

# MOCK JUROR DECISION-MAKING IN SEXUAL ABUSE CASES

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The empirical literature on variables affecting jury decision-making has focused primarily on cases with male perpetrators almost to the exclusion of female perpetrators. This is particularly true in studies involving sexual abuse cases. In order to further study the impact of gender on juror decision-making, mock jurors read sexual abuse case scenarios that manipulated perpetrator and victim gender, as well as victim age. Mock juror gender was also considered. Many of the results suggest less impact of gender than originally expected. However, mock juror gender did play a significant role in sentence recommendations, and short- and long-term effects of the abuse were correlated with sentence recommendations.

How juries work and why they arrive at certain verdicts that they do have been topics of discussion and conjecture since the establishment of the jury system in this country. Today, juries remain a popular topic of social science research, as evidenced by the number of journals that have devoted entire volumes to the topic. Although jury decision-making has been a popular focus of inquiry in the social sciences, research on female offenders in general and juror perceptions and decision-making in cases involving female sexual offenders in particular is scarce.

Since the Ninth Circuit Federal Court of Appeals established the reasonable woman standard in *Ellison v. Brady* (1991), it has been assumed to be common knowledge that men and

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women view sexually based behavior differently. In this case, the behavior in question was sexual harassment. The court did not merely assume that a gender difference existed, however; empirical support for this contention exists. A meta-analysis conducted by Blumenthal (1998) revealed that the results of most studies indicate that women are more likely than men to interpret specific behavior as sexual harassment, although these gender differences are not vast. Rather, the differences are small but constant regardless of other factors such as profession, age, and ethnicity.

Perceptions do, however, differ depending on the type of behavior in question (Rotundo, Nguyen, & Sackett, 2001). Specifically, the Rotundo et al. (2001) meta-analysis demonstrated that the gender difference was largest for behaviors that included being repeatedly asked for dates, physical contact of a sexual nature, and pejorative attitudes of both a personal and impersonal nature. The researchers also found that the gender difference was much smaller when the behavior consisted of coercion (for example, making sex a condition of employment) or propositions.

Gender differences extend beyond sexual harassment cases to evaluations of other sexual offenses. Over the past 20 years, numerous studies have examined gender differences in perceptions of rape cases (Bridges, 1991; Freetly & Kane, 1995; Guy & Edens, 2003; Kanekar, Shaherwalla, Franco, Kunju, & Pinto, 1991; Luginbuhl & Mullin, 1981; Pugh, 1983; Tetrault & Barnett, 1987). These studies primarily consisted of vignettes with male perpetrators and female victims. After reading the vignettes, participants answered specific questions regarding their feelings about the victim and/or perpetrator, whether they believed the accused to be guilty or not, and how responsible each party was for the incident.

Interestingly, the key element in many of these vignettes is the relationship between perpetrator and victim. For example, both male and female mock jurors have seen unwanted sexual contact between men and women to be more acceptable in a marital relationship than when the perpetrators and victims were

strangers. Specifically, Freetly and Kane's (1995) study of perceptions of rape found that both male and female participants perceived coerced sexual behavior to be less acceptable as the level of prior intimacy becomes more distant. McCoy and Gray (2007) recently investigated the role of defendant gender and relationship to the victim in child sexual abuse cases. Although female mock jurors rated the victim as more, and defendant as less, believable than did male mock jurors, both male and female mock jurors tended to find the male defendant guilty more frequently than the female defendant. The defendant's relationship to the victim appeared to matter most when the defendant was the victim's father rather than mother or a stranger of either gender.

Similar to the findings from rape case studies, women are also more likely to convict an accused child abuser than are men (Bottoms, 1993; Gabora, Spanos, & Joab, 1993). Gabora et al. (1993) examined the effect of victim age in a simulated trial in which a male defendant was accused of sexual abuse of a female child who was either 13 or 17 years of age. Participants in this study watched a videotape of a mock sexual abuse trial, deliberated, and delivered their verdict. In one condition the victim was described as 13 years old, and in another she was said to be 17 years old. The younger victim in this study was deemed to be more credible than the older victim, and the defendant was found to be guilty most often when the victim was 13 rather than 17 years old. This is consistent with previous research finding that younger victims are more likely to be believed (McCauley & Parker, 2001), and defendants with younger victims are more likely to be convicted (Goodman, Bottoms, Herscovici, & Shaver, 1989).

There is also research that suggests that some perpetrator-victim pairings are viewed as less reprehensible, and the after-effects to the victim not as detrimental as other potential pairings. For example, in a study by Broussard, Wagner and Kazelskis (1991), 360 people were queried regarding their perceptions of child sexual abuse. Among the findings was that adult female perpetrator-male victim pairing (15 years of age) was not considered

to be a representative example of child sexual abuse. Furthermore, the belief was commonly espoused that the victim in this pairing would experience fewer detrimental effects of the abuse than other perpetrator-victim combinations. One could extrapolate that female sexual offenders might be treated more leniently by the criminal justice system if their behavior is not viewed as being as damaging to the victim as male sexual offenders' behavior. This seems to be supported by research conducted by Quas, Bottoms, Haegerich, and Nysse-Carris (2002), who investigated the impact that mock juror, defendant, and victim gender has on verdicts in child sexual abuse cases. They presented men and women with ambiguous scenarios depicting alleged child sexual abuse by a male or female teacher and coach against a male/female adolescent. Overall, women were more likely than men to find the defendant guilty. Neither defendant nor victim guilt affected the women's verdicts. Men, on the other hand, tended to be more lenient in verdicts of the female defendant, particularly when the victim was male.

Still other research has found that women hearing a sexually-based criminal case have tended to be more likely than men to convict and give harsher sentences (Bottoms, 1993; Freetly & Kane, 1995; Gabora et al., 1993; Hyme, Foley, & Pigott, 1999). For example, Hyme et al. (1999) found that female predominant juries ascribed significantly more responsibility to the defendant than did male predominant juries. Women also appear to be more likely to side with victims of sexual abuse even when those individuals are accused of patricide. For example, Haegerich and Bottoms (2000) found that women were more likely than men to believe a child defendant's testimony of sexual abuse and were less likely to find the defendant guilty of murder. However, men who have personally experienced trauma tend to evaluate the credibility of an adult's child abuse disclosure in a fashion similar to that of women (DeMarni Cromer & Freyd, 2007).

There are many theories about *why* gender makes a difference in the perceptions of sexual based cases. These theories have focused on factors such as empathy (Deitz, Blackwell, Daley, &

Bentley, 1982), attitudes toward rape (Tetrault & Barnett, 1987), different senses of morality (Gilligan, 1993), and gender stereotyping (Chesney-Lind, 1998). Although empirical support for these theories is scant (Schutte & Hosch, 1997), it is apparent that gender does matter in perceptions of sexual based cases. Schutte and Hosch (1997) suggest that in addressing questions of “why” and “under what conditions” gender matters, research should consider the relationship between juror, victim, and perpetrator genders. This is the focus of the present study.

### OVERVIEW

Juror decision-making was examined by presenting mock jurors with case scenarios that varied with regard to perpetrator gender and victim gender and age. Several primary hypotheses were formed: (1) participants would evaluate male perpetrators more negatively (Broussard et al., 1991); (2) participants would evaluate offenders who perpetrate against girls more negatively (Broussard et al., 1991); (3) participants would evaluate offenders who perpetrate against child victims more negatively (Gabora et al., 1993; Goodman et al., 1989). Additional hypotheses include: (4) participants who rated the short- and long-term effects of child sexual abuse to be more serious would evaluate the perpetrators more negatively (Deitz et al., 1982); (5) female participants would report the short-and long-term effects of sexual abuse to be more serious than would male participants (Deitz et al., 1982); (6) female participants would evaluate the perpetrators more negatively as compared to male participants (Bottoms, 1993; Gabora et al., 1993) in both male and female victim conditions.

There were several ways that a negative evaluation of the perpetrators was assessed. First, guilty verdicts were, of course, counted as a negative evaluation. In addition, participants were asked to rate how morally reprehensible they found the perpetrators actions to be, as well as whether or not they believed the perpetrator would re-offend. Next, they rated how responsible they believed the perpetrator and the child to be for the incident. Finally, if they judged the perpetrator to be guilty, the participants were asked to make a sentencing recommendation.

## METHOD

### *Participants*

Participants were drawn primarily from psychology and criminal justice courses at Sam Houston State University. The total sample size consists of 305 individuals. Participation was completely voluntary, but extra credit was offered for taking part in the study. After eliminating those who did not complete their questionnaires (14) and those who did not meet criteria for jury service by either not having reached the age of majority (1), were not registered voters (33), and/or who were not United States citizens (7), there were 249 participants.

The mean age of the participants was 23, and they ranged in age from eighteen to sixty years of age. Most (66.3%) of the participants were recruited from Psychology classes, while the remainder were recruited from either Criminal Justice (27.7%) classes or other disciplines (6.0%). Regarding years of education, 30.1% of the sample identified themselves as seniors, 31.3% as juniors, and freshmen and sophomores each accounted for 19.3% of the sample. Women comprised 69.5% of the sample, while men comprised the remaining 30.5%.

Finally, 66.7% of the participants described themselves as Caucasian, 19.3% identified themselves as African-American, 11.6% as Hispanic, .4% as Asian-American, and 2% as Other.

### *Stimulus Materials*

The offense summaries that were used in this study were loosely based on events described to the primary author by both the victims and the perpetrators of sexual abuse. The scenarios described the testimony of a minor child who claimed that he/she was sexually molested on three separate occasions by the alleged perpetrator (Appendix). In addition, how and when the abuse was revealed to a trusted adult is described, as well as the alleged perpetrator's response to the allegation. Although the events in each of the scenarios were identical, the genders of the perpetrator and the victim were manipulated. Given the research of Gabora et al.

(1993) and Goodman et al. (1989) discussed above, the age of the victim was also manipulated (six versus 15 years of age). The result was a 2 x 2 x 2 x 2 between subjects design (including juror gender) and eight different scenarios were developed to accommodate the combinations of perpetrator gender, child gender, and child age.

### *Measures*

The packet that was given to the participants included an informed consent form, one randomly assigned scenario, the Sexual Abuse Scenario Questionnaire, and a post-test questionnaire. The Sexual Abuse Scenario Questionnaire began with basic demographic information such as age, race, gender, years of education, citizenship status, and whether the subject has ever served on a jury. Next, the participants were asked to complete questions specifically regarding the scenarios. This section of the questionnaire began with questions regarding the participants' perceptions of the possible short-and long-term effects of the abuse on the child. It continues with questions regarding how reprehensible they found the perpetrator's actions to be, and how likely they believed that either the child victim or the perpetrator would go on to abuse children sexually in the future. The participants were asked to indicate the level of perceived severity using an eight-Point Likert-type scale. Finally, the participants were asked to contemplate the guilt or innocence of the alleged perpetrator and give sentencing recommendations (probation versus prison, as well as number of years/months) if they believed the individual to be guilty.

### *Procedure*

After providing informed consent, participants read the case scenario and completed the response questionnaire. After the participants completed their packets, a post-test questionnaire was administered, the participants were debriefed, and any questions answered.

Prior to conducting the statistical analyses, those who indicated that they were not 18 years of age, and/or were not United States citizens and thus not jury eligible were excluded.

## RESULTS

### *Logistic Regression*

A forward logistic regression was performed to establish if the independent variables (gender of the perpetrator, gender of the victim, age of the victim, and gender of the subject) predict the likelihood of a guilty verdict in child sexual abuse cases. Results revealed that the model was not a significant predictor of verdict ( $\chi^2(4)=2.645$ ,  $p>.05$ ), and the logistic regression model was only able to correctly predict the verdict in 57% of the cases. As seen in Table I, none of the coefficients of the variables were statistically significant.

**Table I**  
*Coefficients of the Logistic Regression Model for Prediction of Guilt*

Variable	B	SE	Wald	df	Exp(B)	Sig.
Child Age	.028	.028	.964	1	1.028	.326
Perpetrator Gender	.261	.256	1.036	1	1.298	.309
Child Gender	-.078	.256	.092	1	.925	.761
Juror Gender	-.224	.278	.654	1	.799	.419
Constant	-.344	.807	.182	1	.709	.670

### *Multivariate Analyses of Variance*

A multivariate analysis of variance (MANOVA), 2 (perpetrator gender: male vs. female) x 2 (victim gender: male vs. female) x 2 (victim age: 6 vs. 15) x 2 (juror gender: male vs. female), was conducted to determine if there was a main effect for any of the independent variables and if they interacted with regards to the dimensional criterion measures. There were no significant interactions of any of the independent variables, but main effects were found for perpetrator gender as related to mock jurors' ratings of the short-term effects of the abuse ( $F(1, 164)=4.045$ ,  $p<.05$ ) and perpetrator responsibility ( $F(1, 164)=4.365$ ,  $p<.05$ ). These results indicate that the participants rated the short-term effects of the abuse to be more severe for the victim and the perpetrators as being more responsible for the alleged abuse when



the perpetrator is male. No other main effects or interactions were found.

Additionally, a MANOVA was conducted to determine if there was a main effect for any of the independent variables and if they interacted with regards to sentence length. There were no significant interactions of any of the independent variables, and no significant main effects were found.

On the basis of the regression analyses and MANOVAs described above, as well as additional statistical analyses, each of the hypotheses will be addressed individually. Please refer to Table II below for the means and standard deviations for the dependent variables.

**Table II**  
*Means and Standard Deviations for the Dependent Variables*

Variable	Min	Max	Mean	SD
Verdict*	1	2	1.46	.50
Short-term Effects of Abuse	1	8	5.37	1.61
Long-term Effects of Abuse	1	8	5.26	1.95
Moral Reprehensibility	1	8	7.20	1.32
Likelihood of Perpetrator Re-offending	1	8	5.51	2.01
Perpetrator Responsibility for Act	1	8	6.59	1.90
Sentence** (Guilty votes only)	1	2	1.60	.49
<b>Sentence Length in Months (Guilty votes only)</b>	3	1200	74.17	121.83

\*1=Guilty; 2=Not guilty

\*\* 1=Probation; 2=Prison

### *Hypothesis One*

The first of the six hypotheses stated that participants would more negatively evaluate male perpetrators. There were several ways a “negative evaluation” was assessed. First, guilty verdicts counted as a negative evaluation. Participants were also asked to rate how morally reprehensible they find the perpetrators

actions to be, as well as whether or not they believed the perpetrator would re-offend. Next, they rated how responsible they believe the perpetrator to be for the incident. Finally, if they judged the perpetrator 'guilty,' the participants were asked to make a sentencing recommendation. Prison recommendations were considered to involve a more negative evaluation as compared to probation recommendations, and lengthier sentences were considered to be indicative of a more negative evaluation. Results revealed that the hypothesis was partially supported. The MANOVA revealed that main effects for perpetrator gender were found on two of the dimensional measures: short-term effects of the abuse ( $F(1, 164)=4.045, p<.05$ ) and perpetrator responsibility ( $F(1, 164)=4.365, p<.05$ ), with male perpetrators being judged more negatively on both dimensional measures.

#### *Hypothesis Two*

The second hypothesis stated that participants would more negatively evaluate offenders who perpetrate against girls. This hypothesis was not supported. Results of the MANOVA indicate that there was a no main effect for victim gender as related to the any of the measures that comprised a negative evaluation.

#### *Hypothesis Three*

It was also hypothesized that participants would more negatively evaluate offenders who perpetrate against child victims as opposed to adolescent victims. However, this hypothesis was not supported. Specifically, there was no main effect for victim age.

#### *Hypothesis Four*

The fourth hypothesis stated that participants who rate the short- and long-term effects of child sexual abuse to be more serious will more negatively evaluate the perpetrators. Results indicate that the hypothesis was partially supported.

It was expected that participants' ratings of the short- and long-term effects of the abuse would be strongly correlated ( $r = .588, p<.01$ ). Participants' ratings of the short-term effects of

the abuse were correlated with verdict ( $r = -.229, p < .01$ ), type of sentence recommended ( $r = .266, p < .01$ ), how morally reprehensible the behavior was deemed to be ( $r = .391, p < .01$ ), how likely the perpetrator was to re-offend ( $r = .43, p < .01$ ), and degree of responsibility assessed to the child ( $r = -.162, p < .05$ ) and alleged perpetrator ( $r = .351, p < .01$ ). Ratings of the short-term effects of the abuse on the child were not correlated with participants' length of sentence recommendations ( $r = .093, p > .05$ ).

A similar pattern of results was found between the negative evaluations of the alleged perpetrator and the perceived long-term effects of the sexual abuse on the child-victim. The ratings of the long-term effects of the abuse were correlated with verdict ( $r = -.275, p < .01$ ), type of sentence recommended ( $r = .378, p < .01$ ), how morally reprehensible the behavior was ( $r = .328, p < .01$ ), how likely the perpetrator was to re-offend ( $r = .414, p < .01$ ), and degree of responsibility assessed to the child ( $r = -.128, p < .05$ ) and alleged perpetrator ( $r = .315, p < .01$ ). However, the ratings of the long-term effects of the abuse on the child were not correlated with recommendations of sentence length ( $r = .084, p > .05$ ).

#### *Hypothesis Five*

The fifth hypothesis stated that female participants would report the short- and long-term effects of sexual abuse to be more serious than would male participants. This hypothesis was not supported and results indicate that there was no main effect for juror gender.

#### *Hypothesis Six*

The final hypothesis stated that female participants would more negatively evaluate the perpetrators as compared to male participants in both male- and female-victim conditions. To accomplish this, a two-way analysis of variance (ANOVA), 2(juror gender: male vs. female) x 2(victim gender: male vs. female) was conducted to determine if there was a difference in the ratings between the male and female participants on each of the criterion measures (which comprise a negative evaluation) in both male

and female victim conditions. Results indicate that the hypothesis was not supported. Specifically, the results indicate that there was not a significant interaction between juror gender and victim gender for any of the criterion measures.

## DISCUSSION

The purpose of this study was to focus on how gender affects juror-decision making in cases in which the alleged offense is sexually based. Specifically, perpetrator gender, victim gender, and victim age were manipulated to investigate whether or not they impact juror decision-making either alone, or in combination with each other and other variables. To accomplish this, eight versions of a sexual abuse scenario were developed to accommodate the various combinations of perpetrator gender, victim gender, and victim age. In addition, the participants were asked to evaluate the short- and long-term effects of the alleged abuse on the fictitious victim, and render a verdict and, if appropriate, a sentencing recommendation.

Prior research has indicated that not only does victim age (Gabora et al., 1993; Goodman et al., 1989), victim gender, and perpetrator gender (Broussard et al., 1991; Quas et al., 2002) affect juror decision-making, but juror gender may also play a role in the outcome of legal proceedings (Bottoms, 1993; Gabora et al., 1993; McCoy & Gray, 2007). Given prior research, it seems logical that these variables, taken together, would be powerful predictors of a guilty verdict and the degree of the negative evaluation of the alleged perpetrator.

### *Interpretation and Implications of Findings*

Results of the present study provided mixed results regarding the impact of gender on individual mock juror decision making in sexual abuse cases. There are a number of non-significant findings that suggest that gender is not the determining factor in juror decision making. First, previous research suggests that the independent variables may predict the likelihood of a guilty verdict in child sexual abuse cases (Broussard et al., 1991;

Gabora et al., 1993; Goodman et al., 1989; McCoy & Gray, 2007). However, such was not the case in the present study. The logistic regression model was not a significant predictor of verdict. In fact, the ability to predict the verdict was only slightly better than chance (57%) given knowledge of the independent variables (child gender, perpetrator gender, child age, and juror gender).

Likewise, the independent variables failed to predict either of the components derived from the criterion measures (severity of short-term effects of abuse on the child, severity of long-term effects of abuse on the child, how morally reprehensible the acts of the accused are seen to be, likelihood the child will abuse others, likelihood the accused will abuse others, how responsible the accused is for the incident, how responsible the child is for the incident). In other words, knowledge of victim age and the genders of the victim, perpetrator, and juror did not allow one to predict how negatively the mock juror would perceive the perpetrator and the severity of the abuse, or the juror's perception of the victim. Similarly, considering only those mock jurors who found the defendant guilty, three of the four independent variables failed to predict length of the sentence he/she chose to impose. Only juror gender contributed to prediction of sentence length, with male jurors tending to give longer sentences.

Third, it was expected that the mock jurors would more negatively evaluate male perpetrators (Broussard et al., 1991; Quas et al., 2002) and that victim gender (Broussard et al., 1991) and victim age (Gabora et al., 1993; Goodman et al., 1989) would influence ratings on the negative evaluation indices. This was partially supported in that victims of male perpetrators were judged as experiencing more severe short-term effects of the abuse and male perpetrators were judged to be more responsible for the incident. However, no other main effects were found for perpetrator gender and there were no significant main effects found for victim age. Similarly, no significant main effects were found for victim gender as it related to the various indices of a negative evaluation.

The present study also found that, contrary to what was hypothesized, male and female mock jurors did not view the effects of the abuse differently. Specifically, men and women tended to view both the short- and long-term effects of the abuse described as equally severe. In this study, mock juror gender did not appear to make a difference with regard to perceived effects of abuse. Interestingly, there was also not a significant correlation found between the ratings of either the short- ( $r=.093, p>.05$ ) or long-term ( $r=.084, p>.05$ ) effects of the abuse and the sentence length. In other words, men and women appeared to view the abuse as equally severe and did not allow that judgment to impact their sentencing recommendations.

Likewise, male and female mock jurors did not differ in their negative evaluations of the alleged perpetrator, regardless of victim gender. In both the male- and female-victim conditions, they did not differ in their negative evaluations of the alleged perpetrator. There are a number of possible explanations for these non-significant findings. For example, attitudes may have changed since earlier research was conducted (1990s), due to factors such as increased media attention of high-profile cases of accused female sexual offenders.

Although there were a number of findings that suggest that gender has little, if any, impact on mock juror decision making, there were several intriguing significant findings related to gender and juror decision-making. First, mock juror gender contributed to the prediction of sentence length. This may have significant practical implications in those cases, and in those jurisdictions, in which the jury is allowed to give a sentencing recommendation. Of course, there are a number of other factors that could potentially influence sentence length and further research would need to be conducted to determine those factors, and in what combination, they impact decision-making regarding sentencing. However, this initial finding certainly suggests that juror gender may play a role in sentencing.

It was further hypothesized that the mock juror's assessments of the short- and long-term effects of the alleged abuse would be correlated with a negative evaluation of the perpetrator. This was generally supported, with juror's ratings of the short- and long-term effects of the abuse being positively correlated with the type of sentence recommended, likelihood that the perpetrator will re-offend, and how responsible the perpetrator was seen to be for the incident. Also as expected, mock juror ratings of the short- and long-term effects of the abuse were negatively correlated with verdict and the level of responsibility assessed to the child for the incident. In other words, jurors who viewed the effects of the abuse to be more severe also tended to more negatively evaluate the perpetrator and perceive the child as being less responsible for the abuse. Again, this result has significant implications for both prosecution and defense strategy during voir dire and during trial. For example, prosecutors may want to tailor voir dire questions in such a way as to assess whether or not potential jurors are predisposed to believe that sexual abuse produces serious and irreparable harm to the victim.

Finally, as mentioned above, there were significant findings related to perpetrator gender. This study found that perpetrator gender was related to mock juror judgments of the short-term effects of the abuse and how responsible the perpetrator was seen to be for the act. Results suggest that mock jurors judge the short-term effects of the abuse to be more severe and the perpetrators as being more responsible for the act when the perpetrator is male.

Overall, it appears that it is difficult to influence mock juror decision-making by manipulating obvious variables such as gender. This is encouraging, since juror judgments of guilt should not be influenced by variables that are not relevant to the alleged criminal act. Coming to a judgment of guilt is likely a highly complex process and may be more closely related to subtle factors (such as perceptions of the effects of the abuse) than more obvious factors, such as gender. This study investigated individual mock juror decision-making that may impact what happens once they are in the jury room.

*Limitations*

The foregoing results are qualified by certain limitations. First, although the data were collected from 305 individuals, there was a larger than anticipated percentage of participants who did not meet the conditions to be included in the analyses due to their failure to qualify for jury service or their failure to complete the questionnaire fully. Consequently, the eight comparison groups (reflective of the eight scenarios) each contained between twenty-eight and thirty-five members. The relatively small sample size may have increased the risk for a Type II error and reduced the statistical power of the analyses. This is of particular concern when considering mock juror gender given that males were underrepresented. It is possible that a similar study conducted with a larger sample size may yield different results.

Secondly, there are potential demographic differences between the individuals who comprised this sample and actual jurors. Although research suggests that mock juror studies are methodologically sound (Nietzel, McCarthy, & Kern, 1999), inherent in mock jury studies is potential for lack of representativeness. Such was the case in the present study. For example, according to the United States Census Bureau (2000), 15.2% of the population of Texas is between the ages of twenty and twenty-four. However, 57% of the participants in the present study fell into that age range. Likewise, although males account for 49.6% of the Texas population, they made up only 30.5% of the sample. The fact that the participants in the present study do not reflect the general population demographically may mean that they are not representative with regards to their attitudes, perceptions, and judgments.

Finally, the fact that the present study looked at mock juror decision-making, as opposed to mock jury verdicts, is potentially problematic. According to previous research (Diamond, 1997), mock juror studies are methodologically sound and generally predict the outcome of jury verdicts. In other words, the verdict of an individual juror generally reliably predicts the decision of the whole jury. It must be acknowledged, however, that a sin-



gle individual is not totally responsible for making legal decisions (with the notable exception of a bench trial), and it is not uncommon for individual jurors to disagree on culpability initially. Juries engage in deliberation and debate, and there is a whole set of social influence factors that potentially influence the final verdict. Deliberations also allow the jurors an opportunity to compare their understandings of the testimony and jury instructions and correct any lingering confusion. Jurors in the present study were not provided this opportunity. Thus, it is within the realm of possibility that a mock jury study would have yielded differing results.

#### *Directions for Future Research*

The most obvious area for future research involves adjusting for the methodological limitations cited above. Taking steps to reduce the artificiality of the present study may include grouping participants into juries and/or drawing participants from the community. It may also be fruitful to modify the stimulus materials. For example, using fictitious trial transcripts or videotaping actors playing the roles of the victim, defendant, and the various courtroom personnel may reduce the artificiality inherent in the present study. Furthermore, the nature of the sexual abuse described in the present study was relatively mild given the range and severity of acts that fall under the rather broad label of 'sexual abuse.' Altering the severity of the sexual abuse may affect decision-making in a manner that was not detectable in the present study. Future research may also focus on gender in combination with other variables such as the relationship between the victim and perpetrator and/or the severity of the sexual abuse to investigate whether or not these variables interact to influence verdicts. As mentioned previously, there may be subtle factors that, although they are associated with gender, more directly influence juror decision-making. Examples of these variables that were not assessed or controlled for in the present study include being or knowing abuse victims, attitudes toward sexual abuse, attitudes about gender roles and sexual mores, as well as a myriad of personality characteristics. Taking such factors into consideration in future studies may further illuminate whether or not, and

how, gender matters in sexual abuse cases. In addition to modification of mock jury/juror studies and investigating additional variables, future research might also look at responses by actual jurors in sexual abuse cases. The fact that most criminal cases (be they sexual offenses or non-sexually based offenses) are disposed of without going to trial, coupled with the fact that female sexual offenders are very rare, obtaining a large sample size would be problematic. Therefore, it would be necessary to attempt to gain participants (i.e. jurors) from other areas of the country in order to obtain a reasonable sample size. This would have the additional benefit of increasing the generalizability of the findings.

### CONCLUSION

The goal of the present study was to investigate how gender affects mock juror-decision making in child sexual abuse cases. This study found that mock juror gender contributed significantly to prediction of sentence length, and perpetrator gender was significantly related to mock juror judgments of the short-term severity of the abuse and the level of responsibility attributed to the perpetrator. Further, it was found that mock jurors who viewed the effects of the abuse to be more severe also tended to more negatively evaluate the perpetrator and perceived the child as being less responsible for the abuse.

Perhaps most surprising were the non-significant results. Specifically, the independent variables did not contribute significantly to the prediction of verdict and three of the four did not contribute to the prediction of sentence length. In addition, knowledge of victim age and the genders of the victim and juror did not allow one to predict how negatively the juror would perceive the perpetrator and the severity of the abuse, or the juror's perception of the victim.

Also remarkable were the findings that male and female participants did not differ in their judgments of the severity of the short- and long-term effects of the alleged abuse, and those jurors' ratings of the short- and long-term effects were not corre-

lated with sentence length. Furthermore, in both the male- and female-victim conditions, jurors did not differ in their negative evaluations of the alleged perpetrator. It is quite possible that methodological problems, namely a small sample size, resulted in relatively few significant results. Future research should focus on not only rectifying the limitations of the present study, but also exploring how other variables may interact with gender to affect decision-making in sexual abuse cases.

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## Appendix

On December 3 of 2004 Melissa/Matthew Thompson, age 6(15), revealed to her/his teacher that a neighbor had “touched” her/him. Melissa’s/Matthew’s teacher notified Child Protective Services and the police of the allegations. Ms. Danielle/Mr. Daniel Smith, age 35, was arrested and charged with *Indecency with a Child*.

Specifically, s/he is accused of fondling the genitals of the child. Melissa/Matthew testified in court that the abuse occurred on three separate occasions. On the first and second occasions Ms./Mr. Smith allegedly touched Melissa/Matthew through her/his clothes. Both times Melissa/Matthew stated that s/he stepped away from Ms./Mr. Smith and “pretended it didn’t happen.” Each time Ms./Mr. Smith apologized, stated that it was an “accident”, and made Melissa/Matthew promise not to tell anyone about the incidents. On the third and final occasion, Ms./Mr. Smith allegedly walked up behind Melissa/Matthew and put her/his hand down the front of Melissa’s/Matthew’s sweat-pants and underwear. Melissa/Matthew testified that, at that point, s/he left Ms./Mr. Smith’s house and did not return.

Ms./Mr. Smith adamantly denied the charges against her/him and there are no known previous allegations against Ms./Mr. Smith. S/he acknowledged that Melissa/Matthew would occasionally visit her/him and that s/he befriended the child, but denied engaging in any form of sexual activity with her/him. There were no witnesses to the alleged crime and the results of the medical examination on Melissa/Matthew were inconclusive.