[I want] to be treated like a human being, not just a number.

Staff workloads. Participants reported that they felt that staff at legal services were often faced with workloads and, in some cases, did recognize that heavy workloads may be related to the impersonal treatment the impersonal treatment they received:

[This] legal service had way too much to do to really care about my case as I am sure there were worse situations.

Timeliness of services. The most common complaint that participants reported was about the slowness of legal processes. Participants reported that they were very frustrated and annoyed with how long they had to wait to receive services or have their cases heard in court. They also reported lengthy waits for paperwork:

The wait time was long and the hours were inconvenient.

... workers sleeping at the wheel: too slow.

Lawyers. Participants wanted lawyers' help and saw the value in it, but were largely unhappy with the quality of service they received:

First, if I was...considered innocent until trial by my lawyer, 2nd if I was able to count on my legal aid lawyer to represent me as if he actually listened to what really happened to me rather than go by the police report... Legal Aid is supposed to help by financially helping to get a lawyer yet they fail to realize that (most, or the couple that I had) lawyers are ONLY interested in getting the legal aid certificate then they use us clients to fill in time without making any real effort to HELP us...

Pay lawyers cash and they work and listen to who you are??? Not[!!!]

[M]y experience of approaching a lawyer...really was impersonal, hurried, and very cut-and-dry.

Legal information and education. The final theme that emerged related to the participants' desire to have access to more information about the legal processes they were involved in. What was very apparent, however, was their desire to have details of their processes and steps explained to them along the way. They reported that they did not always understand

what was happening and why and felt that the legal professionals from whom they sought services would not take the time (and sometimes did not *have* the time) to keep them informed:

There needs to be more training for high school students while in high school.

Long term more legal education, online educational videos i.e., land claims, business, crime.

I would have liked to be more informed about other outcomes of people with the same charges and circumstances as me.

[I would like] the ability to ask more questions.

Discussion

Control

Hypothesis One. Aboriginals' experiences with the justice system in Canada have been profoundly negative, historically, and they have experienced extensive negative interactions with systems, in general. These facts are what led to the hypothesis that Aboriginals would experience less perceived control than non-Aboriginals when accessing legal services. However, findings did not support this hypothesis.

It is important to note that all except five male participants (who reported about experiences with law enforcement) reported experiences with services that they had sought out voluntarily. Even if their situations were not ones of voluntary involvement with the justice system (e.g., respondents in court cases), the majority of people still chose to report about services they had chosen to access during their legal processes. It could therefore be that this group of participants is especially proactive and have higher perceived control than a more coerced and involuntary population.

One possible reason as to why the groups' ratings were not significantly different is that considering perceived control alone is not adequate for understanding individuals' experiences with legal services. Namasivayam and Mount (2006) found that perceived fairness played a mediating role between perceived control over consumer outcomes and satisfaction with services used. Thus, because someone may believe he or she can have some influence over the outcome of a legal process does not guarantee that he or she will view the justice system as being fair and vice versa. It must further be considered that generally low regard or disdain for a person, group, entity, or in the case of this study, a system may not always equal low levels of perceived control. There has been abundant research (e.g., Andersen, 1999; Chartrand & Whitecloud, 1991; LaPrairie, 1996; MacNamara, 1993; Native Women's Association of Canada, 2007) that has

pointed to Aboriginal peoples' negative experiences and feelings about the Canadian justice system. Although, recent research (Bunta, 2004; Solicitor General of Alberta, 2007) has suggested that Canadians' confidence in the justice system may be improving somewhat, it is still mediocre (46% of Canadians expressed confidence). Yet, this may not mean that individuals view themselves as being completely without recourse when attempting to address their legal needs. Rather, it may mean that they simply assume they have to be ready to "go in fighting" because it will be a difficult or adversarial experience.

The Canadian justice system is complex and intimidating to navigate. As evidenced from their qualitative feedback, participants from both ethnic groups expressed that they did not feel that they mattered to the legal service providers and that the system is not there to help them. Lieb, Abel, Stratton, and Lowe (2009) found that, although people generally reported that the justice system is confusing and not "user friendly" – particularly when going to court – the majority of service users as well as social and health services workers who have clients who have legal needs still had positive feedback about specific services within the justice system (e.g., community legal clinics, court clerks).

Bogart and Vidmar (1990) found that members of the public tend to report negative opinions about lawyers, in general. However, they will often view their own lawyer(s) positively, thus viewing their lawyers as the exception rather than the rule. Considering these findings, it is possible that participants' levels of perceived control were not as low as expected due to the fact that they were focusing on specific services that they had use personally rather than on their perceptions of the Canadian justice system as a whole. Indeed, these participants may be viewing the services they accessed as moderately satisfactory exceptions while holding more negative opinions about the justice system, overall. The instructions, in fact, told them specifically to evaluate the current service they were using rather than legal services in general.

Furthermore, expressed confidence varies greatly between specific components of the justice system. For example, in Bunta's (2004, p. 1) study, over 85% of respondents stated that they were "somewhat" or "very" confident in the police but only 26% stated that they held any level of confidence in the youth justice system. Additionally, Lieb et al. (2009) and Lieb, Abel, and Lowe (2010) found that people tend to experience the greatest confusion, frustration, and lack of confidence when they have legal needs that involve going to court. Participants also expressed these negative feelings about lawyers (both public and private). It could be that people have more negative perspectives about particular components of the justice system. Thus, if future research were to focus solely on particular components such as lawyers or court systems, it may reveal the degree of negative perceptions of the justice system that had been anticipated in this study.

Chang (2001) observed that, although Americans who were of Asian and Western European descent reported unexpectedly similar levels of optimism about life events, it is necessary to consider differences in specific aspects of optimism (e.g., what part of the experience individuals are focusing on). This may also be the case when examining perceived control and satisfaction with Aboriginals and non-Aboriginals; that similar levels do not necessarily translate into similar experiences.

Hypothesis Two. It was predicted that Aboriginal men would report lower levels of perceived control than all other groups (i.e., Aboriginal and non-Aboriginal women and non-Aboriginal men). Aboriginal men reported the lowest levels of perceived total control; however, this difference only reached statistical significance when compared to Aboriginal women.

Research on legal services utilization and court cases initiated in Canada has shown that, not only are women more likely to initiate court cases than they are to be the respondents, they also have greater access to affordable legal advice, representation, and support. Mossman (1994)

reported that legal clinics that are established to offer services to low income clients frequently specialize in offering services to women who have been victims of abuse or assault and/or have family or civil matters related to divorce, separation, and child custody. These clinics rarely offer services that are directed at perpetrators of violence against women or specialize in working with men at all. Women consistently receive (note that they may also be more likely to seek out services) more Legal Aid certificate services than men. Approximately two thirds of all civil legal aid certificates in Canada are given to women and approximately 80% of family law certificates are given to women (Justice Canada, 2006). The fact that women are more likely to initiate legal actions than be respondents and that they are more likely to qualify for and have access to specialized legal services may increase their levels of perceived control.

Due to higher earnings, on average, more non-Aboriginal men than any of the other three groups can afford to pay for legal assistance. This may explain why their levels of perceived control are not quite as low as Aboriginal men's. However, Alberta Justice (2009) reported that an individual need to be earning at least \$120,000.00 annually to be able to afford to hire a lawyer to represent them in court in Alberta for a family or civil matter. Non-Aboriginal men are less likely than all women as well as Aboriginal men to qualify for subsidized or free legal services such as Legal Aid, but they are not necessarily making enough to be able to actually afford to pay for legal assistance without enduring financial hardships.

Research has shown that low income individuals actually have more options available to them when they seek out legal services than middle income individuals (Alberta Justice, 2009; Lieb et al., 2009; Lieb et al. 2010). More women do fall below poverty lines for income in Canada than men. However, what may decrease non-Aboriginal women's levels of perceived control relative to Aboriginal women's is that they are the group that is most likely to experience economic drops that take them from middle or high to low income brackets when experiencing

legal problems related to family law matters such as marital breakdown. This may explain why non-Aboriginal men and women's levels of perceived control were not significantly higher than Aboriginal men's.

Hypothesis Three. It was predicted that Aboriginals will report higher levels of secondary control and lower levels of primary control than non-Aboriginals. Ethnic groupings did not differ significantly between their primary and secondary control ratings. All participants reported significantly higher levels of perceived secondary control than primary control, when it came to the treatment they received by staff at legal services. This finding was not replicated with respect to the usefulness of the legal services. Hamm (2010) found that participants reported higher levels of perceived control with regards to academic achievement than with relationships. It would then appear that participants in this study also felt less able to exert direct influence over interpersonal interactions with staff of the legal services than with getting the required legal help from those services. This finding may reflect the intimidating nature of Canada's justice system and the fact that members of the public are largely apprehensive about becoming involved with it. As the findings of this study indicate, they think they will be better helped than cared about.

Hypothesis Four. The predication that participants' perceived primary and secondary control scores would be positively correlated was supported. This finding coincides with previous research demonstrating that people who experience higher levels of either type of control are more likely to also experience higher levels of the other (Higgins et al., 2008; Thompson et al., 1998). In situations that are highly structured, there may be less opportunity to exert primary control. The people who do the best in such situations are the ones who can switch between primary and secondary control, as using both is advantageous in helping them maintain an overall sense of control over the outcomes they experience.

Additionally, outcomes are not always *complete* successes or failures. In fact, often in life

people are faced with situations that result in partial successes and failures. In such circumstances, secondary control is needed in addition to primary control to adapt to these outcomes that are not fully anticipated. In legal scenarios, people are frequently faced with outcomes that are better or worse than they anticipated or with attaining only a portion of their ideal outcomes. This could further explain the positive relationship between levels of these two types of control that participants reported.

Furthermore, it would stand to reason that people who perceive themselves as having the ability to directly influence outcomes also perceive themselves as having greater abilities to adapt to outcomes simply because they expect that most outcomes will be in their favour. They believe they are certainly able to adapt to the few instances that arise. Additionally, people who experience high levels of primary control tend to be more optimistic (Chang, 1998) and thus may be more likely to be able to effectively exercise secondary control in situations that do not allow for high primary control because they believe that they will inevitably get the outcomes they desire in the long run. In this case, secondary control may serve merely as a temporary form of control until primary control is successful. Even so, feeling confident and optimistic about one's life may yield higher scores on both primary and secondary control, because these people are willing to try to exert control on the world and the self.

Morling and Evered (2006) seem to suggest that when primary control is present, it is not necessary to use secondary control one adapts only when primary control fails. Only with the acceptance of failed primary control would the need for secondary control be high, thus defining secondary control as no need for primary control. If this were truly the relationship between primary and secondary control, it would seem that the two should be inversely related. Results from this study indicate the reverse; a positive relationship between primary and secondary control. The two are relatively independent of each other, but influenced by a common factor;

the need for control, whether that be preparing the world to fit what one wants of it or preparing the self to fit what one wants in case primary control fails. Current findings therefore indicate that both kinds of preparation can be simultaneously exercised.

Perceived Satisfaction

Hypothesis Five. Hypothesis five, which stated that Aboriginals would report lower expected and outcome satisfaction than non-Aboriginals was not confirmed. The expected ethnic differences involving satisfaction with the legal services participants were using did not emerge. Aboriginal participants did not consistently report significantly lower expectations about how satisfied they would be with the legal services they used than non-Aboriginals. Aboriginals also did not report significantly lower outcome satisfaction than non-Aboriginals. Both groups reported significantly higher expected satisfaction and outcome satisfaction with the usefulness of legal services than with the treatment they received. This finding corresponds with the finding that participants' reported levels of perceived primary control were significantly lower than their levels of secondary control for treatment but not for usefulness. People who perceive themselves as having less ability to directly influence interpersonal interactions would be less likely to expect that they will have optimal experiences during those interactions. Additionally, there is often a sense of shame that accompanies having legal problems (Jones et al., 1984). Therefore, although people may expect that service providers are compelled to provide their mandated services, they may anticipate that they will be judged negatively or looked down upon by the people they come into contact with for having such problems.

Additional Findings

Perceived Control. Women were found to report significantly higher levels of perceived control than men, but only for Aboriginals. Aboriginal women may experience some additional life events that could serve to make them more comfortable with legal interactions than their

male counterparts. Women, for instance, are more likely to come into contact with the justice system as the plaintiffs (e.g., as victims of crimes or initiators of divorce or child custody hearings) than as respondents (e.g., perpetrators of crimes). Women are also more likely to have had indirect experiences with the justice system through spouses or sons prior to having their own experiences (Native Women's Association of Canada, 2007; Stout & Kipling, 1998). As a result, more women than men may have had opportunity to familiarize themselves with legal services and processes prior to having their own legal needs and more available legal supports on which to exercise control (Alberta Justice, 2009; Mossman, 1994). Thus they have more opportunity for control, realize it, and demonstrate it in their control ratings.

Perceived Satisfaction. An additional interesting finding that emerged was women had significantly higher expected than outcome satisfaction. This could be because women have more available legal services that specialize in helping them, should they feel the need to access them. It could also be that women are more likely to expect optimal outcomes because they are more likely to be the plaintiffs or initiators than the respondents in legal proceedings. As a result, they perceive themselves to be in positions of relative power over the respondents. However, once reality kicks in and they experience the complexity of the system, their hopes are not fulfilled.

When First Nations participants were compared to non-Aboriginal participants an additional finding emerged. Usefulness items showed higher satisfaction ratings than treatment items for pre-test First Nations and post-test non-Aboriginals. This finding almost reached significance for the Aboriginal group ($p < .056$). Perhaps, at initial contact, First Nations participants predict that they will be more satisfied with the usefulness of the services than the treatment they are going to receive (pre-test). However, non-Aboriginals feel the same way but only after they have already used the services (post-test). It could be that Aboriginals initially

worry more about how they will be treated rather than what is going to happen to them.

Perceived Control and Satisfaction. Total perceived control was significantly positively correlated with outcome satisfaction regarding the treatment participants received when accessing legal services. Additionally, total outcome satisfaction was significantly positively correlated with perceived secondary control over treatment. These findings were not replicated with the usefulness of services. Perceived control was also not significantly related to expected satisfaction.

These findings further support the possibility that perceived control does not equate with liking or trust in services. Just because people may believe they can influence outcomes, does not mean they believe they will be satisfied with their experiences that involve the justice system. Participants relied more on secondary control regarding the treatment that they receive than the usefulness of the legal services they access and, in this case, perceived control was significantly related to outcome satisfaction. These findings replicate previous research (e.g., Chipperfield & Perry, 2006; Thompson & Spacapan, 1991; Thompson et al., 1993) that has found that the ability to exert both primary and secondary control in particularly challenging circumstances does enhance personal well-being; in this case, satisfaction.

The fact that participants (especially female participants) reported higher levels of satisfaction related to the usefulness of services than the treatment they received is particularly important considering that participants reported significantly higher levels of secondary control than primary control regarding the treatment they received than the usefulness of services. As previously suggested (Nickels, 2008; Thompson et al., 1994), adapting to or adjusting expectations based on anticipated outcomes does not equal acceptance of these outcomes. As stated by Nickels (p. 5), “one can expect the best (through primary control) but prepare for the worst (through secondary control).”

Limitations

As is to be expected and particularly as a result of the complexity of the topic of this study, there are some potential shortcomings:

Ethnic Diversity. It was a challenge to find participants who were attempting to address their legal needs and were willing to participate. It was even more challenging to find Aboriginal participants. Indeed it took six months to recruit enough Aboriginal participants to conduct the study. Although this was accomplished, it was not possible to recruit enough Inuit participants to compare their experiences to those of non-Aboriginals. This is due to their low numbers in Alberta. There were also too few Métis participants to be able to speak to their experiences. Additionally, given the time and resources, it would have been advantageous to have been able to recruit enough members of all ethnic sub-groups that were included in the non-Aboriginal grouping to be able to speak to each sub-group's experiences directly.

Length of Legal Process. Due to time constraints, all participants were speaking about legal services that they had relatively short involvement with. It would be ideal to follow participants through their involvement with lawyers and/or court cases. This would have also allowed for the inclusion of more participants who were paying for legal services (e.g., representation) and to compare their experiences to people who were receiving free or subsidized services.

Nature of Contact with the Justice System. As previously mentioned, the vast majority of the participants in this study were reporting about legal services that they had sought out voluntarily. This may have resulted in inflated perceived control and satisfaction scores. In order to broaden the representation of general levels of perceived control with regards to legal processes, it would be necessary to conduct a similar study that involved individuals who are

reporting about involuntary services (e.g., prison, courts, police).

Future Research

There are a number of directions that future research could take to further explore the present study's findings. The very fact that all participants in this study were recruited because they were seeking legal services could have inflated their overall perceived levels of personal control and satisfaction. It is estimated that, at any one time, 52% of Albertans have at least one legal need (Curry, 2009). Yet many people either do not recognize they have legal needs or choose not to seek services to help with their legal needs. In order to develop a clearer understanding of people's levels of perceived control and the factors that impact their perceptions, it would be necessary to access this group as well.

It would also be advantageous to conduct a similar study over a longer period of time in order to obtain participants' perceptions about courts and lawyers. A larger sample that included enough participants in all ethnic groups to allow for examinations of each group's experiences would also be desirable for future studies. Additionally, future research could consider the specific types of legal needs participants have when assessing perceived control and satisfaction.

Furthermore, future research would benefit from accessing the nature of participants' previous contact with the justice system. In this study, I attempted to track how many different legal services participants had been in contact with in the previous 10 years in order to gain some understanding of whether or not familiarity with the justice system and legal processes may impact their levels of perceived control. Unfortunately, the participants did not reliably provide this information. Many people were unsure and guessed at the number. Some reported only contact with different services while others reported every contact they had ever had. Some also reported indirect contact (e.g., witnessing a family member's legal process) while others only reported direct contact. Even people who reported only one contact sometimes made errors in

reporting (e.g., not considering police to be a legal service). It would be ideal to collect this type of information by means of a series of closed-ended questions to reduce room for interpretation and confusion.

Finally, future research could further compare levels of positive and negative feelings (e.g., trust, confidence, liking) with levels of perceived control. This would add to the insight into public perceptions about the Canadian justice system that was gained in this study.

Contributions

This study contributes to social sciences research, in general, by demonstrating that it is possible to gain the participation of members of the public, but especially of Aboriginal people. Furthermore, it also demonstrates that it is possible to recruit people who are marginalized due to factors such as low socioeconomic status, homelessness, and addictions. Not only is recruiting possible, but members of these groups are willing to talk about their experiences and have valuable insights to share.

This study contributes to Personality Psychology by providing valuable and unique information about the necessity of delivering legal services in a manner that maximizes individuals' perceived ability to influence how their legal needs are addressed and how they move through the legal processes. It is also important to consider how people are treated in addition to how useful legal services are. It is common across professions to provide various forms of cultural sensitivity or awareness training. However, as this study indicates, this is not sufficient. People are still doubtful about how they will be treated, regardless of ethnicity.

This study provides evidence that the relationship that Aboriginals and non-Aboriginals have with Canada's justice system may be even more complex than is assumed. The unexpected findings regarding Aboriginals' and women's perceived levels of control and satisfaction provide

an intriguing perspective and suggest that, despite statistics that are indicative of disparities in legal outcomes that could give these groups every reason to feel ineffectual or even helpless, at least some are actively seeking out legal services and they are perceiving personal abilities to influence outcomes. Perhaps all citizens of Canada are in the same proverbial “boat” when it comes to trying access legal services and so their views of the justice system are similar. This is extremely valuable information that warrants further investigation and exploration.

This study found that Aboriginal women have unexpectedly high levels of perceived control and satisfaction, relative to the other groups. This is a very important finding. As previously mentioned, it could be due to factors such as more indirect involvement with the justice system, greater ability to utilize secondary as well as primary control strategies, and the types of legal needs they have. Further research is needed to investigate possible clues as to why Aboriginal women’s perceptions of control and satisfaction are higher than the history of Aboriginals’ experiences with the justice system would lead us to expect.

This study provides a phenomenological perspective to a widely researched and discussed issue. It is well documented that the Canadian justice system contains many gaps when it comes to responding to Aboriginals in a manner that is compatible with their cultures, customs, and beliefs. However, findings from this study emphasize that it is necessary to continue to make the justice system more responsive to the public, regardless of ethnicity. The findings of this study indicate that there are more factors that impact people’s experiences with the Canadian justice system than ethnicity. Aboriginals are not necessarily as “beaten down” by the justice system relative to the rest of the population as has perhaps been depicted. There is a definite gap between people’s expectations about how useful services will be and how they will be treated; and this applies to everyone. Complexity, mistrust, and financial barriers are factors that must be addressed with all Canadians in mind. While reforming the justice system to be more culturally

sensitive is necessary, any improvements will only have the desired positive outcomes if they are actually *perceived* as improvements by the people they are meant to impact. In short, people just want to *matter*.

This study contributes to the understanding about how people experience perceived primary and secondary control. The findings support previous assertions (e.g., Nickels, 2008) that if people strive for secondary control, they need not give up attempts at primary control (by accepting the inevitable). One may actively strive for primary control while also preparing for unwanted circumstances just in case primary control fails. These two types of control are not mutually exclusive.

Finally, this study shows the promise of using two additional concepts in the study of perceived control and satisfaction, namely usefulness and treatment. The relevancy of both concepts to research on control and satisfaction may extend to other studies whether involving Aboriginals or other ethnic groups.

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APPENDIX A
CONTROL QUESTIONNAIRE

Several situations involving encounters with the legal system are presented below. Assume that YOU are in each of these situations and that EACH situation is independent of every other. After carefully reading about a situation, please rate that situation on EACH of the following two scales:

- (A) To what extent can YOU control (influence) the outcome of your using a specific legal service (i.e., how well can you make the outcome fit your needs and desires)?
- (B) To what extent can YOU control (influence) your adjustment to the outcome of your using a specific legal service (i.e., how well can you make your needs and desires fit the outcome)?

For example, people who rate themselves HIGH in controlling the outcome of using a legal service might try to put more effort into working with the service or might try to persist longer in working with the service, so they will be more likely to get the outcome they want. In other words, these people directly influence what the result of using the legal service will be.

On the other hand, people who rate themselves HIGH in their adjustment to the outcome of using the legal service might try to lower their goals of what they want from the service or might try to focus on the benefits (rather than drawbacks) to using the service, so they will feel better about the outcome (whatever it is). In other words, these people directly influence how they will adapt themselves to the results of using the legal service.

Remember that you may never have been in some of these situations before. Your task is to rate each situation as if you were in the situation.

1. You want to get immediate help from a legal service.

- | | | |
|--|-----------------------|--|
| (A) You CANNOT control the <u>outcome</u> that occurs | 1----2----3----4----5 | You COMPLETELY control the <u>outcome</u> that occurs |
| (B) You CANNOT control your <u>adjustment</u> to whatever outcome occurs | 1----2----3----4----5 | You COMPLETELY control your <u>adjustment</u> to whatever outcome occurs |

2. You want to be treated fairly by the staff at a legal service.

- | | | |
|--|-----------------------|--|
| (A) You CANNOT control the <u>outcome</u> that occurs | 1----2----3----4----5 | You COMPLETELY control the <u>outcome</u> that occurs |
| (B) You CANNOT control your <u>adjustment</u> to whatever outcome occurs | 1----2----3----4----5 | You COMPLETELY control your <u>adjustment</u> to whatever outcome occurs |

3. You want to obtain information from a legal service.
- | | | |
|--|-----------------------|--|
| (A) You CANNOT control the <u>outcome</u> that occurs | 1----2----3----4----5 | You COMPLETELY control the <u>outcome</u> that occurs |
| (B) You CANNOT control your <u>adjustment</u> to whatever outcome occurs | 1----2----3----4----5 | You COMPLETELY control your <u>adjustment</u> to whatever outcome occurs |
4. You want the staff at a legal service to care about what happens to you.
- | | | |
|--|-----------------------|--|
| (A) You CANNOT control the <u>outcome</u> that occurs | 1----2----3----4----5 | You COMPLETELY control the <u>outcome</u> that occurs |
| (B) You CANNOT control your <u>adjustment</u> to whatever outcome occurs | 1----2----3----4----5 | You COMPLETELY control your <u>adjustment</u> to whatever outcome occurs |
5. You want to get the staff at a legal service to respect you.
- | | | |
|--|-----------------------|--|
| (A) You CANNOT control the <u>outcome</u> that occurs | 1----2----3----4----5 | You COMPLETELY control the <u>outcome</u> that occurs |
| (B) You CANNOT control your <u>adjustment</u> to whatever outcome occurs | 1----2----3----4----5 | You COMPLETELY control your <u>adjustment</u> to whatever outcome occurs |
6. You want to be taken seriously by the staff at a legal service.
- | | | |
|--|-----------------------|--|
| (A) You CANNOT control the <u>outcome</u> that occurs | 1----2----3----4----5 | You COMPLETELY control the <u>outcome</u> that occurs |
| (B) You CANNOT control your <u>adjustment</u> to whatever outcome occurs | 1----2----3----4----5 | You COMPLETELY control your <u>adjustment</u> to whatever outcome occurs |
7. You want the staff at a legal service to explain and clarify your options and legal rights to you.
- | | | |
|--|-----------------------|--|
| (A) You CANNOT control the <u>outcome</u> that occurs | 1----2----3----4----5 | You COMPLETELY control the <u>outcome</u> that occurs |
| (B) You CANNOT control your <u>adjustment</u> to whatever outcome occurs | 1----2----3----4----5 | You COMPLETELY control your <u>adjustment</u> to whatever outcome occurs |
8. You want to discover which legal service can provide the most help to you in a legal case.
- | | | |
|--|-----------------------|--|
| (A) You CANNOT control the <u>outcome</u> that occurs | 1----2----3----4----5 | You COMPLETELY control the <u>outcome</u> that occurs |
| (B) You CANNOT control your <u>adjustment</u> to whatever outcome occurs | 1----2----3----4----5 | You COMPLETELY control your <u>adjustment</u> to whatever outcome occurs |

PERCEIVED CONTROL QUESTIONNAIRE

SCORING GUIDE

1) Total: Perceived Primary Control - Treatment

Sum Scores for:

2A ___

4A ___

5A ___

6A ___

TOTAL: ___

Minimum Score = 4

Maximum Score = 20

2) Total: Perceived Primary Control - Usefulness

Sum Scores for:

1A ___

3A ___

7A ___

8A ___

TOTAL: ___

Minimum Score = 4

Maximum Score = 20

3) Total: Perceived Secondary Control - Treatment

Sum Scores for:

2B ___

4B ___

5B ___

6B ___

TOTAL: ___

Minimum Score = 4

Maximum Score = 20

4) Total: Perceived Primary Control - Treatment

Sum Scores for:

1B ___

3B ___

7B ___

8B ___

TOTAL: ___

Minimum Score = 4

Maximum Score = 20

EXPECTATIONS QUESTIONNAIRE
SCORING GUIDE

1) Total Expected Satisfaction - Treatment

Sum Scores for:

2 ___

3 ___ (Reverse Score)

5 ___ (Reverse Score)

7 ___

TOTAL: ___

Minimum Score = 4

Maximum Score = 20

2) Total Expected Satisfaction - Usefulness

Sum Scores for:

1 ___

4 ___ (Reverse Score)

6 ___

8 ___ (Reverse Score)

TOTAL: ___

Minimum Score = 4

Maximum Score = 20

INFORMATION SHEET

Please answer the following questions so that we can know a little bit about you.

1. My gender is: _____
2. My age is: _____
3. My highest grade level completed in school is: _____
4. My current yearly income (from all sources) is: _____
5. How many different legal services have you been in contact with in the last 10 years?
_____ (Please give a number)
6. My ethnic background is (select as many as apply):
 - a. White/Caucasian _____
 - b. Black/African _____
 - c. Asian/Oriental _____
 - d. Hispanic/Latino _____
 - e. East Indian _____
 - f. Pacific Islander _____
 - g. Middle Eastern _____
 - h. First Nations _____
 - i. Métis _____
 - j. Inuit _____
 - k. Other(s) _____ Please do not use terms identifying your nationality (such as Canadian, American, or German), your language (such as English, Spanish, or French) or your religion (such as Christian, Muslim, or Native Spirituality).
7. If you indicated more than one ethnic group above, please indicate which ONE you identify with the MOST: _____

9. What would have made you more satisfied with the help and/or treatment you got from this legal service? (Please print.)

OUTCOME QUESTIONNAIRE

SCORING GUIDE

1) Total Outcome Satisfaction - Treatment

Sum Scores for:

2 __

3 __ (Reverse Score)

5 __ (Reverse Score)

7 __

TOTAL: __

Minimum Score = 4

Maximum Score = 20

2) Total Outcome Satisfaction - Usefulness

Sum Scores for:

1 __

4 __ (Reverse Score)

6 __

8 __ (Reverse Score)

TOTAL: __

Minimum Score = 4

Maximum Score = 20

APPENDIX D

Consent Form

This consent form, a copy of which you can retain for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more details about something mentioned here, or information not included here, you should feel free to contact the researcher. Please take the time to read this form carefully and to understand any accompanying information.

The purpose of this research is to gain an understanding of how people perceive the Canadian justice system. This study will examine the strengths and gaps of services which are currently being offered to Canadians.

You will be asked to complete three questionnaires. The data that you provide will be available ONLY to the researcher. The study will be completed in two sessions that will each be approximately one hour in length. The researcher will contact you to schedule the second session. A summary of the purpose of the study and the findings will be posted on a bulletin board in the main reception area of the organization through which you were recruited.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to help as a participant in the project. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and/or refrain from answering any questions you prefer to omit, without prejudice or consequence. Please feel free to ask for clarification or new information throughout your participation in the project.

This research has been approved by the Psychology/Sociology Research Ethics Board at the University of Manitoba. If you have any concerns or complaints about this project, you may contact the Psychology/Sociology Research Ethics Board at (204) 474-7122, Glynnis Lieb at (780) 758-9797 or umliebga@cc.umanitoba.ca, or Dr. James Nickels at (204) 474-9489. A second copy of this consent form is included for your records and reference.

NAME: _____

TELEPHONE: _____

E-MAIL: _____

OTHER CONTACT INFORMATION: _____

SIGNATURE: _____