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The influence of sex on mock jurors' verdicts across type of child abuse cases



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ABSTRACT

This study examined the influence of victim sex, mock juror sex, and type of child abuse (physical, sexual, emotional, and neglect) on mock jurors' assessments of eyewitness and defendant integrity, continuous guilt ratings, dichotomous verdicts, and sentencing recommendations. Participants read one of eight versions of a trial transcript and then answered a self-report questionnaire. Female mock jurors were significantly more likely to find the defendant guilty overall. Moreover, female mock jurors recommended significantly longer sentences for defendants in sexual abuse cases; whereas, male mock jurors recommended significantly longer sentences for defendants in sexual and physical abuse cases. Male mock jurors perceived the defendant more favorably than female mock jurors; whereas, female mock jurors perceived the alleged victim more favorably than male mock jurors. These results suggest that juror sex may be an influential factor in child abuse cases overall.

Child abuse is taken very seriously in North America; the United States has laws mandating professionals to report suspected cases of child abuse of any sort (U.S. Department of Health and Human Services, Children's Bureau, 2014). Canada's child welfare laws go even further, by mandating reporting of suspected abuse by all citizens (Canadian Child Welfare Research Portal, 2011). The U.S. Department of Health and Human Services reports that in 2014, approximately 9.4 per 1000 children were victims of substantiated cases of child maltreatment (U.S. Department of Health and Human Services, Children's Bureau, 2016). The Public Health Agency of Canada similarly reported 14.19 substantiated investigations per 1000 children in 2008 (Public Health Agency of Canada, 2012).

With slight variations across states and countries, there are four general categories associated with child abuse: physical, sexual, neglect, and emotional. Cases of neglect are the most frequently reported instances of child abuse followed by physical abuse (Public Health Agency of Canada, 2012; U.S. Department of Health and Human Services, Children's Bureau, 2016). Emotional and sexual abuse are less frequently reported, but their prevalence rates are still as high as 9% of all substantiated cases of child abuse (Public Health Agency of Canada, 2012; U.S. Department of Health and Human Services, Children's Bureau, 2016). Moreover, it is thought that these statistics are underestimated as they reflect reported cases and are not actuarial statistics.

One factor that influences the likelihood that child abuse will be reported is the perceived effects or outcomes that the abuse may have on children (e.g., Dukes & Kean, 1989). Children who are abused, in general, are at increased risk of delinquency and substance abuse, difficulty dealing with stress, problematic peer and romantic relationships, and ineffective parenting skills (Trickett, Negriff, Ji, & Peckins, 2011). Physically, childhood abuse is associated with increased risk of neurological, musculoskeletal, cardiovascular, and respiratory conditions (Wegman & Stetler, 2009). Some evidence suggests a greater propensity for maladaptive outcomes in cases of emotional abuse and neglect than physical assault or sexual abuse (Infurna et al., 2016; Wegman & Stetler, 2009); however, polyvictimization (i.e., the co-occurrence of two or more types of abuse) may confound these results (Wegman & Stetler, 2009).

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1. Effects of types of child abuse on mock jurors' perceptions

No known study has used trial transcripts to compare mock jurors' verdicts and perceptions across all four major types of child abuse. However, insight may be drawn from studies that have used vignettes to measure jury-eligible persons' perceptions of the seriousness and acceptance of some forms of abuse over others. For example, [Dukes and Kean \(1989\)](#) presented 144 undergraduate students with vignettes describing a situation of child abuse. The vignettes varied in terms of the sex of the parent (perpetrator), sex of the child (victim), age of the child (3- or 10-years-old), whether or not the abuse was precipitated by a trigger event, and type of abuse (psychological, physical, neglect). Participants rated the need for help and intervention significantly more so when the older child (10 years) was being psychologically abused and when the younger child (3 years) was being neglected. Age differences were not significant when the children were being physically abused. The researchers also reported that children were perceived to be more innocent in the non-precipitated scenarios (depicting psychological and physical abuse only), and that when the abuse was precipitated by a trigger event younger children were regarded as more innocent than older children. Finally, girls were rated as more innocent than boys when physically or psychologically mistreated whereas boys were rated as more innocent than girls when neglected. Physical assault was rated as more serious than psychological abuse or neglect; however, participants more frequently indicated that they would report neglect ([Dukes & Kean, 1989](#)).

[Bornstein, Kaplan, and Perry \(2007\)](#) assessed differences in perceptions of child physical and sexual abuse. They asked 199 adults to provide ratings on a number of dimensions including the believability of the victim and the severity of the offense using vignettes that had been manipulated in terms of the victim's sex, perpetrator's sex, perpetrator's relationship to the victim (parent or babysitter), and type of abuse (mild sexual abuse, severe sexual abuse, physical/nonsexual abuse). Overall victims were rated fairly highly in regards to believability; however, victims of physical abuse were rated as more believable than either sexual abuse victims. Furthermore, when the abuse involved a girl victim, it was rated more severely than when a boy was the victim ([Bornstein et al., 2007](#)). Taken together, results of these studies suggest that victims of physical assault are generally taken more seriously than victims of sexual assault and possibly emotional abuse and neglect as well. The researchers also report that the sex of the victim may have some influence on perceptions of child abuse.

2. Victim sex effects

The sex of adult victims in abuse cases reportedly influences mock jurors' perceptions of the occurrence of abuse, the blame placed on the victim, and the culpability of the defendant (e.g., [Broussard, Wagner, & Kazelskis, 1991](#); [Maynard & Wiederman, 1997](#); [Rogers & Davies, 2007](#)). [Howard \(1984\)](#) presented 80 male and 80 female undergraduates with two videotaped interviews: one depicted an adult robbery victim and the other an adult rape victim. The researchers assessed the students' judgement of the likelihood and seriousness of the scenarios as well as their attributions of global, behavioral (e.g., not trying to escape, not fighting back, etc.), and characterological (e.g., trusting nature, poor judgement, etc.) blame of the victim. Rape was rated as a more serious offense than robbery; however, the scenario involving the male rape victim was perceived to be less likely to occur and less believable than any of the other three victim sex-crime type scenarios. In both types of assault, females were the more likely victims than males. Females also were more likely to be globally and characterologically blamed for their assault whereas males were more likely to be behaviorally blamed. These findings are attributed to participant's sex-role expectations; women were viewed to be inherently vulnerable thereby making them more likely to be victims while also eliciting perceptions that their naivety and weakness (e.g., characterological blame) makes them in some way responsible for their victimization. On the other hand, men who are viewed to be aggressive and brave are criticized when they do not show these qualities during an assault (e.g., behavioral blame). Such behavior may be seen as violating sex-role expectations and thereby eliciting more blame from participants. From this study, it seems as though perceptions of the seriousness of assault vary by gender for adults. A review of the literature by [Davies and Rogers \(2006\)](#) finds that [Howard \(1984\)](#)'s results are representative of most studies assessing the influence of victim sex on sexual assault cases, such that men who are victims of sexual assault receive less sympathy than women in the same scenario. The authors also reviewed cases involving child victims, finding that victim sex effects are similar in older children (roughly age of puberty onset and onward) as well ([Davies & Rogers, 2006](#)).

The above is exemplified in [Waterman and Foss-Goodman's \(1984\)](#) study of perceptions of child victims in a sexual abuse case. When the victim was 15 years old, participants were more likely to blame the male than the female for not having resisted the attack. On the other hand, sex differences were not found when the victim was 7 or 11 years old. Despite these seemingly consistent findings, however, there are some studies that report no significant differences of victim sex in child sexual abuse cases ([Crowley, O'Callaghan, & Ball, 1994](#); [Duke & Desforges, 2007](#); [Quas, Bottoms, Haegerich, & Nysse-Carris, 2002](#)). One explanation for these inconsistent results may be the influence of the perpetrator's sex. Fairly consistently, researchers report that same-sex (e.g., male perpetrator-male victim) abuse is perceived to be more serious and harmful than mixed-sex abuse (e.g., male perpetrator-female victim), specifically when both the perpetrator and the victim are male ([Broussard et al., 1991](#); [Maynard & Wiederman, 1997](#)). [Broussard et al. \(1991\)](#) suggest that the homosexual nature of same-sex abuse may elicit perceptions of greater trauma to the victim than scenarios involving a perpetrator that is of a different sex than the victim.

Whether or not victim sex influences juror perceptions in cases involving other types of abuse is less well known and, thus far, a comparison of the influences of victim sex across the four major categories of child abuse is nonexistent to our knowledge. The present study addressed this issue by examining the influence of the four abuse types: sexual, physical, emotional, and neglect. Prior research generally finds sexual abuse to be perceived more seriously than physical abuse (e.g., [Bornstein et al., 2007](#)) and physical abuse perceived to be more serious than neglect and emotional abuse ([Dukes & Kean, 1989](#)). Therefore, in the present study, it was

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