

Juror Decision-making within Intimate Partner Rape: Examining the relationship between Modern Rape Myth Beliefs, Legal Attitudes and Personality Traits upon Verdict Decisions.

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## Abstract

For many, being judged by a group of legally untrained, lay individuals, determining guilt based on evidence heard at trial, is thought to make for fairer verdict outcomes. Whilst some prefer lay participation in the trial process, criticism continues to grow concerning the unpredictability of lay decisions in delivering justice. Naturally, where different jurors draw opposing conclusions despite having observed the same criminal trial, verdict decisions are likely impacted by more than testimony and trial evidence alone. In fact, low rates of conviction for rape allegations considered alongside several high-profile rape trials that resulted in acquittals, have led some legal scholars and social scientists to question how fair and reliable juries may be. The overarching objective of the current thesis was therefore to examine the relationship between mock juror characteristics and verdicts returned within the context of an intimate partner rape trial, a case type often overlooked in previous research. Specifically, to investigate the role of modern rape myth beliefs, varying legal attitudes, psychopathic personality traits and juror demographics upon individual determinations of guilt, within two separate methodologically robust mock trial experiments. In experiment one, 435 participants were opportunistically recruited and took part in an online mock trial experiment. Participants completed a series of cross-sectional questionnaires, before being exposed to a video-taped rape trial reconstruction where they were asked to decide upon the defendant's guilt. In experiment two, 108 participants comprised within nine separate jury panels were opportunistically recruited to take part in in-person mock trial reconstructions. Participants again completed a series of questionnaires and were shown the same video-taped mock trial reconstruction from experiment one, before deliberating as a group to reach a collective verdict as well as indicating their individual verdict preference, both pre- and post-deliberation. Results of experiment one found that rape myth acceptance, social justice, ethnicity and educational attainment were significant predictors of verdict decisions. Results of experiment two found that rape myth acceptance and juror ethnicity were significant predictors of verdict decisions pre-deliberation. Rape myth acceptance, ethnicity, previous sexual victimisation and affective responsiveness were significant predictors of verdict decisions post-deliberation. These findings strongly support the assertion that within rape trials, juror decisions are directly related to the attitudes and psychological constructs jurors bring to trial. The evidence of such relationships between final verdict decisions and a juror's psychological make-up has important implications for policy and practice including, the potential need for juror screening pre-trial within English rape trials.

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## List of Abbreviations

<b>AMMSA</b>	Acceptance of Modern Myths surrounding Sexual Aggression
<b>AR</b>	Affective Responsiveness
<b>BAME</b>	Black Asian Minority Ethnic
<b>BILII</b>	British and Irish Legal Information Institute
<b>BPS</b>	British Psychological Society
<b>CEST</b>	Cognitive-Experiential Self-Theory
<b>CI</b>	Confidence Interval
<b>CJS</b>	Criminal Justice System
<b>COMP</b>	Complainant Believability
<b>CON</b>	Confidence in the Criminal Justice System
<b>CP</b>	Conviction Proneness
<b>CPS</b>	Crown Prosecution Service
<b>CR</b>	Cognitive Responsiveness
<b>CYN</b>	Cynicism towards the Defence
<b><i>d</i></b>	Cohen's <i>d</i> effect size
<b><i>df</i></b>	Degrees of Freedom
<b>E&amp;W</b>	England and Wales
<b>EGO</b>	Egocentrism
<b>INNCR</b>	Innate Criminality
<b>IPM</b>	Interpersonal Manipulation
<b>IPR</b>	Intimate Partner Rape
<b>JDM</b>	Juror Decision-making
<b>JDS</b>	Juror Decision Scale
<b><i>M</i></b>	Mean
<b>MOJ</b>	Ministry of Justice

<b>N</b>	Number of Participants
<b>ONS</b>	Office of National Statistics
<b><i>p</i></b>	Probability
<b>PJAQ</b>	Pre-trial Juror Attitudes Questionnaire
<b>PPTS</b>	Psychopathic Personality Traits Scale
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>RB</b>	Racial Bias
<b>RMA</b>	Rape Myth Acceptance
<b><i>SD</i></b>	Standard Deviation
<b>SJ</b>	Social Justice
<b><i>t</i></b>	T-test Value
<b>UK</b>	United Kingdom
<b>US</b>	United States
<b>VD1</b>	Verdict Decisions One
<b>VD2</b>	Verdict Decision Two
<b>VIF</b>	Variance Inflation Factor
<b>WHO</b>	World Health Organisation

## **Chapter One: Background Introduction**

### **1.1. The Problem of Rape and Sexual Violence**

Sexual violence is an ongoing global health crisis of epidemic proportions (World Health Organisation [WHO], 2017). In England and Wales (E&W) alone, an estimated 773,000 adults had experienced some form of sexual violence within the past year (Office for National Statistics [ONS], 2021a). Whilst it is acknowledged that both men and women can be sexually victimised, with men accounting for approximately 155,000 of those victimised within the past year, crime data continues to suggest women experience sexual violence at a greater rate (almost four times that of men) (ONS, 2021a). Crime data continues to display perpetrators of sexual violence are often intimately acquainted with their victims; a reported eight out of ten rapes are committed by someone known to the victim (Crime Prosecution Service [CPS], 2017; Department of Justice [DOJ], 2017; RAINN, 2019; Waterhouse et al., 2016). Globally, 30-35% of women will experience an act of sexual violence at the hands of an intimate partner (Peterman et al., 2015; WHO, 2017). In E&W, 56% of the most serious sexual offences are committed by a current or former intimate partner (Ministry of Justice [MOJ], 2013). Again, data reveals rape committed by an intimate partner is a burden overwhelming female borne. Recorded offences in E&W indicate women are four times more likely to experience sexual assaults, including attempts, by their partners than male victims (ONS, 2018). Figures continue to outline low rates of reporting (less than one in six victims will officially report) and even lower rates of prosecutions and convictions for rape cases in E&W (CPS, 2020; ONS, 2021b).

Vast theorising has sought to understand the way in which such violence has become normalised as an explanation for prevalence and attrition rates within the criminal justice system (CJS). Empirical evidence lends substantial support to the premise that widespread gender inequality and male dominance fosters social and cultural acceptance of sexual violence against women and the misconceptions which surround sexual offences, such as rape (see Debowska et al., 2018). The prominence of factually incorrect, universally applied assumptions, beliefs and attitudes which surround the circumstances of rape and sexual violence act as facilitators of societal ignorance towards such crimes and serves to normalise

and misinform the public and professionals about the realities of rape, typically conceptualised as rape myths (Bohner et al., 2005; Burt, 1980; Lonsway & Fitzgerald, 1994). The pervasiveness of rape myths serve to deny victims of justice within the criminal system. Today, a plethora of research agrees that these misconceptions are not only present within the judicial system, but actually impact the decisions made by jurors during criminal trials (Dinos et al., 2015; McKimmie et al., 2014; Smith & Skinner, 2017)

## **1.2. The English Jury System and Alternative Jury Systems**

In Western common law countries, the involvement of lay individuals within criminal proceedings is considered essential to facilitate a fair and just process. The inclusion of ordinary citizens is, by design, to ensure reasoned judgements of guilt rather than ruling solely on matters of the law (Bornestein & Greene, 2011). In fact, when interviewed, some English judges favoured trial by jury, in comparison to judge-only decisions over concerns for fairness and impartiality (Julian, 2007). Yet, some jury researchers question the reliability of lay individuals when resolving complex factual disputes due to the general assumption that most jurors do not possess the relevant skills required for accurate decision-making (Bornestein & Greene, 2011; Lempert, 2007). Criticism continues to grow concerning the unpredictability and impartiality of lay people in delivering justice.

Recent years have seen a gradual decline in the use of juries in some countries within criminal disputes because of legal restrictions, litigation costs and other methods of dispute resolutions (Hans, 2008; Hans & Vidmar, 2008). Yet, in countries where democracy is relatively young or still emerging, the inclusion of lay people in the justice system is prospering (Kaplan & Martin, 2013; Marder, 2011). Of late, Korea, Japan and Venezuela are examples of countries that have included the use of ordinary citizens in their legal systems; most recently, Argentina has introduced trial by jury to resolve serious criminal cases (Hans, 2008, 2017). Some countries, such as France and Germany, have adopted a mixed tribunal system. This sees a mix of professional judges and lay citizens collaborating to determine criminal proceedings; although countries differ in their professional to lay person ratios (Hans, 2008; Marder, 2011). For countries emerging from authoritarian rule, mixed systems offer a means of introducing citizen values to their justice systems. Alternative systems, however, expand

upon the ideology underpinning mixed systems by employing an experienced judge to yield legal decisions alongside a select number of jurors chosen for their personal expertise relevant to the case. These systems are known as expert assessor collaborative court models (Jackson & Kovalev, 2006).

That said, many retain the traditional all citizen jury model inherited from the well-established English legal system. Typically, English juries are comprised of twelve, non-legally trained citizens, who are asked to yield a unanimous collective verdict based solely upon information presented at trial (Judicial Office, 2016). Where a unanimous verdict cannot be decided, a majority (10-2) can be accepted; this is known as a “Watson direction” (Leggett, 2015). Each potential juror is randomly summoned from the Electoral register, used for local and national parliamentary elections. To be considered eligible for jury service, individuals must be between the ages of 18 and 75, registered to vote and a registered citizen of the UK for at least 5 years after their 13<sup>th</sup> birthday (Criminal Justice and Courts Act, 2015, ss. 68; Juries Act, 1974, s. 1). It should also be noted that potential jurors should not have any significant mental health illnesses or a criminal record (Juries Act, 1974, s.1). Despite procedural changes and variations across different countries, the underlying principal of trial by jury remains the same. That is, ordinary individuals collectively determine legal decisions to produce fairer and more legitimate outcomes. Today, public opinion polls indicate that overall perceptions of the jury system are moderately positive (Bornstein et al., 2020).

### **1.3. Traditional Jury Research**

The inability to experimentally research real-world jurors has undoubtedly impeded the objective study of both individual and collective decision-making processes within criminal trials. Under the Juries Act (1974) Section 20D, it is an offence for a person serving on a jury to discuss any statements made, opinions expressed or votes cast at trial. Consequently, the role of individual juror characteristics, beliefs and attitudes upon verdict decisions made by genuine trial jurors remains unclear and largely untested. Naturally, where individual jurors draw different conclusions from identical evidence, it is reasonable to assume that decision-making is influenced by more than testimony and evidence observed at trial (Ellsworth, 1993). Many researchers have adopted alternative methodologies as a means of investigating

decision-making processes. Traditionally, attempts tend to rely upon reviews of genuine trial transcripts or mock trial simulations, presented in person, as a video, an audio recording or written vignettes (Dinos et al., 2015). Research conducted within laboratory settings, such as mock trial simulations, enables the objective study of specific predictors whilst implementing experimental controls, which is not plausible within real-world environments.

Still, traditional jury research is often critiqued for its artificial nature. To date, there are little to no procedural requirements throughout the discipline that serve to standardise research with other research attempts. For instance, while mock trial simulation studies intend to be reflective of genuine legal proceedings, there are no definitive protocols that all studies must follow. Although, some efforts have been made to amend this (see suggestions by Willmott et al., 2021). Yet, many practitioners and policy makers openly state that psycho-legal research cannot be relied upon when determining real-world policy, practise and change (DeMatteo & Anumba, 2009). Thus, the need for ecologically improved study of jury decision-making processes that builds upon previous critiques is apparent.

#### **1.4. Current Study Rationale**

The effects of preconceived and prejudicial attitudes surrounding the circumstances of sexual violence and rape upon juror decision-making have, to date, been well documented within current literature. These universally applied biases, dubbed “rape myths”, reflect the inaccurate and often factually incorrect beliefs regarding the events of rape, rape victims and rapists that are widely and persistently held (Burt, 1980; Lonsway & Fitzgerald, 1994). Such biases have been so vastly and thoroughly researched, that it is reliable to conclude that their widespread existence, acceptance and influence spans ranging societies, cultures and distinct groups (Debowska et al., 2018; Grubb & Turner, 2017; Johnson & Beech, 2017; Labhardt et al., 2017). Therefore, it is likely that potential jurors, selected randomly from various communities, will hold rape myths to an extent. A large body of research shows that jurors are likely predisposed to yield certain verdicts dependent upon their level of rape myth acceptance (RMA). Specifically, individuals who endorse rape myths to a greater extent are more likely to return not-guilty verdicts compared to those who exhibit low rape myth acceptance scores (Hammond et al., 2011; Maeder et al., 2015; McGee et al., 2011).

Consequently, juror's ability to fairly and impartially determine guilt has been called into question.

However, there is still some disagreement within literature. Whilst most studies find that RMA effects juror decision-making, some argue there is little to no effect at all (Thomas, 2020; Wiener et al., 1989). Such findings demonstrate a lack of consensus throughout the literature; which Thomas (2020) attributes to mock jury research itself. Some mock jury studies are guilty of not adhering to basic standards of ecological validity, for example, those referred to by Willmott et al. (2021), that outline the basic requirements for reliable, ecologically improved mock trial research. As proposed, reliable jury research should include genuine trial or court materials, incorporate a group deliberation component, include both pre- and post-trial testing and most importantly, make use of legal advice from genuine legal practitioners. In response, the following research specifically sought to build upon some of the aforementioned criticisms, attempting to address and improve upon recurring methodological limitations present in much prior research. To do so, both current experiments drew upon genuine criminal trial transcripts, materials and criminal justice practitioners in the development of the mock trial simulation. In effect, the materials in the current experiments were subjected to the same scrutiny as any case that progresses through the justice system. Information is presented as a video-taped mock trial reconstruction, rather than written vignette style presentation typical in much prior research. Furthermore, the second experiment was designed to include a group deliberation component to more readily imitate a real-world rape trial scenario whereby jurors must collectively meet to discuss and agree upon a collective verdict. Among other important variables, both forthcoming experiments are carried out in an attempt to contribute to the current discussion regarding the effects of rape myths upon juror decision-making, whilst testing such a relationship within the context of an improved mock trial paradigm.

Contrary to the assumption of impartiality, there is a large body of empirical research which suggests juror attitudes and individual characteristics can be associated with and in fact predictive of, final verdicts jurors return. There is evidence of a relationship between certain legal attitudes and the verdict decisions that jurors make. Most research suggests that attitudes are categorised into either pro-defence or pro-prosecution beliefs and,



subsequently, information observed at trial will be received, processed and stored to fit this pre-existing belief system (Lundrigan et al., 2016; Roberts, 2012). Perhaps unsurprisingly, individuals have difficulty identifying and moderating these biases; undermining the impartial persona of the legal system due to the extra-legal influence that such pre-existing attitudes may have upon juror decisions (Lecci & Myers, 2009). The following experiments will explore six legal concepts, taken from the Pre-juror Attitudes Questionnaire (PJAQ) (Lecci & Myers, 2008), hypothesised as having an influence upon individual verdict decision-making. Whilst the six concepts (Social Justice, Cynicism towards the Defence, Confidence in the Criminal Justice System, Conviction Proneness and Racial Bias, Innate Criminality) have a notable body of research to support their effects upon juror decision-making processes more generally (Farrell et al., 2013; Foley & Pigott, 2006; Higgins et al., 2007; Thompson et al., 1984), little research has been conducted within the context of a rape trial scenario. In fact, no research to the authors knowledge has examined the association between these six legal concepts and juror decision-making within the specific context of an intimate partner rape (IPR) trial scenario. Hence, the PJAQ will be included in the following experiments to explore the impact of preconceived legal attitudes upon decisions made at a rape trial.

There have been efforts made to link personality traits and juror decision-making however the conclusion often reached is that such traits are weak predictors of decisions made (Lieberman & Krauss, 2009). That said, research examining certain personality traits and disorders within defendants themselves has been found to influence juror decisions. Research has found that verdict decisions are likely impacted by a label or diagnosis of psychopathy applied to defendants. In cases, where a defendant's psychopathy is made apparent, jurors are likely to return more guilty verdicts and recommend harsher sentences (Blais & Forth, 2014; Cox et al., 2016; Guy & Edens, 2003). Despite the apparent importance of psychopathic personality in the jury trial process, no prior research has explored the role of psychopathic personality traits among jurors themselves. That said, some research has highlighted the importance of affective empathy in assessing juror's perceptions of victims of sexual assault and rape (Deitz et al., 1982; Deitz et al., 1984). Research also displays that psychopathy traits which reflect callousness and interpersonal manipulation are correlated with RMA scores (beliefs which are often related to rape trial juror decisions as mentioned above) (Moullso & Calhoun, 2013; Watts et al., 2017). Despite its intuitive appeal, as the role

of psychopathic personality traits upon juror's decision-making is yet to be empirically tested, the current thesis (within experiment two) will examine this relationship for the first time in the context of a rape trial.

Finally, conclusions drawn from previous attempts to link juror demographic characteristics and decisions made at trial suggest such features are weak predictors of final decisions. A review of existing literature indicates a lack of consensus regarding the importance of such variables. Research has found that demographic variables such as age, gender, and ethnicity to be weak and unreliable predictors of trial outcomes, particularly when assessed in isolation (Lieberman & Krauss, 2009). Although, some research has discovered that within crime-specific criminal trials, demographic variables are significant predictors of verdicts returned. For instance, gender has been found to predict guilty verdicts within sexual assault, child abuse and rape cases (Bottoms et al., 2014; Osborn et al., 2018). For that reason, within the current research it was deemed necessary to empirically test the influence of demographics upon decisions made, within the context of a specific rape trial. Further to this, the current experiments will re-test such variables within an improved mock trial paradigm, in an attempt to produce a more reliable insight into the relationship between juror demographics and final verdict decisions.

The rationale for the forthcoming studies considers all previously stated criticisms and gaps in the literature. The rationale supports the overarching goal of the experiment; that is, to examine crime-specific, varying legal attitudes and psychological constructs upon juror decisions made within an English trial setting. More importantly, to do this within an ecologically improved methodology that will attempt to directly address some of the methodological criticisms attributed to previous research, which has invariably undermined the reliability of the findings obtained. Most prior research tends to examine such variables within the context of stranger or acquaintance rape. Therefore, there appears to be somewhat of a knowledge gap for other rape 'types', such as intimate partner or domestic rape. The limited research conducted to date examining factors which influence juror decision-making within the context of rape complaints made against an intimate partner, will therefore be tested in the current thesis.

## 1.5. Thesis Aims and Objectives

To date, there is a large body of empirical work that evidences a relationship between juror characteristics, attitudes and psychological traits with the verdict decisions that jurors make within rape trials. However, there remains some debate over which factors are most influential and detrimental to the impartiality of such decisions based upon conflicting and inconsistent research findings. Therefore, the overall objective of the forthcoming experiments within this thesis was to examine the effects of juror characteristics and inherent biases upon individual juror decision-making within the context of a rape trial, within an ecologically improved mock trial paradigm. This objective will be tested separately within two different experiments.

Experiment one sought to examine the effects of modern rape myth beliefs, pre-existing legal attitudes and juror demographic variables upon individual verdict decisions made post-trial. Based on prior literature focusing on demographic influences, as well as attitudinal and psychological influences the current experiment hypothesises that:

- 1) Rape myth acceptance scores will be significantly related to individual verdict decisions whereby higher levels of rape myth acceptance will significantly predict “not-guilty” verdict preferences.
- 2) Pre-trial juror attitudes will be significantly related to individual juror verdict decisions; more specifically, the constructs of social justice, cynicism towards the defence, confidence in the justice system, conviction proneness, racial bias and innate criminality will be significantly related to individual juror decisions. No directional hypotheses are advanced for each of the aforementioned sub-scales due to scant and contradictory prior research findings.
- 3) No prior hypotheses surrounding ethnicity, age or gender are put forward given the lack of consistency in prior research findings within the literature.

Experiment two sought to build upon the first by undertaking a more ecologically valid mock trial paradigm whereby 12 individual jurors were randomly empanelled into a jury group and observed the mock trial reconstruction and deliberated to reach a collective verdict in person.

The first objective was to examine the impact of modern rape myth beliefs, psychopathic personality traits and juror demographics, including previous sexual victimisation experience upon individual juror decision-making. The second was to assess individual verdict preference both pre- and post-group deliberation.

Based upon prior literature, experiment two's hypotheses are as follows:

- 1) Rape myth beliefs will be significantly related to individual verdict decisions whereby higher rape myth acceptance scores will significantly predict "not-guilty" verdict preferences, both pre- and post-deliberation.
- 2) Previous victimisation will significantly predict individual juror's verdict decisions, whereby those with previous victimisation experiences will be more likely to return a guilty verdict than those without such experiences.
- 3) No prior hypotheses surrounding ethnicity, age or previous experience as a juror are included given the scarcity of research and lack of consistency in existing research findings within the literature.
- 4) No hypothesis surrounding the psychopathic personality traits, namely interpersonal manipulation, egocentricity, affective responsiveness and cognitive responsiveness, were given due to the scarcity of existing literature. No hypothesis was advanced in respect of overall empathy scores as empathy as a construct was measured separately (cognitive responsiveness and affective responsiveness) in the current experiment, in line with recent literature highlighting the differential predictive validity of such constructs.

## Chapter Two: Literature Review

### 2.1. Rape Attrition in the Criminal Justice System

Despite major legal reform, such as the Sexual Offences Act (2003) that amends previously outdated definitions and legislation, there has been little improvement to rape attrition in the CJS (Daly & Bouhours, 2010; Fiest et al., 2007; Lea et al., 2003; Maddox et al., 2011). It is well-documented that sexual assault and rape cases are far less likely to progress from perpetration-to-conviction compared to other criminal offences. Notably, those committed by a current/ex intimate partner hold significantly higher attrition rates (Hester & Lilley, 2017; Holh & Stanko, 2015; Lea et al., 2003). The years 2019-2020 saw a mere 1,439 rape convictions from a possible 2,101 completed prosecutions, despite 55,130 officially reported allegations (CPS, 2020; ONS, 2021b); emphasising a significant justice gap from perpetration-conviction. Four core stages reliably account for such high attrition rates; *(1) victim withdrawal of allegations, (2) police unwillingness to proceed, (3) prosecutor charging decisions and (4) juries returning not-guilty verdicts at trial*. Whilst there is debate surrounding which stage attrition is most likely to occur, there is a consensus that extra-legal factors, such as rape myths and stereotypes, facilitate attrition at all four stages (Brown et al., 2007; Lea et al., 2016; Spohn & Tellis, 2019).

Some research maintains that a tremendous percentage of attrition occurs during the police investigation stage. It found that police officers are inappropriately influenced by traditional rape stereotypes, myths and normative sexual scripts (Hester & Lilley, 2017; Maddox et al., 2011; Nielson et al., 2018). Unfortunately, police and prosecutors hold a “gatekeeping” role within the justice system as they determine which cases progress to trial (Frazier & Haney, 1996; Spohn & Tellis, 2019). Research has shown that rape cases that conform to real rape stereotypes are more likely to progress than cases that do not, such as intimate partner rape (IPR) (O’Neil et al., 2015). Although, downward orientation theory suggests that police and prosecutors may predict how a victim, suspect and allegation will be interpreted by a jury; therefore, unconventional rape cases may be dismissed in consideration of how a jury will interpret them at trial (O’Neil et al., 2015; Spohn & Tellis, 2019).

## 2.2. Rape Myths: Definitions, Prevalence and Research

The term “rape myth” first emerged during the 1970’s after researchers began to recognise people often held beliefs and attitudes about rape and sexual violence that were untrue (Brownmiller, 1975; Estrich, 1976). Martha Burt (1980) was the first to define rape myths as “prejudicial, stereotyped or false beliefs about rape, rape victims and rapists” (p. 217). Gaining prominence thereafter, rape myths and the endorsement of commonly held false beliefs pertaining to rape and sexual violence have been extensively researched. Lonsway and Fitzgerald (1994) drew attention to the common and enduring nature of rape myths, as well as the cultural function that such myths often serve (e.g. denial and justification). They defined Rape Myth Acceptance (RMA) as the measurable extent to which individuals endorse “attitudes and beliefs that are generally false, but are widely and persistently held, and that serve to deny and justify male sexual aggression” (p. 134). Varying definitions and attempts to identify specific rape myths have emerged since, although four core categories are theorised, which serve to bias judgements surrounding rape; *(1) beliefs that blame the victim, (2) beliefs that doubt the allegations, (3) beliefs that excuse the accused and (4) beliefs that pre-define rape to specific conditions and individuals* (Bohner et al., 2005). These categories of rape myths, Gerger, Bohner and colleagues argue, are both prescriptive and descriptive in nature; subscription to which functions as an interpretive schema that guides the interpretation of rape case specific information (Bohner et al., 2005; Gerger et al., 2007) and thus serves to both bias and predispose judgements of who may be lying and telling the truth. Research examining the existence and influence of such myths is now vast and empirical evidence is reliable enough to conclude that widespread endorsement of rape myths span varied societies, cultures, and distinct groups (see Debowska et al, 2017; Grubb & Turner, 2017; Johnson & Beech, 2017; Labhardt et al, 2017). See figure one below for common rape myths reproduced from Willmott et al. (2021).

One common function of rape myths is to undermine the credibility, character and version of events put forward by rape complainants (Krache et al., 2008; Suarez & Gadalla, 2010). Such myths are frequently applied and observed within legal settings; with a plethora of empirical evidence reporting judges, lawyers and juries utilise such myths in their efforts to make sense of evidence within rape trials (Durham et al., 2016; Eyssel & Bohner, 2011; Hammond et al.,

2011; Klement et al., 2019; McKimmie et al., 2014; Smith & Skinner, 2017; Süssenbach et al., 2013; Willmott et al., 2018). Court observation research suggests defence lawyers habitually exploit rape myths in an attempt to influence juror perceptions of rape complainant's credibility by relating specific case information to general "real rape" stereotypes (Smith & Skinner, 2017; Temkin et al., 2018). Unsurprisingly, the effects of rape myth endorsement upon juror judgements, decision-making, and deliberative discussions have therefore been well-documented. Specifically, jurors who exhibit higher endorsement of RMA are significantly more likely to return not-guilty verdicts than those who endorse the same beliefs to a lesser extent (Dinos et al., 2015; Hammond, et al, 2011; McKimmie et al., 2014; Willmott, 2018). Such research findings have thereby drawn into question the ability of jurors to fairly and impartially evaluate evidence presented at rape trials, particularly in respect to IPR cases (sometimes referred to as domestic rape) where attitudes surrounding a man's right to have sex with his partner or wife have historically been widely endorsed. Thus, it is reasonable to understand why Tempkin and Krache (2008) argue rape myths determine which cases are perceived as genuine and valid. Although, some judges now warn against the endorsement of rape myths within a courtroom (Ellison, 2019). For instance, a delay in reporting does not construe a false allegation.

However, rape myths function as a single explanation of rape and disregard situational and individual differences (Suarez & Gadalla, 2010). In the same way as rape itself, rape myths are disproportionately gendered towards female victims and male perpetrators. While this commonly reflects the nature of rape, it disregards male victims and female perpetrated sexual assaults. Likewise, rape myths are exclusively focused on heterosexual relationships which diminishes their relevance within research that examines same-sex relationships. Despite 43.8% of lesbian women and 61.1% of bisexual women reporting experiences of IPR and/or physical violence, compared to 35% of heterosexual women (National Coalition Against Domestic Violence [NCADV], 2018). Gay and bisexual men report comparably high percentages of intimate partner sexual violence (NCADV, 2018).

Figure 1: Common Rape Myths reproduced from Willmott et al. (2021).

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<b>Common Rape Myths</b>	
1.	“Real rape” occurs between strangers and usually involves some form of violence.
2.	“Real rape” victims fight off their attackers, often have injuries which prove they’ve been raped and report the rape immediately afterward.
3.	False allegations of rape are common and usually occur after a woman has had consensual sex but later regrets it.
4.	Allegations of rape between people who know each other are usually the result of some miscommunication or misunderstanding and ought not to be considered rape.
5.	Being raped by someone you know is less traumatic than being raped by a stranger.
6.	Women invite rape by the way they dress, how they act, how much alcohol they consume or how many sexual partners they’ve had.
7.	Only gay men are raped; heterosexual men are not.
8.	Rape only occurs because men cannot control their sexual urges once ignited by a woman.

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### **2.2.1. Common Intimate Partner Rape Myths: Prevalence and Research**

Likewise, to broader rape myths, intimate partner rapes and sexual assaults have their own distinct myths that are equally destructive. Such myths tend to focus on the expected role and behaviour of women within intimate relationships that serve to rationalise sexually abusive behaviours between partners, particularly marital partners. Perhaps unsurprisingly, false beliefs pertaining to IPR often reflect rigid, traditional sex role expectations and stereotypes that regard women as properties of their husbands (Bergen & Bukovec, 2006; Hill & Fisher, 2001; Pemperton & Wakeling, 2006). As such, individuals who endorse these beliefs are more likely to excuse perpetrators behaviour and attribute more responsibility to female victims (Basile, 1999; Monson & Langhinrichson-Rohling, 1996; Whatley, 2005). Empirical evidence suggests that older individuals and males, who typically endorse stronger gender stereotypes, are less likely to believe rape can occur between partners, largely due to increased hyper-masculinity and sexual entitlement (Bergen & Bukovec, 2006; Hill & Fisher, 2001; Monson et al., 2000). Yet, rape law reform in E&W during the 1990's saw the inclusion of marital rape in legal definitions and the abolition of the marital rape exemption in 1994; ultimately proving this myth to be factually untrue (House of Lords, 1991; Westmarland, 2004). Other IPR myths function to trap victims within sexually abusive relationships by undermining the individual's ability to leave violent partners, report abuse or seek help (Eckstein, 2011; Zink et al., 2003). Such myths have been detected within victims themselves, friends and family members and professionals that work closely with victims (Black et al., 2010; Shorey et al., 2013; Tempkin et al., 2018).

### **2.2.2. Rape Myth Acceptance and Juror Decision-Making**

The role of RMA upon juror decision-making has been well-documented within literature. Seeing that an abundance of research suggests the existence of rape myths spans societies, cultures and communities, it is plausible to assume that random selection of jurors from such communities will result in the presence of rape supportive attitudes at trial. Literature has identified a relationship between greater endorsement of rape supportive beliefs and not-guilty verdicts, perhaps unsurprising given the ability of rape myths to undermine the credibility and character of a rape victim (Hammond et al., 2011; Krache et al., 2008; Leverick,

2020; McKimmie et al., 2014; Sommer et al., 2016). “Real rape” schemas and rigid gender/sex role expectations are likely explanations for this relationship. The function of which is to diminish the legitimacy of any allegation that does not: emphasise the use of violence, take place outside, or committed by an unknown perpetrator (Ellison & Munro, 2013). Therefore, allegations that deviate from these stereotypes are far less likely to progress from perpetration-to-conviction (Ellison & Munro, 2009). As is the case with IPR allegations; where rape typically occurs repeatedly inside a private residence, without opportunity for witnesses (Ellison, 2019).

Considering demographic features, a collective of research links gender with RMA. Perhaps unsurprisingly, due to the overwhelming female dominated nature of sexual victimisation, males have consistently displayed higher levels of RMA than females, within both student and community samples (Davies et al., 2012; Hockett et al., 2016; Osborn et al., 2018). Resultantly, males are significantly more likely to return not-guilty verdicts at trial compared to their female counterparts (Stichman et al., 2019). To support this, a moderate group of studies found that female jurors tend to be more conviction prone and more likely to suggest harsher sentences for defendants (Mckimmie et al., 2014; Osborn et al., 2018). A likely explanation is the overwhelmingly female weighted nature of sexual assaults. Currently, 618,000 women are victims of sexual assault every year in E&W alone (ONS, 2021a). What’s more, males are far more likely to hold rigid sex role expectations and hostility towards women; attitudes reflective of rape supportive beliefs (Davies et al., 2012). Indeed, associations have been found between the two. Research has shown that individuals who are high in RMA display equally high levels of hostility towards women, alongside rigid traditional gender stereotypes.

Understandably, efforts have been made to mediate the relationship. Research by Klement et al. (2019) explored whether the presence of rape confirming information or rape debunking information, presented a trial, would moderate these biases. While overall findings confirm that of previous research, individuals high in RMA reported greater victim culpability and subsequently, lower perpetrator culpability, attempts to moderate these biases were ineffective. Although, such attempts are yet to be tested using actual jurors. Many researchers now advocate for juror education, either pre-trial or during-trial about the existence and influence of rape myths (Willmott et al., 2021).

Despite the extensive body of research that supports the role of RMA upon juror decision-making, some research denies the existence of the relationship. A recent review of genuine English jurors, that saw 771 jurors from 65 sexual and non-sexual criminal trials surveyed immediately post-trial, found low endorsement of rape myths (Thomas, 2020). In fact, the study claims that, on average, only one person per jury endorses the idea of rape supportive attitudes. Whilst this study does what traditional jury research cannot, includes the use of real-world jurors, the study fails to include a full, validated measure of RMA. Instead, RMA is measured using doctored questions taken from public opinion polls and segments of established rape myth measures, tailored to fit the purpose of the study. What's more, the author argues that mock juries and trial reconstructions are not accurately reflective of genuine jurors. That is, real UK jurors have an obligation to fulfil their duties as a juror regardless of personal preference, compared to their voluntary mock counterparts (Thomas, 2020). Suggesting the decision-making processes of real-world juries could never be replicated in a mock environment.

Indeed, some mock trial research fails to meet minimum standards of ecological validity, typically assessing decision-making within artificial settings. Existing literature relies upon written vignettes to present rape case information (Dinos et al., 2015). Far removed from genuine trial procedures, written vignettes eliminate any emotional response to trial evidence and allow for individual interpretations of case information per juror. In most cases, trial materials are generally fictional and significantly abbreviated compared to real-world proceedings (Leverick, 2020). Thus, research creates an unauthentic replication of genuine trial environments; consequently, findings are limited in their application to real-world settings as they are too far removed from reality. To further this point, a review of the literature revealed a common reliance upon unrepresentative samples; the use of university student samples. A systematic review of nine studies discovered that, while two utilised members of the public, the remaining seven employed all student samples. Not only have student samples been found to be unrepresentative of the general communities in which potential jurors are pulled, they also undermine research by underestimating the effects of RMA (Leverick, 2020). A reasonable explanation is the overrepresentation of similar ages, ethnicities and education levels. Hence, ecologically improved research is required to confidently assess the effects of RMA upon juror decision-making.

### **2.3. Legal Attitudes and Juror Decision-Making**

A fundamental principle of the CJS is the unbiased and impartial persona in which it operates. Quite rightly, therefore, it assumes jurors to be free from prejudice and preconceptions to render a fair and just verdict in any case (Louden & Skeem, 2007; Ruva et al., 2007). The inability to do so is considered a violation of a defendant's basic rights (Rose & Diamond, 2008). Yet, a notable body of research indicates that verdict decisions are likely impacted by pre-existing legal attitudes; categorised into either pro-prosecution or pro-defence beliefs (Lundrigan et al., 2016; Roberts, 2012). Interestingly, an individual's legal preconceptions demonstrate a significant effect upon their interpretation and employment of legal rules within a court environment (Lundrigan et al., 2016). In fact, legal authoritarianism has been found to associate with conformity and submission to authority (Narby et al., 1993). Individuals who endorse strong beliefs of legal authoritarianism are more likely to favour the prosecution and convict (Narby et al., 1993).

A review of the literature has identified the Pre-trial Juror Attitudes Questionnaire [PJAQ] (Lecci & Myers, 2008) as an accurate measure of the effects of legal attitudes upon decision-making within criminal trials. The scale was developed as a response to early measures of authoritarianism, that found legal authoritarianism to display better predictive validity compared to general legal attitudes. The PJAQ was developed in conjunction with lay individuals to establish specific legal constructs thought to predict verdict decisions, from both a legal and lay perspective. Thus, the scale incorporates three subscales that thematically converge with previous scales (Conviction Proneness, Cynicism towards the Defence and Confidence in the CJS) and three exclusive to the PJAQ (Innate Criminality, Social Justice and Racial Bias). The following chapter will now discuss existing research relevant to each subscale.

#### **2.3.1. Social Justice**

The concept of social justice encompasses the extent to which individuals believe the world to be a fair and just place (Bennett, 2008; Rubin & Peplau, 1975). A fundamental principle that guides this theory is the notion that good things happen to good people, and

subsequently, bad things to bad people. Individuals are driven by a desire to protect such beliefs by psychologically distancing themselves from injustice (Bennett, 2008). Thus, when events occur that challenge their beliefs, such as sexual assaults and rape, individuals resort to victim blaming (Dover et al., 2012; Foley & Pigott, 2006; Kleinke & Meyer, 1990). Research suggests that within courtroom environments, jurors high in social justice will distort evidence to justify the offence (Bennett, 2008). As a direct consequence, jurors may deliver judgements that seek to minimize and diminish the severity of the crime; ultimately resulting in not-guilty verdicts (Bennett, 2008).

Yet, research seems uncertain when considering the guiding principle of bad things happen to bad people, it could be assumed accused defendants will yield more guilty verdicts. Even though some research has shown individuals high in social justice are more likely to view the defendant as guilty, it also found that social justice is not a reliable predictor of verdict outcomes (Freeman, 2006). Additionally, while some research has been conducted in relation to sexual assault/rape cases, little to no research looks at the effects of social justice within an IPR trial.

### **2.3.2. Cynicism towards the Defence**

Very little empirical research is available to confidently testify juror cynicism towards the defence is a significant predictor of verdict outcomes. Previous research does, however, briefly draw attention to the influence of defence explanation upon juror decision-making. For instance, research by Higgins et al. (2007) suggests that mock jurors perceive defendants with self-inflicting conditions, such as drug abuse, significantly harsher than those suffering with uncontrollable conditions, like PTSD. Mock jurors rated defendants who exhibited self-inflicted conditions as more responsible for their actions and thus, were more likely to yield guilty verdicts.

Furthermore, evidence shows that jurors are cynical of defence explanations that contradict their personal values. Research into the “gay panic provocation” defence hypothesises that conservative jurors would be less morally outraged by a defendant’s violent behaviour, if it was committed as a response to an unwanted same-sex sexual advance (Salerno et al., 2015).

Provocation defences invite bias as they ask jurors to yield judgements based on their subjective ideological prejudice. Results of the study indicate that conservative jurors were less cynical of the defences account compared to their liberal counterparts, as the defence went against their personal values (Salerno et al., 2015). Further to this, expert witness accounts that oppose the defence reduce the credibility of the defence in the eyes of the jury (Devenport & Cutler, 2004). When considering this within a rape trial, it can be hypothesised that individuals who do not exhibit rape supportive beliefs, will return more guilty verdicts as the idea of rape contradicts their personal values.

### **2.3.3. Conviction Proneness**

Conviction proneness refers to a juror's propensity to render guilty verdicts. In any case, conviction prone jurors exhibit a tendency to favour the prosecution while ignoring the defences presumption of innocence (Springer & Lalasz, 2014). Again, little empirical research directly investigates the relationship between conviction tendencies and juror decision-making; however, it stands to reason that, based upon the name in which it is cited, conviction prone jurors yield significantly more guilty verdicts than non-conviction prone jurors. The association of which has been well-documented within "death qualified" jurors (i.e. jurors allowed to give the death penalty). Research conducted in the US, demonstrates that individuals who support the death penalty are far more conviction prone than those who oppose it (Jurow, 1971; Thompson et al., 1984). Research assumes capital jurors express more concerns about crime, more favourable perceptions regarding law enforcement and prosecutors, as well as disapproval of defence lawyers (Thompson et al., 1984). Conviction prone jurors are also presumed willing to convict when presented with lesser evidence (Thompson et al., 1984).

Interestingly, when examining conviction tendencies in intimate partner abusive scenarios, defendant gender was identified as a significant predictor of conviction willingness. Research by Hodell et al. (2014) discovered that in the case of self-defence murder charges, mock jurors are far more likely to convict a man than a woman. Jurors expressed more sympathy towards female victims of abuse and subsequently, were less likely to convict. Perhaps, high conviction rates for male offenders were due to the overwhelming female orientated nature of sexual

assault/abuse crimes. From this, it stands to reason that female jurors would be more likely to convict in the case of IPR than their male counterparts; again, due to the heavily female weighted nature of rape.

#### **2.3.4. Confidence in the Criminal Justice System**

Public perception of the CJS is fundamental to its operation; largely due to public participation within legal proceedings. Therefore, when confidence is low, the fair and impartial persona in which it operates is nullified (Indermaur & Roberts, 2009). The Crime Survey (2019) for E&W, indicates that 69% of respondents are confident in the operation of the CJS; while just 53% perceived it to be effective. Existing research that examines the effects of such perceptions upon verdict decisions found that when individuals have no confidence in the CJS, they are likely to favour the prosecution (Farrell et al., 2013). Subsequently, as confidence increases, jurors are less likely to favour the prosecution; statistics indicate 60% favour the prosecution when confidence levels are high, compared to 82% when confidence levels are low (Farrell et al., 2013). In relation to sexual offences, prior research indicates that public opinions of sentencing are too lenient (Warner & Davies, 2012). From rape case attrition data, we know that victims lack of confidence in the CJS is a significant influence over decisions to report sexual offences (Hester & Lilley, 2017; Maddox et al., 2011). As sexual crimes are heavily gendered towards female victims, it is likely that female confidence in the CJS is lower than that of males. Although, to this authors knowledge, this is yet to be tested within rape trials.

Interestingly, a lack of confidence in the CJS is attributed to a lack of understanding surrounding legal proceedings (Van de Walle, 2009). As such, it is theorised that increased exposure and education regarding the CJS will render more favourable perceptions over time (Springer & Cooper, 2002; Van de Walle, 2009). From this, juror education is assumed an effective method of shaping public perceptions regarding the CJS. In relation to rape cases, many researchers now advocate for the inclusion of juror education, either pre- or during-trial, concerning the realities and misconceptions about rape.

### **2.3.5. Racial Bias**

The CJS is exceedingly white dominated; therefore, it stands to reason that the opinions and perceptions of black and other ethnic minorities are underrepresented. As evidenced by prior research, race is important within the courtroom (Maeder & Yamamoto, 2019). Racial bias has been consistently identified as a form of legal bias present within jurors (Mitchell et al., 2005; Schuller et al., 2009; Sommers & Ellsworth, 2001). As it stands, not only are black and minority defendants far more likely to be convicted than white defendants, but they are also more likely to receive lengthier and harsher sentences (Eberhardt et al., 2006; Mitchell et al., 2015; Schuller et al., 2009). Within sexual criminal trials, racial stereotypes often depict black males as “lusting” over females. Thus, they are more likely to be found guilty compared to a white defendant (Klein & Creech, 1982). Further to this, research shows that males exhibit stronger racial bias compared to their female counterparts (Wuensch et al., 2002). Research exploring the verdict decisions of both white and black mock jurors within a sexual assault case, found that male jurors were more likely to convict the defendant of the opposite race (Wuensch et al., 2002). Interestingly, however, no racial bias was identified in female mock jurors.

### **2.3.6. Innate Criminality**

Similar to racial bias, innate criminality, assesses jurors predetermined biases based upon physical appearance. Jurors use a defendant’s physical features to create a subjective impression of criminality. As such, black, tattooed or pierced defendants are perceived as more threatening with greater presumed criminal tendencies (Johnson & King, 2017). Previous literature tends to focus upon defendant physical attractiveness, with both non-sexual (Dumas & Teste, 2006; Landy & Aronson, 1969; Mazzella & Feingold, 1994) and sexual (Erian et al., 1998; Moore, 1990) criminal trials exhibiting less convictions/guilty verdicts for physically attractive defendants. What’s more, physically attractive victims rendered more guilty verdicts than victims perceived less attractive. Interestingly, most guilty verdicts were found in cases that exhibited an unattractive defendant paired with an attractive victim (Moore, 1990). Now, empirical studies have attempted to uncover biological predispositions to crime as a defence. Whilst some genetic differences may be present in offenders compared



to non-offenders, there are significant ethical considerations regarding the use of biological theories to appeal court convictions: whether the presence of a criminal gene can be regarded as a valid defence (Berryesa et al., 2013). Particularly, when deciding the differences between the genetics of sexual and non-sexual offenders.

#### **2.4. Psychopathic Personality Traits and Juror Decision-Making**

To this authors knowledge, no prior studies have explored the effects of more implicit psychological constructs directly relevant to the decision-making process jurors undertake at trial. Research is yet to examine how psychopathic personality traits, such as interpersonal manipulation and egocentricity, may impact decisions made by individuals at trial. Compared to broad attitudes regarding the law, how an individual perceives themselves and their ability to manipulate others has a clear relevance within the context of a deliberating jury. The ability of an individual to empathise with others, particularly those victimised in the case, may hold an important function within the decision-making process of final verdict outcomes.

Despite the disagreement and difficulties with operationalising psychopathy, it has long been of interest within the CJS, especially as a tool to measure/explain criminal behaviour. The earliest conceptualisation of psychopathy put forth by Cleckley (1941) characterised a “typical psychopath” by sixteen traits; including, superficial charm, unresponsiveness to interpersonal relationships, impulsivity and antisocial behaviour (Cleckley, 1941). This representation of psychopathy served as the foundation for psychometric assessments within forensic settings (i.e. Psychopathy Checklist Revised, Hare, 1980). However, psychopathy is a multifaceted personality disorder (Boduszek et al., 2017). One that is now apparent within both criminal and non-criminal settings (Babiak et al., 2010; Hassal et al., 2015). In fact, some researchers now argue that criminal and antisocial behaviour is an outcome of psychopathy traits rather than a core personality component of psychopathy itself (Boduszek & Debowska, 2016). As such, most existing measures tend to be too heavily weighted against criminal/antisocial behaviour components (Boduszek et al., 2017). In response to this, the Psychopathic Personality Traits Scale (PPTS) was created as a “clean” measure of psychopathy, across four core components (Interpersonal Manipulation, Egocentricity, Affective Responsiveness and

Cognitive Responsiveness), regardless of an individual's criminal background (Boduszek et al., 2016).

A review of the literature demonstrates that psychopathic personality traits, typically those that reflect callousness and a lack of empathy, are broadly related to RMA (Debowska et al., 2014; Watts et al., 2016; Willis et al., 2017). Research shows that psychopathic personality traits that reflect traditionally maladaptive features of psychopathy, are highly predictive of rape supportive beliefs (Watts et al., 2016). Interestingly, these features, such as callousness and cold-heartedness, are stronger within individuals who are sexually aggressive (Debowska et al., 2014). That is, individuals who exhibit sexual aggression and/or commit sexual assaults are more likely to display higher levels of psychopathic personality traits. Research into high psychopathy traits among college perpetrators of sexual assault, found that these traits were strongest amongst perpetrators compared to non-perpetrators (Mouilso & Calhoun, 2013). Although, the research shows that psychopathy is typically unrelated to rape myths that suggest perpetrators of sexual assaults did not mean to commit the offence. Therefore, RMA is not fully submerged by psychopathy, as only interpersonal and affective factors are related. Further research into the psychopathy and lack of empathy of incarcerated rapists shows the same level of empathy towards victims of sexual assault by another male as non-sexual offenders. Yet, significant empathy deficits were found towards a rapist's own victim/s (Fernandez & Marshall, 2003). Suggesting sexual offenders suppress empathy towards their own victims. Perhaps unsurprisingly, considering the gendered nature of RMA, research has found that males display slightly higher levels of interpersonal manipulation than females (Delisle et al., 2019). As this association has been found, it seems appropriate to investigate such relationship within the context of a rape trial.

From this literature, it is reasonable to assume that individuals who exhibit higher levels of psychopathy are likely to return not-guilty verdicts within a rape trial. However, research is yet to directly explore this association; surprising, given that previous research has identified a direct relationship between rape myth acceptance and psychopathy. Instead, explorations of psychopathy upon decision-making typically focus on the label of psychopathy attributed to a defendant. Of which, shows that defendants whose diagnosis was made salient at trial, were more likely to be judged harshly and found guilty compared to defendants without a

psychopathy diagnosis (Guy & Edens, 2003; Blais & Forth, 2014). As such, the need for further exploration into the effects of individual juror's level of psychopathic personality traits upon the decision-making process within criminal trials is needed to understand the full impact of such implicit psychological constructs.

To this authors knowledge, there is no research that examines the role of core psychopathy components (e.g. interpersonal manipulation, egocentrism) upon decisions made at trial. Some literature does, however, focus upon the effects of empathy; research often associates a lack of empathy with higher levels of psychopathy (Brook & Kosson, 2013). It is reasonable to assume that within a jury context, those who display lower levels of empathy, are perhaps more likely to return not-guilty verdicts at trial, failing to respond on an emotive level to the experience of the complainant. Yet, the impact of empathy upon juror decision-making is relatively under researched.

Research that does explore such associations has identified a relationship between level of empathy and perceptions of victim/defendant credibility and verdict confidence (Deltz et al., 1982; Deltz et al., 1984; Plumm & Terrence, 2009). Although, this was dependent upon who empathy was directed towards. For example, when mock jurors were instructed to empathise with the defendant, perceptions of who were more favourable than when jurors were not given empathy directions (i.e. jurors were not instructed to empathise with the defendant) (Plumm & Terrence, 2009). Typically, however, mock jurors empathise with victims and therefore, report higher certainty of defendant guilt and allocate harsher criminal sentencing (Deltz et al., 1982; Deltz et al., 1984). Most research reported females as displaying higher levels of empathy compared to their male counterparts (Deltz et al., 1982; Deltz et al., 1984; Plumm & Terrence, 2009).

## **2.5. Juror Demographic Characteristics and Juror Decision-Making**

Debate continues regarding whether demographic characteristics have any substantial influence over verdict decisions made at trial. As of late, numerous studies have attempted to evidence a relationship between juror demographics and verdict decisions.

### **2.5.1. Age**

Whilst acknowledging the study of juror age upon verdict decision-making has yielded inconsistent results, a small body of research has found significant differences between the judgements of older jurors compared to their younger counterparts, when presented with the same case information (Anwar et al., 2014; Higgins et al., 2007; Ruva & Hudak, 2011). The commonly held consensus suggests that older jurors, typically over the age of 50, are more conviction prone compared to younger jurors (Sealy, 1981). A typical explanation for such is the tendency of older individuals to hold more favourable perceptions of law enforcement; subsequently, they are more inclined to support the prosecution as they recognise their authenticity as a legal institution to uphold the law and punish those who break it (Higgins et al., 2007). However, upon further inspection of the effects of age when accounting for pre-trial publicity, Ruva and Hudak (2011) discovered that younger jurors are more susceptible to misguided and often false media coverage, and therefore, are more likely to return guilty verdicts as influenced by pre-trial misinformation. Despite this, some studies have failed to evidence any association between age and verdict decisions, some now refuting the existence of a relationship between demographic factors and juror decision-making at all (Libermann & Krauss, 2009).

In regards to sexual assault and rape cases, literature argues that older individuals are likely to hold rigid, stereotypical gender roles/sex expectations that consider women to be sexual objects of their husbands/partners (Zink et al., 2003). Thus, rape between partners is often ignored as sex, especially forced sex, is viewed as an obligation of marriage (Basile, 1999; Monson & Langhinrichson-Rohling, 1996; Whatley, 2005). Because of this, it can be assumed that in rape trials, particularly IPR trials where a close victim-perpetrator relationship is apparent, older jurors are likely to return not-guilty verdicts.

### **2.5.2. Gender**

The study of gender upon verdict decisions has, again, yielded contradictory findings. A wealth of studies indicate that female jurors are more conviction prone than males. In fact,

research has evidenced a direct relationship between gender and verdict decisions in certain cases (McCoy & Gray, 2007; Pettalia et al., 2017); females have been found to be more conviction prone in cases of rape and sexual assault (Osborn et al., 2018), child sexual exploitation (Bottoms et al., 2014), infanticide (Bottoms et al., 2011) and murder (ForsterLee et al., 2006). As such, women are likely to be more pro-victim, report witnesses and victims as more credible and render more guilty verdicts (Bottoms et al., 2014). Perhaps, however, associations are reflective of the gendered nature of sexual crimes; that are overwhelmingly female borne (CPS, 2019; ONS, 2021a). In cases of IPR, research shows, again, that females are most commonly those victimised (ONS, 2018). As such, it is reasonable to assume that female jurors will be more conviction prone than their male counterparts in such trials. What's more, males have consistently demonstrated their endorsement of rape supportive beliefs, and therefore, are predicted more likely to return not-guilty verdicts (Hill & Fisher, 2001; Monson & Langhinrichson-Rohling, 1996; Osborn et al., 2018). However, as argued by McCoy and Gray (2007), research has typically assessed attitudes towards male perpetrators and female victims.

### **2.5.3. Ethnicity**

In an exceedingly white dominated legal system, it is perhaps unsurprising, that a direct relationship has been identified between juror ethnic background and verdict decisions rendered at trial. The general pattern of empirical evidence favours a same-race leniency effect, and shows greater conviction rates among defendants of a different ethnicity to jurors (Bottoms et al., 2004; King, 1993; Perez et al., 1993). Research suggests a “reverse halo effect” that likens all members of a negatively viewed racial group to possess negative traits (King, 1993). For instance, myths pertaining to sexual assault assume black men lust over white women (Maeder et al., 2014); consequently, black defendants are convicted of more serious offences than white defendants. Although, some research maintains ethnic differences derive from different cultural experiences (Esqueda et al., 2008; King, 1993). By now, we can assume inherent juror biases effect verdict decisions, as such, it stands to reason that different experiences due to varying cultural backgrounds affects the way in which jurors perceive and evaluate information. Again, because of a largely white motivated legal system, empirical research tends to focus upon black/white individuals rather than being inclusive of all

minority ethnic groups. Therefore, ethnic assumptions within trials cannot be projected onto under-researched, and mostly ignored, ethnicities. What's more, empirical research is still largely concerned with the effects of defendant race. Further research is required to understand the effects of varying juror ethnic and cultural backgrounds upon decision-making processes at trial.

#### **2.5.4. Educational Attainment**

When concerned with juror educational attainment, research is primarily focused upon the differences between student and community samples. Consequently, research is somewhat limited, perhaps indicative of a publication bias. Since the onset of traditional jury research, researchers have questioned the reliability of student samples in accurately determining what impacts genuine juror decision-making (McCabe et al., 2010; Nunez et al., 2011). It is argued that student samples do not accurately reflect the natural pool in which genuine jurors are selected, that largely consists of older, less educated members of the public (DeMatteo & Anumba, 2009). To further this, a review of the literature evidences the ability of student samples to undermine the effects of inherent biases. Leverick (2020) discovered that the effects of RMA were dampened within student samples. In contrast, research has now identified some potential advantages of higher education within juries. Individuals higher in educational attainment are more likely to make calculated, formulated decisions and are more compliant towards authority (Hosch et al., 2011). Hence, a negative relationship is apparent between education and conviction proneness. When higher educated individuals act as jurors, it is expected that they will return fewer guilty verdicts based on their tendency to logically evaluate trial information and their unwillingness to return a verdict if it is not beyond reasonable doubt, as per judge's instructions.

#### **2.6. Theories of Juror Decision-Making**

Numerous theoretical models have been theorised to explain how jurors make decisions at trial. Each competing model of juror decision-making attempts to understand and explain how individuals draw different conclusions, and ultimately return different verdicts, based on identical evidence. Models range from general cognitive theories, such as dual-processing

models, to mathematical probability based Bayesian models. By having a comprehensive understanding of how jurors arrive at their verdict decisions, it will aid understanding of why jurors vary in their verdicts and how personal biases can influence trial decisions. The proceeding paragraphs review competing theories of juror decision-making to determine the most suitable framework for understanding the decision-making process.

### **2.6.1. Bayesian Model of Juror Decision-Making**

Mathematics, probability and equations are the hallmark of Bayesian decision-making. The general assumption is that when applied to a jury context, jurors will independently assign each piece of evidence a weight in relation to either a guilty or not-guilty preference, these values are then averaged to reach their final decision (Groscup & Tallon, 2009; Pennington & Hastie, 1981). The model assumes that each piece of information is independent of the next and as new information is introduced, the probability of either verdict is updated in the direction of the evidence (Freob & Kobayashi, 1996; Nesmith, 2019). Jurors are said to begin with an initial assumption regarding the probability of guilt; this is then adjusted in relation to the weighted value assigned to each new piece of evidence heard at trial as the model assumes guilt can be adjusted on a continuum throughout the trial (Pennington & Hastie, 1981). Whilst early empirical research showed some support for the model, whereby jurors were found to decide their probability of guilt based on individual pieces of evidence (Ostrom et al., 1978), most now argue there is little empirical evidence to support the Bayesian model theory (Groscup & Fallon, 2009).

### **2.6.2. Dual-Processing Models of Juror Decision-Making**

In comparison, dual-processing models are considered a more reliable explanation of juror decision-making. The underlying assumption of all variations of the model is that individuals will process information in one of two ways (Groscup & Fallon, 2009). The first is deliberate and effortful, often referred to as systematic processing, and involves comprehension and analytic scrutiny of relevant information, whilst the second, heuristic processing, is faster and more efficient due to the use of heuristics stored in memory relevant to the task (Chen & Chaiken, 1999; Salerno et al., 2017). The model suggests that systematic processing is focused

upon the message of the information provided whilst heuristic processing focuses on the context and source of the message (Salerno et al., 2017). Clearly, systematic processing appears best for making decisions at trial, especially when decisions carry high stakes such as those associated with rape trials (i.e. perpetrators walking free). However, also apparent is the social pressure associated with decision-making at trial, where jurors are presented with opposing testimony that varies in strength (Salerno et al., 2017). Where individuals are confused, or overwhelmed by contradicting information, heuristic processing is likely to take place (Chen & Chaiken, 1999; Chaikem & Ledgerwood, 2011).

### **2.6.3. Heuristics**

Heuristics, described as cognitive shortcuts, are knowledge structures, presumably learnt and stored in memory, that allow for the rapid processing of information in a less effortful manner (Chen & Chaiken, 1999; Shan & Oppenheimer, 2008). Heuristic processing seeks to reduce the effort associated within decision-making; it replaces complex thinking algorithms with simple processes (Shan & Oppenheimer, 2008). However, heuristic processing is concerned with the context and source of the message; jurors who process heuristically tend to focus on source characteristics, such as gender and ethnicity, rather than fact (ForsterLee et al., 2006). Acting as an automated response, heuristics are said to be employed when jurors are presented with ambiguous information and complicated decisions (Bornstein & Greene, 2011). A downside to this style of processing is that it is constrained by basic principles of knowledge (Chen & Chaiken, 1999). That is, if a juror has no prior knowledge associated with the task at hand they cannot rely on rapid and effortless processing.

### **2.6.4. Cognitive-Experiential Self-Theory**

Epstein's (1994) Cognitive-Experiential Self-Theory (CEST) is another example of a dual-processing model that can be applied as an explanation of juror decision-making. Likewise to other dual-processing models, CEST assumes that information is processed in either an effortless manner (experiential mode) or an analytical manner (rational mode). The experiential mode is concerned with emotional thinking that is processed in a rapid and automatic fashion, based upon past emotional experiences (Epstein, 1994). In comparison,



the rational mode is underpinned by deliberate, effortful information processing based upon an individual's understanding of conventional rules and evidence (Epstein, 1998). A fundamental feature of CEST, compared to other dual-process models, is the assumption that all behaviour is the product of co-operation between the two parallel systems (Epstein, 1994). The contribution of each system is determined by the situation and person (Epstein, 2008). Studies by Lieberman (2002) and Lieberman et al. (2007) provide empirical support for the theory within a jury context. Both studies found that, when primed to process information either experientially or rationally, mock juror's perceptions of expert witness, verdict decisions and monetary compensation was impacted (Lieberman, 2002; Lieberman et al., 2007).

#### **2.6.5. The Story Model of Juror Decision-Making**

The Story Model, proposed by Pennington and Hastie (1986, 1988, 1992, 1993), is an explanation based model, whereby jurors create a cause and effect narrative of available information on which to base final decisions. The model assumes jurors to be actively engaged in a construction of narratives throughout the trial, otherwise referred to as "stories", in which they attempt to make sense of evidence and information by organising it into a coherent mental representation (Pennington & Hastie, 1992). Story construction will be based upon three types of knowledge: (1) case-specific information acquired from the trial, (2) previous knowledge about similar events (or a similar crime), and (3) generic expectations of what is needed to complete a story (Pennington & Hastie, 1991). It is theorised that from this, jurors construct one or more interpretations which facilitates evidence comprehension and allows jurors to reach a pre-deliberation verdict preference (Pennington & Hastie, 1992). At the end of the trial, jurors will select one narrative explanation as the dominant story of events (Pennington & Hastie, 1992). This will be determined via the certainty principles.

Stories created during trial will be assessed in relation to certainty principles to determine which story has the "best fit". Each narrative will be assessed in terms of (1) coverage of all crucial pieces of evidence presented at trial (which story accounts for all the evidence), (2) coherence in terms of consistency, completeness and plausibility of the story and, (3) the uniqueness of the story. Each story must satisfy each criterion within the story construction

phase to be accepted as the dominant narrative (Pennington & Hastie, 1992). Next, during the verdict representation phase, jurors evaluate their interpretation in relation to verdict options. Jurors are said to follow instructions regarding law, alongside prior knowledge and experience, regarding what constitutes a crime in relation to their constructed narrative to determine the most relevant verdict option (Pennington & Hastie, 1992). For example, to decide whether a defendant is guilty of rape, guilty of sexual assault, or not-guilty. Finally, in the story classification phase, jurors are expected to match their accepted story with the best suited verdict option (Pennington & Hastie, 1992). The story model is now widely considered the most dominant and coherent theory of juror decision-making (Groscup & Tallon, 2009). Research by Willmott (2018) was the first to empirically test Story Model constructs; ultimately, validating the theory within empirical research.

#### **2.6.6. Pre-Decisional Distortion Theory of Juror Decision-Making**

Further to the Story Model, pre-decisional distortion theory argues that each piece of evidence presented at trial is actively manipulated to fit an initial pro-prosecution or pro-defence preference (Estrada-Reynolds et al., 2015; Russo, 2015). Opposed to models that suggest each piece of evidence is weighed against its perceived individual value, this theory suggests each piece of evidence is distorted in the direction of the current favoured verdict (Ruva et al., 2011).

That is, at the beginning of the trial, jurors will construct a preference of guilt and distort information to fit this preference in a cohesive manner. This occurs due to the desire to see separate pieces of evidence in a consistent manner. Distortion is increased in relation to juror confidence in their initial verdict preference (Carlson & Russo, 2001). Research has shown that pre-trial publicity can impact verdict outcomes when considering the distortion proposed by the theory; trial evidence is distorted in the direction of biased information (Ruva et al., 2011). Empirical evidence suggests this distortion is likely to occur within both genuine criminal trials and mock trial simulations. Not only that, prospective real-world jurors are estimated to exhibit twice the magnitude of student sample distortions (Carlson & Russo, 2001).

Whilst there are competing models of juror decision-making, as presented above, the Story Model is widely considered to be the dominant and most comprehensive explanation of individual juror decision-making (Devine, 2012; Groscup & Tallon, 2009). Several studies now offer empirical support for the model (Ellison & Munro, 2014; Pennington & Hastie, 1993; Willmott, 2018). Yet, when considering the overall effects of individual juror attitudes and biases upon vague or incomplete trial evidence, the theory can only be anecdotally applied. That is, whilst it is implied that where trial evidence cannot fully construct a narrative, the certainty principles will allow preconceived attitudes and biases to fill the gaps within a story, the theory has not been directly tested. Thus, the need for further exploration of the theory, where it is directly applied, is needed to establish its validity within juror decision-making.

## **Chapter Three: Experiment One: Examining the role of Modern Rape Myth Beliefs, Legal Attitudes and Juror Demographics upon Individual Juror Decision-Making within an Online Rape Trial**

### **3.1. Experiment One Rationale**

Despite a large body of research that evidences a relationship between inherent juror biases and characteristics upon decisions made at trial, there remains disagreement regarding the role that psychosocial characteristics and attitudes have upon juror's verdict decision-making. Regardless of the wealth of aforementioned empirical research which supports the idea that certain psychological constructs and attitudes are important determinants of juror decision-making, methodological limitations related to a lack of ecological and external validity, means the true impact of such factors upon verdict outcomes remains unclear. Therefore, the current rationale is to explore the importance of a range of psychosocial variables, previously untested within an IPR trial mock jury context, in an attempt to expand upon our existing understanding of juror decision-making processes.

Where prior research has evidenced a relationship between certain variables of interest and juror decisions (i.e. rape myths), most have done so within lab based settings far removed from the context of a real courtroom. That said, whilst experimental mock trial settings are not always reflective of the trial environment within which real jurors typically make their decisions, the use of laboratory and simulated trial environments allows for relationships between specific traits and variables and juror decisions to be directly examined while controlling for extraneous variables. Despite this, some researchers with unrestricted access to genuine juror pools argue against the use of mock jurors altogether; arguing that voluntary mock juror participants will never truly reflect the characteristics and decision-making processes apparent in real jurors (Thomas, 2020). Therefore, the following experiment will expand upon prior research that typically relies upon written vignettes, artificial trial materials and exhibits low ecological validity. To do this, the experiment will utilise genuine trial evidence condensed into a video-taped mock trial reconstruction that reflects the following stages: the undisputed facts, the complainants account, the defendants account, shortened version of both the prosecution and defences questioning of both parties, brief

forensic evidence and a summary of the judge's instructions in the case. Both the selected case and the final video-taped reconstruction was approved by criminal justice practitioners for use within psycho-legal research.

### 3.2. Experiment One Aims

Experiment one sought to examine the effects of modern rape myth beliefs, pre-existing legal attitudes and juror demographic variables upon individual jurors' verdict decisions made post-trial. Based on prior literature focusing on demographic influences, as well as attitudinal and psychological influences the current experiment hypothesises that:

- 1) Rape myth acceptance scores will be significantly related to individual verdict decisions whereby higher levels of rape myth acceptance will significantly predict "not-guilty" verdict preferences.
- 2) Pre-trial juror attitudes will be significantly related to individual juror verdict decisions, more specifically, the constructs of social justice, cynicism towards the defence, confidence in the justice system, conviction proneness, racial bias and innate criminality will be significantly related to individual juror decisions. No directional hypotheses are advanced for each of the aforementioned sub-scales due to scant and contradictory prior research findings.
- 3) No prior hypotheses surrounding ethnicity, age or gender are put forward given the lack of consistency in prior research findings within the literature.

### 3.3. Experiment One Methods

#### 3.3.1. Sample

The present experiment adopted a combination of both convenience and snowball recruitment methods. Potential participants from the general population were targeted via advertisements (see Appendix C), placed online via social media platforms, such as Facebook, Twitter, Instagram and LinkedIn. Here, participants were directed to click the provided link which redirected them to the experiment hosted on the Qualtrics online data collection platform. All advertisements posted to social media included a trigger warning regarding the nature of the research. Potential participants were explicitly told the experiment would expose them to a mock rape trial scenario, prior to clicking on the link. After completion, participants were encouraged to share the advertisement, link and trigger warning via their own social media platforms. Participation in the current experiment was completely voluntary and participants received no compensation or reward for taking part. A review of the data file after experimentation was complete revealed all participants had completed the experiment in full, with very minimal missing data. Experiment inclusion criteria required all participants to be between the ages of 18-75 and able to read written and spoken English. Anybody not fitting this criteria was asked not to participate. However, no participant data was excluded prior to analysis.

The final sample ( $N = 435$ ) ranged in age from 18 to 75 years old ( $M = 33.34$ ,  $SD = 13.05$ ) and were predominantly female (74.3%). When reporting ethnicity, most the sample identified as Caucasian (86%) while the remaining sample reported themselves as BAME (14%). In terms of educational attainment, the sample was fairly balanced with just over half of all participants stating a level of education amounting to a university degree or higher (59.8%) and 40.2% stating they had less than a university degree for their highest education qualification. Less than half of the participants reported having children (39.3%), while most the sample did not (60.7%). Please refer to Table 2 below for full demographic information.

### **3.3.2. Measures and Materials**

#### **Acceptance of Modern Myths about Sexual Aggression (AMMSA)**

The AMMSA scale (Gerber et al., 2007) is a self-report unidimensional 30-item measurement tool developed to capture modern rape myth beliefs and attitudes held towards sexual aggression in diverse populations. Individuals are asked to rate their agreement with statements such as the following “When it comes to sexual contacts, women expect men to take the lead” and “Women often accuse their husbands of marital rape just to retaliate for a failed relationship”. Responses are measured on a 7-point Likert scale, (1 = “completely disagree” to 7 = “completely agree”), with total scores ranging from 30 to 210. Higher scores indicate greater acceptance of modern rape myths. The unidimensional AMMSA scale was devised to more subtly measure attitudes held towards rape and sexual aggression compared to other, more overt, rape myth acceptance measures that preceded its development. Validation of the inventory in Greek, Spanish and Russian contexts display high internal consistency and moderate internal validity (Hantzi et al., 2015; Khokhlova & Bohner, 2020; Megias et al., 2011). Internal consistency, measured using Cronbach’s alpha was inferred at .92, consistent with figures reported by Gerger et al. (2007).

#### **Pre-Trial Juror Attitudes Questionnaire (PJAQ)**

The PJAQ (Lecci & Myers, 2008) is a 29-item multidimensional scale developed to measure legal biases, derived from extra-legal factors, that affects juror judgements. The PJAQ was developed in collaboration with lay individuals to establish which specific legal constructs were relevant in predicting verdict decisions. Resultantly, three subscales that thematically converge with previous scales (Conviction Proneness [CP], Cynicism towards the Defence [CYN] and Confidence in the Criminal Justice System [CON]) were included. In addition, three novel subscales emerged that were original to the PJAQ due to a lay perspective (Innate Criminality [INNCR], Social Justice [SJ] and Racial Bias [RB]). Although figures indicate all subscales are inter-related, no two share more than approximately 25% of variance. The scale asks individuals to indicate their agreement with each item on a 5-point Likert scale (1 = “strongly disagree” to 5 = “strongly agree”). The range of total scores varies between



subscales, though higher scores denote greater endorsement of that attitude. The PJAQ has been found to out-predict the Juror Bias Scale (Kassin & Wrightsman, 1983) and the Revised-Legal Attitudes Questionnaire-23 (Kravitz et al., 1993) combined in the prediction of overall verdict tendencies; the PJAQ accounted for an additional 2.8% of explained variance. No Cronbach's alpha score was calculated for the original scale however future work has calculated the internal consistency as .85 (Lundrigan et al., 2016).

### **Demographic Information and Verdict Decisions**

Demographic information was collected regarding participants self-reported age, gender, ethnicity, level of educational attainment and parental status. Age was recorded as a continuous variable and based on responses, gender, ethnicity, educational attainment and parental status were binary coded as follows: (1) male, (0) female; (1) Caucasian, (0) BAME; (1) university degree and above, (0) less than a university degree; (1) parent to children, (0) no children. Verdict decisions to the question *"How do you find the defendant, Kyle Williams, on the allegation that he raped the complainant, Sarah Adams?"* were also binary coded as; (1) guilty, (0) not guilty.

### **Intimate Partner Rape Case Reconstruction Video**

A transcript of a genuine rape trial, selected by myself, the researcher, was condensed to create a short mock trial reconstruction and reviewed by an expert panel of criminal justice practitioners to ensure no key information was missing or misrepresented during the process of reducing. The reconstruction was devised to include the components deemed most essential to a trial to mirror a genuine criminal trial in E&W. These included: the undisputed facts, the complainants account, the defendants account, shortened version of both the prosecution and defences questioning of both parties, brief forensic evidence and a summary of the judge's instructions in the case. The final mock trial reconstruction was performed by actors and video-taped to be used within research. A full description of the reconstruction process is provided in sub-section 3.3.3.

Full trial transcript can be found in the appendices (See appendix A).

### 3.3.3. Design and Procedure

Trial information in the current experiment was presented as a video-taped mock trial reconstruction depicting a genuine IPR case taken from the British and Irish legal information institute. A systematic trawl of legal case databases, LexisNexis and the British and Irish Legal Information Institute (BILII), was conducted with specific search criteria deemed central and commonly held characteristics of rape cases by an expert panel of legal professionals (CPS lawyer, criminal barrister and three senior detectives from specialist sexual offence units within North England police forces). Once all panel members had agreed upon a case that fit all criteria, the full transcript was shortened to allow a shorter mock trial scenario to be devised. The condensed mock trial was created in line with the following structure: the undisputed facts, the complainants account, the defendants account, shortened version of both the prosecution and defences questioning of both parties, brief forensic evidence and a summary of the judge's instructions in the case (See appendix A). The expert panel was consulted throughout to ensure the mock trial reconstruction was an accurate summary of the case in question.

A cross-sectional design was employed whereby all participants completed the same battery of questionnaires and were exposed to identical mock trial materials at one time point only. Experimentation was carried out online using the Qualtrics data collection platform, where all participants were presented with an electronic information sheet, consent form, a demographic questionnaire, AMMSA, the PJAQ, an embedded video of the IPR mock trial reconstruction, an overall verdict decision and a debrief sheet. This Qualtrics portfolio was then distributed online via social media platforms, in line with the British Psychological Society (BPS) social media guidelines. A trigger warning explicitly informing potential participants they would be exposed to a mock rape trial reconstruction was posted alongside the link, prior to individuals clicking the link. Potential participants were asked, before being directed to the Qualtrics portfolio, to make sure they had a suitable device, such as a laptop, tablet or smartphone, to access the experiment (See appendix C).

At the onset of the experiment, participants were presented with an information sheet that explained the initial objectives, procedure, instructions and data usage. Ethical considerations,

such as the right to withdraw and the inclusion of sensitive context, were communicated explicitly before further information was provided. Here, participants were informed they would be exposed to a scenario of sexual violence that some may find distressing and therefore should they feel they may become upset or distressed, they were advised not to continue. Participants were also given the contact details for the researcher, if they felt they needed extra assistance or wished to ask any questions before continuing. However, no participants made use of this. Information regarding free and impartial support services, such as the University of Huddersfield Wellbeing Services, Samaritans, Victim Support and Rape Crisis, were provided. Participants were then asked to express their consent via the provided consent form if they felt they had been fully informed regarding the purpose and nature of the experiment. A unique participant ID was required for all willing participants in the event of withdrawal of data. Participants were instructed to create this from their initials and date of birth, and asked to retain it in case they chose to be removed later. However, no participants made use of this.

The first series of questions the participants were asked to complete noted their demographic information (see sub-section 3.3.2. for full description). Participants were then asked to fully complete AMMSA and PJAQ. Once completed, participants were instructed to watch the video-taped mock trial reconstruction (as described in sub-section 3.3.2.); the video was nine minutes in length. An additional trigger warning was provided and participants were reminded of their right to withdraw.

The final part of the experiment required participants to indicate if they believed the defendant to be guilty or not-guilty based on the evidence put forward. Participants were presented with the question *“How do you find the defendant, Kyle Williams, on the allegation that he raped the complainant, Sarah Adams?”*; and were asked to record their final verdict decision as either guilty or not-guilty. To conclude, participants were provided with debriefing information that clarified research objectives and data usage. Once again, the contact details for free and impartial support and counselling services were given alongside the contact details for the researcher in the event someone wished to withdraw or seek further advice. Overall, the experiment took approximately 20-25 minutes to complete.

### **3.3.4. Analytical Procedure**

For the analysis, V24 SPSS (Statistics Package for Social Sciences) was used to record and analyse data. Descriptive statistics for age, gender, highest educational attainment, parental status, AMMSA, Confidence in the justice system, Conviction proneness, Cynicism towards the defence, Racial bias, Social justice, Innate criminality and verdict decisions were calculated. Binary logistic regression was conducted to allow the relationship between both continuous and categorical predictor variables (includes age, gender, educational attainment, children, PJAQ 6 sub-scales and the AMMSA total score) upon the categorical outcome variable of participant's chosen verdict decision (Guilty/Not-Guilty) to be tested within one model. There were no issues with multicollinearity in the present sample. Preliminary analyses displayed no issues with multicollinearity were displayed in the present sample, based upon examination of Variance Inflation Factor (VIF). To determine whether any outliers existed, standardised residuals of the data within a scatterplot were examined. Standardised residuals did not fall outside of the range of -3.3 and 3.3, suggesting that there were no outliers and the data was suitable for testing through regression (Tabachnick & Fidell, 2007).

### **3.4. Experiment One Results**

#### **3.4.1 Descriptive Statistics for Continuous Variables and Frequencies of Categorical Variables for Experiment One**

Descriptive statistics for all continuous variables are presented in Table 1 and the frequencies for all categorical variables are presented in Table 2 below. The mean participant AMMSA score was calculated as 80.94 ( $SD = 25.83$ ), which indicates the sample overall did not endorse heightened acceptance of modern myths surrounding sexual aggression and rape. Overall, 71.0% of participants returned a guilty verdict and 29.0% returned a not-guilty verdict. Descriptive statistics show that females return more guilty verdicts (74.9%) than males (59.8%) in respect of the current IPR case.

**Table 1.** Descriptive Statistics for Age, AMMSA, and PJAQ sub-scales of the PJAQ ( $N = 435$ ).

Scale	<i>M</i>	<i>SD</i>	Observed Min	Observed Max
Age	33.43	13.05	18.00	75.00
AMMSA	80.94	25.83	30.00	176.00
CON	16.04	3.65	6.00	27.00
CP	14.10	3.47	5.00	25.00
CYN	21.78	4.30	7.00	33.00
RB	9.27	2.46	4.00	17.00
SJ	13.39	2.39	7.00	19.00
INNCR	8.93	2.53	4.00	17.00

*Note:* AMMSA = Acceptance of Modern Myths about Sexual Aggression, CON = Confidence in the justice system, CP = Conviction proneness, CYN = Cynicism towards the defence, RB = Racial Bias, SJ = Social justice, INNCR = Innate criminality.

**Table 2.** Frequency and percentage of sample by gender, ethnicity, educational attainment, and parental status alongside individual verdict decisions ( $N = 435$ ).

Variable	Sample $N$ (%)	Verdict Decision	
		Guilty $N$ (%)	Not Guilty $N$ (%)
<b>Gender</b>			
Male	112 (25.7%)	67 (59.8%)	45 (40.2%)
Female	323 (74.3%)	242 (74.9%)	81 (25.1%)
<b>Ethnicity</b>			
Caucasian	374 (86.0%)	277 (74.1%)	97 (25.9%)
BAME	61 (14.0%)	58 (52.3%)	53 (47.7%)
<b>Level of education</b>			
Uni degree or Above	260 (59.8%)	180 (69.2%)	80 (30.8%)
Below uni degree	175 (40.2%)	129 (73.7%)	46 (26.3%)
<b>Parental Status</b>			
Children	171 (39.3%)	123 (71.9%)	48 (26.7%)
No Children	264 (60.7%)	186 (70.5%)	78 (29.5%)

*Note:* BAME = Black, Asian, Minority Ethnic. In the UK, Black relates to an individual with African-Caribbean heritage and Asian relates to an individual with South Asian heritage (e.g. Pakistan/India). This categorisation is purely experimental based upon a small number of participants from each ethnic background which were merged to allow for some form of comparison, not otherwise possible based upon low frequencies of specific ethnic groups.

### 3.4.2. Binary Logistic Regression Analysis of Acceptance of Modern Myths surrounding Sexual Aggression and Pre-existing Legal Attitudes upon Final Verdict Outcomes

A test of the full model with all predictors against a constant only model was statistically significant, ( $\chi^2 (df = 12, N = 435) = 83.91, p < .001$ ), indicating that the model is able to distinguish between individuals who returned a guilty verdict and those who returned a not-guilty verdict. The model as a whole explained between 18% (Cox & Snell R Square) and 25% (Nagelkerke R Square) of the variance in verdict decisions and correctly classified 76% of cases.

As displayed in Table 3 below, four variables made a statistically significant contribution to the model (Acceptance of Modern Myths towards Sexual Aggression [AMMSA], Social Justice, Ethnicity and Educational Attainment). AMMSA was a significant predictor of verdict outcome ( $OR = .96, p < .001$ ), negatively related to guilty verdicts in that participants who exhibited heightened scores in Acceptance of Modern Myths towards Sexual Aggression, were more likely to return a not-guilty verdict compared to mock jurors who exhibited reduced AMMSA scores, when controlling for all other predictors in the model. Social Justice was identified as a significant predictor of verdict outcomes, ( $OR = 1.11, p = .058$ ). This was found to be positively related to guilty verdicts, when controlling for all other predictor variables, thus indicating that individuals high in social justice are more likely to return a guilty verdict compared to those who score low in such attitudes. Ethnicity was also a significant predictor of verdict decisions ( $OR = 1.96, p = .048$ ) with Caucasian mock jurors almost twice as likely to return a guilty verdict when compared to BAME participants. Educational attainment was also a significant predictor of verdict decisions when controlling for all other variables in the model ( $OR = .62, p = .060$ ). Individuals with an educational level of below a university degree were more likely to convict than higher educated mock jury participants. Examination of the Wald statistics indicates that AMMSA (Wald = 6.44), Cynicism towards the Defence (Wald = 3.92) and Social Justice (Wald = 8.45) significantly contributed to the model.



**Table 3.** Binary Logistic Regression Models of Factors Influencing Verdict Outcomes ( $N = 435$ ).

Variables	<i>B</i>	<i>SE</i>	<i>OR</i> (95% CI)
AMMSA	-.037	.010	.964*** (.95/.98)
CON	.052	.044	1.053 (.96/1.15)
CP	.070	.045	1.072 (.98/1.17)
CYN	-.064	.035	.938 (.88/1.00)
RB	.043	.060	1.044 (.93/1.17)
SJ	.106	.056	1.112* (1.00/1.24)
INNCR	-.048	.063	.953 (.84/1.08)
Age	-.007	.012	.993 (.97/1.02)
Gender	.211	.270	1.235 (.73/2.10)
Educational Attainment	-.474	.252	.622* (.38/1.02)
Ethnicity	.672	.339	1.958* (1.01/3.81)
Parental Status	.081	.316	1.085 (.58/2.02)

*Note:* AMMSA = Acceptance of Modern Myths around Sexual Aggression total score, Parental Status = Children (yes/no), CON, CP, CYN, RB, SJ & INNCR = six sub-scales of the Pre-Trial Juror Attitudes Questionnaire. *SE* = Standard Error. *OR* = Odds Ratio. 95% CI = Confidence Interval. \* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$ .

### 3.5. Experiment One Discussion

Overall, the current experiment sought to investigate the relationship between modern rape myth acceptance, broad legal attitudes and juror demographics upon individual juror decision-making, within an IPR mock trial context. More specifically, to examine the extent to which these influenced individual verdict decision-making within an ecologically improved mock trial paradigm. The results indicate that, taken together, the aforementioned combination of juror characteristics were able to distinguish between individuals likely to return guilty verdicts and those likely to return not-guilty verdicts, within the context of an IPR trial scenario. Therefore, the findings support the overarching research aim that infers individual juror verdict outcomes will be influenced by pre-existing biases and individual characteristics.

Most importantly, the results display a direct relationship between an individual's RMA score (i.e. the extent to which rape myths are endorsed) and final verdict decisions made at trial. The experiment identified that mock jurors reportedly higher in RMA are more likely to return a not-guilty verdict than those who do not endorse such rape mythology to the same extent. As such, the interpretation from the present findings, in line with previous research, is that heightened belief in factually inaccurate and distorted attitudes regarding the offence of rape and the typical actions of rape victims and perpetrators, impacts upon the way in which jurors interpret the case and ultimately the verdicts they return (Hammond et al., 2011; McKimmie et al., 2014; Osborn et al., 2018). The present experiment was able to produce such findings within an ecologically improved paradigm, that built upon the methodological criticisms ascribed to previous mock trial research, by utilising the recommendations put forth by Willmott et al. (2021). The experiment made use of genuine rape trial transcripts, deemed appropriate by an expert panel of legal professionals, to create a video-taped mock trial reconstruction to present case information in a more realistic manner, to improve the authenticity of the current experiment. Despite the improvements made, some researchers still argue that results taken from mock jurors cannot be truly reflective of real-world juror responses (Thomas, 2020). A review of genuine English jurors found low endorsement of RMA. In fact, the research states that, on average, only one person per jury (65 juries were included in total) endorses prejudiced and inaccurate beliefs surrounding the offence of rape (Thomas,

2020). Resultantly, the study infers RMA is not prevalent nor problematic among UK jurors. However, the study fails to include a full, established measure of RMA, instead measures such beliefs using a small number of selected post-trial questions and therefore, cannot be relied upon when determining the validity of such a relationship. Thus, the current findings contradict those found within real-world jurors as a relationship between RMA and decisions made was identified. This highlights the need for further research, like the above experiments, to be conducted among real-world jurors so that direct relationships between pre-existing attitudes and beliefs and juror decisions can be examined, rather than broader endorsement rates in post-trial surveys.

The current findings partially support the relationship between pre-existing legal attitudes and individual verdict outcomes. From the six predetermined sub categories of legal bias proposed by Lecci and Myers (2008), the experiment only identified one, social justice, as able to distinguish between juror decisions. That is, the experiment found that individuals who endorse social justice beliefs to a greater extent, were more likely to return guilty verdicts compared to those who endorsed the same beliefs to a lesser extent. These results contradict the relationship proposed within previous research that infers social justice attitudes will promote victim-blaming when concerned with events that challenge their world views with a desire to protect their belief systems (Bennett, 2008; Dover et al., 2012; Foley & Pigott, 2006). For instance, in the context of a rape trial, jurors may deliver judgements that seek to minimize and diminish the severity of the crime; ultimately resulting in not-guilty verdicts (Bennett, 2008). However, one possible explanation of the current finding is that rather than attributing blame towards the victim, those who scored higher in social justice instead viewed the defendant as guilty, under the impression of bad things happen to bad people. A superstition supported by previous studies that found social justice beliefs act in the same manner as “karma”; that is, bad people deserve to be punished (Rubin & Peplau, 1975).

Despite a wealth of previous research that evidences the impact of the remaining five categories of legal bias (Conviction proneness, Cynicism towards the Defence, Racial bias, Innate criminality and Confidence in the criminal justice system), upon verdicts returned at trial, the current experiment found no other relationships between these legal biases and individual juror decision-making. One possible explanation for this, is that other

characteristics, such as the endorsement of factually incorrect and prejudiced beliefs pertaining to the offence of rape, were more relevant within a rape trial scenario and therefore, were more influential over final verdict outcomes. That is, when concerned with specific case type, crime-specific attitudes and beliefs will be more relevant and relied upon within the decision-making process compared to general attitudes. In this case, attitudes pertaining to rape were more relevant to verdict decisions than general legal attitudes. Correlations calculated between the variables indicate that whilst significant, correlations were relatively weak (less than 0.3). As previously stated in section 3.3.4. above, there were no issues with multicollinearity in the current study and therefore correlations between predictor variables are not problematic.

Juror demographics (age, gender, ethnicity, parental status and educational attainment) were investigated in regards to their impact upon juror decision-making in response to conflicting previous research. The current experiment found that age, gender and parental status were not able to distinguish between individuals likely to return guilty verdicts and those not. This contradicts a body of existing studies that found these demographics to be predictors of overall verdict decisions (Anwar et al., 2014; McCoy & Gray, 2007; Sealy, 1981). However, it is possible that the current findings are due in part to a lack of variance and balance in such demographic characteristics in the present sample and therefore, the current results support Lieberman's conclusion that demographic features, in isolation, provide weak and inconsistent predictors of verdict decisions (Lieberman and Krauss, 2009). Many relationships found in previous research were identified within sexual assault/rape cases and therefore, not substantiated within jury research more broadly.

Yet, the experiment did identify ethnicity and level of juror education as significant determinants of overall verdict decisions. From previous research, it was predicted that a defendant reflective of a black or minority ethnicity would be more likely to yield guilty verdicts compared to their Caucasian counterparts (Mitchell et al., 2015; Schuller et al., 2009). As such, both defendant and victim race was purposely kept neutral to control for the effects of racial bias. The effects of juror ethnicity upon decision-making at trial is typically under researched. However, some studies have previously suggested that South-East Asian and African-Caribbean cultures, which likely make up the BAME portion of the current sample

given the demographic profile of the UK, are more likely to hold traditional and less progressive attitudes towards woman and partners right to exert sex (Archer, 2006). Therefore, based upon this research, the current experiment anticipated BAME participants to yield fewer guilty verdicts compared to their white counterparts. Whilst this was evidenced in the present experiment, whereby Caucasian mock jurors were almost twice as likely to return guilty verdicts, the BAME sample was incredibly small and generally unrepresentative.

Jurors level of educational attainment was found to be a predictor of overall verdict outcomes. Whilst some prior research argues that there are no differences between student and community samples acting as mock jurors (Bornstein et al., 2017), the current experiment found that educational attainment was able to distinguish between those likely to return guilty verdicts and those likely to return not-guilty verdicts. The findings suggest that mock jurors who have GCSE or equivalent education (below a university degree) are more likely to convict compared to their higher educated equivalents (those with a university degree or higher). As there is no empirically acknowledged relationship between educational attainment and verdict decisions, conclusions must be drawn from comparisons between student and community samples. Previous research by Hosch et al. (2011) argues that students make considerably more considered, informed decisions. Thus, when concerned with an ambiguous IPR allegation, higher educated jurors may evaluate evidence meticulously to comprehend information.

#### **4.6. Experiment One Conclusion**

Overall, results of the experiment found that stronger endorsement of rape supportive myths, social justice beliefs, level of education and juror ethnicity were predictors of verdict decisions. These findings explicitly support previous research regarding the impact of RMA upon juror decision-making; whilst, other associations (social justice, educational attainment and ethnicity) build upon existing research, that display inconsistent and contradictory findings. To expand upon existing literature, the current experiment was able to identify the aforementioned relationships within an ecologically improved online mock trial paradigm, that incorporated in-depth, genuine trial materials and the use of real-world criminal justice practitioners. Yet, the experiment is not without limitations. The use of online participation,

whilst able to obtain a somewhat widespread sample, was not able to assess how well each individual juror understood the presented case and the instructions provided. Nor was it possible to control the environment in which the experiment took place; some mock jurors may have been disrupted or perhaps missed key aspects of the experiment, in turn affecting the overall conclusions drawn. Moreover, the current method eliminates the possibility for group deliberations and assessed individual verdict decisions made in isolation. It can be argued that certain predictor variables of guilt determinations, may differ in their predictive value before and after deliberations. Further to this, it can be argued that the current experiment measures nothing more than an initial preference of guilt rather than a final verdict decision. To address these claims, future research will require the inclusion of jury deliberations, measuring individual decisions made both pre- and post-deliberation. This will further improve the ecological validity of mock jury research as it will closely reflect the stages of a genuine E&W criminal trial.

## **Chapter Four: Experiment Two: Examining the role of Modern Rape Myth Beliefs, Psychopathic Personality Traits and Juror Demographics upon Individual Juror Decision-Making, both Pre- and Post- Group Deliberation, within an in-person Mock Trial Reconstruction.**

### **4.1. Experiment Two Rationale**

Experiment two builds upon the mock trial procedures carried out and findings obtained within experiment one (see chapter three above) by undertaking a further improved mock trial reconstruction that more accurately reflects the procedural stages present within a genuine criminal trial in E&W. Most previous research fails to adhere to any standardised expectations of ecological validity. For example, previous research, including experiment one, has typically assessed juror decision-making in isolation, without the possibility for group deliberation. As such, previous research tends to reflect pre-deliberation verdict preferences rather than agreed verdict decisions following group deliberation. With this in mind, the rationale for the current experiment is to re-examine the role of individual juror characteristics and attitudes upon IPR trial verdict decision-making, both pre- and post-deliberation, within a mock trial reconstruction that more closely aligns to genuine E&W criminal trial procedures. This will allow for the relationship between juror characteristics and rape trial verdict decisions to be tested both before and after the influence of jury deliberation. In effect, this will allow for the direct testing of the consistency by which pre-trial attitudes and traits ultimately influence initial and final verdict decisions.

In comparison to experiment one, the following will not assess the influence of general legal attitudes in relation to juror decision-making. As previously stated in sub-section 3.4.2., the results only identified one legal bias, social justice, as able to distinguish between individuals who are likely to return guilty verdicts and those not. Therefore, it was deemed unnecessary to include the assessment of prejudiced legal beliefs in further investigation; hence, the PJAQ is not included in the following experiment. However instead, the importance of more rigid personality traits upon juror decision-making will now be tested.

Moreover, the overall intention of experiment two was to investigate the effects of juror's pre-existing prejudiced beliefs regarding the offence of rape and the typical actions of victims and perpetrators alongside juror's psychopathic personality traits upon verdict decisions yielded within an ecologically improved mock trial paradigm. The intention of the mock trial reconstruction was to more closely simulate practices and procedures reflective of authentic criminal trials whilst retaining a level of methodological control and manipulation required within experimental research. Specifically, the inclusion of group deliberations will allow for the comparison of pre- and post-deliberation verdict preferences. This will enable the assessment of any differences in characteristics that are predictors of verdict outcomes after the influence of group deliberations. The experiment also intends to investigate the effects of juror's psychopathic personality traits upon decisions made at trial. All of which, are to be investigated in the context of an IPR case, taken from a genuine rape allegation previously heard before an English court (see section 3.3.3. for full description on how this was selected). The current experiment will be conducted as an in-person mock trial reconstruction.



## 4.2. Experiment Two Aims

The overarching aim of experiment two was to examine the impact of modern rape myth beliefs, psychopathic personality traits and juror demographics, including previous sexual victimisation experience, upon individual juror decision-making both pre- and post-group deliberation.

Based upon prior literature, experiment two's hypotheses are as follows:

- 1) Rape myth beliefs will be significantly related to individual verdict decisions whereby higher rape myth acceptance scores will significantly predict "not-guilty" verdict preferences, both pre- and post-deliberation.
- 2) Previous victimisation will significantly predict individual juror's verdict decisions, whereby those with previous victimisation experiences will be more likely to return a guilty verdict than those without such experiences.
- 3) No prior hypotheses surrounding ethnicity, age or previous experience as a juror are included given the scarcity of prior research and lack of consistency in prior research findings within the literature.
- 4) No hypothesis surrounding the psychopathic personality traits, namely interpersonal manipulation, egocentricity, affective responsiveness and cognitive responsiveness, were given due to the scarcity of existing literature. No hypothesis was advanced in respect of overall empathy scores as empathy as a construct was measured separately (cognitive responsiveness and affective responsiveness) in the current experiment, in line with recent literature highlighting the differential predictive validity of such constructs.

### 4.3. Experiment Two Methods

#### 4.3.1. Sample

A self-selecting opportunity sample of 108 participants were recruited from the University of Huddersfield. Potential participants were targeted via advertisements and posters placed throughout the university campus, across a variety of buildings to encourage participation across all university faculties, known as 'schools' (see appendix I for full poster). Individuals were asked to contact the researcher via email if they wished to participate. Here, they were provided with a link to the Eventbrite platform which presented participants with a brief description of the experiment and what their expected role would be. Potential participants were informed all experiments were identical and were asked to enrol on one only, based on their preferred availability. Pre-allocation to a mock trial condition, potential participants that were not between the ages of 18-75, had a criminal record or mental health illness and were not eligible to vote, i.e. if they had not lived in the UK for at least five years after their 13<sup>th</sup> birthday, were excluded from partaking. As individuals could self-select their place within any mock trial, they were encouraged to do so in isolation rather than with friend groups.

The final sample ranged in age from 18 to 61 ( $M = 23.90$ ,  $SD = 7.88$ ) and were predominantly female (59.3%). A large percentage of the sample reported their ethnicity to be Caucasian (63.9%), while the remaining were reported as BAME (36.1%). As only students were targeted for the overall sample, differences in level of degree were noted as education level; therefore, 75% of the total sample were completing an undergraduate degree, while 25% were post-graduates. In addition, participants were asked to disclose whether they had experienced a serious sexual offence, such as rape, 9.3% of the sample reported yes and 90.7% were not. Full demographic information is presented in table 4 below.

### **4.3.1. Materials and Measures**

#### **Acceptance of Modern Myths about Sexual Aggression (AMMSA)**

The AMMSA scale (Gerber et al., 2007) developed to subtly measure modern rape myth acceptance and attitudes held towards sexual aggression in diverse populations. For full description see section 3.3.2.

#### **Psychopathic Personality Traits Scale (PPTS)**

The PPTS (Boduszek et al., 2016) is a 20-item self-report measure of psychopathic personality traits, designed to be used within diverse populations for research purposes. The scale was developed in response to the lack of existing measures that examined psychopathic personality traits, regardless of age, gender, cultural background or criminal history, within both criminal and non-criminal backgrounds. The 20-item inventory is divided across four factors:

- (1) Affective Responsiveness (AR), comprised of 5 items, reflects the characteristics of low affective empathy and emotional shallowness. Items include “What other people feel doesn’t concern me” and “Seeing other people cry doesn’t really upset me”. Cronbach’s alpha = .86.
- (2) Cognitive Responsiveness (CR), comprised of 5 items, measures the ability to understand the emotional state of others and emotionally engage with others, only at a cognitive level. Items include “I am good at predicting how someone will feel” and “I find it difficult to understand what other people feel”. Cronbach’s alpha = .76.
- (3) Interpersonal Manipulation (IPM), comprised of 5 items, reflects characteristics such as superficial charm, deceitfulness and grandiosity. Items include “I sometimes provoke people on purpose to see their reaction” and “I know how to make another person feel guilty”. Cronbach’s alpha = .84.
- (4) Egocentricity (EGO), comprised of 5 items, reflects an individual’s tendency to focus on themselves; their own attitudes, beliefs and interests. Items include “I believe in the motto: I’ll scratch your back, if you scratch mine” and “I tend to focus on my own

thoughts and ideas rather than on what others might be thinking". Cronbach's alpha = .69.

Responses are measured on a 5-point Likert scale (1 = "strongly disagree" to 5 = "strongly agree"), where total scores range between 20 and 100. Higher scores indicate higher levels of psychopathic personality traits. Higher scores for AR and CR factors indicate lack of/lower endorsement of such factor, whereas higher scores on EGO and IPM factors indicate greater endorsement.

### **Juror Decision Scale (JDS)**

The JDS (Willmott et al., 2018) is a 16-item self-report measure of individual juror decision making, while incorporating specific theoretical 'certainty principles' from Pennington and Hastie's (1992) Story Model. Hence, the scale is divided across three factors:

- (1) Complainant Believability (COMP), comprised of 7 items, for example "How complete was the complainants story, in the sense that no aspects were missing or left unsupported by the evidence?".
- (2) Defendant Believability (DEF), comprised of 7 items, for example "How complete was the defendants story, in the sense that no aspects were missing or left unsupported by the evidence?".
- (3) Confidence in Decision (CON), comprised of two items, for example "Thinking about your individual verdict decision of "guilty" or "not-guilty", how confident are you that you made the correct decision?".

Responses are measured on a 5-point Likert scale (1 = "not at all" to 5 = "extremely"), with possible total scores ranging from 16-80. Higher scores on each subscale indicate higher endorsement of that belief. For example, higher scores on the COMP and DEF sub-scales indicate greater belief in the account given by the individual. Likewise, higher scores on the CON sub-scale indicates greater respondent confidence in individual verdict decision made. Internal reliability, measured by composite reliability, was reported after both verdict

decision one (COMP = 0.70, DEF = 0.79, CON = 0.82) and verdict decision two (COMP = 0.72, DEF = 0.85, CON = 0.83).

### **Demographic Information and Verdict Decisions**

A self-report demographic questionnaire was devised to collect information regarding participants age, gender, ethnicity, current level of obtained education and previous sexual victimisation. Age was recorded as a continuous variable and gender, ethnicity, educational attainment and previous sexual victimisation were binary coded as the following: (1) male, (0) female; (1) Caucasian, (0) BAME; (1) undergraduate degree, (0) postgraduate degree; (1) experienced previous sexual victimisation, (0) not experienced previous sexual victimisation. Verdict decisions to the question *“How do you find the defendant, Kyle Williams, on the allegation that he raped the complainant, Sarah Adams?”* were also binary coded as; (1) guilty, (0) not guilty.

### **Intimate Partner Rape Case Reconstruction Video**

A transcript of a genuine rape trial was condensed to create a short mock trial reconstruction and reviewed by an expert panel of criminal justice practitioners to ensure no key information was missing or misrepresented. The reconstruction was devised to include the components deemed most essential to a trial to mirror a genuine criminal trial in E&W. A full description of the reconstruction process is provided in sub-section 3.3.3.

Full trial transcript can be found in the appendices (See appendix A).

### 4.3.3. Design and Procedure

The experiment will utilise the same IPR scenario from experiment one. A cross-sectional and experimental design was adopted whereby participants were recruited to take part in one of nine identical mock trial reconstructions held within the realistic mock courtroom at the University of Huddersfield. During which, participants were asked to complete several pre-trial psychometric assessments before their individual juror verdict decisions were recorded post-trial, at two separate time points.

During enrolment onto the experiment (see sub-section 3.3.1. for a description of the process), mock jurors were asked to attend one session that best suited their availability. Upon arrival, participants were welcomed and asked to sit in the waiting area, outside the mock courtroom, and await further instruction until all 12 participants were in attendance. Each mock juror was provided with a study packet containing an information sheet that explained the initial objectives, instructions and experiment procedure, information regarding use of their data, a consent form and a battery of questionnaires, which included a demographic questionnaire, the AMMSA, PPTS, individual verdict decision one alongside the JDS, followed by individual verdict decision two and the JDS, and spare paper for note-taking during group deliberations.

At the onset of the experiment, jurors were asked to carefully review the information sheet provided to them. Here, participants were explicitly warned they would be exposed to a video-recorded mock trial reconstruction of a genuine IPR case. Participants were informed of their right to withdraw at any time and reminded they would remain anonymous at all times. Before further instruction was given, anyone who did not wish to continue was given the opportunity to leave without explanation; in practise no participant made use of this. Willing participants were then asked to thoroughly review and complete the consent form provided; these were then collected by the researcher. Next, each mock juror was allocated a unique identification number created in relation to the jury panel they were assigned to (ranging from 1 to 9) and their randomly allocated juror number (ranging from 1-12). For example, juror number 10 on the 5th jury panel would be referred to as J5-10. Jurors were asked to write this unique identification number at the top of all their questionnaires, in place

of their real names. This acted as protection to juror confidentiality and encouraged participants to be as honest as possible in their responses. Jurors were asked to retain their unique number in the event they wished to withdraw their data from the research at a later date. In practise no such request was made.

Over the course of the next 20 to 25 minutes, mock jurors were asked to fully complete the demographic questionnaire, AMMSA and the PPTS. This took place in silence as jurors were asked not to confer with each other to accurately measure the extent of each individual's characteristics. Once completed, these were collected by the researcher to avoid answers being changed throughout the experiment. Participants were then informed they would be watching the mock trial reconstruction and once again reminded of their right to withdraw at any point in the experiment; all jurors remained seated and willing to proceed. To ensure jurors were actively listening to the trial, they were informed all testimony was drawn directly from evidenced presented at the real trial. Mock jurors were asked to take their role seriously. Paper and pens were distributed to allow participants to take notes throughout the trial.

Immediately after the trial had concluded, mock jurors were asked to indicate their initial verdict preference (guilty or not-guilty), and complete the accompanying JDS. Participants were under explicit instruction not to discuss the case with their fellow jurors. The responses at this time point allowed the researcher to determine how individuals had voted prior to group influence. All verdict decision forms were collected by the researcher to ensure mock jurors would not be able to compare their initial verdict preferences after deliberation.

Next, participants were presented with brief standardised deliberation instructions. Mock jurors were asked to appoint a jury foreperson amongst themselves to mediate and to relay the collective verdict. Jurors were informed that while they should aim to reach a unanimous verdict, if after 30 minutes they could not, a ten-two majority decision would be accepted. Mock jurors were then asked to leave the jury box and directed to a large table at the other side of the mock courtroom to deliberate as a group. At this stage the experimenter left the room to allow mock jurors to discuss the case openly and honestly. The foreperson was instructed to call the experimenter back into the room once a collective verdict had been decided.

After which, mock jurors were asked to return to their original seats in the jury box to continue. Without conferring, jurors were asked to indicate their final verdict preference before completing the JDS once more. Participants were given explicit instructions that their final verdict decision did not have to reflect that of the collective jury, but rather what they felt was the appropriate decision after deliberating with others. All completed decision forms and scales were collected by the researcher and discreetly folded to ensure confidentiality of answers. Participants were informed the trial was now over and were provided with debriefing information sheets that included the contact information of the researcher and free and impartial counselling services such as the Samaritans, Rape Crisis and the University of Huddersfield Well-being services. Participants were also given the opportunity to ask any questions before leaving. Each experiment lasted between 120 to 180 minutes from arrival to debrief.

#### **4.3.4. Analytical Procedure**

For the analysis, V24 SPSS (Statistics Package for Social Sciences) was used to record and analyse data. Descriptive statistics for age, gender, level of degree, previous sexual victimisation, AMMSA, Egocentricity, Interpersonal Manipulation, Affective Responsiveness, Cognitive Responsiveness and verdict decisions were calculated. Binary logistic regression was conducted to allow the relationship between both continuous and categorical predictor variables (includes age, gender, level of degree, previous sexual victimisation, the AMMSA total score and the PPTS subscale scores) upon the categorical outcome variable of participant's chosen verdict decision (Guilty/Not-Guilty) to be tested within one model, both pre- and post-deliberation. Preliminary analyses displayed no issues with multicollinearity were displayed in the present sample, based upon examination of VIF. Standardised residuals within a scatterplot were examined to test for any outliers. None of the standardised residuals fell outside of the range of -3.3 and 3.3, suggesting that there were no outliers and the data was suitable for testing through regression (Tabachnick & Fidell, 2007).



## 4.4. Experiment Two Results

### 4.4.1. Descriptive Statistics for Categorical Variables and Frequencies for Continuous Variables for Experiment Two

Descriptive statistics for all continuous variables are presented in Table 4 below. Frequencies for all categorical variables are presented in Table 5 below. Overall, the mean participant AMMSA score was calculated at 90.89 ( $SD = 22.35$ ). The verdict decision frequencies show that initial verdict preferences pre-deliberation favoured guilty verdicts (55.6%), over not-guilty preferences (44.4%). After deliberation, however, verdict decisions were equally distributed (Guilty = 50%, Not-Guilty = 50%). Collective verdict decisions indicate not-guilty preferences overall (4 out of 9), compared to collective guilty decisions (2 out of 9). However, results suggest most collective jury decisions were undecided; 33.3% (3 out of 9 juries) represented hung juries where participants were unable to reach at least a 10-2 majority decision within the allotted time. A McNemar's Chi-square test of association was conducted to determine if there were any significant changes between individual verdict decisions pre- and post-deliberation for the sample as a whole. Results indicate there was no significant change overall in verdict decisions made pre- and post-deliberation,  $p = .307$ .

**Table 4.** Descriptive Statistics for Age, AMMSA, and PPTS subscales ( $N = 108$ ).

Scale	<i>M</i>	<i>SD</i>	Observed Min	Observed Max
Age	23.90	7.88	18.00	61.00
AMMSA	90.89	22.35	37.00	135.00
AR	10.85	3.70	5.00	20.00
CR	10.56	3.17	5.00	19.00
IMP	13.63	3.87	6.00	23.00
ECO	12.98	2.99	6.00	22.00

*Note:* AMMSA = Acceptance of Modern Myths about Sexual Aggression, AR = Affective responsiveness, CR = Cognitive Responsiveness, IMP = Interpersonal Manipulation, ECO = Egocentricity.

**Table 5.** Frequency and Percentage of Experiment Sample by Gender, Ethnicity, Educational Attainment, and Previous Sexual Victimization Experiences Alongside Individual Verdict Decisions Pre- and Post-Deliberation ( $N = 108$ ).

Variable	Sample $N$ (%)	VD1		VD2	
		Guilty $N$ (%)	Not Guilty $N$ (%)	Guilty $N$ (%)	Not Guilty $N$ (%)
Gender					
Male	44 (40.7%)	20 (45.5%)	24 (54.5%)	21 (47.7%)	23 (52.3%)
Female	64 (59.3%)	40 (62.5%)	24 (37.5%)	33 (51.6%)	31 (48.4%)
Ethnicity					
Caucasian	69 (63.9%)	31 (44.9%)	38 (55.1%)	32 (46.4%)	37 (53.6%)
BAME	39 (36.1%)	29 (74.4%)	10 (25.6%)	22 (56.4%)	17 (43.6%)
Level of Degree					
Postgraduate	27 (25.0%)	16 (59.3%)	11 (40.7%)	14 (51.9%)	13 (48.1%)
Undergraduate	81 (75.0%)	44 (54.3%)	37 (45.7%)	40 (49.4%)	41 (50.6%)
Sexual Vict					
Yes	10 (9.3%)	8 (80.0%)	2 (20.0%)	9 (90.0%)	1 (10.0%)
No	98 (90.7%)	52 (52.1%)	40 (46.9%)	45 (45.9%)	53 (54.1%)

*Note:* VD1 = Individual Verdict decision 1 (pre-deliberation); VD2 = Individual Verdict decision 2 (post-deliberation). BAME = Black, Asian, Minority Ethnic. In the UK, Black relates to an individual with African-Caribbean heritage and Asian relates to an individual with South Asian heritage (e.g. Pakistan/India). This categorisation is purely experimental based upon a small number of participants from each ethnic background which were merged to allow for some form of comparison, not otherwise possible based upon low frequencies of specific ethnic groups. Sexual Vict = Previous experience of sexual victimisation.

#### **4.4.2. Independent Samples T-Test: A Test of the Relationships between Predictor Variables**

An independent samples t-test was conducted to examine acceptance of sexually aggressive attitudes between male and female participants. The results indicate that males ( $M = 96.20$ ) and females ( $M = 87.23$ ) AMMSA scores differed significantly, ( $t(101.87) = 2.151, p = .034, d = .42$ ). Results also explored the relationship between ethnicity and AMMSA. While BAME participants reported higher acceptance of sexually aggressive myths ( $M = 94.69$ ), compared to Caucasian participants ( $M = 88.74$ ), results of the independent samples t-test report no statistically significant differences between the groups, ( $t(74.31) = -1.306, p = .195$ ).

#### **4.4.3. Binary Logistic Regression: A Test of Modern Rape Myth Acceptance, Psychopathic Personality Traits and Juror Demographics upon Individual Verdict One**

Binary logistic regression was conducted to establish the effects of age, gender, ethnicity, previous sexual victimisation, psychopathic personality traits (AF, CR, IPM and Ego) and rape myth acceptance (AMMSA scores) upon verdict decision preferences both pre- and post-deliberation.

A test of the full model relating to verdict decisions made pre-deliberation (verdict decision one) was undertaken. A test of the full model with all predictors against a constant only model was statistically significant, ( $\chi^2(10, N = 108) = 37.83, p < .001$ ), indicating the model can distinguish between individuals who return guilty verdicts and those who yield not-guilty verdicts. The model explained between 29.5% (Cox & Snell R Square) and 39.6% (Nagelkerke R Square) of the variance in verdict decisions. Overall, the model correctly identified 71% of responses pre-deliberation.

As displayed in Table 6 below, only two variables made a statistically significant contribution to the model (acceptance of sexually aggressive myths [AMMSA] and juror ethnicity), pre-deliberation. AMMSA was a significant predictor of verdict decisions ( $OR = .95, p < .001$ ), found to be negatively associated with guilty verdicts. This indicated that participants who exhibited heightened rape myth acceptance (greater scores on AMMSA scale), were more likely to return not-guilty verdicts compared to those who exhibited reduced AMMSA scores,

when controlling for all other predictors in the model. Additionally, juror ethnicity was found to be a significant predictor of verdict decisions, ( $OR = .16, p = .002$ ), when controlling for other factors in the model. This indicates that Caucasian participants were significantly more likely to return guilty verdicts compared to their BAME counterparts.

**Table 6.** Binary Logistic Regression Models of Factors Influencing Verdict Decisions Pre-deliberation ( $N = 108$ ).

Variables	<i>B</i>	<i>SE</i>	<i>OR</i> (95% CI)
AMMSA	-.050	.014	.951*** (.93/.98)
AR	.040	.089	1.040 (.87/1.24)
CR	.145	.099	1.156 (.95/1.40)
IMP	.054	.073	1.055 (.91/1.22)
EGO	.064	.097	1.066 (.88/1.29)
Age	.003	.036	1.003 (.93/1.08)
Gender	.195	.554	1.215 (.41/3.60)
Educational Attainment	.208	.622	1.232 (.36/4.17)
Ethnicity	-1.811	.593	.163** (.05/.52)
Sexual Vict	1.551	1.029	4.716 (.63/35.46)

*Note:* AMMSA = Acceptance of Modern Myths around Sexual Aggression total score, AR, CR, IMP & EGO = four subscales of the Psychopathic Personality Trait Scale (PPTS). Sexual Vict = Previous experience of sexual victimisation. *SE* = Standard Error. *OR* = Odds Ratio. 95% CI = Confidence Interval. \* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$ .

#### **4.4.4. Binary Logistic Regression: A Test of Modern Rape Myth Acceptance, Psychopathic Personality Traits and Juror Demographics upon Individual Verdict Two**

A further test of the complete model was undertaken relating to verdict decisions made post-deliberation. A test of the full model with all predictors against a constant only model was statistically significant, ( $\chi^2 (10, N = 108) = 42.29, p < .001$ ), indicating that the model could distinguish between individuals who returned guilty verdicts and those who returned not-guilty verdicts. The model explained between 32% (Cox & Snell R Square) and 42% (Nagelkerke R Square) of the variance in verdict decisions. Overall, the model correctly identified 79.6% of responses.

As displayed in Table 7 below, four variables made a statistically significant contribution to the model (AMMSA, ethnicity, previous sexual victimisation and affective responsiveness), post-deliberation. Again, AMMSA was a consistent predictor of verdict decisions ( $OR = .95, p < .001$ ), found to be negatively related to guilty verdicts. Individuals found to be high in rape myth acceptance (demonstrated by greater AMMSA scores) were more likely to return not-guilty verdicts. Likewise, ethnicity was found to be a significant predictor of post-deliberation verdict decisions ( $OR = .32, p = .048$ ), negatively related to guilty verdicts. What's more, affective responsiveness was found to be a significant predictor of post-deliberation verdict decisions ( $OR = 1.23, p = .032$ ), indicating that individuals who scored higher in lack of affective responsiveness (demonstrating reduced affective empathy) are more likely to return guilty verdicts. The largest effect was found for previous sexual victimisation, which was positively related with verdict decisions ( $OR = 20.42, p = .024$ ). That is, mock jurors who have experienced previous sexual victimisation are more likely to return guilty verdicts.

**Table 7.** Binary Logistic Regression Models of Factors Influencing Verdict Decisions Post-deliberation ( $N = 108$ ).

Variables	<i>B</i>	<i>SE</i>	<i>OR</i> (95% CI)
AMMSA	-.051	.014	.950*** (.92/.98)
AR	.203	.095	1.225* (1.02/1.48)
CR	.041	.097	1.042 (.86/1.26)
IMP	.018	.075	1.018 (.88/1.18)
EGO	-.101	.097	.904 (.75/1.09)
Age	-.014	.038	.986 (.92/1.06)
Gender	-.392	.580	.676 (.22/2.11)
Educational Attainment	-.096	.620	.908 (.27/3.06)
Ethnicity	-1.143	.577	.319* (.10/.99)
Sexual Vict	3.016	1.341	20.418* (1.48/282.62)

*Note:* AMMSA = Acceptance of Modern Myths around Sexual Aggression total score, AR, CR, IMP & EGO = four subscales of the Psychopathic Personality Trait Scale (PPTS). Sexual Vict = Previous experience of sexual victimisation. *SE* = Standard Error. *OR* = Odds Ratio. 95% CI = Confidence Interval. \* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$ .



#### 4.5. Experiment Two Discussion

The overall intention of experiment two was to investigate the impact of an individual's rape myth acceptance, psychopathic personality traits and juror demographics, including the experience of previous sexual victimisation, upon decisions made at trial, both pre- and post-deliberation. More specifically, to examine the extent to which these characteristics impact juror decision-making within an IPR mock trial paradigm that closely replicates the procedure and practices of a genuine E&W criminal trial. The results indicate that, taken together, the aforementioned combination of juror characteristics could distinguish between individuals likely to return guilty verdicts and those likely to return not-guilty verdicts, both pre-and post-deliberation. Therefore, in line with experiment one, the findings support the overarching research aim that infers individual juror verdict decisions will be influenced by pre-existing biases and individual characteristics. Further to this, the experiment was able to differentiate between traits that seem to be influenced by group deliberation; that is, both affective empathy and previous sexual victimisation were only found to impact decision-making post-deliberation. This infers that collaborative group discussions regarding case information are crucial to understanding the true decision-making process of jurors, as some juror characteristics have a consistent impact others are more sensitive to group deliberations.

Most importantly, are the factors shown to be predictive of verdict decisions both before and after deliberations. The current findings infer a direct relationship between reportedly higher RMA (i.e. those that endorse the prejudiced beliefs surrounding the offence of rape to a greater extent) and not-guilty verdicts within the context of an IPR trial. Therefore, the interpretation of the current findings, supported by a wealth of previous research, is that heightened belief in distorted attitudes impacts upon juror's evaluation of evidence and ultimately, their determinations of guilt (Hammond et al., 2011; Leverick, 2020; Osborn et al., 2018); these findings are also supported by experiment one in the current thesis. The identification of such relationship within the current experiment, adds to the overall understanding of the effects of rape myths, especially within an IPR trial. As the relationship was found both pre- and post-deliberation, it can be inferred that acceptance of rape myths is a strong predictor of verdict decisions, that is likely not influenced by group deliberation.

Despite this, the current results are not supported by those found of genuine English jurors (Thomas 2020). A likely explanation for this, is the use of an established measure of RMA (AMMSA) used within the present experiment, compared to the selected isolated rape myth scale questions that were tailored for their use within Thomas' (2020) study of real-world jurors. Further to this, Thomas (2020) did not include direct testing of individual's rape myth beliefs in relation to the verdict decisions made. The study utilised post-trial survey of jurors, likely to result in socially desirable responses regarding biases they had just been asked to set aside during trial. Therefore, the current experiment still aids existing literature in its understanding of the impacts of rape myths upon decision-making as it was conducted within a mock trial setting that closely aligned to the procedures of genuine criminal trials whilst utilising genuine rape case materials and an established measure of RMA.

To add to this, the current experiment found that male and female mock jurors differed significantly in their acceptance of rape supportive attitudes. Specifically, males were found to endorse more of these beliefs than their female counterparts, in line with previous research (Davies et al., 2012; Hockett et al., 2016; Osborn et al., 2018). Perhaps unsurprisingly, due to the overwhelming gendered nature of sexual assaults, that sees far more female victims and male perpetrators. Crime statistics for E&W alone, show that 98% of perpetrators were male, while females account for 84% of those victimised; that's an estimated 618,000 female victims of sexual assaults and rapes each year (CPS, 2019; ONS, 2021a). Consequently, as with prior research, female mock jurors yielded far more guilty verdicts, both pre- and post-deliberation, compared to their male equivalents (Stichman et al., 2019).

Again, juror ethnicity was found to be a predictor of final verdict decisions, both pre- and post-deliberation. That is, jurors who identified as Caucasian were more likely to return guilty verdicts compared to the current BAME sample. As the literature surrounding the impact of juror ethnicity upon decisions made at trial is relatively sparse, the interpretation of the current findings is not supported by past research. In fact, previous research that has explored the effects of juror ethnicity, rather than defendant or victim ethnicity, has inferred a same-race leniency that expects jurors of the same race as those involved in the crime, are likely to acquit (Bottoms et al., 2004; Maeder & Edwanton, 2018; Perez et al., 1993). No such effect was found in the current sample. However, both defendant and victim ethnicity was

purposely kept neutral to control for racial bias. A more probable explanation for the current finding is that the current sample was predominantly Caucasian (approximately 64%) and individuals from BAME backgrounds were rather unrepresented. It should also be noted that while BAME participants in the experiment had reportedly higher acceptance of rape myths, the two groups did not statistically differ overall. Whilst the present experiment attempts to aid understanding of the impact juror ethnicity may have upon determinations of guilt, a characteristic that is largely under researched in the current literature, the sample used was relatively non-reflective of genuine UK populations from which genuine jurors will be selected. This finding should be interpreted with caution until greater and more diverse representation is obtained in future research.

The current findings partially support the relationship between psychopathic personality traits present within jurors will impact upon their verdict preferences at trial. From examining the four core components of a psychopathic personality, proposed by Boduszek et al (2017), only one, affective responsiveness, was identified as a predictor of verdict decisions post-deliberation. That is, individuals who scored higher in affective responsiveness (i.e. reduced affective empathy) were more likely to return guilty verdicts within an IPR trial. The interpretation of the current findings is that, a lack of empathy, directed towards the case itself or those involved in the case, will result in guilty verdicts. The effects of psychopathic personality traits are relatively under researched within a jury context; resultantly, there is no previously supported explanation for the current findings. Although, one possible conclusion can be drawn from research by Wheeler et al. (2009) that identified factor one psychopathic personality traits, such as interpersonal manipulation and callousness (lack of empathy), were accurate predictors of victim judgement. That is, individuals reportedly higher in callous psychopathic traits can distinguish between individuals likely to be victims of crime and those who are not. When employed in the current experiment, the findings of Wheeler et al. (2009) suggest that mock jurors who exhibit a lack of affective empathy were able to identify the complainant in the presented case as a valid victim (identified her as a victim of rape) and therefore, returned guilty verdicts based on this judgement.

Further to this, affective responsiveness was only found to be predictive of verdict decisions post-deliberation. A possible explanation for this is that group discussions regarding evidence

and testimony, were able to trigger pre-existing preferences within decision-making processes. However, this was not explicitly investigated within the current experiment and is something which future research should further investigate.

What's more, previous sexual victimisation was identified as a predictor of post-deliberation verdict decisions. That is, jurors who had previously been the victim of rape or serious sexual assault, were more likely to return guilty verdicts than those who had not experienced any serious sexual assault. To this authors knowledge, no prior research exists that explicitly examines the impact of juror's own experience of sexual assault upon decisions made at trial. Instead, research typically focuses upon the sexual history of a rape complainant and the assumptions made about their credibility from this information (Schuller & Hastings, 2002; Schuller & Klippensine, 2004). Research by Schuller and Hastings (2002) found that a more intimate sexual history between a defendant and a victim, in the context of a rape trial, the less likely the defendant is to be labelled guilty; victims were viewed as less credible and more blameworthy. Based upon this research, it could be assumed that a close victim-perpetrator relationship, like that of a current/ex intimate partner rape, would result in fewer guilty verdicts. However, that was not found within the current experiment. Therefore, it is hard to assess the current findings in line with existing research. Preliminary evidence of this relationship serves as a foundation for future research to build upon to thoroughly and explicitly examine such a relationship and its potentially detrimental effects upon the impartial persona of jurors. The lack of research within this area is perhaps surprising given that approximately one in three women will experience an act of sexual violence within her lifetime (WHO, 2017). However, the current sample recorded only a small number of participants with previous sexual victimisation. Therefore, it might be reasoned that this finding is not necessarily reflective of a broader cross-section of jurors with a history of sexual victimisation; and as such future research should seek to explore this further in a larger and more diverse victim sample.

### **3.6. Experiment Two Conclusion**

The results of experiment two indicate that, both pre- and post-group deliberation, RMA was a significant predictor of not-guilty verdicts. Such findings lend support to that of previous research that identified RMA as directly related to, and predictive, of not-guilty verdicts. Other associations found (juror ethnicity, previous sexual victimisation and psychopathic personality traits) are neither supported nor rejected by existing literature as research is often inconsistent and in the case of psychopathy traits, lacking. Thus, the current findings expand upon prior research by exploring relationships not previously directly tested. These findings strongly support the assertion that within rape trials, juror decisions are directly related to the attitudes and psychological constructs jurors bring to trial. Moreover, the current results were observed within an ecologically improved in-person mock trial paradigm that not only reflected genuine trial procedures, but also utilised in-depth real-world trial materials approved for use by criminal justice practitioners. The evidence of such relationships between final verdict decisions and a juror's psychological make-up has important implications for policy and practice, such as the potential need for juror screening pre-trial within English rape trials.

## **Chapter Five: Research Discussion**

The current thesis sought to investigate the impact of juror's individual psychological make-up and characteristics upon decisions made at trial. More specifically, to test the effects of rape myth acceptance, varying legal attitudes, psychopathic personality traits and demographic factors upon individual decision-making, across two empirical experiments. Within experiment one, which adopted an online mock trial design whereby participants completed a cross-sectional battery of questionnaires before deciding upon a defendant's guilt in a video-taped IPR mock trial, findings displayed that mock juror's acceptance of modern rape myths and pre-existing legal attitudes impacted and, predicted verdict outcomes. Within experiment two, that adopted an in-person mock trial design whereby participants decided upon the defendant's guilt within the same IPR mock trial, both pre- and post-group deliberation, found that both before and after deliberation, RMA and juror ethnicity were predictive of verdicts returned. Further to this, the findings displayed that after deliberation, experience of serious sexual victimisation and a lack of affective empathy were also significant predictors of verdict decisions. Taken together, the aforementioned findings display that the decision-making process of jurors is likely impacted by much more than the evidence presented at court; subsequently, supporting existing research. The implications of the findings, therefore, hold value for future research in terms of methodological improvements and future directions. The current methodology is a vast improvement upon that of existing literature and therefore, informs future ecologically robust research. Moreover, the findings hold value for policy and practice implications; the current experiments reason for the introduction of juror screening processes within E&W.

### **5.1. Research Strengths and Limitations**

Traditional jury research has often been criticised for its artificial nature (DeMatteo & Anumba, 2009; Dinos et al., 2015). Ultimately, where legal restrictions prohibit experimental research conducted with genuine jurors (Juries Act, 1974), psycho-legal research is limited in its ability to accurately mirror genuine CJS environments (i.e. courtrooms, jury rooms), procedures (jury deliberations) and participants (genuine jurors from real-world criminal trials). Because of this, some policy makers and legal practitioners argue psycho-legal

research, such as unrealistic mock trial simulations and written vignette studies, should not be consulted when determining legal/system change (DeMatteo & Anumba, 2009).

To address such criticisms, both experiment one and two in this thesis sought to improve the ecological validity of the mock trial procedures employed by implementing some of the 'minimum requirement' recommendations suggested by Willmott et al. (2021), while building upon existing research methods (i.e. mock trial simulations). Specifically, the case presented in both experiments was taken from a real rape allegation previously heard before an English court. Mock jurors were presented with full coverage of a trial, albeit slightly condensed for research purposes. The video-taped mock trial included in-depth information surrounding both complainant and defendant testimony, cross-examination and legal instructions that match those presented to real trial jurors in E&W. This was reviewed and approved by criminal justice practitioners for use within psycho-legal research, to make sure no key information was missing or misinterpreted during the trial reconstruction. The inclusion of legal professionals in the development of materials further improves the ecological validity of the above experiments by ensuring the mock trial reconstruction was an accurate summary of the case and in accordance with the UK law of evidence. The above experiments, whilst still not a complete replication of a real criminal trial, constitute a substantial improvement upon many previous mock jury studies.

Whilst experiment one was conducted online and, therefore assessed decision-making in isolation (no group deliberation component), experiment two sought to undertake mock trial reconstructions that more accurately reflected those of a genuine English trial. Experiment two conducted in-person mock trials that saw participants acting as jurors, while deliberating and determining guilt within the same IPR case. Mock trial reconstructions were held in a realistic courtroom replica at the university, with materials taken from a genuine rape case, to more accurately reflect real-world criminal trial components. This allowed for the study of juror decision-making within a setting closely aligned to real-world legal practise and procedure. As a result, experiment two was able to identify what characteristics are likely to impact final juror verdict decisions, post-group deliberation. A key strength of the experiment was the inclusion of jury deliberations, often missing from prior mock jury research. Existing investigations typically assess individual decisions made in isolation. Thus, it can be argued

that such investigations do not accurately reflect the decisions made by genuine jurors. Given the improved mock trial design, the findings obtained may therefore provide a more accurate and reliable insight into the range of factors which influence juror decision-making within IPR trials.

Nevertheless, the above experiments are not without limitations. Experiment one sought to obtain a community sample, by recruiting an opportunity sample online rather than exclusively from within the university, that would be more reflective of the genuine jury pool from which real-world jurors are selected. Although, whilst 40% were from a non-student sample, the remaining 60% were in fact current or recently graduated students. Resultantly, the current sample is not entirely random; it's mostly opportunistic. Potential mock jurors were targeted via personal social media platforms (Facebook, Twitter, LinkedIn, Instagram). Consequently, the snowball sampling method may have resulted in recruiting individuals with similar demographics or shared interests. Because of this, the sample does not accurately reflect that of the general UK public of which real-world jurors are selected. Future research should adopt true randomisation. That is, systematic random sampling from the electoral register, and should screen jurors in terms of their eligibility based upon the jury summons criteria (Juries Act, 1974); as done in experiment two.

Again, the second experiment was limited in terms of its sample. As with most mock trial research, experiment two employed a full student sample. Whilst students were divided into undergraduate or postgraduate levels of education, the demographic characteristics of the sample were reflective of the student population in West Yorkshire; displayed by the mean age of approximately 24. Whilst prior research has concluded that there are unlikely to be significant differences in decision-making of students and real jurors (Bornstein et al., 2017), other research concluded there to be discernible differences (Hosch et al., 2011; Leverick, 2020). Therefore, future research should more closely adhere to the jury selection procedures in E&W.

Both studies were relatively female dominated; female mock jurors accounted for more than 50% of the sample in both studies. Whilst study two was somewhat moderately proportioned (59.3% were female) and representativeness was therefore not a major limitation, study one



was predominantly female (74.3%). Due to the heavily gendered nature of the present criminal case, whereby females are more likely to be victims of sexual assault, a more equal gender split in the current sample may have changed the verdict outcome. That is, in cases of sexual assault where females are predominantly the victims, female jurors are more conviction prone, pro-victim and more likely to render guilty verdicts and harsher sentencing (Bottoms et al., 2014; Osborn et al., 2018). Therefore, overall trends in the current data may not be reflective of the genuine juror population. Further to this, gender differences were exhibited within other measured traits (psychopathy and rape myth acceptance) in the current studies. Yet, due to the heavily female weighted sample, level of variance in these traits may not have been large enough to see observable effects. Future research should strive for systematic sampling to guarantee equal gender proportions. Such sampling methods were not used in the current sample as real world jurors are not stratified in this manner. Employing such methods in the current studies would diminish the ecological validity of mock juror recruitment.

## **5.2. Theoretical and Research Implications**

Both experiments were able to distinguish between individuals likely to return guilty verdicts and those not, within the context of an IPR trial. As such, the current thesis lends empirical support to those obtained within past research by demonstrating that RMA, varying legal attitudes, psychopathic personality traits and demographic characteristics are directly related and predictive of decisions made within rape trials, both pre-and post-deliberation. Some findings obtained within the current thesis (i.e. the impact of RMA) were previously obtained within less ecologically valid research and as such, the present findings can corroborate such findings to some extent.

Moreover, the above research tested and found partial evidence of the relationship between juror characteristics and rape trial verdict decisions that have not been previously examined within published jury research before. That is, the current studies examined whether a juror's previous sexual victimisation experiences and psychopathic personality traits, specifically a lack of empathy, may be predictors of verdict decisions in the context of a rape trial. The preliminary evidence of such relationships serves as a foundation for future, more detailed

research into the effects of the above characteristics. For example, to expand upon the above study whereby a lack of affective empathy was associated with guilty verdicts, future research should seek to explore such association in-depth. That is, to explicitly explore the relationship between rape myth acceptance and empathy, within both sexual assault/rape cases and in non-sexual assault cases. Such research may be able to provide an explicit explanation of the relationship and aid with screening processes for jurors in related cases.

Further to this, relationships were identified within the context of an IPR case, a typically under-researched rape type. Typically, previous research does not focus upon rape types whereby a previous and often, prolonged and personal victim-perpetrator relationship is insinuated. Although, a wealth of previous research has identified the existence of myths pertaining to rape that occurs between intimate partners, and their prevalence across different societies and cultures (Monson & Langhinrichson-Rohling, 1996; Monson et al., 2000; Whatley, 2005; Zink et al., 2003). However, little to no empirical research has been conducted into the effects of such upon decisions made at trial despite the significantly high attrition rates of intimate partner and marital rape cases within the CJS (Hester & Lilley, 2017; Lea et al., 2003). Therefore, the current findings extend upon this previous research, such as that by Hester and Lilley (2017), that found victim-perpetrator relationship was a key determinant of case progression through the CJS.

In relation to theoretical support, the current findings provide empirical evidence of attitudinal influence (i.e. rape myths) that lend support to Pennington and Hastie's (1992) Story Model of juror decision-making. That is, the significance of RMA post-deliberation suggests that where trial evidence is vague or inconclusive, jurors will start to incorporate their own biases and extra-legal factors when making sense of evidence. These biases will influence the certainty principles that jurors employ to construct narratives from trial evidence. Specifically, where principles such as coherence, consistency and completeness cannot be reached by trial evidence and testimony, attitudinal influences will fill the gap. However, whilst several studies have sought to corroborate the above claims of multiple story construction (Ellison & Munro 2014; Pennington & Hastie, 2013), no research to date has directly investigated the role of the certainty principles upon the acceptance of one story over another. Individual constructs have been previously tested in isolation (Canter, Grieve, Nicol

& Bennneworth, 2003; Yale, 2013), yet no research has attempted to assess the influence of the certainty principles collectively upon juror decision-making.

### **5.3. Methodological Implications**

Considering the above thesis as a response to the methodological criticisms prescribed to early studies of juror decision-making, several recommendations emerge that would benefit future investigations. Considering legislative restrictions that prohibit the experimental study of genuine jurors, the need to ensure ecologically valid research is paramount. Where real jurors cannot be used, mock alternatives often provide the best solution. However, to date, there are no enforced minimum standards of mock jury research that aim to do so. The first recommendation, therefore, is to create a set of minimum requirements that mock jury research should strive to achieve to cultivate ecologically sound research. In doing so, it would create a plethora of research that accurately reflects the procedures, materials and settings of real-world criminal trials that would allow for the objective study of juror decision-making processes. Whilst the above research was not a complete mirror of justice system procedures, it improved upon most previous mock juries by following the recommendations set forth by Willmott et al. (2021). For example, the above research included a deliberation element, condensed version of a genuine rape allegation and included the involvement and consultation of trained criminal justice practitioners (see Willmott et al., 2021 for full recommendations).

Two further focuses of methodological development can be taken from previous criticisms. The first, concerns the need for further experimentation upon a more representative sample. Student samples are argued to favour individuals of certain demographics, such as age, ethnicity, or even personal interests, that are generally unrepresentative of the communities in which genuine jurors are selected (Dematteo & Anumba, 2009). What's more, students have been found to under estimate the full effects of characteristics and beliefs upon decision-making (Leverick, 2020). Where student samples are to be used, the need to assess their eligibility against legislative criteria (Juries Act, 1974), to serve as a mock juror should thereby be a minimum requirement within research. Future research should aim to adopt true randomisation, that is systematic random sampling from the electoral register, for

inclusion within research. This will address critics that claim mock jurors are not accurate representations of those genuinely employed as jurors.

The second is the inclusion of group deliberation to some extent, formally absent within most investigations. It can be argued that without, only a pre-deliberation verdict preference may be measured rather than actual determinations of guilt following jury group discussions. As experiment two above demonstrates, whilst the overall number of guilty verdicts remains relatively unaffected following group deliberation, the significance of certain characteristics upon decision-making may differ (experience of serious sexual victimisation and lack of affective empathy were both found to be predictive of verdict decisions post-deliberation, but not pre-). The inclusion of the above-mentioned combination of methodological improvements would ensure a basic minimum of standard for mock jury research to be consistently produced. Thus, research would be more useful and able to inform legal policy and practise surrounding jury performance.

#### **5.4. Practical Applications and Policy Implications**

Both experiments taken together demonstrate that it would be wrong to assume juror's personal characteristics have no bearing over decisions made at trial. In fact, pre-existing legal attitudes, rape supportive beliefs and psychopathic personality traits appear to be directly related and predictive of verdicts returned. Consequently, one implication of the findings is to further the understanding of potentially biasing attitudes within trial contexts, particularly in rape trials where conviction rates are exceedingly low. From this, several solutions are put forward in an attempt to improve the fairness and impartiality of the legal system.

Within a system where lay person's decision-making is viewed as the optimal method of delivering justice, the current findings reason for the introduction of juror screening and peremptory challenges of the use of some jurors. Whilst this is currently implemented in some countries, such as the US voir dire process, other countries including the UK are yet to test such procedures. The findings of the current thesis may serve as a basis of which to inform such practice, as to the possible impacts of unchecked biases. When considering RMA, the above practise may result in the removal of prejudiced and factually inaccurate rape

supportive beliefs from the justice system (Willmott, 2017). However, some researchers argue that the effects of juror screening are over-estimated (Munro, 2019).

Moreover, the current findings support the introduction of juror education. Perhaps the preferred option for researchers and legal practitioners due to its less disruptive nature, juror education involves pre-trial or in-trial training regarding the existence of potentially biasing attitudes (Willmott et al., 2021). As the current research, did not explicitly investigate the effects of juror education, its serves to inform the literature surrounding the damaging effects of pre-existing attitudes and characteristics. From this, future research should attempt to identify the true effects of juror education in relation to the abovementioned characteristics, that could serve to improve the incredible attrition rates of rape trials.

In terms of policy, the above findings advocate for the introduction of further jury guidance surrounding preconceived, bias and its effects upon verdict decision-making. In particular, the acknowledgement of rape myths within related trials. To date, research by Ellison and Munro (2009, 2010, 2013) has encouraged the introduction of rape myth warnings that see UK judges routinely warn against drawing upon such attitudes when making decisions in rape trials. Recently, UK courts have seen the introduction of IPR directions, that dispel myths that infer women cannot be raped by a current/ex-partner or imply consent can be assumed from previous consensual sexual encounters (CPS, 2020). The current findings serve to inform such policy by demonstrating the harmful impact of rape myths within an IPR type. What's more, the research intends to inform broader policy and practice throughout the CJS as results were obtained within a mock trial setting closely aligned to real-world practice. The reliability of such should be considered when reviewing the relationships between individual juror constructs and verdict decisions. That is, where earlier research has been dismissed because of artificial settings and materials, the current experiments have addressed such criticisms.

## **5.5. Future Research Implications**

Most importantly, future research should aim to replicate the present findings using the same improved methodological amendments and make further improvements upon them, before any definitive conclusions are drawn. That is, replication of present findings is needed within

future research before psycho-legal research can be conclusively relied upon when determining real-world policy and practice in relation to IPR trials. The current research was, to the authors knowledge, the first to identify relationships between certain characteristics of jurors and verdict decision-making (i.e. psychopathic personality traits). Therefore, one further direction for future research would be to further develop the understanding of such characteristics role within jury decision-making. Specifically, to once more examine the effects of juror's psychopathic personality traits and previous victimisation experiences upon decisions made at trial. Future research should not only aim to investigate these specific relationships further but also examine the role of other relevant personality traits within the context of criminal trials. For example, to focus upon the additional aspects of personality, beyond psychopathy, such as dark triad traits (i.e. Machiavellianism, Narcissism and Psychopathy).

Additionally, research should aim to replicate findings within a more representative sample. To do this, true random, systematic sampling from the electoral register is suggested to obtain individuals likely to serve as real-world jurors. Moreover, future research would benefit from examining previously mentioned characteristics within variations of IPR cases. That is, to test the effects of current, ex or married intimate partners and within the context of different IPR allegations emerging from varied situations and circumstances.

One final potential area for future research exploration is the inclusion of qualitative assessments of preconceived bias in addition to further quantitative investigations. That is, to include both quantitative assessments of attitudes and characteristics predictive of verdict decisions, alongside qualitative measures such as juror interviews, recordings of group deliberations. This may be particularly helpful in relation to juror deliberations, where evidence of such biases would strengthen existing assessments and in turn, offer support for the need to further the development of juror screening/education procedures.

## 5.5. Conclusion

Trial by jury is often considered the gold standard of delivering justice. That is, being judged by a group of untrained, lay individuals, is preferred when determining guilt in any case. Because of this, jurors are expected to make decisions based solely upon evidence presented at trial. Of course, in practice, this is rarely the case. Presently, the use of juries remains highly regarded within the English justice system, public opinion polls consistently display high levels of support for trial by jury.

Still, attrition rates, particularly for rape cases, are exceedingly high, despite major legal reform. The years 2019-2020 saw a mere 1,439 rape convictions from a possible 2,101 completed prosecutions, despite 55,130 officially reported allegations (CPS, 2020; ONS, 2020b). Notably, those committed by a current or ex intimate partner are far less likely to progress from perpetration-to-conviction compared to any other rape type (Hester & Lilley, 2017; Holh & Stanko, 2015; Lea et al., 2003). Vast theorising has sought to understand the way in which such violence has become normalised as an explanation for prevalence and attrition rates. The pervasiveness of factually inaccurate and prejudiced beliefs regarding the offence of rape and typical actions of rape victims and perpetrators, conceptualised as rape myths, function to deny victims and allegations of rape of justice. Today, a large body of empirical research lends substantial support to the role of juror characteristics upon decision-making at trial, albeit within settings low in ecological validity.

Whilst earlier research has sought to examine the role of juror characteristics upon decisions made at trial, it has typically assessed decisions made in isolation and displayed weak and inconsistent evidence of associations. The present thesis, therefore, sought to investigate such associations within a methodologically improved mock trial paradigm. Not only do the results support previous claims that an individual's psychological make-up can unfairly affect decisions made at trial but they do so from an ecologically improved standard. What's more, associations were evidenced within a largely under researched criminal case; that is, within an IPR case. In fact, the current thesis was able to further evidence well established relationships between rape myth beliefs and juror decisions as well as elicit new insight regarding the role that previous sexual victimisation and certain psychopathic personality

traits have upon juror decision-making that have not been previously examined in published research.

To conclude, it is clear from the results of both experiments carried out as part of this research that pre-trial psychological make-up; that is juror characteristics and attitudes, remain an important influence upon rape trial juror decision-making. A conclusion that displays the need for criminal justice reform and solutions to reduce such prejudicial influence in these criminal trials must remain a central concern for researchers and policy makers over forthcoming years. Only then may survivors of rape and sexual violence be confident that their decision to report abuse and their access to justice thereafter is not only possible but likely, rather than a rarity.



**Appendices**  
**Appendix A – Full Transcript of Intimate Partner Rape Case Mock Trial**  
**Reconstruction**

**Trial Before :**

**HIS HONOUR JUDGE THOMPSON**

**NOTTINGHAM CROWN COURT**

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**Between :**

**THE CROWN**

- v -

**KYLE WILLIAMS**

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-----  
**Crown Prosecution Barrister:** Stewart Tucker QC for the Complainant  
**Defence Barrister:** Nicholas Wright QC for the Defendant

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**TRIAL**



Nottingham Crown Court  
Code 2095  
Carrington Street, Nottingham, NG2 1EE

## Charge Sheet

### Count 1 RAPE

Contrary to Section 1 of the Sexual Offences Act 2003, the Defendant KYLE WILLIAMS is charged with unlawful Rape of SARAH ADAMS at approximately 3:25 AM on February 9<sup>th</sup> 2014.



HM Courts &  
Tribunals Service

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**The information you are about to read relates to the Crown Court trial of KYLE WILLIAMS, who appears before the Court charged with one count of Rape against a female named, SARAH ADAMS.** Your role is to read the testimony and evidence, following the instructions given to you by the judge before deciding whether you find the defendant guilty or not.

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## **JUDGES INSTRUCTIONS**

Members of the Jury you have been called here today to undertake an important public duty that will require you to decide the guilt of the defendant who has entered a plea of Not Guilty to the charge of Rape. Shortly, you will be asked to consider the evidence in this case before deciding whether you find him guilty or not guilty in relation to this charge.

Before we begin the trial, it's important you know the difference between your role as the jury and my role as the judge. As the judge it is my responsibility to be the judge of law, ensuring all evidence you hear is fair and admissible in court. This I have done. As members of this jury, it is your role to be the judge of the facts and evidence you will hear. You are likely to hear competing accounts of the same event and it is for you to determine what you consider factual. At the end of the trial you will be asked to return a verdict, a verdict which you must base on the evidence alone. By the same token, I ask that you postpone your final judgement on the evidence, until all the evidence is complete. In an instance where you find the defendant guilty, you must be sure beyond a reasonable doubt. If you are not sure of his guilt then you must return a verdict of not guilty.

In this day in age it is also important to remind you that discussions about the evidence should only take place when all 12 jurors are present in the jury room. Likewise, you should not discuss the case with anybody outside of your fellow jurors, not least family and friends whose views you may trust, either face to face, over the telephone or over the internet, including on sites such as Facebook. Not only would doing so run the risk of disclosing confidential information but could consciously or otherwise, have an effect on your own judgements in the case. Finally, you should be aware that within English law, we have a system of open justice in which the representative parties themselves decide what evidence is to be included at trial. It is upon that evidence alone that you, the jury, must reach your verdict. You should not attempt to find further information about the case from any other source including, from the internet. Doing so would be unfair to both the accused and the complainant because neither would be aware of the research and its results upon your verdict decisions and, therefore, would be unable to respond to it.

The trial will be structured like this. First you will be presented with the undisputed information about the case, meaning those aspects that both the prosecution and defence agree happened. After this you will hear the alleged victim's version of events, presented by the Crown Prosecution Service barrister and subsequently the alleged offender's version of what happened, presented by his defence barrister. After all the witness testimony and evidence has been heard you will be given some further instructions from me. In the meantime however, if you feel it will help you make your decision at the end of the trial, you may take notes throughout on any aspects you see fit. The evidence will now begin.

## UNDISPUTED CASE INFORMATION

On the evening of the 8<sup>th</sup> February 2014, the complainant SARAH ADAMS [26], and the defendant KYLE WILLIAMS [27], had arranged to meet at the apartment they once shared so that he could collect some of his possessions. The complainant had lived in the apartment on her for the past 2 months since the couple's 8 month relationship had broken down and the defendant moved out. It was also the first time the couple had seen each other since the end of their relationship although both had considered they were still friendly and civil to one another at this point. As he had a considerable amount of possessions to collect the defendant had brought several boxes with him and the pair had agreed that they would pack the things together over a period of two hours, 6pm – 8pm. After an hour all the defendant's possessions were packed and so he and the complainant had begun to chat over coffee and then wine. Approximately two hours later, as the defendant made to leave, the two kissed something which they both accept they had consented to do however this kiss then led into sexual intercourse and it is at this point that their versions of events differ.

## THE PROSECUTION CASE

It is the prosecution's case that whilst Sarah had consented to a kiss, the defendant had wrongly taken this as an opportunity to initiate sexual intercourse, touching the complainant on her breast and thigh, and that despite her making it explicitly clear that she did not consent to this touching by telling the defendant to stop and pushing away his hands, that he ignored these protestations and went on to rape her.

### WITNESS TESTIMONY: SARAH ADAMS

““We had agreed for him to come around on the Saturday evening to collect his things because we both work Saturday days and this made it easier all round. Everything was fine at first and I helped him pack it all up. It didn't take as long as we thought and so I made him a coffee and we were chatting, about general stuff mostly, families etc. Then I can't really remember who suggested it but we ended up opening a bottle of wine. Then foolishly when that bottle was gone we opened another. By now it must have been about 10pm and he said he should probably leave. As he went to get up off the sofa, we ended up kissing but at this point that wasn't a problem. I had no problem kissing him to start with but then that's when he started trying to get more. He started rubbing his hand up my leg and put his hand onto my bum. We were still kissing but I pushed his hand off and told him to stop. We kissed again but then he moved his hand back onto my bum, so I pushed him off and told him to stop but he just wouldn't take no for an answer. I only had my pyjamas on which are loose fitting anyway and he just pulled them down and inserted his penis between my legs. I was trying to push him back and kept telling him to stop. I specifically remember saying “no, don't” and “you can't do this anymore, I don't want to” but he just carried on. As soon as he ejaculated, he just got up and left. I was so annoyed and upset that I rang the police straight after he went and told them that he had raped me. I said that my ex-boyfriend had just raped me.”

**Cross Examination** – Under cross examination by the defence, it was suggested to Sarah that she had in fact consented to sexual intercourse with the defendant and by her own admission had kissed him not once, but twice, even after he had touched her in a way that she suggests she didn't consent to. The defence therefore proposed that she had in fact consented to sexual intercourse with the offender and that she had only reported this as rape, when the defendant had got up and abruptly left after the sex had finished. In response she stated that this was simply not true and although she consented to a kiss and agreed to drink wine with

the defendant beforehand, she had not wanted to have sexual intercourse with him and maintained that despite her resistance he continued to penetrate her in a manner that amounts to Rape.

## **THE DEFENSE CASE**

It is the Defence's case is that contrary to what the complainant has alleged, not only did Sarah consent to a kiss but had instigated the sexualised way in which the evening had turned. She had encouraged the initiation of sexual intercourse and that any resistance she put up by way of telling the defendant to stop and pushing away his hands, was not in fact her displaying a lack of consent but playful teasing consistent with their previous sexual relationship.

### **WITNESS TESTIMONY: KYLE WILLIAMS**

“I spoke to her on the Monday before and as I work Saturday mornings, we arranged for me to go around on the evening, after 6pm. I thought it was going to take a good couple of hours as I still had quite a lot of stuff there but with her helping me pack we ended up getting it all done in just over an hour. We were talking fine whilst packing so she asked me if I wanted a coffee and I said yes. It wasn't a big deal as we hadn't broken up in a nasty way or anything like that, we just kind of grew apart over the 8 months we were together. So anyway, we had a coffee and we sitting talking away on the sofa. Then she suggested we open a bottle of wine and I don't know why I said yes, but I did. In fairness we were getting on fine, like we used to be in the early days and so one bottle of wine turned into two. By now we were both pretty drunk and thought I should probably get going as it was getting late. I got up and was about to call a taxi when we ended up kissing. We both did it, it wasn't like me coming on to her or her onto me, it was just one of those mutual things that happened. The next thing we're back on the sofa and things were getting more sexual. I did rub my hand on her leg and squeeze her bum and she was like pushing my hand back and quietly saying to stop but as far as I'm concerned she didn't actually want me to. She always used to do this when we were together that's how our sex life was, she would say she didn't have time but then we'd get into it and she'd be saying we need to stop and pushing me back but this was just how she used to be, a bit of resistance was like her way of teasing me. Anyway, she was pushing my hand back and stuff so I did stop. Then she leaned forward and started kissing me again, so again I started rubbing my hand up her thigh and pulled down her pyjama trousers. I just pulled them off and started having sex with her, she was telling me to stop but she didn't actually mean it, she always used to say this when we were together. I took it as her meaning that as we were no longer together it was going to complicate things rather than her actually meaning she didn't consent and wanted me to actually stop. You know how I mean, in these situations girls always say “no we shouldn't” but really they want to, they just don't want to come across as being easy. Anyway as soon as I finished I instantly regretted it because I thought it had just complicated the break up even more. I just got dressed and said I better go and then left. The next thing I know is by the time I'd flagged down a taxi and got home, the police were waiting outside to arrest me. I couldn't believe it. Yes it was a bit rough and she was resisting but this is how she always was when we had sex”.

**Cross Examination** – Under cross examination by the prosecution, it was suggested to the defendant that by his own admission he had continued to have sexual intercourse with the complainant despite her pushing him back with her hand and telling him to stop and that this in itself displayed that he had had sexual intercourse with her without her consent. However, the defendant maintained that her resistance and verbal instructions to stop were part of their normal sexual interactions and that she

always acted like this when they had sex. He maintained that the sexual intercourse was undertaken with her full consent and that he only believed she had cried rape as he had abruptly left after the sex was over.

## **MEDICAL EVIDENCE**

A medical expert testified that a forensic examination of the complainant following the reported rape, displayed that she had suffered some light bruising consistent with the application of a degree of force around her pubic area but had sustained no internal bruising within the vagina. He advised that while intercourse had most certainly occurred between the two parties, displayed through DNA testing, the evidence available following his examination of the complainant was neither consistent nor inconsistent with a rape taking place.

## **JUDGES FINAL INSTRUCTIONS**

### **General Directions**

Members of the jury, in this case you have heard two competing accounts of the same event, one of which amounts to Rape and one of which amounts to a lawful sexual encounter.

The prosecution have invited you to convict the defendant on the charge of Rape, arguing that irrespective of the her consenting to kiss the defendant, Sarah, simply did not consent to the sexual intercourse which took place and that as far as she could under the circumstances, she made this explicitly clear to the defendant by telling him to stop and resisting. As such, they suggest that the defendant blatantly disregarded her lack of consent and continued with the intercourse nonetheless, failing to take any adequate steps under the circumstances, to form a reasonable belief that she had given consent. They suggest under the current law this in itself amounts to rape. The defence however, invites you to acquit to defendant on the charge of Rape, arguing instead that the evidence you have heard from the complainant is merely the testimony of a women scorn by her ex-partner in that, after abruptly leaving immediately after having consensual sexual intercourse with her in much the same way as they had previously done many times before, she had falsely alleged that this was rape. Alternatively the defence suggest that the complainant did consent, and that not only did the defendant believe the complainant consented to sexual intercourse but that this belief was reasonable base upon how she had acted when having consensual sex in the past. Whether the events took place as have been described, is a matter for you to decide.

Before I inform you of the relevant matters of law that you should consider, I must first draw your attention to the experience of the court in similar cases. You will recall at the beginning of the trial I explained that it is my role to give directions on the law but it is your collective role to be the judge of the facts. When making judgements about these facts you must disregard any stereotypes you hold about what is a typical rapist or rape victim. Indeed there is no classic offender the same way there is no classic response of a victim. You must judge the evidence dispassionately not based on your emotions or any other biases you may have.

You must also be aware of the burden and standard of proof in criminal trials such as this. The burden of proof lies with the prosecution and what this means is that it is not for the defendant to prove his innocence but for the crown prosecution service to prove his guilt. In order for you to accept that they have displayed this guilt, you must also collectively agree that it was displayed beyond a reasonable doubt. When determining what is a reasonable doubt we simply state that you must be sure, to return a guilty verdict. Anything less than being sure of the defendant's guilt and you must return a not guilty verdict.

You should also be aware that you do not need to decide every issue in the case, only the issues that are important to the verdict and these I will shortly bring to your attention. Likewise if I have left something out of my summary that you think is important or included something that you disagree with, that is fine, you may disregard or include it in your discussions. Remember it is you, not me, who is the judge of the facts. Overall it is for you to weight up the evidence and testimony and ultimately decide upon crucial aspects of the case and whether they make you sure or not, of the defendant guilt.

### **Legal Directions**

Undoubtedly the voluntary consumption of alcohol has played some part in this case however it does not necessarily play a defining role in your decisions of guilt, according to the law. A person is guilty of rape when *Person A*; (a) intentionally penetrates the vagina, anus or mouth of another person with his penis, (b) *Person B* does not consent to the penetration and (c) *Person A* does not reasonably believe that *Person B* consents. Whether a belief in consent is to be considered reasonable will have to be based on the circumstances of the case however, essentially relates to any specific steps that the defendant has taken to ascertain whether the complainant consented or not. What is therefore an essential question for your decision in this case, is whether the evidence has proven to you that the defendant had sexual intercourse with the complainant without her consent, or that where he had a belief that she had consented, this was not a reasonable belief regarding whether adequate steps were taken to inform such a belief. What steps are considered to equate to a reasonable belief is again a something you must decide. You must draw your own conclusions on these matters from the evidence you have heard overall.

A separate issue in this case, involves the voluntary consumption of alcohol and whether this level of intoxication removed the complainant's freedom and capacity to consent. However, this is not a stance point in which the prosecution have put forward as relevant in this case. When this may have been relevant for example, would be where the complainant was said to have been unconscious through drink and therefore would obviously have not been able to consent to sexual intercourse. However as this wasn't suggested to be the case in the complainants evidence you need not consider whether alcohol removed her freedom or capacity to consent, as she herself doesn't suggest that it did.

Therefore it is not a question of whether alcohol itself caused a lack of consent but rather a question of whether the evidence has proven to you that the defendant had sexual intercourse with the complainant, without obtaining her consent. In order to decide this you must first select a Jury foreman who will manage the deliberations and attempt to return a unanimous to the Court.

## **Experimenter Verdict Instructions**

*Please now go to the jury room and attempt to reach your verdict. Please bear in mind that although you have simply read this case outside of the real trial itself, all of the evidence is drawn from a real case and the decisions you make are therefore going to have important implications in understanding that case. With this in mind we ask that you try to treat the deliberation as though you were making the decision as a juror in the original trial.*



## Appendix B – Ethical Approval for Experiment One and Two

RE: LILLEY - SREIC PGR Panel Application (Panel Meeting not required) - Outcome

**From:** SHUM Research Ethics <hhs\_srep@hud.ac.uk>

**Sent:** 20 January 2020 11:57

**To:** Caroline Lilley (Researcher) <Caroline.Lilley@hud.ac.uk>

**Cc:** Daniel Boduszek <D.Boduszek@hud.ac.uk>; Dom Willmott <D.Willmott@mmu.ac.uk>; Kathryn Sharratt <K.Sharratt@hud.ac.uk>; Howard Atkin <H.Atkin2@hud.ac.uk>

**Subject:** LILLEY - SREIC PGR Panel Application (Panel Meeting not required) - Outcome

**Importance:** High

Dear Caroline,

The Panel Reviewers (Kathryn Sharratt and Dr Howard Atkin) have asked me to contact you with regard to your ethics application to inform you that you are no longer required to attend the Panel Meeting scheduled for tomorrow (Tue-21-Jan) as you have submitted such a comprehensive and well-written application, which was very straightforward to review.

The Panel reviewers have **approved** your application **subject to the following minor conditions:**

- Application makes reference to storing data on password protected PCs/laptops. Please be advised that University regulations stipulate that data should be stored on the network k drive (which can be accessed remotely via the Unidesktop).
- Consent form contains two statements regarding withdrawal. These appear a little contradictory and they are not consistent with the timeframes for withdrawal mentioned elsewhere in your application. Please check and amend as necessary.

We will leave the above conditions with your Supervision Team to check that you have carried these out.

With best wishes for the success of your research project.

Regards,

Kirsty  
(on behalf of the School Research Ethics and Integrity Committee (SREIC))

School Research & Enterprise Office

## Appendix C – Evidence of Social Media Post for Recruiting Participants

Hi guys, I'm still looking for people to take part in my dissertation survey! The study aims to investigate the effects of juror bias upon final verdict decision making. You are being given the opportunity to act as a juror, within a mock trial paradigm, to decide the fate of a defendant.

During the study, you will be asked to answer a series of questions about yourself before observing a videotaped recreation of a genuine rape trial. You be then asked to give a final verdict (Guilty/Not Guilty). All answers will be anonymous, so please be as honest as possible.

If you have a spare 20-30 minutes, please take part! I understand it takes a while to complete but please stick with it. Please make sure you have an appropriate device, such as a laptop, tablet or smartphone, in order to take part.

**\*Trigger warning\*** This study will expose you to a mock rape trial reconstruction. Please do not take part if you upset/sensitive to this content.

Feel free to share the link with whoever you want. Please attach the above trigger warning with all posts.

THANK YOU!

## Appendix D – Participant Information Sheet for Experiment One



### Participant Information Sheet

#### **(1) What is the study about?**

The aim of the present study is to examine juror perceptions of guilt in a criminal jury trial. Specifically, the research is interested in understanding how different jurors perceive the same criminal case. As this study is anonymous, we ask that you be as honest as possible in your answers.

#### **(2) Who is carrying out the study?**

This study is being conducted by Caroline Lilley, as a final year dissertation project. This is contribution to her undergraduate degree at the University of Huddersfield. The study is under the supervision of Dr Dominic Willmott.

#### **(3) What does this study involve and how long will it take to complete?**

The study involves answering a series of questionnaires regarding your beliefs and attitudes towards criminal trials and crimes of a sexual nature. You will then be asked to watch a short video recreation of a criminal trial concerning an allegation of rape where you will be asked to indicate whether a guilty or not guilty verdict should be given. Overall this study should take around 30-45 minutes in total, however, you may take as long as you need to complete the study.

#### **(4) Can I withdraw from the study?**

All participation in the present study is voluntary. Therefore, you are under no obligation to consent and complete the study. If at any point during participation you do not wish to continue you may stop at any time without having to provide a reason. Once the study is completed, you have up to 7 days to withdraw your contribution. Please be aware, that your name/student ID will be required to withdraw your data however only the researcher and the supervisor have access to the results and your identity will remain strictly confidential. Essentially your name will not be linked to your specific answers in the study but merely an anonymous participation code.

**(5) How will the data be dealt with and who will see the results?**

The data collected from your participation will only be used in relation to this study. The results will be presented as part of an undergraduate dissertation paper read by supervisors, examiners and potentially, future students. All data will be anonymised to protect yourselves as participants. Any information gathered, including consent forms, questionnaire data etc., will be securely stored at the University of Huddersfield for a maximum of five years before being destroyed. If the research results in future publications your name will be anonymised and you will never be identified as an individual in the study.

**(6) Are there any benefits or risks associated with participating in this study?**

In regards to potential benefits of the study, participants enrolled at the University of Huddersfield will gain the relevant SONA credits for their participation. With concern to risks associated with the present research, participants must be aware of the sensitive and potentially upsetting content/nature of the task. **This study includes topics addressing sexual aggression however care has been taken to ensure no overly explicit or distressing information is presented throughout the course of your participation.** If at any point you feel distressed or upset by the study, please do not continue and withdraw your participation. The details of free and impartial counselling services have been provided below.

**(7) What if I require further information about the study or my involvement in it?**

If you require any additional information about the present research, please contact the researcher Caroline Lilley, at [caroline.lilley@hud.ac.uk](mailto:caroline.lilley@hud.ac.uk)

## Appendix E – Participant Consent Form for Experiment One

### CONSENT FORM

**Please take time to carefully read each of the elements below, ensuring you understand and consent to the statements before ticking each box and signing the form below.** *Note:* All participation is completely voluntary and you are entitled to withdraw from the research up until the stipulated dates. For any further information or to raise any concerns please contact the primary researcher ([U1653306@unimail.hud.ac.uk](mailto:U1653306@unimail.hud.ac.uk)) or the research supervisor [D.Willmott@hud.ac.uk](mailto:D.Willmott@hud.ac.uk).

I have previously read the Information Sheet informing me of the objectives in this research, which outlined what the study will involve.

I understand that I have the right to withdraw from the study without the need to provide a reason if I want to, until 14 days after I have taken part.

I understand all sensitive information will be securely stored at the University safely, after which the information will be securely destroyed.

I understand that only the primary researcher and research supervisor will have access to completed participant information / questionnaires and all other persons requiring access to data, will view only anonymised information.

I understand that study findings may be disseminated within future research outputs including publications but will continue to be anonymised.

I understand that the use of a unique participant number will guarantee me future anonymity throughout all use of my information.

In summary, I give my consent to take part in the research that has been explained to me.

Print Name: _____	
Date: _____	

## Appendix F – Battery of Questionnaires for Experiment One



### **Section 1 – About You**

**Gender:**

**Age:**

**Ethnicity:**

**Highest Education Qualification:** *(Please select your highest qualification)*

College / Vocational Course (e.g. A-Levels/ NVQ/ B-TEC/ Apprenticeships)/  
Secondary School and Equivalent OR less (e.g. GCSE/ O-Level/ CSE)

University Degree / Master's Degree/ Professional Degree / Doctorate (e.g. MD,  
PhD)

**Do you have children?**                      YES    NO

## Acceptance of Modern Myths around Sexual Aggression (AMMSA)

Please rate the degree to which you agree with the following statements. You can be honest because your name will not be attached to your answers and no other participants will see your responses at any point (*please circle your answer*).

	1	2	3	4	5	6	7
	Completely Disagree	Disagree	Disagree Somewhat	Neutral	Agree Somewhat	Agree	Completely Agree
1. When it comes to sexual contacts, women expect men to take the lead.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						
2. Once a man and a woman have started "making out", a woman's doubts against having sex will automatically disappear.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						
3. A lot of women strongly complain about sexual infringements for no real reason.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						
4. To get custody for their children, women often falsely accuse their ex-husband of a tendency towards sexual violence.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						
5. Interpreting harmless gestures as "sexual harassment" is a popular weapon in the battle of the sexes.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						
6. It is a biological necessity for men to release sexual pressure from time to time.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						
7. After a rape, women nowadays receive substantial support.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						
8. Nowadays, a large proportion of rapes are partly caused by the representation of sexuality in the media, as this raises the sex drive of potential offenders.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						
9. If a woman invites a man to her home for a cup of coffee after a night out this means that she wants to have sex.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						
10. As long as they don't go too far, suggestive remarks and references simply tell a woman that she is attractive.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						
11. Any woman who is careless enough to walk through "dark alleys" at night is partly to be blamed if she is raped.	<i>Completely disagree</i> 1 2 3 4 5 6 7 <i>Completely agree</i>						

12. When a woman starts a relationship with a man, she must be aware that the man will assert his right to have sex.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
13. Most women prefer to be praised for their looks rather than their intelligence.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
14. Because the fascination caused by sex is disproportionately large, our society's sensitivity to crimes in this area is disproportionate as well.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
15. Women like to play shy and modest. This does not mean that they do not want sex.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
16. Many women tend to exaggerate the problem of male violence.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
17. When a man urges his female partner to have sex, this cannot be called rape.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
18. When a single woman invites a single man to her flat she signals that she is not against the idea of having sex.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
19. When politicians deal with the topic of rape, they do so mainly because this topic is likely to attract the attention of the media.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
20. When defining "marital rape", there is no clear-cut distinction between normal married intercourse and rape.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
21. A man's sexuality functions like a steam boiler – when the pressure gets too high, he has to "let off steam".  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
22. Women often accuse their husbands of marital rape just to retaliate for a failed relationship.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
23. The discussion about sexual harassment on the job has mainly resulted in many harmless behaviours being misinterpreted as harassment.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
24. In dating situations the general expectation is that the woman "hits the brakes" and the man "pushes ahead".  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
25. Although the victims of armed robbery have to fear for their lives, they receive far less psychological support than do rape victims.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*



26. Alcohol is often the culprit when a man rapes a woman.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
27. Many women tend to misinterpret a well-meant gesture as a "sexual assault".  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
28. Nowadays, the victims of sexual violence receive sufficient help in the form of women's shelters, therapy offers, and support groups.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
29. Instead of worrying about alleged victims of sexual violence society should rather attend to more urgent problems, such as environmental destruction.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
30. Nowadays, men who really sexually assault women are punished justly.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*

## Pre-Trial Juror Attitudes Questionnaire (PJAQ)

Please select how much you agree or disagree with the following statements.

	I strongly disagree	I disagree	Neither agree nor disagree	I agree	I strongly agree
1. If a suspect runs from police, then he probably committed the crime.					
2. A defendant should be found guilty if 11 out of 12 jurors vote guilty.					
3. Too often jurors hesitate to convict someone who is guilty out of pure sympathy.					
4. In most cases where the accused person presents a strong defence, it is only because of a good lawyer.					
5. Out of every 100 people brought to trial, at least 75 are guilty of the crime with which they are charged.					
6. For serious crimes like murder, a defendant should be found guilty so long as there is a 90% chance that he committed the crime.					
7. Defence lawyers don't really care about guilt or innocence; they are just in business to make money.					
8. Generally, the police make an arrest only when they are sure about who committed the crime.					
9. Many accident claims filed against insurance companies are false claims.					
10. The defendant is often a victim of his own bad reputation.					
11. Extenuating circumstances should not be considered; if a person commits a crime, then that person should be punished.					
12. If the defendant committed a victimless crime, like gambling or possession of marijuana, he should never be convicted.					
13. Defence lawyers are too willing to defend individuals they know are guilty.					
14. Police routinely lie to protect other police officers.					
15. Once a criminal, always a criminal.					
16. Lawyers will do whatever it takes, even lie, to win a case.					
17. Criminals should be caught and convicted by "any means necessary."					
18. A prior record of conviction is the best indicator of a person's guilt in the present case.					
19. Rich individuals are almost never convicted of their crimes.					
20. If a defendant is a member of a gang, he/she is definitely guilty of the crime.					
21. Minorities use the "race issue" only when they are guilty.					
22. When it is the suspect's word against the police officer's, I believe the police.					
23. Men are more likely to be guilty of crimes than women.					
24. The large number of African Americans currently in prison is an example of the innate criminality of that subgroup.					
25. A Black man on trial with a predominantly White jury will always be found guilty.					
26. Minority suspects are likely to be guilty, more often than not.					
27. If a witness refuses to take a lie detector test, it is because he/she is hiding something.					
28. Defendants who change their story are almost always guilty.					
29. Famous people are often considered to be "above the law."					

## Appendix G – Participant Debrief Form for Experiment One

### DEBRIEFING FORM

Thank you for your contributions within the present research. The answers you have provided alongside giving up your time to take part are greatly appreciated. The purpose of the present study was to investigate the effects of juror biases on final verdict decision making in a mock sexual abuse case. More specifically, the research intended to investigate the role of juror characteristics and legal attitudes upon verdict decision making. It is hoped that the research will provide further insights into how jurors make decisions within rape cases and as such may have the potential make recommendations around such cases in the future. All results and findings from the present study will be presented as part of an undergraduate dissertation paper. Any participants that wish to request a copy of this paper can contact the primary researcher or the project supervisor after completion of the research (July 2019).

If you feel you have become upset or distressed by the research, we would recommend you refer to the contact details below of free and independent local support agencies. Clearly the effects of sexual violence have a range of negative implications on survivors and so the importance of better understanding public perceptions towards these crimes and the need to reduce sexual violence in our societies remains crucial. Please be sure to fully complete and submit the questionnaire.

Thank you once again for participating in this study, we greatly appreciate you offering your time and hope that the results of this research will lead to fairer and safer verdict decisions within criminal trials in the future. If you have any further questions about the study, please contact the project supervisor Dr Dominic Willmott at: Email - [d.willmott@hud.ac.uk](mailto:d.willmott@hud.ac.uk)

### **Support Services – Contact Information**

#### **University of Huddersfield - Wellbeing Services**

Central Service Building – Level 4  
Queensgate Campus  
HD1 3DH  
Tel - 01484 472227  
Opening Hours: Monday to Friday 9.00am – 5.00pm

#### **Victim Support**

Kirklees Branch  
Civic Centre 1  
Huddersfield  
HD1 2NF  
Tel – 01924 294028  
National Support Line – 0300 3031971  
<https://www.victimsupport.org.uk>

#### **National Rape Crisis Helpline**

Tel – 08088029999  
<http://rapecrisis.org.uk/centres.php>

## Appendix H – Ethics Approval for Experiment One and Two

RE: LILLEY - SREIC PGR Panel Application (Panel Meeting not required) - Outcome

**From:** SHUM Research Ethics <hhs\_srep@hud.ac.uk>

**Sent:** 20 January 2020 11:57

**To:** Caroline Lilley (Researcher) <Caroline.Lilley@hud.ac.uk>

**Cc:** Daniel Boduszek <D.Boduszek@hud.ac.uk>; Dom Willmott <D.Willmott@mmu.ac.uk>; Kathryn Sharratt <K.Sharratt@hud.ac.uk>; Howard Atkin <H.Atkin2@hud.ac.uk>

**Subject:** LILLEY - SREIC PGR Panel Application (Panel Meeting not required) - Outcome

**Importance:** High

Dear Caroline,

The Panel Reviewers (Kathryn Sharratt and Dr Howard Atkin) have asked me to contact you with regard to your ethics application to inform you that you are no longer required to attend the Panel Meeting scheduled for tomorrow (Tue-21-Jan) as you have submitted such a comprehensive and well-written application, which was very straightforward to review.

The Panel reviewers have **approved** your application **subject to the following minor conditions:**

- Application makes reference to storing data on password protected PCs/laptops. Please be advised that University regulations stipulate that data should be stored on the network k drive (which can be accessed remotely via the Unidesktop).
- Consent form contains two statements regarding withdrawal. These appear a little contradictory and they are not consistent with the timeframes for withdrawal mentioned elsewhere in your application. Please check and amend as necessary.

We will leave the above conditions with your Supervision Team to check that you have carried these out.

With best wishes for the success of your research project.

Regards,

Kirsty

(on behalf of the School Research Ethics and Integrity Committee (SREIC))

School Research & Enterprise Office

## Appendix I – Posters for Experiment Two

**Have you ever  
wanted to be part  
of a criminal trial?**

**Have you ever  
wanted to sit on  
a jury?**

University of  
**HUDDERSFIELD**  
Inspiring tomorrow's professionals



**TODAY IS THE  
DAY!**

Caroline.Lilley@hud.ac.uk

Caroline.Lilley@hud.ac.uk

Caroline.Lilley@hud.ac.uk

Caroline.Lilley@hud.ac.uk

Caroline.Lilley@hud.ac.uk

Caroline.Lilley@hud.ac.uk

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Caroline.Lilley@hud.ac.uk

Caroline.Lilley@hud.ac.uk

Caroline.Lilley@hud.ac.uk

**Ever wanted to sit on a jury?  
Never been asked?  
Strong views about crime?  
Now is your chance...**

**As part of an important research project within the University of Huddersfield's Psychology Department, we would like to invite you to take part in a mock jury trial taking place in March - April 2020**

In the reconstructed criminal trial, you will be asked to adopt the role of a juror and will be presented with evidence about what happened in the case from real criminal justice personnel.

You will then be asked a series of questions before deliberating the case with your fellow jurors, to decide if you find the defendant guilty or not guilty of the crime.

So, if you're **18 – 75 years old** and have a free hour or so to take part - please email for further details or to book your place at:

**Project Supervisor – Dr. Dara Mojtahedi**

**Principle Researcher – Caroline Lilley**

**Email: [Caroline.Lilley@hud.ac.uk](mailto:Caroline.Lilley@hud.ac.uk)**

## Appendix J – Participant Information Sheet for Experiment Two



### PARTICIPANT INFORMATION SHEET

**Project Title:** Exploring Juror Decision Making within Criminal Trials.

**Researchers:** Caroline Lilley (Primary Researcher), Dr Dara Mojtahedi (Project Supervisor).

**Organisation:** The University of Huddersfield.

You are being invited to take part in this study because we are interested in your views as a juror in the recreation of this criminal trial. Before you decide to take part, it is important that you understand why the research is being conducted, what it will involve and how your data will be used.

Please take time to read the following information carefully. Please do not hesitate to ask if there is anything that is unclear or you would like more information.

#### **WHAT IS THE STUDY ABOUT?**

The aim of the present research is to examine juror's perceptions of guilt in a criminal trial and better understand differences in how jurors perceive the case. **As this study is anonymous, we ask that you are as honest as possible in your answers** as you will never be identified or linked to your answers in anyway.

**Please be aware that this study involves watching videos of an allegation of serious sexual offence. Whilst what you will see and hear is not graphic in nature, it is important you are aware of this before agreeing to take part as a juror in the case.**

#### **WHAT WILL I NEED TO DO?**

The study will involve answering a series of questions about your views towards criminal trials and opinions surrounding crimes of a sexual nature. You will then be asked to watch a short video recreation of a genuine criminal trial concerning an allegation of rape, where you will be asked to decide whether a guilty or not guilty verdict should be given. You will then be asked to discuss the case with your fellow jurors in an attempt to reach a unanimous group verdict. Overall, the study should take around 1-2 hours to complete and your participation will help us better respond to sexual offences within English criminal trials.

#### **WHO IS THE CONDUCTING THE RESEARCH?**

This research is being conducted by Caroline Lilley as part of a Master's degree at the University of Huddersfield. The research is being supervised by Dr Dara Mojtahedi.

#### **DO I HAVE TO TAKE PART?**

**All participation in this study is voluntary.** If you decide to take part, you will be asked to sign a consent form. You are under no obligation to consent and complete the study. If at any point during the research you do not wish to continue, you can withdraw without providing a reason. You have up to 14 days after you have completed the study to withdraw your contribution. Please be aware, that your unique participant ID is required to withdraw your data. Your name will not be associated to your specific answers in the study but rather an anonymous participant code. You will be advised what this code is on the day of experimentation.

## **WHO WILL HAVE ACCESS TO THE DATA AND HOW WILL IT BE USED?**

The data collected from you will be presented as part of a masters research thesis read by supervisors, examiners and, potentially, future students and other researchers. However, all data will be anonymised and kept strictly confidential to protect you and your answers and nobody will therefore link your answers to you as an individual. Only the research team will have access to raw data that will be stored at the University of Huddersfield. Personal data shared by participants in this research project, will be held confidentially by the University of Huddersfield in accordance with the requirements of the General Data Protection Regulation (GDPR) and Data Protection Act 2018. No information provided will be shared in a way that would allow participants to be personally identified.

The GDPR regulations state that:

- The University of Huddersfield is responsible for the secure management of the data i.e. the 'data controller'
- The researcher or research team is the recipient of the data i.e. 'the data processor'
- The data subject should contact the University Solicitor (as the Data Protection Officer) if they wish to complain about the management of their data. If they are not satisfied, they may take their complaint to the Information Commissioner's Office (ICO).
- The legal basis for the collection of the data is a task in the public interest

## **ARE THERE ANY BENEFITS OR RISKS ASSOCIATED WITH PARTICIPATING IN THIS STUDY?**

All participants must be aware of the sensitive and potentially upsetting nature of the case and it is possible that some people may find this upsetting. **However, care has been taken to ensure no overly explicit or distressing information is presented throughout the course of your participation** and when this case has been used in the past, no participants have said that they felt traumatised or harmed after taking part. Nonetheless, if at any point you feel upset or distressed by the study, you are free to withdraw your participation at any time without giving a reason. The details of free and impartial counselling services are provided alongside this sheet should in case you would like to talk independently to anybody about things related or unrelated to this study.

## **ETHICAL APPROVAL**

This research has been approved by the Human and Health Sciences School at the University of Huddersfield.

## **Support Services – Contact Information**

### **University of Huddersfield - Wellbeing Services**

Central Service Building – Level 4  
Queensgate Campus  
HD1 3DH  
Tel - 01484 472227

### **Samaritans**



Freephone - 116 123 (Available 24/7)  
Huddersfield Branch  
14 New North Parade  
Huddersfield  
HD1 5JP  
Tel - 01484 533388

**Victim Support**

Kirklees Branch  
Civic Centre 1  
Huddersfield  
HD1 2NF  
Tel – 01924 294028  
National Support Line – 0300 3031971

**National Rape Crisis Helpline**

Tel – 08088029999  
<http://rapecrisis.org.uk/centres.php>

**KRASACC Rape Crisis**

Helpline - 01484 450040  
Text only - 07983 628227  
Email – [anything@krasacc.co.uk](mailto:anything@krasacc.co.uk)  
Huddersfield  
HD1 5UY

## Appendix K – Participant Consent Form for Experiment Two

### PARTICIPANT CONSENT FORM

**Project Title:** Exploring Juror Decision Making within Criminal Trials.

**Researchers:** Caroline Lilley (Primary Researcher), Dr Dara Mojtahedi (Project Supervisor).

**Please take time to carefully read each of the elements below, ensuring you understand and consent to the statements before ticking each box and signing the form below.** *Note:* For any further information or to raise concerns please contact the primary researcher ([Caroline.Lilley@hud.ac.uk](mailto:Caroline.Lilley@hud.ac.uk)) or research supervisor [D.Mojtahedi@hud.ac.uk](mailto:D.Mojtahedi@hud.ac.uk).

- I have read the Information Sheet informing me of the objectives of the study and what my participation will involve.
- I understand that I have the right to withdraw from the study without the need to provide a reason and may choose to withdraw my data up to 14 days after taking part.
- I understand that my personal data will be processed only for the purposes of this research and I understand that this information will be treated as confidential and handled in accordance with the provisions of the General Data Protection Act (GDPR) and UK Data Protection Act 2018.
- I understand that the data from this study will form part of a master's thesis and may be published in research articles in the future but that the use of a unique participant ID will guarantee me future anonymity at all times.
- I understand that the information I will provide will be retained for 10 years at the University, after which the information will be securely destroyed.
- I agree to take part in this study.

Signature of Participant: <hr/>
Print: <hr/>
Date: <hr/>

**Appendix L – Participant Study Packet**



Juror ID:
-----------

**About You:**

**Gender:**

**Age:**

**Ethnicity:**

**Highest Education Qualification:** *(Please select your highest qualification)*

- Secondary School and Equivalent OR less (e.g. GCSE/ O-Level/ CSE)
- College / Vocational Course (e.g. A-Levels/ NVQ/ B-TEC/ Apprenticeships)
- University Degree / Master's Degree
- Professional Degree / Doctorate (e.g. MD, PhD)

**If you are a current student, please state your degree: .....**

**Previous Victimization Experience:** *(Please select YES or NO)*

Have you ever been a victim of a serious sexual crime such as rape? YES/NO

Please rate the degree to which you agree with the following statements. You can be honest because your name will not be attached to your answers and no other participants will see your responses at any point (*please circle your answer*).

1	2	3	4	5	6	7
Completely Disagree	Disagree	Disagree Somewhat	Neutral	Agree Somewhat	Agree	Completely Agree

---

- 31. When it comes to sexual contacts, women expect men to take the lead.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 32. Once a man and a woman have started "making out", a woman's doubts against having sex will automatically disappear.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 33. A lot of women strongly complain about sexual infringements for no real reason.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 34. To get custody for their children, women often falsely accuse their ex-husband of a tendency towards sexual violence.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 35. Interpreting harmless gestures as "sexual harassment" is a popular weapon in the battle of the sexes.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 36. It is a biological necessity for men to release sexual pressure from time to time.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 37. After a rape, women nowadays receive substantial support.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 38. Nowadays, a large proportion of rapes are partly caused by the representation of sexuality in the media, as this raises the sex drive of potential offenders.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 39. If a woman invites a man to her home for a cup of coffee after a night out this means that she wants to have sex.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 40. As long as they don't go too far, suggestive remarks and references simply tell a woman that she is attractive.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 41. Any woman who is careless enough to walk through "dark alleys" at night is partly to be blamed if she is raped.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 42. When a woman starts a relationship with a man, she must be aware that the man will assert his right to have sex.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
- 43. Most women prefer to be praised for their looks rather than their intelligence.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*

44. Because the fascination caused by sex is disproportionately large, our society's sensitivity to crimes in this area is disproportionate as well.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
45. Women like to play shy and modest. This does not mean that they do not want sex.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
46. Many women tend to exaggerate the problem of male violence.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
47. When a man urges his female partner to have sex, this cannot be called rape.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
48. When a single woman invites a single man to her flat she signals that she is not against the idea of having sex.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
49. When politicians deal with the topic of rape, they do so mainly because this topic is likely to attract the attention of the media.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
50. When defining "marital rape", there is no clear-cut distinction between normal married intercourse and rape.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
51. A man's sexuality functions like a steam boiler – when the pressure gets too high, he has to "let off steam".  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
52. Women often accuse their husbands of marital rape just to retaliate for a failed relationship.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
53. The discussion about sexual harassment on the job has mainly resulted in many harmless behaviours being misinterpreted as harassment.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
54. In dating situations the general expectation is that the woman "hits the brakes" and the man "pushes ahead".  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
55. Although the victims of armed robbery have to fear for their lives, they receive far less psychological support than do rape victims.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
56. Alcohol is often the culprit when a man rapes a woman.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
57. Many women tend to misinterpret a well-meant gesture as a "sexual assault".  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
58. Nowadays, the victims of sexual violence receive sufficient help in the form of women's shelters, therapy offers, and support groups.  
*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*
59. Instead of worrying about alleged victims of sexual violence society should rather attend to more urgent problems, such as environmental destruction.

*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*

60. Nowadays, men who really sexually assault women are punished justly.

*Completely disagree* 1 2 3 4 5 6 7 *Completely agree*

Please indicate your response to the following items.

		Strongly agree	Agree	Sometimes Agree	Disagree	Strongly disagree
1	I don't care if I upset someone to get what I want.					
2	Before slagging someone off, I don't try to imagine and understand how it would make them feel.					
3	I know what to say or do to make another person feel guilty.					
4	I tend to focus on my own thoughts and ideas rather than on what others might be thinking.					
5	What other people feel doesn't concern me.					
6	I don't take into account the other person's feelings before I do or say something, even if they may be affected by my behaviour.					
7	I'm good at saying nice things to people, to get what I want out of them.					
8	I don't try to understand another person's opinion if I don't agree with it.					
9	Seeing people cry doesn't really upset me.					
10	I can guess how people will feel in different situations.					
11	I know how to fake emotions like pain and hurt to make other people feel sorry for me.					
12	No matter what happens and what people say, I'm usually the one who is right.					
13	I don't feel bad when a friend is going through a tough time.					
14	I can't really tell when someone is feeling awkward or uncomfortable.					
15	I sometimes provoke people on purpose to see how they react in certain situations.					
16	I'm happy to help somebody as long as I get something in return.					
17	I don't really feel compassion when people talk about the death of their loved ones.					
18	I find it difficult to understand what other people feel.					
19	I'm good at pretending that I like someone if this will get me what I want.					
20	Something has to benefit me otherwise I'm not willing to do it.					
21	Seeing somebody suffer doesn't distress me.					
22	I can see when someone is hiding what they really feel.					

		Strongly agree	Agree	Sometimes Agree	Disagree	Strongly disagree
23	I would lie to someone if this gets me what I want.					
24	I like it when people do as I say, regardless of whether I'm right or wrong.					
25	It doesn't really bother me to see somebody in pain.					
26	I find it hard to understand why some people get very upset when they lose someone close to them.					
27	I'm good at getting people to do what I want, even if they don't want to at first					
28	How others feel is irrelevant to me, as long as I feel good.					



**Please close your booklet.**

**You will be instructed when to continue.**

**Verdict Decision One:**

Juror ID:
-----------

How do you find the defendant, Kyle Williams, on the allegation that he raped the complainant, Sarah Adams?

**Guilty or Not Guilty** (Please select your choice)

On a scale of 1-10, please indicate how guilty you feel the defendant is?

“Not Guilty” 1 2 3 4 5 6 7 8 9 10 “Guilty” (Please select your choice)

**Please give your rating on different aspects of the evidence and your decisions about the case.**

	Not at All	Not Very	Somewhat	Very Much	Extremely
1. Thinking about your individual verdict decision of ‘guilty’ or ‘not guilty’, how confident are you that you have made the correct decision?					
2. How well did the evidence match and cover what the <i>complainant</i> said happened?					
3. How complete was the <i>complainant’s</i> story in the sense that no aspects were missing or left unsupported by the evidence?					
4. How plausible was the <i>complainant’s</i> version of events, in that you think what they said happened, is both possible and likely?					
5. How coherent was the <i>complainant’s</i> story, meaning that the different stages described as happening were logically connected?					
6. How unique was the <i>complainant’s</i> account, in that you feel it was the only possible explanation of the evidence heard?					
7. How consistent was the <i>complainant’s</i> version of events with the evidence presented overall?					
8. Overall, how much do you believe the <i>complainant’s</i> version of events?					
9. How well did the evidence match and cover what the <i>defendant</i> said happened?					
10. How complete was the <i>defendant’s</i> story in the sense that no aspects were missing or left unsupported by the evidence?					
11. How plausible was the <i>defendant’s</i> version of events, in that you think what they said happened, is both possible and likely?					
12. How coherent was the <i>defendant’s</i> story, meaning that the different stages described as happening were logically connected?					
13. How unique was the <i>defendant’s</i> account, in that you feel it was the only possible explanation of the evidence heard?					
14. How consistent was the <i>defendant’s</i> version of events with the evidence presented overall?					
15. Overall, how much do you believe the <i>defendant’s</i> version of events?					
16. Finally, how confident are you overall that you have reached the correct verdict decision in this case?					

**Please close your booklet.**

**You will be instructed when to continue.**

**Verdict Decision Two:**

Juror ID:
-----------

How do you find the defendant, Kyle Williams, on the allegation that he raped the complainant, Sarah Adams?

**Guilty or Not Guilty** (Please select your choice)

On a scale of 1-10, please indicate how guilty you feel the defendant is?

“Not Guilty” 1 2 3 4 5 6 7 8 9 10 “Guilty” (Please select your choice)

**Please give your rating on different aspects of the evidence and your decisions about the case.**

	Not at All	Not Very	Somewhat	Very Much	Extremely
1. Thinking about your individual verdict decision of ‘guilty’ or ‘not guilty’, how confident are you that you have made the correct decision?					
2. How well did the evidence match and cover what the <i>complainant</i> said happened?					
3. How complete was the <i>complainant’s</i> story in the sense that no aspects were missing or left unsupported by the evidence?					
4. How plausible was the <i>complainant’s</i> version of events, in that you think what they said happened, is both possible and likely?					
5. How coherent was the <i>complainant’s</i> story, meaning that the different stages described as happening were logically connected?					
6. How unique was the <i>complainant’s</i> account, in that you feel it was the only possible explanation of the evidence heard?					
7. How consistent was the <i>complainant’s</i> version of events with the evidence presented overall?					
8. Overall, how much do you believe the <i>complainant’s</i> version of events?					
9. How well did the evidence match and cover what the <i>defendant</i> said happened?					
10. How complete was the <i>defendant’s</i> story in the sense that no aspects were missing or left unsupported by the evidence?					
11. How plausible was the <i>defendant’s</i> version of events, in that you think what they said happened, is both possible and likely?					
12. How coherent was the <i>defendant’s</i> story, meaning that the different stages described as happening were logically connected?					
13. How unique was the <i>defendant’s</i> account, in that you feel it was the only possible explanation of the evidence heard?					
14. How consistent was the <i>defendant’s</i> version of events with the evidence presented overall?					
15. Overall, how much do you believe the <i>defendant’s</i> version of events?					
16. Finally, how confident are you overall that you have reached the correct verdict decision in this case?					

## **DEBRIEFING FORM**

Thank you for your contributions within the present research. The answers you have provided alongside giving up your time to take part are greatly appreciated. The purpose of the present study was to investigate the effects of juror biases on final verdict decision making in an allegation of rape between domestic partners. More specifically, the research intended to investigate attitudes towards sexual aggression, crime and mental toughness. It is hoped that the research will provide further insights into how jurors make decisions within rape cases and as such may have the potential make recommendations around such cases in the future. All results and findings from the present study will be presented as part of academic research paper.

If you feel you have become upset or distressed by the research, we would recommend you refer to the contact details below of free and independent local support agencies.

Thank you once again for participating in this study, we greatly appreciate you offering your time and hope that the results of this research will lead to fairer and safer verdict decisions within criminal trials in the future. If you have any further questions about the study, please contact the primary researcher ([Caroline.Lilley@hud.ac.uk](mailto:Caroline.Lilley@hud.ac.uk)) or the project supervisor ([D.Mojtahedi@hud.ac.uk](mailto:D.Mojtahedi@hud.ac.uk)).

### **Support Services – Contact Information**

#### **University of Huddersfield - Wellbeing Services**

Central Service Building – Level 4  
Queensgate Campus  
HD1 3DH  
Tel - 01484 472227

#### **Samaritans**

Freephone - 116 123 (Available 24/7)  
Huddersfield Branch  
14 New North Parade  
Huddersfield  
HD1 5JP  
Tel - 01484 533388

#### **Victim Support**

Kirklees Branch  
Civic Centre 1  
Huddersfield  
HD1 2NF  
Tel – 01924 294028  
National Support Line – 0300 3031971

#### **National Rape Crisis Helpline**

Tel – 08088029999  
<http://rapecrisis.org.uk/centres.php>

#### **KRASACC Rape Crisis**

Helpline - 01484 450040  
Text only - 07983 628227  
Email – [anything@krasacc.co.uk](mailto:anything@krasacc.co.uk)  
Huddersfield  
HD1 5UY

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