Attitudes Towards Younger and Older Victims of Child Sexual Assault

by

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Submitted in partial fulfilment of the requirements for the degree of

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July 2013
I am the author of the thesis entitled

Attitudes Towards Younger and Older Victims of Child Sexual Assault

submitted for the degree of

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Abstract

Child sexual assault is a persistent social problem for the Australian community and the justice system. Of particular concern is the incongruence between high victimization rates and low conviction rates. One reason for this discrepancy may lie in the attitudes and perceptions of the members of the public who are required to serve on juries in these cases. Given that there is often little corroborating evidence presented in court, perceptions of the complainant and defendant may play a significant role in the determination of credibility and verdict outcomes. In addition, the group dynamics and social interactions of a jury may influence deliberations and verdicts.

Focus groups conducted over the Internet and in computer-mediated platforms have been found to be valuable in the study of attitudes towards social issues, particularly for sensitive topics. In this study, eleven electronic focus groups deliberated a fictional child sexual assault scenario in which the age of the child and relationship to the defendant was varied. Exploratory analysis was applied to the deliberation transcripts through NVivo in order to examine group communication, potential for group polarisation, and perceptions of credibility, age, and guilt.

An understanding of the way mock juries communicated in an electronic environment is presented in the first paper entitled, ‘Simulated decision-making in online focus groups’. Given the potential for electronic decision-making research, a hermeneutic framework was considered useful for the qualitative analysis of the deliberation transcripts. Results reflected the ways in which mock jurors communicated online, including the use of online jargon and vocabulary, the impact of group influence, rapport building, and the
creation of meaning. These findings supported the efficacy of using computer-mediated communication as an additional method in jury decision-making research.

The second paper entitled, ‘Group polarisation and structured deliberation in a simulated child sexual assault case’, explored whether group polarisation could develop if a quasi-structured deliberation method was applied. Findings suggested that for some focus groups, persuasive arguments were not sufficient to create polarization of the entire group, and structured deliberation may have been a factor in the reduction of this occurrence. Additionally, deliberation transcripts showed that lack of evidence was a significant factor in verdict outcomes. These findings suggest that structured deliberation may be useful for jury trials in child sexual assault cases.

The third paper entitled, ‘Mock jury attitudes towards credibility, age, and guilt in a fictional child sexual assault scenario’, showed the effects of jury deliberation on the perceptions of victim credibility, age, and verdict outcome. Results suggested that in a case which had no corroborating evidence, individual perceptions of the child witness’ credibility and guilt decreased as the age of the child witness increased. In addition, the interrelationships, personal backgrounds and testimonies of the victim and defendant influenced verdicts. These findings suggest that the influence of common misconceptions, such as victim blaming in jury deliberations, may be reduced with the provision of additional supporting information during trials regarding child sexual assault.

Taken together, the findings of these studies suggest that computer-mediated communication may be a useful method for jury decision-making
research, particularly in terms of cost, recruitment, and convenience. In addition, the results indicate that group processes during jury deliberation can influence perceptions of victim credibility, age, and verdict. Future research should continue to focus on juries, rather than jurors, and consider the influence of group dynamics on the jury to improve ecological validity.

**Structure of the Thesis**

This thesis contains three original papers submitted for publication in three peer-reviewed journals. The central theme of the thesis is jury attitudes towards younger and older victims of child sexual assault. The ideas, development, and writing up of all the papers were the principal responsibility of the candidate, working within the School of Psychology under the primary supervision of Dr. Bianca Klettke and associate supervision of A/Professor Tess Knight. The inclusion of co-authors reflects the fact that the work came from active collaboration between researchers and acknowledges the input into team-based research. In the case of chapters 4, 5, and 6, the candidate’s contribution to the work consisted of developing the aims and direction of the studies, reviewing the relevant literature, conducting all data analyses, and drafting several versions of each paper based on suggestions from the supervisors.

The introductory chapters of the dissertation provide the background from which these papers for publication emerge. Chapter one provides a prelude to the discussion of specific aspects of child sexual assault. This entails a review of current statistics, prevalence, and sentencing, and presents a rationale for the entire study. Chapter two provides a closer examination of attitudes that relate specifically to perceptions of witness credibility and age in
child sexual assault cases. Chapter three makes an inquiry into jury decision-making, with a focus on deliberation, group decision-making, and contemporary research methods.

Each research paper represents a specific aspect of the overall study where the first paper entitled ‘Simulated decision-making in online focus groups’ is presented in chapter four, and details the application of the electronic methodology. The second paper entitled ‘Group polarisation and structured deliberation in a simulated child sexual assault case’ is presented in chapter five, and discusses the potential of group polarisation and structured deliberation. The third paper entitled ‘Mock jury attitudes towards credibility, age, and guilt in a fictional child sexual assault scenario’ is presented in chapter six, and presents the primary results of the thesis. Chapter seven provides an integrated discussion of the findings and the implications of this study for research, policy, and practice. In addition, unpublished work that is relevant to each study and quantitative results from questionnaires will be presented in appendices.

**Contribution to the Field**

This thesis makes a contribution to the field for several reasons. The current research focuses on how online group processes impacted attitudes towards credibility and age of child sexual assault victims. Firstly, it has been well established that there is a discrepancy between the incidence and prevalence of child sexual assault, and in the number of convictions resulting from court proceedings (Fitzgerald, 2006; Wundersitz, 2003). This incongruence means that many victims neither get their day in court, nor an outcome that they consider to be just. Moreover, court outcomes may be
affected by the decision-making of juries. Given that juries are made up of members of the public, it stands to reason that pre-conceived attitudes of laypeople may influence the perceptions of defendants and complainants. Moreover, considering that misconceptions of child witnesses have been found to influence verdicts, particularly when there is little or no physical evidence, a thorough understanding of how this occurs during deliberations is necessary to reduce the impact of these misconceptions in court. Previous research has suggested that misconceptions, such as victim blame, may be linked to the age of the child complainant and perceptions of witness credibility.

The second contribution of this thesis is the methodological contribution it makes to jury research. Many studies of juror decision-making lack a focus on deliberation, an integral part of the decision-making process. While research has shown that jurors make decisions about guilt before they enter into deliberation, (Greene et al., 2002), research has demonstrated that group dynamics and social interactions can modify the perceptions of individual jurors and shift pre-deliberation verdict preferences (Diamond & Rose, 2005). Thus, this thesis makes two important contributions to the field: (1) it investigates factors that impact jury decision-making in the context of a child sexual assault case, and (2) it focuses on the group processes that may affect jury decision-making.

The third contribution of this thesis is to test a contemporary methodology in jury decision-making research. Traditionally, mock jury decision-making studies have used face-to-face simulated juries, but this method is expensive, time consuming, and attracts recruitment difficulties. Online research reduces these limitations by providing a cost-effective and
time efficient alternative, offering an exciting new direction for jury decision-making research. Thus, this thesis examines the feasibility of online focus groups in jury decision-making research.

Finally, another contribution of this thesis is to test a structured deliberation technique based on the question-trail method that has been used in New Zealand courts and recently introduced in Victoria as the ‘Jury Guide’ (Victorian Law Reform Commission, 2009). There has been much concern about jury directions and the ability of jurors to understand complex instructions and relevant law. As such, the question-trail method has been suggested as a way to increase jurors’ understanding and reduce the potential for mistrials as a result of ‘misdirections’. Thus, this thesis will use a quasi-structured deliberation method to examine whether group polarisation would be likely to occur in deliberating juries.

Overall, the results of the present research shows that computer-mediated communication could be an effective method for jury decision-making research, particularly in terms of cost, recruitment, and convenience. Results also show that group deliberations can influence perceptions of victim credibility, victim age, and verdict. Findings also indicate that future research should focus on juries, rather than jurors, and consider the influence of group dynamics to improve ecological validity of mock jury decision-making research. Finally, the jury system may be improved with the use of structured deliberation.
Chapter 1. Introduction

These introductory chapters aim to provide a background and rationale for the current thesis. They are also aimed at giving an overview on the community’s perceptions of younger and older victims of child sexual assault, as these perceptions may underlie juror attitudes and explain why older children and younger children are sometimes perceived differently. Moreover, for the purpose of this thesis, an understanding of how juries perceive and evaluate the testimony given by a child-witness is important for understanding how juries reach each a verdict.

1.1. Background

Child sexual assault (CSA) is a prevalent, yet largely hidden crime in Australia. In 2010, a large proportion of children accounted for the total number of recorded sexual assaults in Australia (see Table 1), with the highest number of cases recorded for females age 15 to 19 years (Australian Bureau of Statistics, 2010). It is unlikely that these statistics reflect the total number of sexual assaults against children as it has been estimated that less than 10 percent of cases are ever reported to police (Fergus & Keel, 2005). Yet, the risk to the child’s development and the negative impact of sexual abuse for the victim and society can be extensive (Spataro, Mullen, Burgess, Wells, & Moss, 2004; P. Taylor et al., 2008; World Health Organisation, 2010), all of which necessitates a consistent and unyielding response in prevention, treatment, policy, and law.
Table 1

Percentages of Sexual Assaults for Children in Australia in 2010 - 2011

<table>
<thead>
<tr>
<th>Gender</th>
<th>Age (years)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0 - 9</td>
<td>10 - 14</td>
<td>15 - 19</td>
</tr>
<tr>
<td>Male</td>
<td>4.62</td>
<td>4.54</td>
<td>2.29</td>
</tr>
<tr>
<td>Female</td>
<td>10.19</td>
<td>20.59</td>
<td>23.51</td>
</tr>
</tbody>
</table>

Note. Recorded crimes by police as reported by the Australian Bureau of Statistics; total number of recorded sexual assaults = 17,757 persons.

National statistics and previous research estimate a high prevalence rate of CSA, yet conviction rates remain low. For example, Kerr (2003) reviewed 18 South Australian CSA cases, between the years 1995-2003, in which the testimony given was by a child, 15 years or younger. Results showed that 52 charges were prosecuted and of these, 67 percent were found not guilty. Fitzgerald (2006) followed the attrition of sexual offences in New South Wales and found that during 2004, 61 percent of sex offences against a child were acquitted. It was also reported that the highest proportion of acquittals and lowest proportion of defendants proven guilty in the Australian High courts in 2010-2011 were for sexual assault offences (child and adult combined) (Australian Bureau of Statistics, 2012). While these statistics may reflect a low conviction rate, it is recognised that some defendants may be innocent. In addition, if juries are considering elements other than evidence, outcomes may not be considered just for the victims. Thus, the criminal justice system, in particular the jury, may be in need of reform.

Several changes have been implemented recently in an attempt to address the discrepancy in sentencing for child sexual assault cases. For example, a study reported that recent changes in sentencing are reflective of the
dissatisfaction of the general public with regards to the punishment and rehabilitation of offenders (Hazlitt, Poletti, & Donnelly, 2004, p. 3). However, as seen in Table 2, the discrepancy between recommended and actual sentences remains significant. It is also apparent that current sentencing may not be reflective of community attitudes, as child sexual abuse is seen as one of the most abhorrent crimes. Public attitudes can be a powerful component in the determination of appropriate deterents to crime, particularly sexual offending against children. As seen in recent community attitudes surveys (see Tucci, Mitchell, & Goddard, 2006; Tucci, Mitchell, & Goddard, 2010), the general public expect a strong criminal justice response to child sexual abuse. Thus, in addition to legal requirements, the community’s attitudes towards prosecution, conviction, sentencing, and rehabilitation of offenders are important when determining the most appropriate criminal response.

Table 2

*Maximum Penalties and Actual Median Sentence Length by Victim Age*

<table>
<thead>
<tr>
<th>Age (years)</th>
<th>Maximum Sentence (years)</th>
<th>Median Principle Sentence</th>
<th>Median Total Effective Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 10</td>
<td>25</td>
<td>3 years and 6 months</td>
<td>5 years and 6 months</td>
</tr>
<tr>
<td>10 -16</td>
<td>10</td>
<td>2 years and 6 months</td>
<td>3 years and 6 months</td>
</tr>
</tbody>
</table>

*Note.* Data reflect sentencing outcomes in the high courts of Victoria between 2005-06 and 2009-10 for the sexual penetration of children.  
Overall, it is apparent from these statistics that CSA is pervasive in Australia and the cost to both victims and society is extensive. The response to this social problem has included efforts to improve prevention, identification, reporting, and treatment. In addition, the criminal justice system has sought to improve investigations, substantiations, prosecution, and sentencing. In many allegations, the child’s word is often in direct conflict with that of the offender. Moreover, in lieu of physical evidence or expert testimony, other variables may start to play a greater role, such as an individual’s general attitudes and perceptions of child witness and defendant credibility, a child’s competency to testify, the consistency of the allegation, and the victim’s age (Gabora, Spanos, & Joab, 1993; N. Taylor, 2007).

Misconceptions about CSA have been found to exist within the Australian population (Fleischer, 1993). For example, as stated earlier, a recent survey indicated that a significant number of people believe that CSA only occurs in low socio-economic areas and do not know that an offender is often known to the victim (Tucci et al., 2006, 2010). In addition, a wealth of international research has found that younger children are perceived differently than older children in CSA cases. For example, research has shown that adults tend to attribute more blame, responsibility, and culpability to older children than younger children (Schaff et al., 2002; Waterman & Foss-Goodman, 1984), while older children have been perceived to be more likely to consent to their own sexual abuse (Back & Lips, 1998; Rogers & Davies, 2007). The differences may be explained, in part, by attitudes held by the public, who also serve on the juries in these cases.
In general, an attitude is an important construct as it may influence behaviour and decision-making (Ajzen & Fishbein, 1980; Eagly & Chaiken, 1993). In fact, attitudes are one of the most researched topics in social psychology (Bohner & Dickel, 2011) and are considered powerful determinants of behaviour (Petty, Wegner, & Fabrigar, 1997). Consequently, an attitude is an important construct that can be used to understand perceptions, judgements, decision-making, persuasion, and behaviour, especially in a jury context (Allport, 1935; Leippe, Eisenstadt, Rauch, & Seib, 2004; Leippe & Romanczyk, 1989). Specifically, perceptions of credibility in a child sexual assault case will be investigated within this thesis. The next chapter will discuss the development of individual and societal attitudes towards child sexual assault, with a particular focus on the age and credibility of child witnesses in the criminal justice system.
Chapter 2. Credibility and Age

There are a number of factors that may affect how a CSA case is perceived in court. For example, in addition to the evidence presented, victim credibility and age may influence the outcome of an allegation. While increasing the number of just outcomes for victims is a concern for the criminal justice system, there is often little physical or corroborating evidence. Child sexual assault is typically perpetrated in private by someone known to the victim, resulting in the child’s word against the perpetrator (Cossins, 2002; Herman, 2010). In lieu of physical evidence or corroborating witnesses, the attitudes, biases, and beliefs of jurors may become a salient dynamic in the perception and outcome of a case (N. Taylor, 2007). This chapter will describe the application of attitudes in the study of CSA; in particular, it will provide an examination of the research into the perceptions of the credibility and age of child witnesses.

Previous research on perceptions of child sexual assault cases has typically focused on variables such as credibility, memory, suggestibility, consent, responsibility, and blame of child-witnesses (Nightingale, 1993; Ross, Dunning, Toglia, & Ceci, 1990). The credibility of the child witness is an important factor because this perception at trial can become one of the most determining considerations in verdict outcome. Further, perceptions of the child’s credibility are also influenced by the age of the child. That is, the age of the child may influence when a child is no longer perceived as credible (or perceived as less credible), which can significantly impact the outcome of a case (Goodman, Golding, Helgeson, Haith, & Michelli, 1987).
Such an observation can have direct implications for the criminal justice system. For example, adults have been found to perceive younger child witnesses as vulnerable and honest, and due to being perceived as lacking extensive sexual knowledge, younger children have been viewed as less likely to invent false accusations of sexual victimisation (Bottoms & Goodman, 1994; Goodman, Bottoms, Herscovici, & Shaver, 1989). However, other studies have shown that children, in general, may be perceived as more suggestible (Goodman & Reed, 1986), less capable of giving evidence in court due to inferior cognitive abilities (Leippe, Manion, & Romanczyk, 1993; Leippe & Romanczyk, 1989), and overall, less credible than an adult.

This construct of credibility can be conceptualised as a combination of competency and trustworthiness (Bottoms & Goodman, 1994). In this context, competence may be determined by the perceived ability to accurately recall events, while trustworthiness may be determined by the perceived ability to tell the truth (McCauley & Parker, 2001; Rogers & Davies, 2007). Generally, trustworthiness is considered to be the key aspect in the assessment of credibility. As a result, younger children may be perceived as more credible than older children (Rogers & Davies, 2007; Ross et al., 1990) because they are perceived as more likely to tell the truth and less likely to fabricate stories of abuse. For example, research has indicated that while children over the age of 12 are often perceived to have better recall ability, they are also seen as more likely to lie (Bottoms & Goodman, 1994), and more likely to be perceived like adult rape victims (Duggan et al., 1989).

In addition, other studies have found that older children are more likely to be blamed or perceived as more able to resist an assault than younger
children (Maynard & Wiederman, 1997; Waterman & Foss-Goodman, 1984). In one such study, Rogers and Davies (2007) asked university students and members of the general community in the United States to read a 350-word scenario of non-consensual touching. The manipulated variables included: the gender of the perpetrator (35 year old male or female neighbour known to the victim); the age of the child (10 or 15 years); the gender of the child, and level of resistance (the victim actively resisted). The researchers examined the effects of these variables on perceptions of victim credibility, victim responsibility and severity of the assault.

Respondents in this study found the 10-year-old child to be more credible than the 15 year old, and female participants viewed the victim as less culpable than did male respondents. The researchers suggested that even though the younger child was almost pre-adolescent, she / he was still perceived as more credible than the 15-year-old girl / boy. Thus, it is likely that the two components of credibility (i.e., competence and trustworthiness) influenced these participants’ perceptions. Specifically, it is possible that the 15-year-old may have been perceived to have more sexual knowledge, have the cognitive capability to accurately recall the event (increased competence), and as reflected in other studies, the older child may be more likely to lie in her / his testimony (decreased trustworthiness).

However, the relationship between age and perceptions of child credibility has not been found to be consistent across the literature (Thompson, 1988). Despite the findings of the previous research, a few studies have found no difference between the perceptions of younger and older children in judicial cases. For example, in a study which compared the direct and cross-
examination of a child and an adult witness in a simulated child sexual abuse case, Luus and Wells (1992) found that the perceived confidence and believability of the eight-year-old child under cross-examination was equal to that of the 12 year old and adult.

In a later study, McCauley and Parker (2001) asked university students in the United States to rate the credibility, memory, honesty, confidence, and likeability of a child victim and defendant in a either a robbery or a sexual assault case. The sexual assault case featured either a stranger or acquaintance (male neighbour) perpetrator, and the age of the child-victim was either six or 13 years old. Witnesses for the defence and prosecution were also provided. The trial descriptions presented to participants were modelled on the vignettes previously used by Nightingale (1993); however, there was no physical evidence presented, as is often the case in actual CSA trials. There were no differences found between the younger and older child’s credibility, honesty, or verdict; however, participants did perceive the six year old as having a poorer memory than the 13 year old (i.e., decreased competency). In the sexual assault case, the defendant was more likely to be perceived as guilty and the child perceived as more credible, more honest and have better memory than in the robbery case. Participants also perceived both ages to be equally trustworthy (honest), which suggests that as part of the competency component of credibility, memory became a salient factor in juror judgements.

While these two studies above suggest that perceptions of credibility were not impacted by age, the majority of research findings have shown that younger children have often been perceived as more credible than older children. Yet, in addition to age, other factors of a case may also moderate
how competence and trustworthiness are perceived by jurors, such as gender of the victim and defendant, type of abuse, and relationship between the victim and defendant. For example, in a study by Bornstein, Kaplan, and Perry (2007), the effects of victim (8-year-old child) and perpetrator gender, type of abuse (mild / moderate sexual abuse or physical abuse) and victim-perpetrator relationship (parent or babysitter) on different kinds of abuse were examined. Participants were asked to evaluate one of 24 different vignettes and assess the degree and severity of the trauma, likelihood of occurrence, victim believability, and the probability that the victim would repress the memory of the abuse.

Results showed that laypersons in the United States found the sexual abuse by a parent as more severe, and same-sex abuse was viewed as more traumatic but less likely to occur. Participants also perceived the victim as more believable when the perpetrator was male. Male respondents rated physical abuse as more believable than sexual and female respondents perceived the victim as highly believable across all conditions. While it has been shown in the literature and criminal justice statistics that the majority of sexual assault victims are female, this study found that female sexual abuse was not perceived as more common than male sexual abuse. Overall, the victim was perceived as more believable when the perpetrator was male and related to the victim. This study suggests that victim, perpetrator, and juror gender, victim-perpetrator relationship, and type and severity of abuse can affect perceptions of child victim credibility. However, the association between age and credibility may not be straightforward and other contributing factors might play a role. While perceptions of the child’s credibility are
important, the following chapter will describe other factors that may impact on
the perceptions of victims in jury decision-making. For example, the way in
which groups make decisions and juror characteristics will be reviewed, and
methodological considerations in jury research will also be discussed.
Chapter 3. Jury Decision-Making

Perceptions of credibility and determinations of guilt are not only influenced by characteristics of child witnesses and defendants, but are also susceptible to elements of the jury itself. For example, individual juror bias may be impacted by deliberations within the jury group (London & Nunez, 2000). This suggests that a focus on the decision-making within the jury group may be a more ecologically valid approach than research based on individual jurors. The following chapter presents a brief overview of factors that may influence jury decision-making and groups, as well as a discussion of the ecological and methodological considerations in jury-research methods.

3.1. Jury Characteristics

Jury decision-making studies that have typically focused on participant (or observer) aspects such as gender (see Appendix L for further discussion), socio-economic status, race, and education have found mixed results (see Devine, Clayton, Dunford, Seying, & Pryce, 2001; Isquith, Levine, & Scheiner, 1993; N. Taylor, 2007). For example, Golding, Bradshaw, Dunlap and Hodell (2007) hypothesised that mock juries consisting predominantly of female jurors (five females, one male) would return more guilty verdicts than predominantly male juries (five males, one female) after deliberating a hypothetical child sexual assault trial. Participants consisted of 300 undergraduate students in the United States. The researchers found that women were more pro-victim than men in pre-deliberation and that majority female juries voted guilty more often than majority male juries. In addition, majority female juries were biased towards guilt before deliberation, which
then influenced the final outcome towards the majority. This finding suggests that jury composition in terms of gender may also affect guilt outcomes.

In another gender-related study, researchers examined argumentation as presented by a prosecutor’s claim of defendant guilt, and the coherence of narrative in the prosecutor’s summary statement (Voss & Van Dyke, 2001). The focus of the study was how mock jurors’ evaluated guilt based on the prosecutor’s narrative in terms of how convincing it was, how coherent it appeared, how strong the evidence was, and its overall quality. In study one, participants were asked to judge narrative coherence and the strength of evidence in the determination of guilt, while in the subsequent experiments, participants responded to certainty or uncertainty of information, and to emotional statements within the prosecutor’s narrative when determining guilt. Findings showed that males focused more on the evidence when determining guilt than females who used a more inclusive approach, and females were found to be more likely to be affected by emotional statements when they related to the defendant rather than the evidence. Over three experiments, males were more likely to process the presented evidence heuristically (i.e., via mental shortcuts), while females were more likely to evaluate all aspects of the presented narrative and evidence. The results suggest that jury decision-making was influenced by the way in which evidence is presented in court, and that individual differences such as gender may explain differences in processing of evidence. The current thesis will also examine whether participant gender influenced attitudes towards victims of child sexual assault through the examination of attitude questionnaires (see Appendix L).
3.2. Jury Deliberations

Research in real-world jury decision-making has been limited due to restrictions of the Australian legal system (see NSW Law Reform Commission, 2008). As a result, there have only been a small number of studies that have utilised actual jurors and juries (for example, see Goodman-Delahunty et al., 2008). Thus, researchers have typically used mock juror simulations, in conjunction with surveys and questionnaires, in an effort to enhance internal validity and generalise to real-world juries. However, mock juror experiments tend to carry a number of limitations, such as the use of student samples and the lack of real-world consequences (Nunez, McCrea, & Culhane, 2011; Weiner, Krauss, & Lieberman, 2011). More importantly, the lack of deliberation in mock jury studies has been noted as a significant threat to construct and ecological validity (Diamond, 1997; Kalvern & Zeisel, 1966; Nunez et al., 2011), although it has also been suggested that such differences could be predicted (N. L. Kerr & Bray, 2005). Consideration of group processes, technology, and how jurors understand evidence and judicial instructions is a necessary step as jury deliberation research moves forward (for a comprehensive review, see Horan, 2012).

There have been some notable jury decision-making studies that have examined the effects of deliberation (London & Nunez, 2000). For example, Klettke, Graesser and Powell (2010) examined the impact of expert credentials, strength of evidence, and the coherence of expert evidence on attributions of guilt in a simulated child sexual assault case. Sixty-four university students in Memphis participated as mock jurors and rated the defendant’s guilt, the expert’s effectiveness, the victim’s credibility, and then decided a verdict.
Results showed that individual mock jurors were influenced by the strength and coherence of evidence when determining guilt, but not by the credentials of the expert. This study was then replicated using mock juries (in groups of 12 members of the Australian public) rather than individual jurors (Klettke & Powell, 2011). It was found that guilty ratings were higher when the testimony was high in evidence and low in coherence, yet this did not consistently eventuate in more guilty verdicts. Results also demonstrated that mock jury decision-making and verdicts were more conservative than in individual decision-making, as groups were less likely to convict the defendant than individuals. The findings of these studies suggest that different processes may underlie juror and jury decision-making, advocating the need for further research into jury deliberations.

Another study that has showcased the impact of deliberations upon decision-making was conducted in the United States by London and Nunez (2000), and it examined the impact of inadmissible evidence on decisions of guilt. The researchers conducted two experiments (study 1 = 223 participants, study two = 159 participants) where mock jurors deliberated a case in which the evidence was either admissible or inadmissible, or they were in a control group with an absence of evidence. Mock juries, in groups of eight to 12 students, were presented with a case in which the defendant was charged with taking pictures of a naked, neighbourhood child. In the first study, the presented evidence was argued by the defence to have been a result of an illegal search and seizure, therefore, deemed to be in breach of due process and ruled inadmissible. In the second experiment, testimony by the victim’s mother revealed that defendant had been previously accused of a similar crime,
and while this evidence was also ruled inadmissible, it was considered to be more likely to occur during trial. Results showed that guilty verdicts were equivalent in both the admissible and inadmissible conditions prior to deliberations. However, following deliberations, the number of guilty verdicts was significantly lower in the inadmissible condition. This showed that group discussion had a significant affect on individual judgements and ultimately, the overall verdict. Thus, this research seems to indicate that jury deliberations can influence any potential bias that jurors may initially bring to a case. A jury setting can provide alternate views, and reduce the impact of inadmissible evidence upon verdict preferences. As such, a focus on juries, rather than individual jurors, may be important for understanding the impact of preconceived attitudes and bias on group evaluation of evidence and testimony.

The deliberation process is important to examine in cases of child sexual assault because conducting fairer trials is a significant concern for the criminal justice system. Given that there is often insufficient corroborating evidence in these cases, jury attitudes, dynamics and general perceptions may significantly contribute to the legal decision-making processes. If this is the case, provisions need to be introduced that can ameliorate these influences.

In general, jury research based on mock deliberating juries, rather than jurors, has increased external validity. It has also been suggested that further work is needed to understand exactly how deliberation affects the verdict (Diamond, 1997; Diamond & Rose, 2005). A mock jury deliberation method, in which a group of individuals form a simulated jury and deliberate on a fictional scenario, has been shown to provide a valid technique with which to examine how juries make decisions while constrained by rules of law (Weiner
et al., 2011). This method will be utilised in the papers subsequent to these introductory chapters. Specifically, this thesis will present a series of studies examining deliberating mock juries, whose members are drawn from the community, in an effort to expand our knowledge of how attitudes and biases impact the perceptions of credibility and determination of guilt in a fictional child sexual assault case.

### 3.3. Question Trail Method

In order to guide juries with their decision-making process and deliberations, a structured approach to jury directions and deliberations was introduced in New Zealand, and dubbed ‘the question-trail’ (Victorian Law Reform Commission, 2009). Similarly, a document called the ‘Jury Guide’ has been recommended by the VLRC to be used in Victorian courts (Victorian Law Reform Commission, 2009). In these guides, jurors are given a document, which outlines the main facts of the case, and asks a series of questions that jurors answer with ‘yes’ or ‘no’. For example, in an indecent assault case, jurors were asked whether he or she was convinced that consent had been obtained before the act occurred. If the juror answered ‘yes’ then the instruction was to find the defendant guilty on that count (for a detailed example see Victorian Law Reform Commission, 2009, p. 171). The purpose of this document is to increase jurors’ understanding of evidence, judicial instructions, and relevant law and reduce the possibility of appeals due to ‘misdirections’. This new method will be discussed in more detail in the second paper of this thesis.

How well jurors understand directions is a significant concern for the justice system (Daftary-Kapur, Dumas, & Penrod, 2010), and many studies
have indicated that a lack of legal understanding can have significant effects on deliberations and resulting verdicts (Ellsworth & Reifman, 2000; Ogloff & Rose, 2005; Reifman, Gusick, & Ellsworth, 1992; Strawn & Buchanan, 1976). Studies have shown that jurors believe they understand legal concepts and judicial instructions but research indicates that this may not necessarily be the case (Australian Law Reform Commission, NSW Law Reform Commission, & Victorian Law Reform Commission, 2005, p. 591; Daftary-Kapur et al., 2010; Trimboli, 2008). For example, Semmler and Brewer (2002) investigated whether flowcharts or decision trees helped jurors to understand judge’s instructions in a murder case, and whether mock jurors could apply these instructions to the evidence presented. Two hundred and thirty four participants were randomly assigned to eight groups based on the amount of instructions given (e.g., instructions only, flowchart with instructions). Mock jurors who received standard verbal instructions, no instructions, or just a flowchart / summary were less likely to correctly identify the legal meaning of self-defence and apply the law than those who were given instructions plus a flowchart or instructions and a summary. These results indicate that mock jurors found it difficult to understand judges’ instructions and apply them to the evidence presented. This finding, in conjunction with other research, suggests that juries may miscomprehend instructions directed at them, which may affect deliberation and verdict outcomes.

Given that jury procedures vary considerably across Australian states and territories (Goodman-Delahunty & Tait, 2006), Australian judges have been found to implement various types of jury aids (or none at all), but most importantly, in a rather inconsistent manner. In an Australian jury project
study (Ogloff, Clough, Goodman-Delahunty, & Young, 2006), it was found that note taking was permitted by 71 percent of judges but access to trial transcripts was only permitted by 40 percent of judges. In comparison, 84 percent of New Zealand judges allowed note taking during trials and 88 percent permitted trial transcript access to jurors. In addition, 66 percent of New Zealand judges provided jurors with written information about the case (i.e., case summaries) compared to 13 percent of Australian judges (Goodman-Delahunty & Tait, 2006). In fact, New Zealand judges are currently implementing a structured questioning method in an effort to aid juror comprehension and reduce the potential for retrial due to judicial error (Victorian Law Reform Commission, 2009).

This new method coined the ‘question-trail’ method consists of a pre-written summary of facts, or charges, about the case presented in court. A description of the case from the Crown and the defence is presented, which provides jurors with the main issues of the case (i.e., evidence). The jurors are then given a series of structured questions that focus on the evidence presented. For example, in an indecent assault case, one question pertained to whether the juror was certain that consent was obtained before the act occurred. If the juror answered ‘yes’ then the instruction was to find the defendant guilty on that count (for a detailed example, see Victorian Law Reform Commission, 2009, pp. 169 -171). This example of the question trail illustrates the types of written instructions that could be given to a jury during deliberations to clarify their understanding of the case and to potentially prevent errors based on polarized views and preconceived attitudes.
3.4. Group Factors in Juries

This contemporary research leads us to ask why a focus on group decision-making is important for understanding how juries deliberate and reach a verdict. The social psychological literature has demonstrated that group decision-making is complex and at its simplest, it requires group members to assimilate their individual attitudes, perspectives, social experiences, cognitive abilities, and evaluations in order to generate alternative opinions and reach a unified outcome (Hogg, 2001; Hogg & Tindale, 2001). An analysis of this complicated process has been largely neglected in jury research and given the complex cases presented in the higher courts, an understanding of this mechanism is important for determining the usefulness of juries in these instances. The influence of the group itself upon individual attitudes has been reported to be significant when the group identity is paramount to its purpose (Cooper, Kelly, & Weaver, 2001). This means that when jury members are asked to deliberate on a case, they need to identify with the task requirements (e.g., legal conditions and the judge’s instructions), and form a group identity to reach a successful outcome. However, this group identity formation can be subject to a number of pressures that may influence individual and group attitudes.

Groups have been found to be more susceptible to influential pressures than individuals, such as polarisation (Cooper et al., 2001; Isenberg, 1986), group think (Mitchell & Eckstein, 2009; Neck & Moorhead, 1992), cohesiveness, and conformity to group dynamics (Janis, 1982; Kassin, Smith, & Tulloch, 1996; Mudrack, 1989; Sivunen & Hakonen, 2011). Group polarisation is a process that occurs when the preconceived opinions of
individuals, who may be disposed towards one particular opinion, become strengthened as a result of group discussion (Isenberg, 1986; Levett, Danielsen, Kovera, & Cutler, 2005; D. G. Myers & Lamm, 1976). More importantly, members of a group may become more absolute in their perceptions after deliberation with others who hold similar views (Sia, Tan, & Wei, 2002). Group think represents a process by which individuals forgo their individual beliefs in order to be consistent with the dominant belief of the group and reach a unanimous decision (Janis, 1982). In conjunction with group structure and situational contexts, group think is hypothesised to arise when groups are highly cohesive and when the desire to maintain group consensus overrides individual opinions and critical analysis (Janis, 1982; Tetlock, Peterson, McGuire, Chang, & Feld, 1992). Indicators of group think are demonstrated by group members who: a) do not examine alternatives; b) do not consider expert opinion; c) do not criticise other opinions; d) accept poor decisions; e) succumb to stereotypes; f) maintain unanimity; and g) use pressure on other group members (Callaway & Esser, 1984; Janis, 1982). Cohesiveness is a distinguishing feature of groups and group think (Janis, 1982; Mudrack, 1989; Sivunen & Hakonen, 2011) and occurs when individual group members form a connection with each other and operate as a union to achieve a task (Fraser & Russell, 2000). Thus, a jury may be highly vulnerable to group think (see Mitchell & Eckstein, 2009). Communication and interaction difficulties, such as interruption, forgetfulness, intimidation or dismissal, can result in loss of focus and information inaccuracy (Nunez et al., 2011). Social loafing, or a lack of group participation, has also been found to influence pre- and post-deliberation verdicts in mock jury studies (Hogg, Abrams, Otten, & Hinkle,
2004). Although these factors can threaten the effectiveness of the decision-making process, groups, rather than individuals, are more representative of the jury decision-making process. Thus, mock jury research is important because decisions made within a group have been found to be different to those made by individuals, and this difference may be imperative to how a verdict is reached.

### 3.5. Group Polarisation and the Persuasive Arguments Model

Social processes, such as group dynamics, have long been a focus of inquiry in social psychology and group decision-making research. This research has produced a plethora of social interaction theories, and the jury process, in particular, has provided a specific locus of study for the development of group decision making models (Hastie, Penrod, & Pennington, 1983; N. L. Kerr et al., 1976; Seibold & Myers, 2007; Stasser & Dietz-Uhler, 2001; Stasser, Kerr, & Davis, 1980). As a decision-making mechanism, a group consists of individual opinions and the incorporation of these opinions into one outcome (Davis, 1973). Research has suggested that group members can alter their behaviour, or use cognitive shortcuts (i.e., heuristics), so they can interact and relate to each other in the group context (Hogg, 2001).

These social and group identities have been found to be important in the formation of attitudes, which in turn, may influence group behaviour (Cooper et al., 2001). Group decision-making can be subject to a number of influences such as polarisation, which can occur when group members’ initial opinions in one direction are strengthened as a result of group discussion (Isenberg, 1986; D. G. Myers & Lamm, 1976), shifting the entire group’s perceptions. For example, if individual jurors have an initial tendency towards
prosecution of child sex offenders, then they may be more likely to prosecute after group deliberation if other members also favour this position.

Research has identified a number of influences that can result in this group polarisation, and these have been categorised as normative or informational (Cooper et al., 2001). Normative influences of polarisation can include social comparison, whereby group members present themselves in a positive way to others and change their opinion to gain approval of the group (Sanders & Baron, 1977). Informational influences, such as self-categorisation, proposes that polarisation can occur when an individual categorises himself or herself as a group member and conforms to the in-group norm, which may actually be polarised from the out-group (Cooper et al., 2001; Hogg, Turner, & Davidson, 1990; Mackie, 1986; Turner, 1985, 1991). A final theoretical explanation of group polarisation is the persuasive argument theory, which suggests that during group discussion, individuals who hold a particular opinion can be persuaded by new or influential supporting arguments (Burnstein & Vinokur, 1977; Burnstein, Vinokur, & Trope, 1973; Cooper et al., 2001).

This model proposes that individuals within a group introduce novel or convincing arguments to support their pre-discussion opinion, and use these arguments to persuade others in the group. Repetition of this initial opinion strengthens its believability, and if others group members have similar views, it can result in stronger endorsements of that dominant opinion (Isenberg, 1986; R. A. Myers, 1989). Through this process, there exists a potential for the polarisation of the group, in which the majority has ‘shifted’ their opinion towards the initial dominant view (Mabry, VanLear, Jackson, & McPhee,
This phenomenon may be a complication for juries, particularly for those deliberating child sexual abuse cases, as laypersons may be influenced by their own misconceptions regarding these types of allegations and convince others that these perceptions are correct (Duggan et al., 1989; Waterman & Foss-Goodman, 1984). Thus, group polarisation could occur as a result of these dominant preconceptions.

It is noted that the persuasive arguments model may not account for all of the processes that can occur within group decision-making. Interaction is a vital part of the group decision-making process and other research has proposed a structuration theory to account for argument and interpersonal interaction and influence in group decision-making (Seibold, Cantrill, & Myers, 1994; Seibold & Myers, 2007; Seibold, Myers, & Sunwolf, 1996). There are many social processes that may account for how individuals deliberate within a group, such as normative and informational influences (Deutsch & Gerard, 1955; Martin, Kaplan, & Alamo, 2003), the use of heuristics (Gigerenzer & Gaissmaier, 2011), or group think (Janis, 1982; Neck & Moorhead, 1992). However, due to limited space this thesis will only investigate the applicability of the persuasive arguments model and the potential for group polarisation to develop within deliberating online groups.

3.6. Process and Content Research

Another factor that could influence how a case may be perceived in court is differences in study samples. It has been identified that sample differences may be more important in some types of jury research than in others. For example, in their review of sampling in jury decision-making, Nunez, McCrea and Culhane (2011) proposed two types of jury research:
process and content based. Process studies investigate the ways in which individuals make decisions and what factors impact decision-making, such as in the Story Model (Pennington & Hastie, 1992a). Process research focuses on the ‘cognitive, social or social-cognitive processes that underlie decision-making’ (Nunez et al., 2011, p. 440), and it is these types of studies that are important when analysing the interactions and influences in small group decision-making (Kessler, 1975). Content studies, on the other hand, manipulate case characteristics, such as age and gender, in an effort to understand how these factors potentially impact verdicts.

It has been argued that sample characteristics should not affect process research given that cognitive mechanisms such as memory or intelligence have not been found to differ significantly, for example between students and nonstudents samples (Nunez et al., 2011). However, sample differences may produce different results in content research given that manipulated variables such as perceptions of guilt can be influenced by respondent’s age or education. For example, older parents may perceive the sexual assault of children more harshly than younger students who may not have children. A web-based study that investigated the impact of sample characteristics on determinations of guilt in a jury decision-making task found that attitudes towards the death penalty had less of an impact on students than on community members (O’Neil & Penrod, 2001). Thus, to enhance the ecological validity of jury decision-making research, it may be advantageous to examine both process and content variables and their potential effect on verdict outcomes. The current thesis will focus both on process (i.e., group dynamics) and content
(i.e., manipulated age) variables based on a community sample in a web-based environment.

In summary, legal decision-making in a group setting is none more illustrative that in a jury. Much research and resulting models have attempted to explain how a group of individuals understand a legal case, determine the facts, incorporate factors such as judicial instructions, and deliberate in order to reach a verdict (see Davis, 1973; Diamond & Rose, 2005; Hinsz, Tindale, & Vollrath, 1997; Hogg, 2001; N. L. Kerr, 1981; Stasser & Davis, 1981; Stasser et al., 1980). Mock jury research has identified a number of processes by which jurors attempt to reach a group decision. The most prevalent deliberation tools that are used by jurors include discussion about relevant facts (e.g., case specifics, verdict categories), implicit or explicit expression of personal attitudes and values, and group dynamics (such as polarisation) (Devine et al., 2001; Hastie & Pennington, 1991).

A new approach in which to conduct deliberation has been generated by the use of the Internet and online communication. In electronic decision-making, static social cues (e.g., age, appearance, and race) and dynamic social cues (e.g., behaviour) are not visible (Kiesler & Sproull, 1992). This means that group behaviour must be determined by text and by the use of symbols, emoticons, and other computer-specific communication, unless cameras are implemented. Thus, the social context of electronic decision-making can be quite different to that of face-to-face communication. As previously discussed, jury decision-making may result in outcomes contrary to those based on jurors (Klettke & Powell, 2011). Consequently, it would be
beneficial to explore mock jury research via other methods, which may provide additional information about how juries deliberate.

3.7. Research Methods

As jury research is restricted by the legal system in Australia, one technique that has been implemented to ascertain how a jury reaches a verdict is the focus group, which has been found to be a valid method with which to examine sensitive issues (Charlesworth & Rodwell, 1997; Hoppe et al., 2004). A common purpose of the focus group is to uncover people’s attitudes and points of view about a particular phenomenon, as well as to explore social norms, verbal communication and other aspects of group interaction (Massey, 2011). Focus groups have been used extensively in qualitative research, alongside interviews and observations. In addition, focus groups have typically been used as a foundation for the development of research questionnaires or to conduct an in-depth inquiry into a phenomenon (Chase & Alvarez, 2000). They are particularly effective when data are problematic to acquire, such as with difficult populations or perceptions and attitudes of sensitive social issues.

Technology has made it easier for researchers to obtain more representative community samples for focus groups by advertising on websites or online subject pools. For example, Amazon’s Mechanical Turk website for research (www.MTurk.com) is quickly becoming a valuable resource for conducting simulation studies within a shorter time frame and at less financial expense (Weiner et al., 2011). The Internet and computer-mediated communication (CMC) can provide psychological researchers with useful platforms to deliver simulation studies, particularly in deliberation and jury
decision-making (Graffigna, Bosio, & Olson, 2008; Watson, Peacock, & Jones, 2006).

Face-to-face deliberation is considered the benchmark for simulating jury decision-making (Devine et al., 2001; Winter & Robicheaux, 2011), but continual technological advancement can assist researchers in exploring other options. In fact, face-to-face and online deliberation groups have been compared in a number of studies. For example, in an examination of deliberation type, Min (2007) recruited university students to discuss the concealment of handguns on campus. Opinions, knowledge, political efficacy, and deliberation were measured on a series of Likert scales in three group conditions: online, face-to-face and control. Face-to-face groups deliberated in a conference room, online groups conversed by typing their responses in an online chat room, and the control group answered survey questions but did not engage in deliberation. Participants were asked about their experience of deliberation by evaluating their level of enjoyment, their opportunity to share opinions, their level of respect of other’s opinions, and their ability to reciprocate rational arguments. Results showed that the deliberation outcome was consistent across the groups. Informal analysis of the transcripts showed that the participants in the online group were more forthright in their responses and were more likely to involve themselves in more intense discussions. This may suggest that the lack of visual cues produced an environment in which participants felt free to express their opinions, particularly if they were dissimilar. Furthermore, in face-to-face deliberation groups, participant demographics, such as gender, have been found to impact group processes (Devine et al., 2001). In the study by Min (2007), online participants were not
able to see each other, which could have potentially reduced demographic influences on group interaction. As a result, participant characteristics might have been less likely to impact the online group and, in turn, may have been less likely to influence the deliberation outcome. Overall, the study by Min (2007) demonstrated the effectiveness of online deliberation and the usefulness of text-based conversations for discourse analysis. The study also precipitates the need for further research into online deliberation and group interaction.

3.8. Contemporary Research Methods

Computer-mediated communication (CMC) can be conducted in two ways: asynchronous and synchronous. Asynchronous CMC occurs off-line, for example, in email or discussion board posts (James & Busher, 2006), while synchronous groups take place in real time. One advantage of this type of data collection is that it can enable the study of particular phenomena, such as difficult populations. For example, Reid, Petocz and Gordon (2008) reviewed semi-structured interviews via email with international participants, some of whom spoke English as a second language. The study not only provided email accounts of educators’ experiences, but also examined participants’ reflections of interviews conducted via email. This methodology enhanced participants’ reflections and gave them the opportunity to provide thoughtful and considered responses, without visual cue distractions.

The group provides the social context for interactions between people and, as such, is an important unit of analysis itself (Hollander, 2004; Massey, 2011; Morgan, 1998). Focus group data may be analysed both at the individual level and at the group level, making it a prolific data source. Computer-assisted qualitative data analysis software, such as NVivo, can aid the
researcher to organise the data, discover relationships, and build models. For example, de Wet & Erasmus (2005) examined methodological rigour in the qualitative analysis of South African students’ perceptions of race and racism. This methodology included the implementation of NVivo, which was used to classify the data, perform text searches according to developed codes, and to compare black and white students’ perceptions. While computer-assisted software improved the proficiency of qualitative data analysis, it did not replace the active familiarisation and analysis of the data by the researcher. As such, the research in this thesis utilised both methods (NVivo and researcher-based analysis) to generate a deeper understanding of how people communicated their attitudes in electronic jury deliberations and how this influenced their decision-making.

Overall, given that it is often difficult to gather mock jury groups, computer-mediated communication (CMC) is a contemporary method that may serve as a useful platform to deliver simulation studies, particularly in deliberation and jury decision-making. Technology has also made it easier for researchers to obtain representative community samples by advertising on websites or online subject pools (Weiner et al., 2011). Online groups have a number of benefits over traditional face-to-face groups, such as enhanced anonymity, convenience, and cost-effectiveness. Thus, this technology may improve the feasibility of online focus groups in jury deliberation research.

Social influences and group dynamics are an important element in jury decision-making research. Understanding how these processes operate during deliberations of sensitive social issues, such as CSA, may be improved with the use of contemporary virtual environments. Given the deficiency of jury
decision-making research that focuses on the impact of group dynamics in
deliberation, online methods may be advantageous over the costly and difficult
face-to-face groups, as will be demonstrated in the following paper. However,
it is acknowledged that factors associated with verbal communication, face-to-
face interactions, and the physical presence of agreeing / disagreeing others are
missing in online groups. Thus, this study provides an introduction to the use
of online jury deliberations.
Chapter 4. Introduction to the First Paper

The paper, *Simulated Decision-Making in an Online Focus Group*, was co-authored with Dr. Bianca Klettke and A/Professor Tess Knight, Deakin University, Australia. Following initial consultation with Dr. Klettke regarding the focus of the paper, the candidate reviewed the literature and independently conducted the data collection and analysis and then formulated conclusions. Dr. Klettke guided the inter coder reliability analysis and reviewed the focus and structure of the paper. The paper was presented at the APR / QRJ conference in Cairns, Queensland on 23-25th August 2011. The paper was then revised to include issues raised from the conference feedback. Following the conference, Dr. Klettke and A/Professor Knight provided editorial and methodological review for the purpose of publication. From this review, the paper was restructured and divided into separate papers to account for journal requirements.

This chapter contains the first paper published in the Qualitative Research Journal*. The purpose of the article was to present the exploration of mock juries’ social experiences and understanding of the case before a discussion on the findings of the group processes involved in decision-making. As stated in Section 3.2, typical jury decision-making studies have focused on individual jurors, and these findings are then extrapolated to group decision-making in juries. Yet, in order to draw conclusions from findings in jury decision-making research, an understanding of how individuals communicate and deliberate as a group is a necessary first step. As stated in Section 3.6, difficulties for researchers when conducting mock jury research include recruitment, participation and transcription costs. The application of computer-
mediated communication to mock jury deliberations may provide an exciting adjunct to face-to-face focus groups. Electronic mock juries could reduce the difficulties researchers face with regards to participation, recruitment and associated costs. In addition, this method may provide researchers with a reliable platform with which to conduct studies of a sensitive nature, such as the deliberation of an alleged child sexual assault case. This article examines how mock juries communicated and deliberated in an online environment. The specific focus was to understand how the groups interacted with each other, created meaning, and arrived at a verdict in an online environment.

The format of this chapter is consistent with the requirements of the Qualitative Research Journal; however, this version appears slightly different than the printed version. For ease of reading, figures and block quotes have been inserted as they should appear in the text, and the pagination is reflective of a thesis manuscript.

* Reference

Manuscript of Paper One

Simulated Decision-Making in an Online Focus Group

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Abstract

**Purpose** - A significant issue in jury research has been the use of individual jurors to analyse jury decision-making. This paper examined the applicability of computer-mediated communication to a mock jury deliberation study.

**Design/methodology/approach** - Groups of three to five Australian residents anonymously attended a secure chat room and participated in a semi-structured discussion about a simulated child sexual assault scenario. Deliberation transcripts were analysed thematically using NVivo. A hermeneutic framework was used to analyse the deliberation transcripts.

**Findings** - Five interrelated themes were revealed, each reflecting the tools online juries used to communicate, create meaning, and arrive at a verdict. Electronic jury deliberation promoted an understanding of how people make sense of child sexual assault cases in Australia today.

**Originality/value** - This study advanced the understanding of online decision-making in a child sexual assault scenario. It demonstrated that knowledge of how juries deliberate and create meaning could improve our understanding of how verdicts are achieved. Electronic mock juries are a valuable adjunct to traditional jury deliberation studies because they are cost effective, time efficient, and offer wider recruitment opportunities.

Keywords - Jury decision-making, Deliberation, Computer-mediated communication,
Simulated Decision-Making in Online Focus Groups

Introduction

Child sexual assault (CSA) is a pervasive, yet largely hidden, crime in Australia and has substantial short- and long-term consequences to victims and society. The experience of CSA has been linked to a number of negative physical, psychological, developmental, and economic outcomes. For example, studies have linked CSA to mental health issues such as suicide and self-harm (Evans, Hawton, & Rodham, 2005), personality disorders (Spataro et al., 2004), and PTSD (Browne & Finkelhor, 1986). In addition, abused young people are particularly vulnerable to substance use (Day, Thurlow, & Woolliscroft, 2003), risky behaviours (Schraufnagel, Cue Davis, George, & Norris, 2010), and poverty in adulthood (Zielinski, 2009).

Given these significant concerns for young people, it is expected that our legal system should protect and seek justice for child-victims of sexual assault. One difficulty faced by the legal system is a lack of corroborating evidence (Cossins, 2002). Child sexual assault is often perpetrated in a shroud of secrecy and the child often knows the alleged offender. As a result, there is frequently a lack of physical evidence and a legal case which is based on the child’s word against the offender (Herman, 2010). Literature has demonstrated that in the absence of corroborating evidence, jurors attribute fault based on their own attitudes and beliefs that have been cultivated within a society that perpetuates this shroud of secrecy (N. Taylor, 2007).

One issue regarding research on jury decision-making in child sexual assault research is the observation that the majority of research utilises jurors, yet, extrapolates the findings to juries. There are several reasons as to why this
is the case. For example, the ability to group twelve people together at the same time and place is difficult for most researchers with problems such as non-attendance and expense hindering progress. In addition, studies based on jurors are able to be completed much more quickly and individual decision-making is markedly different to group decision-making (Kerwin & Shaffer, 1994).

While much research on child sexual assault is based on jurors, research has indicated that findings based on juror decision-making may not always apply to juries (Diamond, 1997; Klettke & Powell, 2011). As such, it would be of advantage to identify other ways of conducting research with mock juries that can be more easily administered. For example, focus groups have been employed as one method to determine how a jury might deliver a verdict. A focus group can be characterised as a “carefully planned discussion designed to obtain perceptions on a defined area of interest in a permissive, non-threatening environment” (Krueger, 1994, p. 6). A common purpose of the focus group is to uncover people’s attitudes and points of view about a particular phenomenon, as well as to explore social norms, verbal communication and other aspects of group interaction (Massey, 2011). They are particularly effective when data are problematic to acquire, such as with difficult populations or sensitive social issues. For example, focus groups have been used to develop an understanding of AIDS (Hoppe et al., 2004), nursing in Northern Ireland (Jordan et al., 2007), and child sexual abuse prevention (Charlesworth & Rodwell, 1997). Given that focus group research for sensitive issues has been shown to be effective, this paper extends this method
by investigating focus groups in the context of computer-mediated communication (CMC).

The use of CMC in deliberation and jury decision-making research is an exciting development in qualitative research. Virtual focus groups are quickly becoming a valuable tool for investigating attitudes towards social issues, where individuals tend to be less likely to participate in person. One such topic is child sexual assault. As a result, online focus groups may provide a way to overcome this resistance to research with sensitive issues. Thus, focus groups in a CMC context may improve the feasibility of jury deliberation research for CSA, particularly over face-to-face groups. Utilising this methodology may provide benefits such as enhanced anonymity, convenience, and cost effectiveness.

The Study

Purpose. The aim of this study was to generate a deeper understanding of the communication used by people participating in an online jury decision-making group about a child sexual assault case. The data on which the current paper is based are a subset of a larger mixed-methods study, which explored the attitudes of the Australian public towards younger and older victims of child sexual assault. Specifically, the larger project investigated how individuals ascribe blame, responsibility, and culpability in addition to how they perceive victim credibility in a fictional vignette of child sexual assault. In an effort to develop ‘thick descriptions’ of communication, this paper focuses on how people used the technology to reflect ‘being in the world’ and how they, as a group, produced an understanding of the case alongside their own social and cultural experiences. It is our view that this understanding of
how mock jurors communicate with each other in an online environment will extend our current knowledge of the way groups create meaning in a CSA case and engage in jury deliberations.

**Theoretical Framework.** Hermeneutics is an epistemological framework that can be used in an effort to understand language and thought, or the grammatical and psychological (Bowie, 1998). Philosopher Friedrich Schleiermacher (1768-1834) postulated that how we understand the world is reliant not just on rule-governed language (i.e., grammar, vocabulary), but also on how we ‘make sense of an ever-changing world’ (Bowie, 1998, p. xi). This hermeneutic view enables the qualitative researcher to deconstruct a text and develop a deeper understanding of how human behaviour reflects culture and provides the reader with a way to share the experience (Bem & Looren de Jong, 2002). This method fits with an interpretive approach in qualitative research and aims to create ‘a way of knowing’ the phenomena under consideration.

As an extension of this, legal hermeneutics focuses on the understanding of law and legal texts in the context of power, culture, gender, and social relations (Mootz, 2010, p. 30). Legal hermeneutics was used in order to analyse and understand the social and cultural context that influenced the development of the deliberation transcripts and to develop a *thick description* of the phenomena (Geertz, 1973). The hermeneutic circle model reflects the idea that to understand a certain behaviour, we need to incorporate the surrounding influences on that behaviour (Taylor, 1971 in Bem & Looren de Jong, 2002, p. 63). In this study, hermeneutics was applied both at the level
of the jurors’ perception of the case and at the level of the researcher’s perception of the transcripts. The use of this method is a fitting one, as it is interpreting the language of the text within the context of the current social, political, and legal climate in Australia, particularly in how the community perceives and discusses child sexual assault.

Methodological Approach

The purposive sample consisted of members of the general population who were eligible to sit on an Australian jury. The sample comprised 34 participants, with ages ranging from 20 years to 56 years. Meaningful data were obtained from 12 males and 22 females across all focus groups. The Australian states represented in the data included Victoria (55.9%), New South Wales (20.6%), Queensland (5.9%), Western Australia (8.8%), South Australia (2.9%), and 5.9 percent were unknown.

Case Study

The case study used in the mock-jury deliberations were adapted from previous child sexual assault studies by Back and Lips (1998) and Maynard and Wiederman (1997). The victim statement describes a situation in which an older male initiated sexual activity with a child. The female victim is depicted as a five, 10-, or 15-year old. The offender was depicted as either a 36- or 50-old male and was either the child’s father or her neighbour. The defendant statement gave a brief summary of the charges and a plea of not guilty.

Method

We attempted to contact potential jurors through the use of online social networking sites, parenting websites, and an Australia-wide classifieds
website. The advertisement outlined the purpose of the study as ‘research to find out how the Australian public perceives child sexual abuse’. E-live, which is a secure online Deakin University chat room, was used to conduct the focus groups. Participants were able to contribute by typing their responses in real time. This method was utilised in order to enhance anonymity of participants and to produce a representative sample of the Australian population. Each focus group depended on the availability of people. Individuals surrendered their email addresses to the primary researcher but this was not visible during the focus group. Groups ran for approximately one hour and following each focus group, notes were written that reflected the researcher’s initial thoughts about participant interaction and possible themes. Group members were de-briefed, and counselling telephone numbers and websites were given at the end of the focus group.

In this study, online mock juries deliberated a case of child sexual assault to reach a decision of guilt. The process by which an ultimate verdict was reached depended upon group processes, the use of language representative of an online environment, negotiating and understanding each other’s experience of the case, and of being online and absorbing or reflecting each other’s attitudes and beliefs.

**Analysis Procedure**

All of the focus groups were transcribed and entered into NVivo (version 8), a qualitative software program that is used for organising and manipulating qualitative data. The focus group questions were collapsed and transformed into initial codes. Each transcript was read individually to produce introductory ideas about each participant’s responses during the
discussion and become familiar with the data. Following this, the transcripts were systematically re-read in order to generate initial codes that may later become themes.

**Privacy and Confidentiality**

The secure online-chat room was accessible via an email invitation only, which enabled the moderator to monitor who was accessing the group and restrict the possibility of *invisible* participants, which is a concern for some online research (Clarke, 2000). Invisible participants, or lurkers, are individuals who disguise their identities by using such measures as fake email addresses or pseudonyms. The current study procedure was used in order to verify the participants while still maintaining their anonymity. The researchers were aware that online participants could have created pseudonyms and that there was potential for people with sexual interests in children to access the study. The careful monitoring of participant responses during the discussions mitigated the potential for this occurrence. The moderator was able to remotely remove any person from the group due to inappropriate behaviour. This did not occur during the duration of the study.

**Findings**

Through the analysis of the online discussions, it emerged that decision-making in the child sexual assault case was dependent upon four main aspects of communication: forms of communication, persuasion, rapport building, and the creation of meaning (which consist of the subthemes presented below). These overarching themes facilitated the rational discussion of this complex social issue and will be discussed below. All responses reflect the original transcripts (i.e., grammar and spelling have not been altered).
Forms of Communication

**Online vocabulary.** Mock jurors used a number of different ways to communicate with each other during the decision-making process. These modes of communication reflected non-verbal cues, phonetics, emotion, and conversational language. Given the electronic nature of these focus groups, transcripts of the deliberations reflected the responses of the participants verbatim, thus creating accurate representations of the discussions. Spelling mistakes, multiple posts and incorrect grammar were considered important for analysis. For example, when asked how the age of the defendant impacted their perception of the case, participants did not write in a rule-based manner and they were not contingent on grammar or syntax. Rather, participants wrote in incomplete sentences and posted quick replies to simulate spoken conversation. Participants transcended our rule-governed vocabulary in order to project their understanding of the conversation and reflect the electronic language that is in the constant process of being ingrained into our current discourse:

ME3150WA: generally younger kids are less likely to make things up to this sort of details...unless they truely experienced it

he6714da: because every 15 year old has issues and normally hate their parents, they know about things of a sexual nature that 6 year old just dont

BE3190AN: probably have a greater awareness of the inappropriateness of the alleged act

This example demonstrates the use of short, sharp responses to indicate participants’ knowledge about how age can affect the perception of
responsibility in CSA. How we write is as important as how we speak. Much of our communication in contemporary society is written, and the online environment in society has substantially changed the landscape of our language and interaction with each other. In this study, communication forms were reflective of the way people conversed with each other during deliberations. The online nature of the conversations required participants to utilise text-based forms of speech, language, and interaction. For example, turn taking in face-to-face conversation was assisted by visual and behavioural cues; however, online participants posted quick responses in succession and acknowledged each other by using code names in an effort to simulate rapid conversation.

**Online jargon.** The use of emoticons, ‘textese’, Internet slang and a lack of grammar revealed the mock jurors’ understanding and reflections of the case, along with the deliberation process through ‘short cuts’ and visual representations. For example, when asked how responsible the child was in the assault, one participant stated: “not at all, she did wat she could think of to not let it happen, she trusted her father, & she told her mother str8 away”. In addition, when asked whether CSA was a private or public issue, a mock juror responded to another by stating, “very true - and to drag a child thru a horrible court battle is bad enuf” (italics inserted).

Many participants used faces as symbols (e.g., ☺) and ‘textese’ (e.g., lol to indicate ‘laugh out loud’) to express emotion and relate to the other mock jurors. For example, when asked whether their belief in the assault would be more or less if the fictional child was older, one juror wrote: “less ☹” to
indicate that he/she recognised that age can change the perception of the child and that while this assertion may be erroneous, it is reflective of his/her implicit attitude towards older and younger victims.

The examples above demonstrate that in an online discussion group, participants were required to utilise text-based forms of speech and interaction. These shortcuts and emphasising techniques increased the collaboration between participants and assisted in building connectedness and grounding (Clark & Brennan, 1991) required for successful group decision-making. Together, the forms of communication used in online groups assisted in the sharing of individual opinions, facilitated the development of a shared understanding of the issue, and helped the participants to reach a group consensus. This phenomenon is replayed in face-to-face communication in our current culture, as represented by the use of computer-mediated words and phrases present in our vernacular.

**Group influence.** To understand the child sexual assault case they were presented with, mock jurors needed to place it within their experience of each other, the world, and relate it to the wider context of societal attitudes and laws. People may not be able to cognitively access the relevant knowledge about an event (such as child abuse) and may not be able to place it in the proper context, so they use misperceptions and biases to fill in the gaps, i.e., jurors related the case to what they already knew (a familiar context). As participants reflected preconceived ideas and beliefs, some jurors voted ‘not guilty’ and believed that either there was not enough evidence or that as the child’s age increased, factors such as prior history, sexual knowledge,
relationship to defendant, and trustworthiness made believability of the victim more difficult to attain.

This understanding of the text is consistent with the psychological concepts of heuristics and schemas in which a new piece of information are integrated with existing information (Greene & Ellis, 2007; Hogg, 2001). However, as the CSA case used in this study would have been a novel event for many, it can transform a person’s existing perception of what CSA means and during deliberations, can alter a previously held belief by the development of a group identity (Cooper et al., 2001). For example, when asked how much blame can be attributed to the mother, the group discussed the level of blame they would give in a number value and developed a group understanding of the mother’s role in the case:

pixx: some for carelessnes even though I cant relate to leaving my daughter alone with any man
aus07d: 1% ??
aus07d: not much, a little bit for leaving the child there by herself
pixx: mm maybey10%
CO: some blame, yes for carelessness.

aus07d: yeah actually maybe a bit more than 1%, say 10%

This example shows the development of the group perspective of what it means to them to be a protective parent. Modern parenting is part of social life that is often open to intense judgement by many parts of our culture (e.g., legal system, child welfare, parents, and non-parents alike). The example illuminates the negotiated understanding between participants of this mother’s
failure as a protective parent and the resulted attribution of blame for the child’s sexual assault.

**Rapport building.** The deliberation of a CSA case in a jury situation is highly context-specific and jurors can be influenced by the social worlds of each other and the culture in which the case is heard. As a result, rapport building was a critical feature of group dynamics. Moreover, if rapport was compromised, it has varying consequences: for example, when members were late attending the group and did not participate in the exploratory questions before the case was presented. These general questions about child sexual assault allowed participants to engage in broad discussion, reach group consensus, and form a simulated jury. When participants joined in half way through the discussions, the group dynamics appeared to shift and the impact manifested in several ways. In one group, the latecomer assimilated with the social relations of the group and interacted in a similar manner to the other group members. This resulted in a minimal level of discussion and no argument or conflict. However, in another group, the addition of the latecomer increased the level of disagreement and resulted in enhanced interaction, frustration and acquiescence.

In face-to-face jury research, the addition of latecomers would not occur. In online research, on the other hand, technical difficulties or slow Internet speeds can dramatically impact the development of group dynamics. Participant dropout in electronic research is a difficulty that is shared with face-to-face jury research. However, it is less costly to repeat an online group study than in person. In this study, the decision to include these latecomers in the groups was made specifically to analyse the outcome of this occurrence. In
future research, when content is more important, it may be worth considering the negative impact on group dynamics latecomers could potentially bring.

**Creating meaning.** Jurors had to relate the representative object of verdict (i.e., beyond reasonable doubt) to the concept of child sexual assault and the case presented. That is, jurors had to evaluate the evidence, discuss the case, and decide the degree to which the case fitted the available verdict categories. Given the deliberate lack of evidence, it was more difficult for jurors to create meaning and modify this into a discrete category. There is also a significant moral burden of evidence and justice that jurors have to incorporate into their understanding of the case. In this study, a number of jurors reflected on this dilemma, which influenced their ultimate verdict. For example, when asked if they would find the defendant guilty, participants discussed the issues of proving guilt, providing evidence, and the impact of a trial on the child:

CO4161DA: Yeah I would

MA3465DA: if he could not provide evidence of being 100 percent innocent then yes

ch6211ro: in court youre innocent until proven guilty not the other way round… so he doesnt have to prove he didnt do it

MA3465DA: yes but i wouldnt want to have to putthe child on trial to prove his guilt

In this example, one mock juror attempted to influence the group with the legal meaning of the burden of proof. Generally, the dominant opinion was that the defendant was guilty and that the victim should not be put on trial. While one mock juror attempted to provide a legal interpretation and restrict
judgment based on emotion, the final outcome was a verdict of guilty; however, this was based on the evaluation of evidence. Meaning was created through the exploration of legal standards, determination of evidence, the perceived impact of trial on the victim, the influence of other mock jury members, and individual preconceived attitudes.

**Reflexivity**

As a postgraduate student, reflective processes throughout the study were vital for connecting theory with practice, improving the methodology, building a deep understanding of the phenomena, recognising personal assumptions and biases, and for fostering a novice qualitative researcher (Renganathan, 2009). In an effort to further comprehend the development of focus groups and resulting text, I kept a research journal in which memos, notes, reflections, ideas, and questions were recorded in each part of the study (Watt, 2007). The topic of child sexual assault in the criminal justice system was important for me to investigate because of my clinical work with victims. It is important to understand how potential jurors perceive cases in order to provide justice to victims. A literature review demonstrated that given the current online nature of our social world and the fallibility of juror decision-making research that an examination of the Australian community’s attitudes would help in understanding and furthering jury research today.

The data were reviewed after each focus group to ensure that the semi-structured method was allowing participants to express their opinions and engage in meaningful discussion. As a new researcher, it was important that I recognise my own position within the research and appreciate my biases and underlying attitudes. As a clinician in child and youth mental health services, I
am trained to interpret the language used by young people and determine levels of risk/harm over the phone, sans visual cues. I have also worked with child sex offenders, which has given me a layered understanding of the domain of child sexual assault. During the focus groups, assessments of risk of harm were continually managed by consistently interpreting the language used by individuals and using clinical judgement to determine whether distress being reflected in responses. Debriefing and counselling contact numbers were also given to individuals. This rounded training in child sexual assault research and in clinical applications has helped me to develop an enlightened perspective on a complex social issue.

There were a number of difficulties throughout the study, particularly with focus group attendance and electronic drop out. It was a frustrating process when individuals committed to attending and then did not log on to the group at the organised time. This led to an inconsistent number of individuals in each group, sometimes affecting data analysis (i.e., changing the impact of interaction in some groups). Overall, my experience as a novice qualitative researcher helped me to develop a deeper understanding and appreciation of its value in psychology. In particular, reflexivity as part of the ongoing process was essential in developing my ability as a researcher and refining this mixed methods study as it progressed.

The Hermeneutic Circle

The hermeneutic circle can be applied to a jury situation in which individual jurors try to make sense of the story that is presented to them, and understand it under the umbrella of a group process, with the many different created meanings and experiences of the same story (see Figure 1). People
come to the jury with their own understanding of the world and when they enter the deliberation space, they form an interpretation and explanation of the subject within a cultural, social, legal, and political context. As a result, a revised understanding of the phenomena is made, which then influences personal beliefs. The jury must attempt to make sense of the assault on a child in the context of approved social practices and law, the appellant and defendant’s experiences of the event, the social world, and the intentions and meanings of the language and power in the criminal justice system. Every juror comes with his or her own pre-conceived beliefs, attitudes, and ways of communicating which make the qualitative analysis of jury decision-making so relevant. The exploration of a jury’s social experience and understanding of the case can assist us in improving jury research and conviction rates by acknowledging the development of our beliefs and attitudes in culture and within a particular political agenda. By understanding the social experience of juries, predictions of case outcomes may be improved.

Figure 1. Hermeneutic circle representing electronic jury decision-making
Summary and Impact of Findings

We have endeavoured to present an account of group decision-making and interaction in an online mock jury study. In particular, we have offered an understanding of how members of the Australian public talk about a case of child sexual assault while in an electronic environment. Mock juries were empowered by the online atmosphere, which gave them an opportunity to communicate their opinions in a number of ways. The themes that emerged from the hermeneutic analysis included the use of online vocabulary and jargon, group influence, rapport building, and the creation of meaning. In addition, the online discussion groups encouraged people to expand their own knowledge of what it means to be in a jury and examine a sensitive issue within the context of their pre-existing attitudes.

Advantages of using computer-mediated communication investigating jury decision-making could be observed in the detached nature of the electronic environment. This environment appeared to encourage truthfulness and reciprocity with others and circumvented judgement based on social and cultural indicators such as appearance, social economic status or body language. Moreover, the way in which people typed their responses did expose some insight into how they use language to communicate with others online. In some instances, the use of emoticons reflected the current social and cultural way of expressing emotion in the written word, rather than the dense description of how something made them feel. The online nature of jury deliberation facilitated an understanding of how people make sense of child sexual assault cases in Australia today. Given that attitudes and beliefs impacted how mock jurors experienced the fictional case and each other, it is
still likely that real trials will be affected in the same manner. This should lead to the improvement of researching group processes in the deliberation of sensitive social issues and improving justice outcomes.

Disadvantages of using computer-mediated communication in the exploration of jury decision-making were technical and recruitment related. This research method is dependent upon technology working effectively for both the researcher and the participants. It is noted that there were technical difficulties during the study but as this technology advances, so too does its reliability. In addition, non-attendance and drop out can occur in online studies. However, individuals who can participate in their own location and at a suitable time will be more likely to commit and electronic reminders can assist in reducing potential dropout.

Overall, online mock juries provided a valuable supplement to traditional face-to-face focus groups in qualitative deliberation research. This study advanced the understanding of online decision-making in a child sexual assault scenario. It demonstrated that knowledge of how juries deliberate and create meaning could improve our understanding of how verdicts are achieved. Overall, computer-mediated communication may prove useful in the deliberation of other sensitive social issues in qualitative research.
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Chapter 5. Introduction to the Second Paper

The paper, Group Polarisation and Structured Deliberation in a Simulated Child Sexual Assault Case, was co-authored with Dr. Bianca Klettke, Deakin University, Australia. Following initial consultation with Dr. Klettke regarding the focus of the paper, the candidate reviewed the literature and independently conducted the data collection, analysis and formulated conclusions. From this, Dr. Bianca Klettke reviewed the paper from which further drafts were completed.

This chapter constitutes an article submitted for review to the Australian and New Zealand Journal of Criminology. This paper extended the findings of the previous paper by shifting the focus from how mock juries used the electronic method in deliberations to whether social processes, such as group polarisation, were likely to develop. A number of social processes have been previously found to influence groups (Cooper et al., 2001; Mitchell & Eckstein, 2009); however, very few studies have investigated how these processes operate within a deliberating jury in a child sexual assault case (Nunez et al., 2011), and no research to date has examined this in an electronic environment. As stated in Section 3.4, group dynamics and social interactions are particularly important in legal decision-making. Much research and resulting models have provided explanations as to how individuals in a group understand a legal case, determine the facts, incorporate factors such as judicial instructions, and deliberate in order to reach a unified verdict (Diamond & Rose, 2005).

This paper describes a contemporary mock jury study in which electronic focus groups deliberated an alleged child sexual assault scenario.
The development of group polarisation was examined through the use of the persuasive arguments theory. The applicability of a structured deliberation method was also investigated through the application of direct content analysis to the deliberation transcripts. The aim of this methodology was to explore whether a quasi-structured deliberation method would impact the development of group polarisation in an online environment.

The format of this chapter is consistent with the requirements of *The Australian and New Zealand Journal of Criminology*. For ease of reading, figures and block quotes have been inserted as they should appear in the text and the pagination is reflective of a thesis manuscript. Appendices referred to in the text of the paper will not be presented within the paper. Rather, they will be presented in the end matter of the thesis.
Group polarisation and structured deliberation in a simulated child sexual assault case

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Abstract

Juries have been found to be susceptible to group polarisation, which may lead to extreme jury decisions, particularly in sensitive or complex cases such as child sexual assault allegations. A procedure introduced in New Zealand that has the potential to reduce instances of group polarisation is structured deliberation, or the ‘question-trail’ method, in which jurors are asked direct questions in relation to the case evidence. This paper explores whether group polarisation is less likely to develop with the application of a quasi-structured deliberation method. Eleven groups of three to five Australian residents each deliberated a child sexual assault case in an anonymous secure electronic chat room. Participants were asked questions pre- and post-deliberation to elicit attitudes and verdicts. Directed content analysis was applied to each transcript through NVivo from which the main themes were identified. Findings showed that the presence of persuasive arguments in some groups was not sufficient to create group polarisation, or that the structured deliberation method may have reduced the potential for polarisation to occur. In addition, lack of evidence was the most frequently cited reason given for a not-guilty verdict, suggesting that evidence remains an important determining factor for verdict outcomes. The development of group polarisation in juries may be ameliorated by the introduction of a structured deliberation method similar to the question-trail method.

Keywords: jury decision-making, structured deliberation, group polarisation, persuasive arguments theory, child sexual assault
Jury directions are often difficult for jurors to comprehend (Donnelly, 2011; Victorian Law Reform Commission, 2009). Moreover, it has been observed that jury directions often vary greatly (Ogloff et al., 2006; Victorian Law Reform Commission, 2009), and that jury directions often ‘cognitively’ overload the jurors (Ogloff et al., 2006; Victorian Law Reform Commission, 2009). As a result, more than half of all successful appeals are based on ‘misdirections’ to the jury (Victorian Law Reform Commission, 2009).

Recent research has further suggested that jurors have difficulty with understanding complex legal concepts, such as reasonable doubt or burden of proof, and often do not tend to benefit from lengthy instructions from judges (Victorian Law Reform Commission, 2009). As such, jurors may enter the deliberation room confused and under-prepared for the task. As a result, jurors may rely on their preconceived attitudes and beliefs during deliberations, which may predispose them to become polarized in their views and result in faulty decision making (Ellison & Munro, 2009; D. G. Myers & Lamm, 1976). Further, recent Australian jury studies suggests that jurors are better equipped to apply the law when case evidence and judges’ instructions are clear and concise (Victorian Law Reform Commission, 2009).

In order to guide juries with their decision-making process and deliberations, a more structured deliberation method was introduced in New Zealand: the ‘question-trail’. In this method, jurors are presented with a structured document that identifies relevant facts of the case and poses a series of fact-finding questions, that jurors have to answer with ‘yes’ or ‘no’. This
method is aimed to facilitate jurors’ understanding of their role better, reduce errors, and reduce the possibility of appeals (Victorian Law Reform Commission, 2009). A similar document called the ‘Jury Guide’ was developed and recommended by the Victorian Law Reform Commission (VLRC) to assist juries in arriving at a verdict (Victorian Law Reform Commission, 2009). Various versions have been implemented in New Zealand courts and some Queensland judges use flowcharts and lists of sequential questions to aid jury decision-making (Victorian Law Reform Commission, 2009).

In addition, there are other processes that might result in compromised jury decision-making being (Bottoms, Golding, Stevenson, Wiley, & Yozwiak, 2007; Daftary-Kapur et al., 2010; Gigerenzer & Gaissmaier, 2011). One such process is group polarization. Group polarization occurs when preconceived opinions of individuals, who may be disposed towards one particular opinion, become strengthened as a result of group discussion (Isenberg, 1986; Levett et al., 2005; D. G. Myers & Lamm, 1976). More importantly, members of a group may become more absolute in their perceptions after deliberation with others who hold similar views, shifting the entire group (Sia et al., 2002). This is an important group process to consider in jury decision research as polarisation may result in faulty or biased decision-making (D. G. Myers & Kaplan, 1976). For example, if individual jurors have an initial tendency towards prosecution of child sexual offenders, then they may be more likely to convict following group deliberation if other members also favour this position. It has been well documented that group polarisation can occur during jury deliberations (N. L. Kerr, Niedermeier, & Kaplan, 1999); however, little is
known whether this process also occurs if deliberations are more structured and guided, such as during the New Zealand question-trail method. The aim of the current study is to investigate whether group polarisation presents as an issue for jury decision-making when a method based on the question trail structure was implemented in mock juries deliberating a fictional child sexual abuse case.

**Group Polarisation and Jury Decision-Making**

Group polarisation is an important factor to consider in deliberating juries and has received much research attention (e.g., Bray & Noble, 1978; D. G. Myers & Kaplan, 1976). Group polarisation may result in more extreme jury decisions, particularly when there is minimal or ambiguous evidence presented at trial (N. L. Kerr et al., 1999; D. G. Myers & Kaplan, 1976), as is often the case in child sexual abuse allegations (Fitzgerald, 2006; Wundersitz, 2003). Several theories have tried to explain how and why polarisation may develop in a group, including social comparison theory, self-categorization theory, and persuasive arguments theory. Out of these, the most applicable one to jury-decision making is the persuasive arguments theory. This theory suggests that during group discussion, individuals who hold a particular view become persuaded by new supporting information that is similar to their own opinion, thus strengthening their original belief (Burnstein & Vinokur, 1977; Cooper et al., 2001). As such, a group has the potential to become polarized because the continued use of supporting arguments for one’s opinion within the group increases the chances that other group members, who hold similar opinions, will increase their endorsement of that view (Isenberg, 1986; R. A. Myers, 1989). This process can be especially problematic in child sexual abuse
cases, as many people hold misconceptions regarding these types of allegations (Duggan et al., 1989; Waterman & Foss-Goodman, 1984), and group polarisation may contribute to these misconceptions becoming the dominant opinion.

Group discussions and interpersonal communication are the most critical parts of group polarisation (Forsyth, 1990), and this can occur in small groups with numbers as small as three (Beebe & Masterson, 2006). For example, Vinokaur and Burstein (1978) found that three-person subgroups exhibited tendencies towards a ‘risky shift’, which is a precipitant to polarisation, and these three-person subgroups shifted towards each other, which the researchers described as ‘depolarisation’. In fact, persuasive argument theory has been found to be a predictor of depolarisation (Isenberg, 1986). While most of the research has focused on the development of group polarisation in large groups, the development of polarisation has also been found in four- five- and six-person groups (for example, see MacCoun & Kerr, 1988), and risky shifts have even been found to occur in dyads (D. G. Myers, 1982; D. G. Myers & Lamm, 1976). The current study examined groups with three to five mock jurors, as research has indicated that polarisation can be prevalent even in small groups.

Polarisation has been observed in groups who have access to limited amounts of information (Stasser & Titus, 1985, 1987), as is often the case in child sexual abuse allegations. Moreover, some researchers have argued that decisions are not solely based on arguments or information presented to groups, but also on what certain members say and how many other group members agree (R. A. Myers, 1989). Studies have shown that jury
deliberations can reinforce the initial verdict preferences of individual jurors (D. G. Myers & Kaplan, 1976), possibly as a result of polarisation. That is, when the amount of evidence presented at trial is limited, or cases are complex, jurors may have a tendency to rely on their own preconceived attitudes and beliefs (Taylor, 2007), which, in turn, may influence deliberations (Feild, 1978; N. Taylor & Joudo, 2005). Thus, in complex cases with limited evidence and unstructured deliberation, a dominant opinion may persuade others who are unsure or ‘on the fence’, thus resulting in a polarised group. Thus, if jury deliberations were structured and made clearer, as is the case in the question-trail method, this could reduce the potential for polarisation, as individual opinions may not become as persuasive and dominant. Some researchers have suggested that by presenting a structure to deliberations, this can reduce the impact of social influences, increase the diversity of the argument pool, and possibly reduce the occurrence of influential majority opinions that minority individuals may be susceptible. In addition, pressure on jurors to agree not only on the verdict, but also on perceptions of the evidence and counsel arguments leading up to verdict preferences, may be reduced. The question trail method will now be discussed in greater detail below.

**Question Trail Method**

How well jurors understand directions is a significant concern for the justice system (Daftary-Kapur et al., 2010), and many studies have indicated that a lack of legal understanding can have significant effects on deliberations and resulting verdicts (Ellsworth & Reifman, 2000; Ogloff & Rose, 2005; Reifman et al., 1992; Strawn & Buchanan, 1976). Studies have shown that jurors believe that they understand legal concepts and judicial instructions but
research indicates that this may not necessarily be the case (Australian Law Reform Commission et al., 2005, p. 591; Daftary-Kapur et al., 2010; Trimboli, 2008). For example, Semmler and Brewer (2002) investigated whether flowcharts or decision trees helped jurors to understand judge’s instructions in a murder case, and whether mock jurors could apply these instructions to the evidence presented. Two hundred and thirty four participants were randomly assigned to eight groups based on the amount of instructions given (e.g., instructions only, flowchart with instructions). Mock jurors who received standard verbal instructions, no instructions, or just a flowchart / summary were less likely to correctly identify the legal meaning of self-defense and apply the law than those who were given instructions plus a flowchart or instructions and a summary. These results indicate that mock jurors found it difficult to understand judges’ instructions and apply them to the evidence presented. This finding in conjunction with other research suggests that juries may miscomprehend instructions directed at them, which may affect deliberation and verdict outcomes.

Given that jury procedures vary considerably across Australian states and territories (Goodman-Delahunty & Tait, 2006), Australian judges have been found to implement various types of jury aids (or none at all), but most importantly, in a rather inconsistent manner. In an Australian jury project study (Ogloff et al., 2006), it was found that note taking was permitted by 71 percent of judges but access to transcripts of the trial was only permitted by 40 percent of judges. In comparison, 84 percent of New Zealand judges allowed note taking during trials and 88 percent permitted trial transcript access to jurors. In addition, 66 percent of New Zealand judges provided jurors with
written information about the case (i.e., case summaries) compared to 13 percent of Australian judges (Goodman-Delahunty & Tait, 2006). In fact, New Zealand judges are currently implementing a structured questioning method in an effort to aid juror comprehension and reduce the potential for retrial due to judicial error (Victorian Law Reform Commission, 2009).

This new method coined the ‘question-trail’ method consists of a pre-written summary of facts, or charges, about the case presented in court. A description of the case from the Crown and the defense is presented, which provides jurors with the main issues of the case (i.e., evidence). The jurors are then given a series of structured questions that focus on the evidence presented. For example, in an indecent assault case, one question pertained to whether the juror was certain that consent was obtained before the act occurred. If the juror answered ‘yes’ then the instruction was to find the defendant guilty on that count (for a detailed example, see Victorian Law Reform Commission, 2009, pp. 169 -171). This example of the question trail illustrates the types of written instructions that could be given to a jury during deliberations to clarify their understanding of the case and to potentially prevent errors based on polarized views and preconceived attitudes.

**Study Objective**

The current research focuses on one aspect that has been found to potentially influence juries and their attitudes, namely group polarisation within the context of the question trail method in a simulated child sexual case. As such, this exploratory study uses the persuasive arguments model to examine whether structured online groups exhibited indicators of polarisation and if so, whether and how this affected attitudes and verdict outcomes.
The current study is exploratory and as little research on this method exists, no a priori hypotheses will be made. However, previous theory did provide pre-determined categories to guide the analyses used in this study. The study attempted to examine the basic development of polarisation, particularly through the persuasive arguments model, and whether preconceived attitudes towards CSA as a social priority influenced other mock jurors in the discussions of whether the defendant was guilty of the alleged assault in the vignette.

**Method**

**Participants**

The sample comprised of 34 Australian residents who were above 18 years of age and jury-eligible. Across 11 mock jury groups, data were obtained from 22 females and 12 males, with ages ranging from 20 years to 56 years ($M = 32$ years, $SD = 8.67$). Each group consisted of at least three participants apart from one group of two. Of those respondents, 38 percent were single, 58 percent were either married or in a de-facto relationship and two per cent were separated.

**Materials**

The vignette was based on previous research based on a scenario describing an alleged sexual assault incident while the child’s gender, age, and relationship to the defendant were manipulated (see Back & Lips, 1998; Maynard & Wiederman, 1997). The current study implemented a 3 (alleged female victim age, five, ten or 15-years-old) by 2 (alleged male age, either 36 or 50 years old) by 2 (alleged male offender was either the father or neighbour
of the alleged victim) design. The vignette scenario was based on the same witness statement from a female child, and a statement from the alleged offender.

**Procedure**

The Deakin University Human Research Ethics Committee approved the study prior to data collection. Recruitment was solicited through the use of snowballing email notifications and electronic advertisements on parenting websites, social media and classifieds. Parenting websites were one of many that were used for recruitment. This website yielded no responses, thus potential bias is noted. Participants were able to click on an electronic plain language statement (PLS) that described the study in detail. For those who were interested in participating, dates and times of the groups were offered via email. Once individuals were allocated to groups based on availability, they received instructions on how to access the mock jury group, how to devise a codename and a link to an online questionnaire package, which they were asked to complete beforehand. This link re-directed participants to the plain language statement that included the option of clicking on the ‘I do consent’ button to indicate that they had read and understood the PLS.

The synchronous mock jury groups were facilitated through an online chat room on a secure Deakin University server. The chat room program was temporarily installed on the participants’ computer when they accessed the group hyperlink. Individuals surrendered their email addresses to the researcher, but to preserve anonymity to other group members, participants were asked to type their responses using a codename. Rules and objectives were described at the outset and each mock jury group ran for an average of
Due to research time restraints and technical issues, group numbers were not consistent: one group of two, nine groups of three, and one group of five participants.

Prior to case presentation, participants were asked questions such as ‘What are the most important social issues to you?’ and how they felt about CSA in relation to those issues. They were also asked other questions to determine what their attitudes and pre-conceptions of CSA were prior to deliberation. The purpose of this was to gauge whether mock jurors potentially held strong views before deliberating the case, which could have resulted in bias within the group. Participants were then presented with the charges of the defendant (i.e., indecent act with a child under the age of 12 [16] years) and the child witness and defendant vignettes. No corroborating evidence was presented. Participants, in groups, were then asked a series of questions relating to the case, similar to that which has been used in the jury guide and question-trail method discussed earlier. Questions such as ‘How responsible do you find the defendant?’ and ‘Do you find the defendant guilty and why?’ were used to guide discussion. The role of the moderator / researcher was to assist with technical issues that originated during discussion and to provide participants with clarification if needed. The case study was presented on screen for participants to read. Following the case deliberation, the participants were de-briefed and contact details for support agencies were given.

**Data Analysis**

All focus group transcripts were generated electronically (i.e., text file), double-checked for accuracy, and then analysed using the qualitative software program, NVivo (version 9). The data set was organized and coded by the first
researcher and given that this was an exploratory study, directed content analysis was chosen as a method of analysis. Content analysis consists of a number of different approaches that are used to interpret text in a grounded manner, and has been defined as ‘a research method for the subjective interpretation of the content of text data through systematic classification process of coding and identifying themes or patterns’ (Hsieh & Shannon, 2005, p. 1278). The current study used directed content analysis, which uses previous theory to frame the analyses. Moreover, additional codes emerged from the data separate to the theory-derived codes.

The primary researcher created an initial codebook in which operational definitions of codes were established from the literature on jury decision-making and child sexual assault, for example, ‘child’s competency: statements that referred to the capability of the child witness. These included perceived sexual knowledge and experience, memory and recall ability, cognitive ability, stage of development, sexual history, understanding and comprehension’. The units of measurement used to develop the codes were the recorded responses of each participant, including text and symbols, and each response that appeared to relate to decision-making was coded. Following the initial coding, the transcripts were reviewed for subcategories and then checked for accuracy by reviewing a random selection of responses and fitting these to the categories. Two separate coders were then selected to examine the codebook and samples of the text in order to achieve intercoder reliability. The reviewed codebook and the sample of text were distributed to the coders until a substantial level of agreement was reached between these coders (kappa = 0.79, p < 0.001). The
entire data set for the study was analysed following the final revision of the codebook (5 iterations).

Following the initial content analysis, the relationships between codes and related themes were developed and reproduced visually in taxonomic trees. To validate these relationships, frequencies of codes were calculated. To further examine patterns across the data set, Pearson’s correlations were calculated between pairs of identified categories within each theme. Cluster analyses were also conducted within the identified themes to evaluate the data more stringently. The resulting visual representations and code co-occurrence correlations provided the grounding for the description and interpretation of the data in relation to the theory of polarisation and persuasive arguments.

**Interpretation and Description**

The most prominent result emerging from the interpretation of the data was that structured deliberation motivated mock jurors to focus on the elements relevant to the fact-finding task presented to them. It was observed that in some mock jury groups, structured deliberation might have served as a guard against potential instances of polarisation. This may have occurred because strong opinions did not necessarily persuade others, as might be predicted by the persuasive arguments model. So, while mock jurors came to deliberations with individual pre-conceived beliefs about child sexual assault, the majority of groups were not susceptible to persuasion by others following discussions. This finding was first demonstrated by an examination of participants’ perceptions of child sexual assault before they were presented with the vignette and prior to deliberations. The purpose of this discussion was to ascertain whether prior beliefs expressed by participants could lead to polarisation.
Pre-Deliberation Perceptions towards CSA

Group members were asked about what social issues they believed were most important to them and how they felt about child sexual assault in relation to these issues. This procedure was implemented because pre-deliberation perceptions were used to measure whether mock jurors held strong views before they discussed the vignette, which could potentially create bias within the group. Strong views were conceptualized as opinions that were unlikely to be influenced by others during deliberations, and were not undermined by qualifying statements such as, ‘not a top priority’ or ‘it’s not something that affects my everyday living’. This conceptualization was based on the persuasive arguments model, which considers a strong initial opinion to be highly influential in persuading other group members who may not hold similar strong views on the issue. As such, attitudes that are strong, or even extreme, would be more likely to be resistant to persuasion than moderate attitudes (Brauer, Judd, & Gliner, 1995; Sarat & Vidmar, 1976). Thus, if those who held strong perceptions were able to persuade others, the whole group may become polarised.

Similar pre-deliberation questions have been asked by national surveys to ascertain the Australian community’s attitudes towards child sexual assault (Tucci et al., 2006, 2010), and for this exploratory study, a simulation of these questions was used to provide an initial indication of how participants felt about CSA in general. For example, participants were asked, ‘In general, what are the top three issues that are concerning you in society today (e.g., petrol prices, greenhouse gases etc.)?’ and ‘In comparison, how would the sexual assault of children rank in relation to these issues?’ These responses were
coded according to the ranking of CSA compared to the other issues mentioned. For example, EI2320JO stated ‘very high in priority’, which was coded as a high social priority, while participant so2154bi stated ‘I see it as an issue however it is not amongst my top three as it is not widely discussed in society’, which was coded as a moderate social priority. Codes of responses were then totalled and converted to percentages.

Analysis of the deliberation transcripts found that 47 percent of participants perceived CSA as a high social priority, and 44 percent believed it was a social concern but perceived other social issues as more important (8.8% did not answer the questions due to technical problems). It was believed that those who perceived CSA as a high social priority would be more likely to use emotive or novel arguments to support their opinion, and use these arguments to convince others in the group that their opinion is the most correct, thus endorsing the persuasive arguments theory (Brauer et al., 1995; Burnstein & Vinokur, 1977). A number of reasons were given for these beliefs and these categories can be seen in figures one and two. A cluster analysis was then performed in order to analyze whether any patterns emerged between those who perceived CSA as a high social priority and those who rated it is a moderate social concern. No participant identified CSA as a low social concern.

**High social priority.** Amongst participants, many believed that child sexual assault was an issue that needed to be at the forefront of social and political dialogue within society (see Figure 1). Of the 47 percent who believed it to be a priority issue, the occurrence of CSA was related to a breakdown in social connectedness and a lack of open discussion within
society. CSA is often an issue that is still considered to be something that happens to ‘someone else’ and remains behind ‘closed doors’, thus contributing to the hidden nature of the crime and shame in disclosing and reporting: ‘keeping it out of the public arena, secrecy, denial…sexualisation of children in the media’. Participants suggested that they were aware of CSA cases in the media but that awareness was something that still needed to be improved: ‘I believe there has been a lot of awareness of late about child sexual abuse, we certainly come along way in the last 20 years. As we cannot always prevent it from happening awareness is the key, I believe this issue to be a high issue’. Overall, these participants believed that CSA could affect in society, regardless of race, education or socio-economic status. The perceptions of these participants were skewed towards CSA being a significant social concern, which may result in a limited argument pool. If these participants were successful in persuading others during the deliberations, polarisation may occur.

**Moderate social priority.** All participants in this category agreed that child sexual assault was an important issue but that it was not something which impacted their daily lives: ‘honestly i would have to say that it does not directly affect my everyday living’, ‘I see it as an issue however it is not amongst my top three as it is not widely discussed in society’ and ‘it hasn’t effected me but i don’t like it’. CSA was not perceived to be as important as other social issues, such as the cost of housing, education or unemployment, and it is not an issue that is discussed in their daily lives (see Figure 2). In addition, CSA was considered within the context of crime, which meant that people would not give it prominence in their lives unless it was reported in the
media or there was a personal connection: ‘in general it would fall under my concerns about crime’. The perceptions of these participants suggested that the argument pool may be more unrestricted than the previous group, and they may also be amenable to persuasion during deliberations.

Nevertheless, the pre-deliberation perceptions of CSA were evenly spread throughout the groups and did not indicate that some groups would favour a pro-conviction or pro-acquittal attitude in CSA cases. Thus, to investigate the applicability of the persuasive arguments model further, an examination of participant’s verdict preferences and the reasons given for these preferences was considered to be important in understanding firstly, what arguments were given and whether polarisation occurred during discussions.

*Figure 1.* Reasons given for perceiving CSA as a high-priority social issue
Deliberation: Main Issues Given for Verdict Preferences

Group deliberations did not appear to influence initial participant opinions, as individuals who held strong perceptions of CSA did not necessarily sway the perceptions of those who tended to hold moderate views. For example, those who believed that CSA was a high-priority issue and held strong pre-deliberation views did not necessarily result in groups that led to a predictable verdict result or pattern, as might be predicted by the persuasive arguments model (Burnstein & Vinokur, 1977). In other words, other people’s arguments, or the repetition of these arguments, were not necessarily influenced by individuals’ pre-deliberation perceptions. Of those groups who perceived the defendant as guilty 56.25 percent participants viewed CSA as a high priority issue, 37.5 percent as a moderate issue, and 6.25 percent did not respond (see Table 1). Of those groups who perceived the defendant as ‘not guilty’, 50 percent participants viewed CSA as a moderate priority issue, 38.89
percent as a moderate issue, and 11.11 percent did not respond. Overall, perceptions of CSA pre-deliberation did not appear to influence the determinations of guilt following deliberation of the case.

Table 1. Mock juror perceptions of child sexual assault as a social priority.

<table>
<thead>
<tr>
<th>Social priority</th>
<th>Guilty</th>
<th>Not guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Moderate</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>No indication</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

Following deliberation, participants were asked whether they found the defendant guilty in relation to the case presented and to state their reasons why. Six main arguments or reasons on which verdict decisions were based emerged from the discussions and made up the argument pool: evidence, testimony, credibility, legal factors, defendant behaviour, and community awareness (see Figure 3). The most cited reason for verdict decisions was evidence, or more specifically, a perceived lack of evidence for the allegation, regardless of the child or defendant’s age or the child-defendant relationship. This finding is similar to Visher’s (1987) research in which evidence was found to be the single most important factor in the determination of verdicts. In fact, in Visher’s study of post-trial interviews with jurors, the type of evidence (e.g., physical, use of force, testimony) was particularly important and extra-legal factors such as defendant characteristics (e.g., education) and victim characteristics (e.g., victim’s sexual history) contributed a small but notable role in juror decisions (Visher, 1987). The importance of evidence in the
current study led to more not guilty verdict than any other reason, and suggested that jurors found it difficult to attribute guilt when there was no corroborating evidence such as medical, physical or psychological evidence: for example, as one mock jurors stated, ‘no [not guilty], because the evidence is not conclusive enough’. In addition, testimony and community awareness were most important for the younger child condition, perceived credibility was important for all child age groups, and defendant behaviour and legal factors were important for both the father and the neighbour condition.

Figure 3. Reasons given for verdict preferences including corresponding categories
The frequencies of main reasons given for verdict preferences were calculated to determine which were more important to groups and which ones may potentially lead to any instances of polarisation (see Table 2). Lack of evidence, testimony and credibility of child witness were the most coded categories in the deliberation transcripts and these were more likely to related to increased coding of verdict preferences. For each of these coded categories, Chi square tests were then conducted to explore the relationships between these endorsed categories and verdict outcomes (see Table 3). Yates’ Correction for Continuity was chosen to compensate for the overestimation of a 2 by 2 table Chi Square. Further, Fisher’s exact test was chosen due to the low sample size and the violation of expected cell frequencies.

Table 2. Coding numbers across all groups for main arguments in relation to verdict

<table>
<thead>
<tr>
<th>Codes</th>
<th>Endorsement of code</th>
<th>Verdict</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Guilty</td>
<td>Not guilty</td>
<td></td>
</tr>
<tr>
<td>Lack of evidence</td>
<td>Endorsed</td>
<td>7</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not endorsed</td>
<td>8</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Testimony</td>
<td>Endorsed</td>
<td>12</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not endorsed</td>
<td>3</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Credibility</td>
<td>Endorsed</td>
<td>10</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not endorsed</td>
<td>5</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Legal factors</td>
<td>Endorsed</td>
<td>4</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not endorsed</td>
<td>11</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Defendant</td>
<td>Endorsed</td>
<td>2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not endorsed</td>
<td>13</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Community</td>
<td>Endorsed</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not endorsed</td>
<td>15</td>
<td>17</td>
<td></td>
</tr>
</tbody>
</table>
Table 3. Chi Square Test for Independence and Fisher’s Exact Test values for verdict outcomes and endorsed categories

<table>
<thead>
<tr>
<th>Code</th>
<th>Chi Square</th>
<th>Fisher’s Exact Test Significance Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of evidence</td>
<td>6.68</td>
<td>p &lt; 0.05</td>
</tr>
<tr>
<td>Testimony</td>
<td>8.03</td>
<td>p &lt; 0.05</td>
</tr>
<tr>
<td>Credibility</td>
<td>10.49</td>
<td>p &lt; 0.05</td>
</tr>
<tr>
<td>Legal factors</td>
<td>3.03</td>
<td>p &lt; 0.05</td>
</tr>
<tr>
<td>Defendant</td>
<td>0.68</td>
<td>p &gt; 0.05</td>
</tr>
<tr>
<td>Community</td>
<td>Not calculated</td>
<td>Not calculated</td>
</tr>
</tbody>
</table>

Note: Chi Square values are reflective of Yate’s Correction for Continuity

To examine differences in verdict outcome within each category endorsement, z-ratio differences were calculated. Those who endorsed lack of evidence were more likely to vote ‘not guilty’ (69.6%) than ‘guilty’ (30.4%), $z = -2.65, p = 0.008$. Those who did not endorse lack of evidence were more likely to vote ‘guilty’ than ‘not guilty’, $z = 3.30, p = 0.001$. The proportion of those who endorsed testimony as important was significantly different between those who voted ‘guilty’ (75%) and those who voted ‘not guilty’ (25%), $z = 2.83, p = 0.0047$, while those who did not endorse testimony were more likely to vote ‘not guilty’ than ‘guilty’, $z = -3.54, p = 0.0004$.

Those who believed that the perceived credibility of the child witness was important were more likely to vote ‘guilty’ (90.9%) than ‘not guilty’ (9.1%), $z = 3.84, p = 0.0002$. Those who did not endorse credibility were more likely to vote ‘not guilty’ (76.2%) than ‘guilty’ (23.8%), $z = -3.34, p = 0.0007$. Of those who endorsed the importance of legal factors, 100% had voted ‘guilty’ rather than ‘not guilty’, $z = 2.83, p = 0.0047$, but there were no
significant differences in verdict for those who did not endorse this category, $z = -1.60, p = 0.1087$. There were no significant differences in verdict outcomes for those who endorsed / did not endorse defendant factors and community awareness.

Individual mock jurors did not appear to change their perceptions of CSA as a result of reading and discussing the case in the mock jury groups. There was no clear pattern of conflict or repeated arguments in the groups who were not unanimous in their verdict preferences, suggesting that polarisation or a leniency effect was not present across the data. While some groups did exhibit conflict during the deliberations, it did not affect the resulting verdicts. For example, during one group’s discussion, there was disagreement regarding the context of the assault, where some mock jurors questioned why the child had allowed her neighbour to come into the house while her mother was not at home, while others argued that older children should be able to stay at home without parental supervision. In another example, there was debate about the level of responsibility parents should have in cases of abuse and in the excerpt below, three participants discussed who was responsible for CSA.

*Participant 3*: i think the abuser and the parents of the child to a degree

*Participant 2*: i disagree with that

*Participant 1*: Me too

*Participant 3*: well go ahead… but i have children, and i hold myself responsible for their protection…in any form of abuse
Participant 2: I cant fathom a parent knowingly putting their child in the hands of a predator… I have children also

Participant 3: well as an adult you know they exist, so it’s your job to make sure they are ok… wherever they are… and also educate them [the children] on the matter

Participant 1: I think that the parents are not always aware of the abuse at first

Participant 3: of course they’re not… if they were it wouldn’t happen more than once but its ongoing sometimes

Participant 2: that’s the manipulation and power the abuser has

Participant 3: and it does happen that parents know or suspect and let it happen, sadly

Participant 1: I think that the parents should educate but if something does happen it is not the parent’s fault

Persuasive arguments theory proposes that the presentation of novel or emotive arguments by individuals within in a group has the potential to shift the minority opinion towards the majority (Mabry et al., 1991). In the example above, it appears that majority view of parental responsibility was leaning towards the idea that parents have no responsibility in incidences of CSA, but the counterargument was that parents should take some responsibility. Even though two mock jurors argued that parents have no control over whether abuse occurs and the mock jurors attempted to substantiate their arguments by
stating that they have children, the reasons given for the majority view was not convincing enough to shift the other participant towards that idea.

As shown in the example above, participants who held particular views were not necessarily persuaded by strong opinions in the groups, as would be predicted by persuasive arguments theory. While deliberating allocation of blame to the defendant, another group debated the reasons as to why a 15-year old would not have actively resisted during the alleged assault, as one participant stated: ‘the case does not contain aggressivity and physical coercion does it – so does that not mean that the 15 year old could have run off at any point?’ The other group members introduced reasons such as fear, low intellectual capacity, or low socio-economic background (SES) to explain the lack of resistance. In fact, this suggestion was debated vigorously with perceptions such as, ‘low socio economic background and not educated equals vulnerable child’, ‘i don t know the stats but i would not assume that being poor increases the risk of being a child sex offender’ and ‘Drugs & alcohol are more prevalent in a low socio- economic area which may influence the abuse stats’ offered by participants. Low SES was a novel argument in this group, which persuaded some mock jurors to agree that low SES, low education, and increased drug and alcohol use in these populations could predispose a child to sexual abuse. So, by discussing potential reasons for the assault, this group appeared to raise more questions about the case, which led to a not guilty verdict. The persuasive arguments theory suggests that in this group, the novel arguments indicated a move towards a not guilty verdict.
The aim of this study was to use the persuasive arguments model to examine whether structured online groups exhibited indicators of polarisation and if so, whether this affected attitudes and verdict outcomes. There were several findings in this study. First, the persuasive arguments model did not appear to consistently predict the verdict outcome based on pre-deliberation attitudes towards child sexual assault. In some groups, the repetition of the dominant view did persuade others to move towards the initial direction, but in other groups, the dominant attitude was not convincing enough to change.

Discussion

The aim of this study was to use the persuasive arguments model to examine whether structured online groups exhibited indicators of polarisation and if so, whether this affected attitudes and verdict outcomes. There were several findings in this study. First, the persuasive arguments model did not appear to consistently predict the verdict outcome based on pre-deliberation attitudes towards child sexual assault. In some groups, the repetition of the dominant view did persuade others to move towards the initial direction, but in other groups, the dominant attitude was not convincing enough to change.
opinions. For example, in those groups that were split in their decision of guilt, discussion focused on believability and evidence. Even though two thirds of the group showed reasonable doubt, it was not enough to convince the remainder of the group to endorse ‘not guilty’, and so the outcome was split. There may be a number of reasons for this occurrence such as that in those groups in which polarisation was more likely to occur, the argument pool was limited and skewed in one direction; participant numbers were inconsistent across the groups, and/or structured deliberation reduced the influence of persuasive arguments and kept participants focused on the fact-finding aspect of the task.

Second, reasons such as lack of evidence, testimony, child witness credibility, and legal factors were the most cited reasons given for verdict preferences. Lack of evidence was most closely related to not-guilty verdicts and perceptions of child witness credibility were most closely related to guilty verdicts. Of those who did not endorse testimony, 18 percent voted guilty and 81 percent voted not guilty, suggesting that case characteristics (e.g., child’s age, relationship to the defendant), or the lack of evidence, may have been important for assessing the relevance of testimony.

Third, a structured deliberation method (i.e., asking mock jurors specific questions related to the case) could be used to lessen the potential for these preconceived beliefs to persuade others and create polarisation. In this study, structured deliberation appeared to help participants remain focused on the issues that were present or not present in the child sexual assault vignette, and this may have deflected incidences of dominant attitudes and opinions influencing other group member’s perception the case. Irrespective of high or
moderate pre-deliberation perceptions of CSA, mock jurors made their verdict decisions on the basis of the facts of the case. These evidentiary influences and extra-legal factors, such as perceived lack of evidence, detailed child testimony and insufficient defendant testimony, and perceived child witness credibility were more strongly related to the final outcome than pre-conceived attitudes, as has been found in previous research (Visher, 1987).

There are a number of limitations and considerations for future research. First, it would be useful to determine whether the structured deliberation method used in this study was applicable to mock juries conducted face to face. Prior research has suggested that group polarisation is likely to occur in deliberating juries (D. G. Myers & Kaplan, 1976), and while there was little evidence to support polarisation in this online study, there may be factors specific to the electronic environment that decreases this occurrence. Thus, a direct comparison between electronic and face-to-face mock deliberating juries would be useful.

Secondly, one limitation of this study was that it only used a structured deliberation type. Thus, in order to ascertain and quantify exactly how much the structured deliberation type (i.e., the question trail) reduces group polarisation it may be worthwhile to systematically compare structured and unstructured deliberations in a CSA case. Such research will also help to further extend our understanding of what mock jurors (i.e., community members) take into consideration in cases that are difficult to evaluate. Finally, it would be useful to identify whether this research has a future in an online capacity given its potential to reduce research time and cost and increase participation.
Thirdly, it is noted that due to data collection difficulties, some groups consisted of less than five participants, which reduced the application of the results to mock jury research, which usually consists of at least six mock jurors. In fact, group polarisation was difficult to analyse in the group of two, and it is acknowledged that polarisation may not have even occurred in the dyad. This group should have been dropped from the analysis. Overall, group sizes in this study limited the ability to conduct quantitative analysis and reduced external validity.

This paper explored whether group polarisation could develop when a quasi-structured deliberation method is applied. Findings suggested that the persuasive argument model did not consistently predict verdict outcomes based on pre-deliberation attitudes towards child sexual assault. These verdict outcomes were more likely to be ‘not guilty’ when evidence was perceived to be weak by mock jurors. In addition, the implementation of a structured deliberation method could be used to reduce the development of group polarisation in juries by impeding the influence of preconceived attitudes and biases upon perceptions of guilt. These findings may be important to consider in the jury deliberations of child sexual assault.
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Chapter 6. Introduction to the Third Paper

The paper, *Mock Jury Attitudes towards Credibility, Age and Guilt in a Fictional Child Sexual Assault Scenario*, was co-authored with Dr. Bianca Klettke, Deakin University, Australia. Following initial consultation with Dr. Klettke regarding the focus of the paper, the candidate reviewed the literature and independently conducted the data collection, analysis and formulated conclusions. Dr. Klettke reviewed the focus and structure, and provided editorial and methodological review for the purpose of publication.

This chapter constitutes an article accepted for publication with the Australian Journal of Psychology. This paper extended the findings of the previous paper by shifting the focus from mock jury communication and group processes to how the attribution of guilt is impacted by age and perceived credibility as a result of group deliberation in mock juries. At the time of thesis submission, the paper had undergone peer review and had been accepted for publication.

The format of this chapter is consistent with the requirements of the *Australian Journal of Psychology*; however, will appear slightly different to the final printed version. For ease of reading, figures and block quotes have been inserted as they should appear in the text and the pagination is reflective of a thesis manuscript. Appendices referred to in the text of the paper will be presented in the end matter of the thesis.
Manuscript of Paper Three

Mock jury attitudes towards credibility, age and guilt in a fictional child sexual assault scenario

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Abstract

Low conviction rates aimed at child sexual assault remain a persistent social problem in Australia. One concern is the impact of attitudes regarding the victims in these cases. This paper examines the effects of victim age on perceptions of credibility and verdict in a child sexual assault case. Eleven electronic focus groups deliberated a fictional child sexual assault case in which the age of the child was systemically varied between six and fifteen years. Deliberation transcripts were analysed with NVivo from which thematic clusters were derived. Results showed that as the child’s age increased, credibility and guilty verdicts decreased when physical evidence was not accessible. In addition, testimony alone had little impact in influencing the verdict. These findings suggest that in lieu of physical evidence, increasing supporting information, such as expert testimony, and providing structured deliberation for the jury may reduce the influence of victim blame, particularly when the child victim is older.

Keywords: attitudes, child sexual assault, credibility, victim blame, jury decision making
Mock jury attitudes towards credibility, age and guilt in a fictional child sexual assault scenario

Child sexual assault (CSA) allegations are some of the most difficult to prosecute in court. Research has shown that one in seven reports of CSA progressed to prosecution in 1997-99 (Victorian Law Reform Commission, 2004) and of two hundred CSA incidents dealt with in a South Australian adult court, 57 percent resulted in no findings of guilt (Wundersitz, 2003). Moreover, Kerr (2003) reviewed 18 South Australian CSA cases in which testimony was provided by a child 15 years or younger. Across the 18 trials reviewed, there were 52 charges identified, of which 35 were found to be ‘not guilty’, 16 were ‘guilty’, and one was deemed ‘nolle prosequi’ due to the abandonment of the trial (D. Kerr, 2003).

Conducting fairer trials for child sexual abuse victims and those accused of these crimes is a significant concern for the criminal justice system, as there is often insufficient corroborating evidence. As such, jury attitudes, general perceptions and jury dynamics may play greater roles in legal decision-making processes. For example, the Victorian Law Reform Commission (2004) reviewed justice outcomes of sexual offences and concluded that ‘juries can be influenced by their own experience and attitudes and may rely on common myths about sexual assault during decision-making’ (p. 38). This finding suggests that jurors may interpret cases based on their attitudes and prejudices of victims and offenders (N. Taylor & Joudo, 2005), and particularly when evidence is weak, perceptions may influence verdicts. For example, in a study by the Australian Childhood Foundation (ACF; Tucci, Goddard, & Mitchell, 2003), it was found that 35 percent of the sample
believed that young people fabricate allegations of child abuse, and one quarter of the respondents did not believe that an offender is typically known to the victim (p. 15). Research has also indicated that attitudes can predict verdict outcomes (Cutler, Moran, & Narby, 1992). Specifically, it has been found that jurors’ attitudes may account for 30 percent of variance in verdicts when the evidence in the case is equivocal (Moran, Cutler, & De Lisa, 1994). While there are other factors that may contribute to verdict outcomes (e.g., the strength of evidence, expert evidence), juror attitudes still make a significant impact. The focus of this paper is to address factors that might influence this variance in verdicts when evidence is weak. Thus, juror attitudes may be an influential factor in determining the credibility of victims in sexual assault cases. These will be reviewed below.

**Credibility and Age of the Victim**

In general, credibility has been defined as comprising of competence, or the perceived ability to accurately recall an event, and trustworthiness, the perceived ability to tell the truth (McCauley & Parker, 2001; Rogers & Davies, 2007). Studies have demonstrated that child witnesses have been judged on factors such as their memory and suggestibility (Castelli, Goodman, & Ghetti, 2005; Leippe et al., 1993), sexual naiveté, honesty, and truthfulness (Goodman et al., 1989). Other studies have also found that children over the age of 12 are often regarded like adult rape victims (Duggan et al., 1989; Klettke & Simonis, 2011) because they are perceived as having the ability to resist an assault (Waterman & Foss-Goodman, 1984) and have a better recall ability, but are more capable of lying (Bottoms & Goodman, 1994). Thus, it is possible that as older children are seen as more competent (i.e., ability to accurately recall
events) but less trustworthy (i.e., ability to tell the truth), jurors are influenced in their judgements of credibility, which, in turn, may impact on verdicts. As such, the way in which jurors perceive child witnesses in these cases, particularly when there is little corroborating evidence available, is still of concern for the justice system today.

Studies investigating perceptions of child witnesses in relation to credibility have led to somewhat inconsistent results. While a substantial review is not possible here, findings suggest that younger children tend to be perceived as more credible than older children in some studies (Isquith et al., 1993; Rogers & Davies, 2007), while others have found no differences (Golding, Sanchez, & Sego, 1999; McCauley & Parker, 2001). For example, adults have been found to perceive child witnesses as more vulnerable, honest, and due to the child’s sexual naïveté, younger child witnesses have been identified by jurors as less likely to invent false accusations of sexual victimisation (Bottoms & Goodman, 1994; Goodman et al., 1989). On the other hand, in some studies, younger child witnesses have been shown to be more suggestible (Goodman & Reed, 1986) and less capable (Leippe et al., 1993) when questioned by adults (Ceci, Ross, & Toglia, 1987).

Attitudes toward a victim’s age have been reported to be an important factor in perceptions of a child’s credibility during trial (Back & Lips, 1998; Duggan et al., 1989; Goodman et al., 1989; Leippe & Romanczyk, 1989). Given that in many CSA cases there is often little physical or corroborating evidence and many police reports are made long after the event, the perceptions of a child’s age may influence how jurors make decisions about guilt. Research suggests that perceptions of child victims change as the victim
becomes older. For example, when a child is pre-adolescent, he or she is often perceived as more credible than an adolescent. Evidence for this stems from Rogers and Davies (2007) who examined victim credibility, victim responsibility, and the perceived severity of non-consensual touching and found that a 10-year-old child was perceived as more credible than a 15-year-old.

Conversely, McCauley and Parker (2001) asked university students to read either a simulated robbery or sexual-assault trial vignette based on scenarios previously used by Nightingale (1993); however, there was no physical evidence presented as is typical in real CSA cases, and the age of the child-victim was either six or 13-years-old. There were no differences found between the younger and the older child’s credibility, honesty or verdict, suggesting that juror judgements were not impacted by the age of the child victim. In the sexual assault case, the defendant was more likely to be perceived as guilty and the child perceived as more credible, more honest and have better memory than in the robbery case. Overall, research regarding credibility of child witnesses in sexual assault cases has been inconsistent, particularly in relation to perception of age differences. As such, a number of other factors may play a role, such as victim blaming and strength of evidence.

**Victim Blaming**

Research has identified that when there is little corroborating evidence presented in court, a number of beliefs about sexual assault may influence victim blaming for jurors in CSA cases (see Cossins, 2008), such as that only physical evidence is indicative of abuse (Calvert & Munsie-Benson, 1999), children’s evidence is generally unreliable (Eastwood & Patton, 2002), or
delayed reporting suggests untruthfulness (The Australasian Institute of Judicial Administration, 2010). That these, and other perceptions such as that children, in general, may be perceived as more suggestible (Goodman & Reed, 1986), and less capable of giving evidence in court due to inferior cognitive abilities (Leippe et al., 1993; Leippe & Romanczyk, 1989), can still contribute to blaming the victim, is concerning (Burt, 1980; Hammond, Berry, & Rodriguez, 2011; Rogers & Davies, 2007). ‘Blaming the victim’ describes the propensity for individuals to assign some degree of responsibility to a victim for his or her own victimisation, and has been studied extensively in attitudes towards rape and sexual violence (Burt, 1980; Klettke & Simonis, 2011). Rape myths, or ‘prejudicial, stereotyped, or false beliefs about rape, rape victims, and rapists’ (Hammond et al., 2011, p. 243) have been particularly influential in studies of attitudes towards sexual assault (N. Taylor, 2007). Given that pre-existing beliefs may influence juror decisions when evidence is weak or ambiguous (Pennington & Hastie, 1992b), myths related to rape and blaming the victim may be highly influential, particularly when evidence is difficult to acquire (Hammond et al., 2011). Related to this, is the myth of the ‘ideal victim’, that is, a victim who, for example, actively resisted the abuse, was not intoxicated, or had not dressed inappropriately (Randall, 2010). Consequently, the ‘ideal victim’ is one in which the undermining of credibility is less likely when stereotypes of what a victim ‘should be’ are adhered to.

In general, rape myths, that is, myths pertaining to adult sexual assault, are closely linked to child sexual assault myths. One particular myth that has been found in both the CSA and rape literature is the perception that an individual is more likely to be perceived as the victim of an assault if she or he
actively resisted (Burt, 1980; Easteal, 1992; Feild, 1978). For example, in a study by Broussard and Wagner (1988), participants attributed more responsibility to a 15-year-old child victim and less responsibility to the perpetrator when the child was seen as encouraging the assault. In addition, the child victim who was passive in the assault was perceived as more responsible than the child who was perceived as resisting. Other factors that may impact the perceptions of the victim’s credibility relate to the timing of disclosure and reporting to police, the relationship between the victim and defendant, the level of aggravation (Fitzgerald, 2006), and prior sexual history (Victorian Law Reform Commission, 2004). For example, Fitzgerald (2006) found that convictions were more likely when the defendant was a stranger, the assault included aggravation, the report to police was made early, lack of consent was evident, and there was corroborating evidence. Yet, as in CSA cases, these allegations are often not likely to be supported by these kinds of evidentiary factors (N. Taylor & Mouzos, 2006).

While convictions of alleged child sexual abusers are low, they are even lower in alleged adult sexual assault cases (Victorian Law Reform Commission, 2004). This poses a problem, as child sexual assault research has found that older child victims (e.g., 15 years) are more likely to be perceived like adult rape victims (Duggan et al., 1989; Klettke & Simonis, 2011) and thus, are susceptible to similar misconceptions and even greater lack of convictions (Waterman & Foss-Goodman, 1984). Perceptions such as that an older child should have been able to resist (Morrison & Greene, 1992), or that a lack of physical evidence suggests that an assault did not happen (Kovera & Borgida, 1996), has been linked to victim blaming (Back & Lips, 1998;
Goodman et al., 1989). As suggested earlier, much research has demonstrated that older children, such as adolescents, are more likely to be perceived as responsible (Rogers & Davies, 2007); viewed as more able to resist (Waterman & Foss-Goodman, 1984); and more capable of lying or delaying police reports (Quas, Thompson, & Clark-Stewart, 2005; Rogers & Davies, 2007), which is aligned with studies of adult rape victims (Finkelhor, Hotaling, Lewis, & Smith, 1990; Sorensen & Snow, 1991). However, research based on actual victims has indicated that victims usually do not disclose immediately (Smith et al., 2000) and may not resist or cry for help (N. Taylor, 2007).

While some changes have been made to the degree of information the jury receives in rape trials, such as reasons why a victim may not immediately report an assault, these stereotypes still exist within the community, and thus, are likely to be present in jury deliberations (Bronitt, 1998). However, victim blaming may not be as prevalent for younger children (e.g., 5 years old) than for older children (e.g., 15 years old). While research has shown that child victims may be viewed as partially to blame for their own assaults (see Davies & Rogers, 2009; Graham, Rogers, & Davies, 2007; Waterman & Foss-Goodman, 1984), perceptions of blame for younger child victims may be quite different. Given these findings, participants in the current study may exhibit a similar pattern of victim blaming when the child is older (for example, 15 years), compared to when the child is younger (for example, 6 years).

**Jury Deliberation and Evidence**

Research in jury deliberations has been limited due to restrictions of the Australian legal system. As a result, there are only a small number of studies that have utilised real jurors and juries (see Goodman-Delahunty et al., 2008).
To circumvent this, researchers have typically used mock jurors and extrapolated the findings to juries. However, a significant threat to both construct and ecological validity in mock juror studies is the lack of deliberation (Diamond, 1997; Nunez et al., 2011). A small number of studies have utilised mock juries to examine various legal constructs (Klettke & Powell, 2011; Weiner et al., 2011); however, there is still a paucity of this kind of research in jury decision-making literature. In particular, little research has addressed how mock juries engage in deliberations when considering a CSA case.

In addition to perceptions of witness credibility, the strength of evidence presented to the jury has been shown to be one of the main factors in jury deliberations and resulting verdicts (Hans & Vidmar, 1986; Vidmar & Hans, 2007; Visher, 1987), and has also been positively associated with successful convictions in sexual assault cases (Devine et al., 2001; Klettke & Simonis, 2011), particularly weak or no corroborating evidence. A study by Visher (1987) examined post-trial interviews with real jurors and found that the type of evidence presented (e.g., physical or evidence of force) during the trial was particularly important, and that seven evidence factors and case characteristics, such as use of a weapon and testimony, accounted for 34 percent of the variance in individual juror judgements. This study highlights the significant impact of evidence on juror judgements and how strongly evidence might affect jury deliberations. Thus, it may be reasonable to expect that in cases in which the evidence is weak, ambiguous, or even lacking, jurors may be more likely to rely on extra-evidentiary factors, such as attitudes towards the attributes and characteristics of victims and defendants.
**Aims and Hypotheses**

The current paper is part of a larger study, (an unpublished thesis), which aimed to investigate focus groups as mock juries in an electronic environment and examine group processes and attitudes towards CSA during deliberations across younger and older child victims. This paper is exploratory in nature and will focus on the main outcomes that emerged from the influence of participants’ beliefs related to perceived victim credibility, victim age and victim blaming. The impact of evidence on attributions of guilt will also be examined. It is hypothesised that (1) the perceived credibility of each child victim will be dependent on mock jurors’ general perceptions of each child’s competence and trustworthiness in the scenarios, (2) the testimony of the younger child (e.g., 6 years old) will be believed more than the testimony of the older child (e.g., 15 years old), (3) older children will be more likely to be blamed for the assault than younger children, and (4) jurors’ pre-existing beliefs regarding CSA victims will have a greater impact when evidence is weak, particularly when the child is older.

**Method**

**Participants**

The purposive sample consisted of 34 Australian citizens who were all jury-eligible. Relevant data were acquired from 22 females and 12 males, with ages ranging from 20 to 56 years. Additional information regarding children was sought from participants: 17.6 percent currently work in a child-oriented field, 41.2 percent have previously worked in a child-oriented field, and 29.4 percent of respondents have children.
Materials

The sexual assault vignette was adapted from previous studies in which a sexual assault incident is described by a child (Back & Lips, 1998; Maynard & Wiederman, 1997). In these studies, the researchers manipulated the age and gender of the child. In the current study, the 420-word scenario described a female child’s statement about an alleged sexual assault incident and a not-guilty statement from the defendant. None of the vignettes contained physical evidence, as is often the circumstance in actual cases (Thompson, 1988). Each scenario described the same alleged assault, but the ages of the child and the defendant were systematically varied, as was the relationship between the child and defendant, to produce a total of 12 different vignettes. The female child was depicted as six, 11- or 15-years-old. These particular ages were chosen to represent victims who are clearly under the age of consent (6 and 11-years-old), and a victim who is one year below the legal age, according to legislation.

The defendant was depicted as either the child’s father or her neighbour. Each group of participants received one of the 12 manipulated vignettes to discuss. The effects of defendant type are not discussed in the current paper given the focus on victim credibility and blame, but are part of the first author’s unpublished thesis. The child’s female gender was chosen because according to the Australian Personal Safety Report (Australian Bureau of Statistics, 2006), 12 percent of females had been sexually assaulted before the age of 15 compared to 4.5 percent of males. Moreover, it was beyond the scope of the unpublished thesis to include additional variables. Thus, the effects of child age are across scenarios.
Procedure

The Deakin University Human Research Ethics Committee approved the study prior to data collection. Australia-wide recruitment was conducted electronically via email, social media websites, and online classifieds. Parenting websites were one of many that were used for recruitment. This website yielded no responses, reducing any potential bias from parents. Potential participants were asked to contact the researcher via email to register their interest. The Plain Language Statement (PLS), which outlined the study aims and procedure, was then sent to interested parties. Following allocation to groups, participants were sent instructions of how to download the secure Internet chat room. When participants accessed the focus group via the hyperlink provided, they were re-directed to the PLS and the, ‘I do consent’ button. By clicking on this button, participants indicated that they consented to the study.

Focus groups were run through a secure Deakin University chat room and participants contributed to the deliberations by typing their responses in real time. Each participant surrendered his or her email address to the researcher (which was not visible to other participants), and used a codename to enhance anonymity. Each focus group lasted for an average of an hour. Due to research time restraints and technical issues, group numbers were not consistent: one group of two, nine groups of three, and one group of five participants.

Group deliberations were conducted in a semi-structured manner. As part of a larger study, participants were asked several questions before the case was presented, such as ‘What are the most important social issues to you?’ and
‘How do you perceive CSA in comparison to those issues? The purpose of this questioning was to gauge pre-deliberation perceptions and beliefs about CSA. In the current study, participants were then presented with the charges of the defendant (i.e., indecent act with a child under the age of 12 [16] years) followed by the vignette. No corroborating or physical evidence was presented. Deliberations were loosely based on a question-trail method (see Victorian Law Reform Commission, 2009), in which direct questions were asked to focus specifically on witness credibility and verdict preferences. To guide discussion, questions such as ‘How responsible do you find the defendant?’ and ‘Do you find the defendant guilty and why?’ were asked to obtain a deeper understanding of why particular verdict preferences were made. The first author moderated the group by providing technical support or clarification, if required. Following deliberations, participants were provided with an opportunity to debrief and were also given contact details for support agencies.

Data Analysis

Group deliberations were electronically transcribed and entered into NVivo (Version 9, QSR International). In an iterative process, reading and re-reading of each transcript achieved data reduction. The first author organised and coded the data set based on the method of directed content analysis. This consisted of interpreting deliberation transcripts in a grounded manner to code and identify themes or patterns (Hsieh & Shannon, 2005) in the context of prior CSA and jury deliberation theory. Additional codes that emerged independent of this theory were also developed.
The first author devised a codebook, which described operational definitions of codes that were developed on the basis of the previous literature. For example, the code ‘Trustworthiness’ consisted of all participant responses that related to the child’s capacity to lie, assumptions of truthfulness, prior history of false accusations, allegations of lying, and uncertainty of truthfulness. Structured codes were developed and applied to each segment of text (i.e., participant responses), and two independent coders reviewed the transcripts and the structured codes until high agreement was reached. The inter-coder reliability level for the first round of coding indicated only a slight level of agreement, kappa = 0.057 ($p > 0.05$). Following this low level of agreement, the codebook was revised and subsequent changes were made. After five iterations, a substantial level of agreement was reached (kappa = 0.79, $p < 0.001$).

Once the data had been re-checked for accuracy, classification charts were constructed to produce visual representations of the relationship between codes and related themes. Frequencies were then calculated for each time a code was assigned to a participant and a participant’s response to determine the most important codes. Pearson’s correlations between pairs of identified categories were then analysed to examine code co-occurrences and potential patterns across the data set, which then produced a cluster analysis in NVivo. The resulting correlations and cluster analysis were developed into visual representations, which provided the grounding for data interpretation in relation to CSA and jury decision making. The data presented in this paper are based on the analysis of perceptions of child victims based on their age, and the potential impact of child-victim age on verdict outcome. A methodological
paper addressing the analysis of simulated group decision making in a child sexual assault case in an online environment has been published elsewhere (Tabak, Klettke, & Knight, 2013).

Results and Discussion

In order to assess the impact of age on verdict outcomes, a chi-square test of independence was performed between the age of the child (younger versus older) and verdict outcome in the presented case (see Table 1). The older child ages (11 and 15 years) were collapsed into one category due to insufficient group numbers. The relation between these variables was significant, $X^2 (1, N = 34) = 12.62, p < 0.01$. Mock jurors were more likely to vote ‘guilty’ (75%) than ‘not guilty’ (25%) when deliberating a case involving a younger child (6 years old), and more likely to vote ‘not guilty’ (92.9%) than ‘guilty’ (7.1%) when deliberating a case with an older child (11- or 15-years-old).

Table 1. Chi Square: verdict outcomes by age group of child witness

<table>
<thead>
<tr>
<th>Child Age</th>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Younger (6 years)</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>Expected count</td>
<td>9.4</td>
<td>10.6</td>
</tr>
<tr>
<td>Older (11 and 15 years)</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>Expected count</td>
<td>6.6</td>
<td>7.4</td>
</tr>
</tbody>
</table>

Note: Continuity Correction Chi Square statistic based on a 2x2 table

These preliminary results suggest that individual jurors were more likely to select a ‘guilty’ verdict when the child was younger and a ‘not guilty’
verdict when the child was older. Groups were more likely to vote ‘guilty’ when the child witness was six years old and more likely to vote ‘not guilty’ when the child was 15-years-old, while groups were less likely to reach a unanimous decision when the child was 11-years-old (see Table 2). This suggests that other factors might have influenced verdict outcomes in conjunction with the age of the child victim, which was investigated more closely in the qualitative analysis of deliberation transcripts presented below. Themes that emerged from the data are presented according to the conditions of credibility and victim age. Additional results regarding the information requested by mock jurors to assist with verdict decision-making is also provided. Spelling and grammar of participants’ responses have not been corrected in order to retain the originality of the data, and participant responses are depicted with code names.

**Perceptions of Credibility and Age of the Victim**

It was hypothesised that the perceived credibility of the child victim will be dependent on mock juror’s perceptions of the child’s competence and trustworthiness. The sections that follow describe the elements of competence and trustworthiness that emerged from the deliberations.

**Competence.** The evaluation of the child’s competence appeared to be based on perceptions of cognitive development, sexual naivety / experience and knowledge. The theme of competence was coded in 29.41 percent of responses across the child ages. Potential jurors who commented on the intelligence of a child gave reasons such as the child’s propensity to lie: ‘if would be difficult to find a child that hasn’t/doesn’t lie’, and general intelligence: ‘She can't be said to be overly responsible as she is only 11
however she would still understand general concepts in life’. Some participants judged the child relevant to their age based on their perceived knowledge of sex and relevant experience. For example, one participant remarked that older children are more sexually knowledgeable: ‘the 6 year old has no idea what is happening but 15 year olds generally know what sexual things are’. This theme is particularly relevant to victim blaming in that some mock jurors appeared to relate a child’s propensity to lie to whether or not they would be believed, as has been previously reported in other research (Bottoms & Goodman, 1994; Duggan et al., 1989).

**Trustworthiness.** Participant belief in whether the alleged assault occurred was related to perceptions of the evidence and trustworthiness of the child witness. For example, one participant who stated: ‘Yes, I would find the perpetrator guilty of the offence. The story provided by Jennifer is believable. The story provided by the defendant has many areas that require further questions, such as why did he visit, why would the child make up a story like this?’ and MA3465DA who commented: ‘my belief that the child would not make up such a lie out of the blue’. Across the child ages, 67.6 percent of responses were coded to this theme. The defendant’s behaviour, legal factors and community awareness also contributed to this theme. Some participants expressed ideas that the defendant was guilty because he had broken the law but others argued for the right to due process, e.g., ‘in court you’re innocent until proven guilty not the other way round’. One mock juror believed that the current awareness of CSA should deter non-family members from entering a house, alone, to spend time with a child. Interestingly, this suggests that for this mock juror, the community holds negative perceptions towards older
unrelated males associating with young children, and as such, those individuals should not endorse that behaviour. Trustworthiness, in this case, would be central to the perception of the relationship between the defendant and child witness.

**Age of the Child Witness**

It was hypothesised that groups would believe a younger child witness more than an older child when physical evidence was weak. The sections that follow describe the influence of the child’s age upon mock juror’s perceptions of blame and responsibility in the scenario.

**Six years old.** In those groups who deliberated a case involving a six-year-old child, participants were asked about their perceptions of responsibility and blame in relation to the child’s age in the scenario. Mock jurors stated that they would be more likely to believe a younger child than an older child. For example, participant la2560gr stated: ‘the younger the child, I would assume the child knows less about lying about such a complex situation’, which suggests that participants perceived the trustworthiness of a young child as more influential when determining whether the assault occurred. This perception seemed to influence the determination of guilt for the defendant (see Table 1) and the reasons given for this verdict were most likely to be based on the perceptions of the child’s trustworthiness. For example, when asked why they voted guilty, participant ch6211ro stated: ‘the age of the child, the actions of the child after the fact, the language used in the child’s statement’, and participant aus07d responded: ‘he is totally guilty, as I don’t believe a 6 year old would make it up and a 6 year old would not fantasise about those sorts of
things’. Thus, mock jurors seemed to perceive a child of six years as less responsible, and more vulnerable, trustworthy and sexually naïve.

**Eleven years old.** In those groups who deliberated a case involving an 11-year-old child, participants stated that they would believe an 11-year-old the same amount as a younger or an older child. For example, participant LY3021AL stated: ‘believed the same amount... though a 15yo would have more push than an 11yo in terms of force in saying No’ and participant so2154bi responded: ‘age doesn't seem to matter in this case unless we know a bit more about the child’. This suggests that when a child is pre-pubescent, perceptions of competence and trustworthiness are not unambiguous. It is likely that the pre-pubescent’s’ developmental stage may have influenced the perceptions of mock jurors because this age group exhibits both attributes of a child and emerging adult (i.e., sexual maturity). Thus, as the effect of age becomes more ambiguous, evidence and context of assault became more important.

Furthermore, those groups who deliberated a case involving a child of 11 years were not consistent in their verdicts: one group voted guilty and three groups were split in their decision. However, it is interesting to note that the most cited reason participants gave for their indecision was lack of evidence, rather than the age of the victim. For example, participant HY3182WI stated: ‘again from just the statement how could you’, and JA3152JE responded: ‘I don't believe there is enough information there to convict him beyond reasonable doubt’. One mock juror reflected on the availability of evidence in a real trial and how that would impact the believability of the allegation: EI2320JO: ‘based on facts given only so far... guilty. the language used by the
child to describe the event, the circumstances presented, but I imagine in a real trial there would be much more evidence to certify that it was the father that was caring for the child at the time etc...’. Importantly, while participants stated that they perceive a child of 11 years just as competent and trustworthy as a younger or older child, their verdict choices are incongruent. Specifically, as the amount of evidence presented in these cases was held constant across conditions, no differences based on evidence should be expected. However, as the age of the child victim rose to 11 years of age, an increased focus on evidence became apparent in participants’ discussions.

**Fifteen years old.** In those groups who deliberated a case involving a 15-year-old child, participants stated that they would believe a younger child more than an older child. For example, participant FA3068CH stated: ‘with such graphic testimony i’d think that someone had done these things to her. I don’t think a 6 year old would be able to make up such detail, so i’d likely believe her’, and participant DI6425DA stated: ‘Yes, I would believe them more if she was younger’. The older child victim was perceived as less vulnerable, more likely to lie, more able to resist, and less naïve. This supports previous research, which suggested that older child-victims are often believed less than younger child-victims (Duggan et al., 1989; Goodman et al., 1989; Waterman & Foss-Goodman, 1984) because they may have a greater propensity to lie.

In addition, those groups who deliberated a case involving a child of 15 years were more likely to vote ‘not guilty’, with one group split in their votes. For example, participant BE3190AN responded: ‘No. it's really just "he said, she said" and without any other evidence or testimonies, cases like that are
impossible to prove either way’, and DI6425DA stated: ‘If the child was younger I would find them more inclined to be guilty…with this case not with just the information given’. Thus, although mock jurors perceived a child of 15 years as more competent to recall the assault, they also perceived the child as less trustworthy, less vulnerable, more responsible, and more likely to lie. Further, there was an even greater focus on evidence, as victim age approached adulthood.

Table 2. Mock jury verdicts by specific ages of child victim

<table>
<thead>
<tr>
<th>Age (years)</th>
<th>Guilty</th>
<th>Not Guilty</th>
<th>Split</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>3</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>15</td>
<td></td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

No impact of age. The effects of victim age were analysed across scenarios, so when mock jurors responded to how the age of the child impacted upon the perception of the case, some (35.3%) remarked that it actually had no influence and that it was the evidence presented that determined their perceptions of credibility. For example, participant MA3465DA stated: ‘age would not be a factor… it would depend on the evidence’, and another remarked: ‘I do not believe that the child’s age is of great importance, the evidence of the alleged offence and the behaviour of the child after the alleged offence make age immaterial’. This finding is similar to that of other studies which have found no relationship between age and credibility (Ross, Miller, & Moran, 1987; Wells, Turtle, & Luus, 1989), instead highlighting the impact of
strength of evidence (Visher, 1987). However, as the ‘lack of evidence’ was held constant across victim age, it became apparent that mock jurors were affected by victim age. It appears though, as if participants were not aware of their perceptions, as they did not recognise or acknowledge age to be a factor in their decision-making process, while their verdict decisions indicated the opposite.

**Victim Blame**

Related to attitudes towards the child’s credibility is the perception of the child’s behaviour during and after an alleged assault. In this study, participants supported the idea that older children should be able to resist sexual abuse. For example, one participant stated: ‘I just mean the 15 year old obviously is more worldly and intelligent than a 6 year old on this topic, so they are aware of what is happening to them and can make the decision to leave, whereas I dont know if a 6 year old would know that they should run out of the room’. This comment is related to the stereotype of ‘blaming the victim’ in that older children should be able to resist, similar to the adult rape myth of ‘blaming the victim’. This finding supports previous research which has found that victim response during a depicted assault can increase jury attribution of responsibility and blame to the victim (Broussard & Wagner, 1988; Waterman & Foss-Goodman, 1984). Thus, while some participants felt that the lack of resistance from the older child suggested some responsibility, research has shown that some children will resist, while others will not, regardless of age (Leclerc, Wortley, & Smallbone, 2010).
The Role of Evidence in Deliberations

It was hypothesised that the pre-existing beliefs of jurors regarding CSA victims would have a greater impact on verdicts when the evidence was weak, particularly when the child was older. The sections that follow describe how jurors perceived the evidence in the scenarios and how these perceptions impacted their perceptions of guilt.

Evidence. It was apparent that the presentation of testimony alone was not sufficient for some groups to render a ‘guilty’ verdict, resulting in a ‘not guilty’ or ‘hung jury’ outcome. For example, participants referred to the lack of evidence with participants such as he6714da who remarked: ‘i couldn’t make a decision based on the evidence provided… i have no background/history/medical and psycho analysis etc’, and JA3152JE who commented: ‘I don't believe there is enough information there to convict him beyond reasonable doubt’. Some participants suggested that the evidence presented was too ambiguous to render a ‘guilty’ verdict, while others stated that the defendant’s behaviour (i.e., initiated the contact, controlled the situation) was a determining factor. Corroborating evidence was a particular concern for many jurors, similar to findings in previous research (Duggan et al., 1989), and this was more important for the older child condition, yet there was still some concern for this factor in the pre-adolescent condition.

Evidence within testimony. One of the most coded sub themes in the evidence category was that of testimony. Within this sub theme, mock jurors commented on the inconclusiveness of the defendant’s testimony and the level of believability in the child’s testimony. For example, participant LE3182BR stated: ‘if that was all I had I would find it hard to decide the defendants side
doesn't sound very compelling though’ and SC3182DA stated: ‘based solely on statements? no’. This suggests that mock jurors perceived the defendant testimony as insufficient to be convincing of either guilt or innocence and thus, relied on the child’s statement to attribute blame and responsibility. The detail, language, adequacy, and believability of the child’s statement were important for evaluating the truthfulness of testimony. Many participants who voted ‘guilty’ referred to the detail of the child’s statement: ‘the child has gone into extensive detail so you have to ask yourself where would a child get this info from. Based on that I would have to say guilty’ and referred to the language that was used by the child to describe the alleged assault.

**Historical evidence.** Many of the mock jurors stated that access to the history and background of the child, the defendant and the child’s mother would influence perceptions of witness credibility and the determination of guilt. This type of evidence included criminal history, family history, previous trauma, and previous allegations or convictions of CSA. For example, some participants remarked: ‘If the child had falsely accused others you would question it’, and ‘has the girl lied about anything so serious before, been a victim or sexual abuse or someone she knows has been, and for the father, any past accusations’. Given that the case presented provided no other supporting evidence, the backgrounds and histories of the child, defendant and mother were perceived as highly influential in evaluating trustworthiness.

**Forensic evidence.** A further type of evidence that participants suggested would impact on their attribution of guilt in the CSA case presented was forensic evidence, such as DNA, medical and physical evidence. For example, some participants stated that physical evidence would assist in
determining whether the assault actually occurred: ‘id like physical signs of abuse, but i know that that probably wouldn’t happen in this case’, and ‘In addition to believing a child a doctors support that a sexual assault had happened’.

**Expert evidence.** To further understand the case, participants reported that some type of expert testimony would assist in determining the credibility of the characters, the believability of the allegation and in the determination of guilt. The majority of mock jurors stated that psychological examinations and reports would be the most useful type of expert evidence for defendants and complainants. For example, one participant suggested: ‘Possibly a statement from a counsellor or psychiatrist as the child’s behaviour had changed after the abuse which would amount to something as children don’t change overnight if they have not been traumatised’. Participants also stated that they would like to see police statements, reports from services such as the Department of Human Services and educational reports. This suggests that potential jurors would like a plethora of expert evidence in an effort to fully understand both sides of the case.

**Implications**

In this study, groups were more likely to perceive a younger child as more credible than an older child, particularly in relation to the older child’s perceived lack of resistance and ability to lie, which may have influenced verdicts. As previously stated, older children have been perceived similar to adult sexual assault victims, which may lead to higher incidences of victim blaming and have serious implications for the outcome of trials. As has been found in previous research (Back & Lips, 1998), finding fault in the child
victim’s credibility, consistency, competence, or trustworthiness as a result of stereotypes, such as lack of resistance or age, can be used by jurors to justify the assault. This is comparable to subscribing to adult rape myths (Burt, 1980), which has been a significant factor in adult sexual assault trials (Hammond et al., 2011). Similar to education campaigns that have targeted adult sexual assault and domestic violence, child sexual assault victim blaming may benefit from sustained education campaigns that target specific populations, such as children in schools, parents, and the general public. These types of media campaigns may lead to an increased understanding of CSA, which in turn, may reduce the influence of stereotypes and preconceived attitudes.

The findings of this study suggest that lack of evidence in court may be a significant factor in the type of verdict outcome that is achieved, supporting previous research (Kalvern & Zeisel, 1966; Vidmar & Hans, 2007; Visher, 1987). Supporting evidence for these cases is considerably difficult to obtain, so when the case is based on limited or weak evidence as in the current study, certain factors may help jurors to reach a just outcome. The provision of expert testimony to educate the jury on the effects of sexual assault and impact of legal procedures the child may assist in reducing preconceived perceptions and victim blame.

Given that jury decision-making may be susceptible to such influences as victim blaming when there is little evidence, deliberations may benefit from a structured approach similar to what has recently been used in New Zealand courts. This structured method, dubbed the ‘question-trail’, provides jurors with a pre-written summary of the case alongside structured questions relating to the evidence and relevant law (Victorian Law Reform Commission, 2009).
This method is relatively new in Victoria and is called the ‘jury guide’ (Victorian Law Reform Commission, 2009), and it may assist in reducing attribution errors, even when there is little corroborating evidence.

**Limitations**

The small sample size and inconsistent numbers of participants across the groups may have affected the allocation of verdicts. It is noted that due to data collection difficulties, some groups consisted of less than five participants, which reduced the application of the results to mock jury research, which usually consists of at least six mock jurors. This limited the ability to conduct quantitative analysis and reduced external validity, which is so often a problem in jury research. In addition, the limited amount of information given in the vignettes, while reflective of some CSA cases, may have biased participants towards the victim. Future research should address these limitations by keeping group numbers consistent and by expanding case information to include witness statements and extended defendant testimony. Video-recorded simulation trials (as seen in other studies) may also enhance external validity.

**Conclusion**

This study has highlighted how perceptions towards a victim in an alleged child sexual abuse case have the potential to impact groups who deliberate a fictional child sexual assault case. Findings indicated that the perception of credibility of the child-witness was based on several factors: age, evidence, and blame. Focus groups debated the truthfulness of the allegation, or whether the child was capable of lying, and the context of the assault, such as the victim and defendant’s reported behaviour. In addition, participants cited aspects of evidence such as the believability and inconclusiveness of the
testimony presented, forensic evidence, such as DNA, and expert testimony, such as psychological evaluations, which were important in determining verdicts. The age of the child affected the perception of competence, behaviour during the alleged assault, and trustworthiness. What is most noteworthy is that while some participants claimed that age would not affect their verdict decisions, their actual verdict choices indicated otherwise and showed that the older the child, the fewer the guilty verdicts.

Overall, these results show that while laypersons may believe they are not affected by extra-legal influences such as perceptions of victim age and behaviour, the resulting verdicts suggest that these factors could impact group decision-making when medical or corroborating evidence is weak. Lack of evidence was a significant factor in determining credibility of witnesses and for arriving at a verdict. Evidential factors such as witness and expert testimony, physical and psychological evidence were prominent in decision making, particularly for ‘not guilty’ verdicts. Thus, when there is weak or little evidence and the child victim is older, ‘not guilty’ verdicts may be more likely to occur.

This study contributes to the literature by providing a thorough description of a decision-making process that may be highly applicable to future jury decision-making research. While there are a number of limitations noted (e.g., group sizes), this study provides an increased understanding of how the Australia public currently perceives child victims of sexual assault, and how these perceptions could influence potential jury trials. The study also highlights the apparent disconnect in general negative attitudes towards CSA and low conviction rates, particularly in relation to the age of the child victim.
Moreover, this study demonstrates a new method of data collection that may be of benefit to future research in jury decision-making, as data collection in jury-decision making often proves to be difficult.
References


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Chapter 7. Discussion

The overall purpose of the studies presented above was to evaluate the Australian community’s attitudes towards child witnesses in an alleged child sexual assault case. More specifically, the aims were to examine the impact of these beliefs on perceptions of a child victim’s age and credibility and on the determination of guilt. This was explored through a newly emerging methodology in this area of research: online focus groups deliberating as mock juries. This methodology was used not only to contribute to the improvement in mock jury simulation research, but also to further the application of qualitative thematic analysis in jury decision-making studies.

The focus of this discussion is to consider the main findings of the research as a whole and review the implications for jury decision-making. The discussion begins with a summary of the main findings and a brief recap of the results from each paper. Thereafter, it will focus on the implications, strengths, limitations, and future directions, concluding with a summary of the research as a whole.

7.1. Summary of Key Research Findings

The present research suggests that group dynamics and social influences can become prominent when there is limited evidence presented in cases of child sexual assault. In addition, the results suggested that juries might regard older children less credible, less trustworthy, and less believable, which augments previous research in this area (Gabora et al., 1993; Goodman et al., 1989; Rogers & Davies, 2007). These findings also suggest that attitudes and perceptions of child witnesses in these cases have not changed.
significantly in recent years, and reflect the discrepancy between recorded sexual assaults, conviction rates and actual prison sentences, as discussed in the introduction (Australian Bureau of Statistics, 2010; Fitzgerald, 2006; D. Kerr, 2003). As seen in paper three, when the child victim was older, most juries in this study voted ‘not guilty’ and appeared to endorse the attitude of ‘blaming the victim’. This finding is also reflective of what appears to be still occurring in the Australian High courts when there is minimal corroborating evidence in these cases.

More specifically, the Australian community appeared to still hold erroneous beliefs and perceptions of child sexual assault, which impacted on the deliberations of mock juries. The lack of evidence in the alleged case was found to affect the final verdict, as did the age of the child and characteristics of the jury. This suggests that the wider Australian community requires consistent and relevant information and education regarding the identification and impact of child sexual assault in younger and older children. Given the increase in sexual victimization of young people in online communication, it stands to reason that the use of electronic campaigns may be a viable option for educating young people.

Additionally, the methodology provided a platform with which to examine how individuals communicate about sensitive issues while in an online environment. The research also aimed to improve the limitations of single juror research, and even though some computer-mediated groups had the potential to develop group polarisation, the electronic environment may have reduced the development of this threat to jury deliberations.
The first paper, a methodological study of electronic focus groups, concluded that the online nature of deliberation was useful in the determination of how community members created meaning in cases of child sexual assault. The findings reflected the impact of legal constraints and the consideration of each individual’s social world, language and power. The second paper, an empirical study into the development of group polarisation in jury decision-making, found that this group dynamic did not appear to develop during the structured deliberation groups. Findings also showed that lack of evidence was one of the most important determinates of verdicts, which reinforces previous research into strength of evidence (Vidmar & Hans, 2007; Visher, 1987).

The third paper, an empirical study into attitudes towards witness credibility and age showed that as the age of the child-witness increased, perceptions of credibility and guilty verdicts decreased when there was a lack of physical evidence. More specifically, groups had more difficulty determining a verdict when the case was based on testimony alone, and were more likely to request supporting material when the child was older. Implications for these findings were discussed. Taken as a body of research, the studies in this thesis suggest that juries may still hold some erroneous perceptions in child sexual assault cases, and that these misconceptions can be influenced by the group dynamics within the jury itself.

7.2. Implications

7.2.1. Research. This research provided an insight into how the preconceived attitudes of jury members could influence the perceptions of child witnesses and the verdict. As previously stated, there have been a limited number of studies that have focused specifically on deliberation processes,
perhaps due to expense and organisational difficulties. Yet, deliberation in jury research is paramount (Diamond, 1997), and this thesis has contributed to the existing knowledge of jury decision-making by attempting to implement a technology that highlighted how a mock jury might reach a verdict in an alleged child sexual assault case. In addition, these online jury deliberation studies were cost effective, time efficient, and offered wider recruitment options.

Participant recruitment is a difficulty that most researchers encounter. An increasingly used method that is proving very effective for recruitment is the Internet, which includes platforms such as email, social networking sites, social group web pages, and online classifieds. The associated cost can be substantially less than traditional methods of recruitment such as print media or television. Furthermore, there is the potential to reach a worldwide participant pool via the Internet. A limitation to this method is that it may restrict the type of participant to those who are computer literate and technically savvy. In addition, it may also lead to participant bias in education level and economic status. It is acknowledged that there will be a number of individuals that may have difficulty using this method, such as older adults, yet, there are several ways this can be overcome. For instance, the researcher can request that the information be forwarded to others, implement the use of voice-activated speech-to-text software, and supply specific computer-based instructions, all of which may assist in increasing accessibility. As such, online recruitment has the capacity to yield a large participant pool and provide a cost effective recruitment tool.
This methodology does have implications for the researcher in simulated jury studies. This is due to the interactive nature between participants and researcher in an environment that, in some instances, does not have a visual element. Researchers have to be familiar with the impact of the medium on the participant, which means that online deliberation groups require a facilitator that can run a safe and effective space in which participants feel comfortable to engage in rational conversation. A researcher / facilitator should be trained in moderating groups in order to encourage responses from all participants, monitor the emotional status of the participants, mediate between people, and ensure that there is equal communication time between quieter and more outspoken individuals. Some computer programs can provide the researcher / facilitator with the capacity to communicate with participants through private chat, which can help to reduce any disruptions to the larger group conversation and keep the line of communication open. Given that the online facilitator has no access to non-verbal cues, immediate interpretation of the text, or lack thereof, is crucial.

Transcription and data analysis are some of the most time-consuming aspects of qualitative research. In face-to-face groups, data may be audio or video-recorded, which then need to be transcribed before analysis. This can be costly and time consuming so the use of online computer software can enable the electronic conversations to be saved in a text format, which results in a transferable document that can be uploaded in several computer programs or printed out for manual data analysis. The need for transcription services is reduced and a substantial amount of time and cost is saved.
Synchronous online focus groups were used in this study in order to reduce cost, improve participant recruitment and reduce dropout, assist in data transcription, and most importantly, assist in the deliberation of a sensitive social topic. Misconceptions (prejudice) and lack of physical evidence are still significant problems in jury trials. This thesis contributed to the wider literature by offering a layered understanding of potential juror bias and a description of a decision making process in an alleged child sexual assault case.

Given the sensitive nature of this research topic, it was initially difficult to retain a diverse participant sample. Therefore, it was decided that an incentive might help increase participant numbers so online gift vouchers for the amount of ten dollars was offered. The discussion of sensitive subjects, such as child sexual assault, could lead to participants to present as guarded, vulnerable, or even misrepresent themselves online, leading to skewed or biased data (Mann & Stewart, 2000). The ethical considerations of conducting this type of research online were regarded very seriously in the current study. A number of safeguards and supports were implemented to reduce potential ethical pitfalls, such as: unintentional participants (e.g., those individuals online who were not specifically invited to join the focus group); victims or offenders; individuals who were under 18 years old; and vicarious trauma from the specific nature of the vignettes. To address these issues, participants were required to surrender their email addresses to the researcher, and electronically consent to the study before they were given the link to the secure chat room. Additionally, participants were able to complete the questionnaires and opt out before attending the focus group.
Participants were able to contact the researchers before, during and after the focus groups and were provided with debriefing and counselling options at the end of each session. Finally, participants were followed up, via email, after the groups to provide vouchers and evaluate any resulting issues from the simulations. Overall, the studies showed the importance of investigating the use of technology in groups because communication technologies are quickly becoming a valuable methodological tool for decision making researchers (Hollingshead, 2001). Given that current jury decision-making research aims to focus on the effects of group deliberation, and computer-mediated communication has increased in the daily lives of individuals, this method could be very useful for future group decision-making studies.

7.2.2. Policy / practical implications. High dropout rates from police reports through to prosecution remains a significant concern for the criminal justice system (Fitzgerald, 2006; Wundersitz, 2003). A number of practical implications regarding these issues were discussed in the third paper. These included increasing supporting information presented in court when there is little or no physical evidence; providing education about child sexual assault to juries, particularly when the child-victim is older; and informing juries about the effects of sexual assault on the child-victim, all of which may decrease juror misconceptions.

Accurate and consistent public education is still needed to decrease the likelihood of jury misconceptions. These could be modelled on previous Australian campaigns for anti-smoking and drink driving, which have seen some encouraging results. In addition, the Australian Childhood Foundation is
currently lobbying the Australian government to develop a national awareness
campaign to educate the public on child abuse (Australian Childhood
Foundation, 2012). In conjunction with improved legal responses, policy and
increased avenues for support, a confronting and realistic campaign or
intervention that targets the misperceptions of CSA, victim blaming in
particular, may assist in changing the attitudes and beliefs of the Australian
population. The following section considers the strengths and limitations of
this thesis coupled with suggestions as to how future research might improve
these limitations.

7.3. Strengths, Limitations, and Future Directions

7.3.1. Online methodology. This research demonstrated that online
focus groups were useful for understanding deliberations, decision-making,
and the pre-conceived perceptions of child sexual assault. There has been
limited use of computer-mediated communication in research of this nature,
and given that online communication is very different to face-to-face
communication, more research is needed to determine the robustness of this
method for jury decision-making studies.

Strengths. An informed a-priori decision was made to recruit members
from the community rather than undergraduate university students in an effort
to reduce the sampling effect that has been evident in other jury studies (Keller
& Weiner, 2011; Weiner et al., 2011). While some researchers have suggested
that there may not be any significant difference in these sample types
(Borstein, 1999), or that these differences can be predicted (N. L. Kerr &
Bray, 2005), the current study encouraged members of the Australian
community, over the age of 18 years, to participate in jury deliberations online
in an effort to improve the ecological and construct validity of jury studies. As a result, the homogeneity of sample’s demographics was reduced, and may be considered to be reflective of the general population.

**Limitations.** Inconsistent group sizes (e.g., group 7, \( n = 3 \); group 15, \( n = 5 \)) and small overall sample size (\( N = 34 \)) lead to a lack of statistical power in the study design. The small sample size and inconsistent numbers of participants across the groups may have affected the allocation of verdicts and the development of group polarisation. It is noted that due to data collection difficulties, some groups consisted of less than five participants, and as such, reduced the application of the results to mock jury research where studies usually consist of at least six mock jurors. The small sample size limited the ability to conduct quantitative analysis and reduced external validity, which was noted to be a significant problem in jury research. This may have affected the resulting verdicts; however, due to limited data collection time, this was unavoidable, but in future research this could be more effectively controlled.

Computer-mediated communication technology is prone to technical difficulties These problems may include internet drop out, a lag in response time due to internet connection speed, non-attendance or onscreen text issues. The current study was affected by these factors, which did impact deliberations in a minimal way. Groups were cancelled if less than two participants attended but groups did continue if there was an electronic connection lost during the deliberations (which only occurred once).

In addition, selection bias can be problematic for online research, particularly when recruitment and data collection are both conducted electronically. Potential participants may be restricted to those who are
computer-literate, which can increase the risk of non-representativeness and decrease external validity. This study attempted to increase the heterogeneity of the sample by advertising on a wide range of websites in addition to traditional methods such as emails and posters.

**Future directions.** First, future research would benefit from keeping numbers consistent across electronic groups for ease of comparison and to increase statistical power. This may be achievable by implementing more stringent follow-ups and reminders to ensure participant attendance. Second, the online environment appeared to facilitate enthusiastic discussions. Given the nature of this research, the potential for strong opinions and argument during discussions is high. Volatile online groups need to be managed carefully by the moderator. In face-to-face focus groups, the moderator is able to identify escalating volatility through cues such as body language and speech patterns, whereas an online moderator must be skilled in the interpretation of written text, symbols, and the electronic environment.

A face-to-face moderator can ask the participant to physically leave the space or to refrain from communicating for a period of time. Yet, it is conceivable that the lack of non-verbal cues, such as facial expressions, and sound cues, such as intonations, can lead to misunderstandings and conflict. In online environments, this can lead to a reduction in responses, an increase in derogatory remarks or even participant dropout, resulting in a negative group dynamic. Any conflicts that arose during the focus groups in this study were alleviated by the group members themselves or through direct communication from the moderator to participant. The interaction between the moderator and the participants was important for maintaining the emotional state of
participants, the clarity of online communication, and the flow of the group. To ensure the potential for conflict is kept to a minimum in future studies, options for an online moderator could include remotely removing participants from the chat room, communicating individually with participants, or interjecting in the discussion, all of which should ameliorate any tensions that could arise. Risk assessments of participants to monitor any harm during the focus groups may also be a beneficial tool for identifying the impact of the discussion upon participants.

It is noted that there was potential for participants such as offenders or victims to access the research, given the anonymity of the electronic method. Ethical considerations such as participant access or re-traumatisation are important for child sexual assault studies, so future research should consider stricter selection of individuals, perhaps with a pre-screening questionnaire to identify inappropriate participants. In this study, participants completed attitude questionnaires before attending the focus groups so any extreme attitudes towards violence would have been flagged.

In sum, the online methodology offered a larger, more diverse participant pool, improved participant recruitment, reduced associated costs, and reduced transcription time. The anonymity provided by the online nature of the groups gave participants the freedom to engage in ardent debate and express a comprehensive range of attitudes and beliefs. However, with regards to potential ethical concerns, it was uncertain whether participants were consulting with others or were offenders themselves.

7.3.2. Jury decision-making. To understand of how groups of laypersons deliberate in order to reach a decision, participants deliberated
online, in a structured manner, across three studies, to ascertain what factors influenced jury decision-making in a child sexual assault case.

**Strengths.** The current study examined jury deliberations by using a structured deliberation based on the ‘question-trail’ or ‘jury guide’ method that has been recently reviewed by the Victorian Law Reform Commission (2009). It provided mock jury groups with a summary of the witness and defendant testimonies alongside relevant questions relating to perceptions of the case and determinations of guilt. While the current study was not a direct replication of the question-trail method, it did provide an indication of whether group polarisation was likely to develop when structured deliberation was implemented. These types of jury directions may be seen more readily in Australian courts in order to reduce misunderstandings by the jury during complex trials. The results of this study may contribute to the research in this area.

**Limitations.** Recognised limitations in this study included the use of written vignettes, the limited amount of information available in the case vignettes, and the lack of realism in the jury methodology (e.g., judge’s preliminary comments, jury instructions, potential expert testimony). So, it is possible that these written vignettes may have decreased the ecological and external validity, thus reducing the generalizability of findings for this study. This point has been argued by some researchers to be a pertinent methodological concern for jury decision-making research (DeMatteo & Anumba, 2009; Diamond, 1997; Levett et al., 2005). As such, the researchers of this current body of research acknowledge that the vignettes presented in the studies presented earlier may lack realism; however, the aim was to present a
case based on the testimony of a child witness and defendant, with no corroborating evidence, and based on vignettes that had been used previously in other studies (to increase validity). Moreover, it has been suggested by others that hypothetical scenarios do not significantly influence jury decision-making because the process, discussions, group dynamics, and legal considerations are more important for applications of findings (N. L. Kerr & Bray, 2005). Thus, while this current research may lack a degree of external and ecological validity, it does contribute to the understanding of how a sample of mock jurors interacted in a child sexual assault case, and assessed the credibility of a child witness when there was no corroborating evidence. In addition, it achieved this via a contemporary research method, which in future research, may reduce the time and cost involved in jury simulation studies.

Another limitation of this study was that there were no comparison groups for structured deliberation, group polarisation, face-to-face versus online groups, or strength of evidence. Thus, in order to ascertain and quantify exactly how much the structured deliberation type (i.e., the question trail) reduces group polarisation, it is necessary to systematically compare structured and unstructured deliberations in a CSA case, with much larger groups. Such research will also help to further extend our understanding of what mock jurors (i.e., community members) take into consideration in cases that are difficult to evaluate. Finally, it would be useful to identify whether this research has a future in an online capacity given its potential to reduce research time and cost and increase participation by comparing it with face-to-face groups.

Other limitations in the overall study design were that data should have been nested in order to analyse the group level data (i.e., jury groups) in
addition to the individual level data in each mock jury. The effect of belonging to a particular jury was not accounted for in the study design. This should have been addressed during the analysis and needs to be considered in future research. Finally, no causal relationships can be made between verdict outcomes, strength of evidence and group polarisation due to the weakness of the study design, thus conclusions should be considered as descriptions of a jury decision-making process.

**Future directions.** An extension of this methodology should include trial elements such as selection of a foreperson, pre-deliberation votes, witness statements, expert evidence, and judge’s directions in a videotaped mock trial to be shown online. These added variables would increase the realism of jury trials and add strength to the ecological and external validity of jury simulation studies (N. L. Kerr & Bray, 2005). Alternatively, future research may also benefit from emailing participants background information, expert evidence and testimonies by all involved parties immediately before the focus groups. These additions may assist in determining which pieces of evidence are more influential upon misconceptions in the jury.

7.4. Conclusion

The findings of this thesis have expanded, and contributed to, what is already known about misconceptions of child witnesses in jury deliberations. Previous research has confirmed that many people perceive younger child witnesses more credible than older child witnesses in sexual assault cases, and that these perceptions can influence jury decision-making. The current research extended these previous findings by investigating if these preconceived attitudes made a significant impact on how a group of laypeople
deliberated a case of child sexual assault. The results showed that while groups did perceive older children as less credible, age was not the most important consideration in determining guilt. Given the difficulties that jury deliberation research presents for researchers, such as cost, time, and recruitment, the current studies were conducted online to examine whether this methodology could prove useful for future work in this field.

An understanding of group dynamics and the processes that may affect the final outcome are also important for jury decision-making research. Analysing the discussions within mock juries and identifying how particular groups interact with each other can provide vital information about the expected behaviour of people based on their attitudes and beliefs, how to present a case, and the most likely outcome. While electronic deliberation can strip away some of the important static and dynamic cues that may be present in a real jury, this method could provide a powerful approach in future research through which to understand the impact of individual attitudes and beliefs upon group interaction and deliberative processes, and provide a useful adjunct to traditional jury decision-making research.

Overall, online focus groups may provide a valuable supplement to traditional face-to-face focus groups. This appeared to be particularly valid in the case of jury decision-making in an alleged child sexual assault scenario. The qualitative method provided new insights and computer-mediated communication suggested a useful new method in the investigation of deliberation of sensitive social issues in qualitative research. The studies in this thesis showed that the general public’s attitudes towards child sexual assault has not shifted significantly over recent years, despite increased media
attention and education. This suggests that current strategies have not been sufficient to change the attitudes and biases of adults towards victims of child sexual assault in court. Further research is needed to specifically address what type of strategies would be most effective, which could significantly contribute to court outcomes and the justice that victims receive.
References


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Hammond, E. M., Berry, M. A., & Rodriguez, D. N. (2011). The influence of rape myth acceptance, sexual attitudes, and belief in a just world on


Bottoms (Eds.), *Child Victims, child witnesses: Understanding and improving testimony* (pp. 169-201). New York: The Guilford Press.


Chapter 9. Appendices
Appendix A

Additional Method Section

Descriptive Statistics

Participants

The sample comprised of 34 participants, with ages ranging from 20 years to 56 years ($M = 32$ years, $SD = 8.67$). Meaningful data was obtained from 12 males (35.3%) and 22 females (64.7%) across all focus groups. Of those respondents, 38 percent were single, 58 percent were either married or in a de-facto relationship and two percent were separated. Of all participants, 29.4 percent had completed high school, 26.5 percent had completed postgraduate study, 17.6 percent had completed another qualification (i.e., apprenticeship), 14.7 percent had completed a university degree and 11.8 percent had not completed high school. Additional information regarding children was sought from participants: 17.6 percent currently work in a child-oriented field, 41.2 percent have, at some time, worked in a child-oriented field, and 29.4 percent of respondents have children. The focus groups consisted of uneven numbers of participants due to technical errors or participant drop out (see Table A1)
Table A1. Focus Group Participant Numbers and Variables

<table>
<thead>
<tr>
<th>Group number*</th>
<th>Participant number</th>
<th>Child age</th>
<th>Defendant age</th>
<th>Relationship</th>
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<tr>
<td>1</td>
<td>2</td>
<td>6</td>
<td>50</td>
<td>Neighbour</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
<td>6</td>
<td>36</td>
<td>Father</td>
</tr>
<tr>
<td>3</td>
<td>2</td>
<td>6</td>
<td>50</td>
<td>Neighbour</td>
</tr>
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<td>4</td>
<td>15</td>
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<td>3</td>
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<td>Father</td>
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<td>Neighbour</td>
</tr>
<tr>
<td>8</td>
<td>3</td>
<td>15</td>
<td>50</td>
<td>Father</td>
</tr>
<tr>
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<td>Father</td>
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<td>Neighbour</td>
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<td>3</td>
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<td>Father</td>
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<tr>
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<td>5</td>
<td>15</td>
<td>36</td>
<td>Neighbour</td>
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*Groups 1 - 4 were analysed as a pilot study.
Table A2. Additional Demographic Information

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<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>Post-Graduate</td>
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<tr>
<td>Other</td>
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<tr>
<td>Part-Time</td>
<td>1</td>
</tr>
<tr>
<td>Not in paid employment</td>
<td>0</td>
</tr>
<tr>
<td>Student</td>
<td>0</td>
</tr>
<tr>
<td>Current Australian State</td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>---</td>
</tr>
<tr>
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<td>Queensland</td>
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<td>Tasmania</td>
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<td>Northern Territory</td>
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</tr>
</tbody>
</table>

**Materials**

**Sexual assault vignette.** The sexual assault vignettes, adapted from previous studies (Back & Lips, 1998; Maynard & Wiederman, 1997; Rogers & Davies, 2007; Waterman & Foss-Goodman, 1984), described an alleged child sexual assault and an associated defendant statement (see Appendix B). None of the vignettes were based on any physical evidence, as is often the case in actual cases (De Jong & Rose, 1991). Each scenario described the same appellant and defendant testimony but the ages of the child and the defendant were systematically varied to produce a total of twelve vignettes.

The female child was depicted as six, 11 or 15 years old. These particular ages were chosen to represent victims who are clearly under the age of consent (6 and 11-years-old), and a victim who is one year below the legal age, according to legislation. Age 15 years is also approaching the age of adult rape victims and many lay persons are thought to still ascribe to the myth of “blaming the victim”, in which it is perceived that the victim should have the ability to resist (Burt, 1980). The Australian Personal Safety Report (Australian Bureau of Statistics, 2006) stated that before the age of 15, 12
percent of females had been sexually assaulted compared to 4.5 percent of males.

The offender was depicted as either a 36- or 50- old male and was either the child’s father or her neighbour. According to the Sentencing Advisory Council (Sentencing Advisory Council Victoria, 2011) the most represented age ranges of the offenders in charges of sexual penetration of a child under the age of 10 were 35-39 years, 55-59 years and 50-54 years. Furthermore, Finkelhor demarcated child sexual abuse as ‘any sexual interaction between a child and an older person where the offender is at least five years older than children under the age of 13, and at least 10 years older than children aged 13 to 16 (Finkelhor in Back & Lips, 1998, p.1240). Thus, the chosen ages in this study were reflective of current statistics. The vignette depicting a female child with an adult male is described in Appendix B. The corresponding ages and offenders are in parentheses.

Measures

**Basic Empathy Scale.** Participants were asked to complete the 20-item Basic Empathy Scale (BES; Jolliffe & Farrington, 2006, see Appendix C), a Likert-format instrument that measures ‘the degree to which one person understands and shares the emotions of another’ (Cohen & Strayer in Jolliffe & Farrington, 2006, p. 592). Participants indicated their agreement with each statement on a 5-point scale from “Strongly Disagree” (1) to “Strongly Agree” (5). The scale comprised eight negative items, which were reversed before scoring. The scale consisted of two subscales, which measured two facets of empathy. The *cognitive empathy* subscale measured the cognitive understanding of the emotions of another, for example, “I can understand my
friend’s happiness when she/he does well at something” and had a Cronbach’s alpha coefficient of 0.88 in the current sample. The affective empathy subscale measured the degree to which a person shares the emotions of another, for example, “I get caught up in other people’s feelings easily” and had a Cronbach’s alpha coefficient of 0.79 in the current sample. All items were then summed to produce an overall total empathy score, which had a Cronbach’s of 0.84 in the current sample. Higher scores indicated higher levels of empathy. The BES has been used in a number of studies that have provided evidence for validity and reliability (Albiero, Matricardi, Speltri, & Toso, 2009; D'Ambrosio, Olivier, Didon, & Besche, 2009). Permission to use the scale was granted by its author.

**Illinois Rape Myth Acceptance Scale.** Participants were asked to complete the 20-item short-form Illinois Rape Myth Acceptance Scale (IRMAS; Payne, Lonsway, & Fitzgerald, 1999), a Likert-format that measures an individual’s attitudes and beliefs that ‘serve to deny or justify male sexual aggression against women’ (Lonsway & Fitzgerald, 1994, p. 134). Participants indicated their agreement with each statement on a 7-point scale from “Strongly Disagree” (1) to “Strongly Agree” (7) on items such as, ‘A woman who is raped while she is drunk is at least somewhat responsible’. Responses to items were summed to produce a final score. Higher scores indicated greater rape-myth acceptance. The IRMAS has been used in a number of studies, lending support for the reliability and validity of the scale (Aosved & Long, 2006; Chapleau, Oswald, & Russell, 2007) and Cronbach’s alpha coefficient was 0.91 for the current sample (see Appendix D).
**Paulhus Deception Scales.** The Paulhus Deception Scale (Paulhus, 1984) was developed from the earlier version of the Balanced Inventory of Desirable Responding (BIDR), and is used to measure the tendency to respond in a socially acceptable or desirable manner (see Appendix E). The 40-item scale consists of two sub-scales: self-deceptive enhancement (SDE) and impression management (IM). The self-deceptive enhancement sub-scale characterizes unconscious bias towards overconfidence and self-inflated responses, with high scores suggestive of high self-esteem but poor interpersonal adjustment (Paulhus, 1999). The Cronbach’s alpha coefficient for this subscale was 0.77 for the current sample. The impression management sub-scale measures conscious uses of faking or lying and high scores are suggestive of a tendency towards social acceptance (Paulhus, 1999). Impression management in this study was used to determine if respondents were purposely self-enhancing their responses to the questionnaires. Impression management has been used in simulation studies to determine fakers from non-fakers (Paulhus, Bruce, & Trapnell, 1995). The Cronbach’s alpha coefficient for this scale was 0.82 in the current sample. All items were then summed to produce an overall total social desirability score, which had a Cronbach’s of 0.83 in the current sample.

**Physical Volence against Current Partner Justification Scale.** Participants were asked to complete a 9-item partner violence scale (N. Taylor & Mouzos, 2006) which was used to measure to extent to which individuals agreed on a 5 point-scale (1 = strongly agree to 5 = strongly disagree) with items such as, “a man would be justified in using physical force against his wife or partner if she ‘argues with or refuses to obey him’ or ‘refuses to have
sex with him’ (see Appendix F). All 9 items loaded onto one factor, accounting for 54 percent of the variance. All items loaded at 0.67 or higher.

In the current study, Cronbach’s alpha = 0.89.

**Elluminate Live! (eLive).** The secure online Deakin University chat room, eLive, provided synchronous electronic communication. The chat room was downloaded with the use of Java Web Start software, which participants had consented to have temporarily installed on their computer (Appendix G for instructions and screenshot). For this study, microphones, speakers and headsets were not required.

**Procedure**

Recruitment was elicited through the use of online social networking sites, parenting websites and an Australia-wide classifieds website. The advertisement outlined the purpose of the study as ‘research to find out how the Australian public perceives child sexual abuse. The aim of this study is to rectify the low conviction rate in child sexual abuse cases.’ A link to the project outline was posted on a specifically designed page on the social networking site and a ‘pay-per-click’ advertisement was created for general distribution (see Appendix H). The advertisement that was visible on the parenting website and the classifieds website directed the participant to express interest by contacting the researchers on the email address provided.

In addition, participants were offered an incentive by means of an online gift voucher, as they had been asked to set aside an hour of their time and have access to a computer with an Internet connection. The amount of $10 was offered as not to place those individuals, which may have been unlikely to participate, at any undue risk of harm. In keeping with the highest amount of
confidentiality offered in this project, names and addresses of the participants were not sought. The vouchers were emailed to the participant, using the email they provide, immediately following the focus group. They were then able to log on to the website (www.giftvouchers.com) to use the voucher in a number of retailers.

**Data Collection**

The researcher responded to participant interest by emailing a copy of the Plain Language Statement (PLS; see Appendix I) to each participant and a brief outline of the procedure. Potential participants were asked to carefully read the PLS, which contained an excerpt of the vignette, and then to contact the researcher to arrange a convenient time in which to participate in a focus group. For those who responded with interest, the researcher provided a number of days and times of scheduled online focus groups. When the respondent selected a time, the researcher provided an electronic instruction sheet that outlined the steps required for accessing the online questionnaires, focus group, and codename development for use in the group (see Appendix G). Respondents were asked to complete the online questionnaires before they participated in the focus group. Once the respondent clicked on the questionnaire link, they were redirected to a page that consisted of the Plain Language Statement and consent form. By clicking on the “I do consent” button, the participant indicated that they understood and agreed to participate in the study.

Each focus group was generated by the availability of participants. The researcher had pre-loaded the relevant focus group vignette before the session began. As per the instruction sheet, the participant clicked on the web link that
allowed the e-live program to be installed on their computer. The participant typed in their codename, which was visible on the computer screen. At the commencement of each focus group, participants were briefed on the aims and objectives of the session. The moderator / researcher established ground rules, reminded participants to keep focused, maintained momentum, and obtained closure on questions. The moderator / researcher encouraged shy participants if they felt anxious about revealing their opinions / feelings during the focus group.

The focus group began with general questions regarding child sexual abuse, such as “How do you define child sexual abuse?” and “Do you think child sexual abuse is a problem in Australia?” Participants were then asked to read the vignette, from which deliberation began. Questions such as “How credible do you find the child?” and “What parts of the case were most influential?” were asked by the researcher to encourage discussion (see Appendix J). A summary of the key points raised was given and participants were asked for any final remarks. Participants were de-briefed, and counselling telephone numbers and websites were given to the participants at the end of the focus group.

Pilot

A pilot study was conducted in order to ascertain the technical and content components required for the main study. It was also used to develop a set of relevant questions that would guide the exploration of child sexual assault phenomena. The pilot consisted of one vignette (victim statement) and a guilt rating scale in a Likert-format. Two dummy-run focus groups were conducted with the main researchers and an IT consultant to discover and
repair possible technical difficulties. Following this, a total of 11 individuals participated in four pilot focus groups in order to revise the semi-structured discussion guide and get feedback regarding the administration of the focus groups. In an iterative process, questions were modified and the Likert-format guilt ratings were abandoned. At the conclusion of the pilot, a second vignette was added in order to balance the case scenario and add to the ecological validity of the study. The variable of age was reviewed and amended to include three victim ages and an increase in the defendant age. It was believed that these changes would reflect the ambiguity that is sometimes apparent in child sexual assault cases.

**Data Analysis**

All of the focus groups were transcribed and entered into NVivo, a qualitative software program that is used for organising and manipulating qualitative data. The focus group questions were collapsed and transformed into initial codes (or nodes). Some questions had been reframed during the course of the focus groups so as to be consistent and provide clarification for some participants. The deviating questions were collapsed into principal inquiries. Thematic analysis was undertaken in accordance with the procedure outlined in (Braun & Clarke, 2006). This process involved transcribing and becoming acquainted with the data; systemically coding the data for interesting characteristics; composing potential themes based on initial codes; revising themes across entire data set; clarifying themes and definitions; and generating an analytical paper (Braun & Clarke, 2006). Thematic analysis was chosen to underscore select themes and provide a more detailed account of these. In a phenomenological approach, each transcript was read individually to produce
introductory ideas about each participant’s responses during the discussion and become familiar with the data. Following this, the transcripts were systematically re-read in order to generate initial codes that may later become themes.

Analysis of group interaction was based upon a model initially devised by Stevens (1996) and modified by Watson, Peacock & Jones (2006). In this model, questions are used to inspect the data for interaction and content, such as ‘How do participants interact with and influence each other’ and ‘How were emotions expressed and handled online?’ In addition, examination of content was guided by questions used in previous research by Finegold & Cooke (2006) but modified for the current study, such as “How did non-verbal communication represent itself online?”, “How did participants interact with the moderator?” and “How did the technical aspects influence the running of the group?”

Transcripts of face-to-face focus groups may be vulnerable to error due to the use of audio equipment, background noise, transcription mistakes, for example. Given the electronic nature of the focus groups, the transcripts reflected the responses of the participants verbatim, thus creating accurate representations of the discussions. Spelling mistakes, multiple posts and incorrect grammar were considered important for analysis.

**Inter-Coder Reliability**

Inter-coder agreement, or inter-coder reliability, is a verification process used to confirm codes and themes developed from the analysis of qualitative data. The aim is to reduce subjective bias and error. Agreement is achieved when two or more coders examine the same text independently and
determine whether the codes and definitions are consistent (de Wet & Erasmus, 2005; Hruschka et al., 2004; Miles & Huberman, 1994). The reliability sample for the first round of coding, in an iterative process, consisted of 10 percent of the project data. This sample contained responses from all participants within a subset of random questions. Given that the first round was exploratory in nature, it was thought to be unnecessary to include the entire data set at this stage. The second round consisted of the same data set in order to compare revised codes and the final round consisted of responses from all participants in the study.

The primary researcher created an initial codebook in which codes were established from the analysis of responses to each question asked in the focus groups. For each code and sub code, the primary researcher developed definitions. Two separate coders were selected to examine the codebook and a sample of the text. The codebook consisted of each code, its definition, whether the coders agreed or disagreed and comments to create a systematic coding process.

Cohen’s Kappa was selected to calculate inter-coder reliability and this has been reported to be a preferred method for the coding of human behaviour (Bakeman, 2000; Dewey, 1983; Hruschka et al., 2004). The units of measurement used to develop the codes were: recorded responses of each participant, including text and symbols, and instances of Internet drop out recorded by the primary researcher. The kappa statistic can range between 1 and -1, with 1 indicating perfect agreement and 0 signifying agreement approximating chance (Hruschka et al., 2004). There are variations in the interpretation of the kappa statistic with criteria differing slightly in cut off
points. In this study, the criterion followed the taxonomy of Landis and Koch (in Hruschka et al., 2004) and is presented in Table A3.

Table A3. Interpretation of Kappa

<table>
<thead>
<tr>
<th>Kappa</th>
<th>Poor</th>
<th>Slight</th>
<th>Fair</th>
<th>Moderate</th>
<th>Substantial</th>
<th>Almost perfect</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 0</td>
<td>0.01–0.20</td>
<td>0.21–0.40</td>
<td>0.41–0.60</td>
<td>0.61–0.80</td>
<td>0.81–0.99</td>
<td></td>
</tr>
</tbody>
</table>

The inter-coder reliability level for the round of coding indicated only slight agreement, $kappa = 0.057$ ($p > 0.05$). Following this low level of agreement, disagreements with code definitions and representative text were discussed between the primary researcher and the coders. The codebook was then revised and subsequent changes made. The second round of coding produced $kappa = 0.221$ ($p > 0.05$), indicating fair agreement. The reviewed codebook and the sample of text were distributed to the coders until a substantial level of agreement was reached ($kappa = 0.79$, $p < 0.001$). The entire data set for the study was analysed following the final revision of the codebook (5 iterations).
CASE SUMMARY

MATTER: Abuse allegations

– Child sexual abuse allegations – standard of proof required to make a positive finding of sexual abuse –

Background

The father was aged 36 (50) years at the time of the incident and the mother was aged 35 (49) years. They live in the same residence with Jennifer, their daughter. Jennifer was 6 (11 or 15) years old at the time of the alleged abuse. Jennifer was home alone with her father (neighbour) while her mother was out shopping one day.

Sexual Abuse Allegations – Witness Testimony (Appellant)

During her testimony, Jennifer recalled that she had been sitting on the sofa in the living room. She stated that her father (neighbour) walked towards her and sat down on the sofa. She recalled that her father (neighbour) told her that they were going to spend some time together and have some fun. She recollected that her father (neighbour) placed his hand on her leg and began rubbing. Her father (neighbour) told her to “lie down on the sofa” and that he “starting rubbing all over with his hands”. Jennifer protested and she stated that her father (neighbour) became “very angry” and to “lie down and be quiet” and that she would enjoy this game, it would feel good. She stated that he continued stroking her body, and then “he took all my clothes off and I was cold”. When Jennifer was naked, she recalled that her father (neighbour)
began kissing her body, starting with her face and working his way down to
Jennifer thighs.

Jennifer stated that then her father (neighbour) sat up and asked her to
touch the front of his pants. Jennifer said that she “started to cry”, and that her
father took her hand and put it on his crotch, telling her how good it would
feel. Shortly after, her father (neighbour) “took off all his clothes” and made
Jennifer sit on top of him while he fondled her buttocks. Her father
(neighbour) continued fondling Jennifer's genitals, while she was told to touch
his penis. She stated that her father (neighbour) continued to kiss and touch
her body, and then made her kiss his penis. Jennifer reported that her father
(neighbour) ejaculated while rubbing himself against Jennifer.

Jennifer left the room shortly after this happened. She stated that her
father (neighbour) brought Jennifer her clothes and told her “not to tell mum
what had happened and that is was going to be their secret”. Jennifer said that
she was in her room when her mother returned and did not mention anything
about what had happened that afternoon.

Sexual Abuse Allegations – Defendant Testimony

During his testimony, the defendant recalled that Jennifer had been
sitting on the sofa in the living room. He stated that her walked towards
Jennifer and sat down on the sofa next to her. The defendant recalled that he
told Jennifer that they were going to spend some time together and have some
fun. The defendant claimed that none of the other accounts actually took place.
He claims that the accusations were born out of fantasy, and that he would
never (father: molest a child, especially his own daughter; neighbour: molest
anyone)
Appendix C

Basic Empathy Scale

**Instructions:** Read each statement, and select the number that best describes how you feel, from strongly disagree to strongly agree.

<table>
<thead>
<tr>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

1. My friend’s emotions don’t affect me much.
2. After being with a friend who is sad about something, I usually feel sad.
3. I can understand my friend’s happiness when she/he does well at something.
4. I get frightened when I watch characters in a good scary movie.
5. I get caught up in other people’s feelings easily.
6. I find it hard to know when my friends are frightened.
7. I don’t become sad when I see other people crying.
8. Other people’s feelings don’t bother me at all.
9. When someone is feeling ‘down’ I can usually understand how they feel.
10. I can usually work out when my friends are scared.
11. I often become sad when watching sad things on TV or in films.
12. I can often understand how people are feeling even before they tell me.
13. Seeing a person who has been angered has no effect on my feelings.
14. I can usually work out when people are cheerful.
15. I tend to feel scared when I am with friends who are afraid.
16. I can usually realise quickly when a friend is angry.
17. I often get swept up in my friend’s feelings.
18. My friend’s unhappiness doesn’t make me feel anything.
19. I am not usually aware of my friend’s feelings.
20. I have trouble figuring out when my friends are happy.

Scoring key: Cognitive and affective items as follows:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Affective/Cognitive</th>
<th>Neg/Positive Scoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Affective</td>
<td>Neg</td>
</tr>
<tr>
<td>2</td>
<td>Affective</td>
<td>Pos</td>
</tr>
<tr>
<td>3</td>
<td>Cognitive</td>
<td>Pos</td>
</tr>
<tr>
<td>4</td>
<td>Affective</td>
<td>Pos</td>
</tr>
<tr>
<td>5</td>
<td>Affective</td>
<td>Pos</td>
</tr>
<tr>
<td>6</td>
<td>Cognitive</td>
<td>Neg</td>
</tr>
<tr>
<td>7</td>
<td>Affective</td>
<td>Neg</td>
</tr>
<tr>
<td>8</td>
<td>Affective</td>
<td>Neg</td>
</tr>
<tr>
<td>9</td>
<td>Cognitive</td>
<td>Pos</td>
</tr>
<tr>
<td>10</td>
<td>Cognitive</td>
<td>Pos</td>
</tr>
<tr>
<td>11</td>
<td>Affective</td>
<td>Pos</td>
</tr>
<tr>
<td>12</td>
<td>Cognitive</td>
<td>Pos</td>
</tr>
<tr>
<td>13</td>
<td>Affective</td>
<td>Neg</td>
</tr>
<tr>
<td>14</td>
<td>Cognitive</td>
<td>Pos</td>
</tr>
<tr>
<td>15</td>
<td>Affective</td>
<td>Pos</td>
</tr>
<tr>
<td>16</td>
<td>Cognitive</td>
<td>Pos</td>
</tr>
<tr>
<td>17</td>
<td>Affective</td>
<td>Pos</td>
</tr>
<tr>
<td>18</td>
<td>Affective</td>
<td>Neg</td>
</tr>
<tr>
<td>19</td>
<td>Cognitive</td>
<td>Neg</td>
</tr>
<tr>
<td>20</td>
<td>Cognitive</td>
<td>Neg</td>
</tr>
</tbody>
</table>

Items were scored on a 5-point Likert scale as follows:

<table>
<thead>
<tr>
<th>Strongly disagree</th>
<th>Disagree</th>
<th>Neither agree nor disagree</th>
<th>Agree</th>
<th>Strongly agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

Once the scoring of the eight negative items is reversed, the nine cognitive items are summed to produce the score on the cognitive empathy scale and the eleven items are summed to produce the affective empathy score. All items are summed for the total empathy score.
Appendix D

Illinois Rape Myth Acceptance Scale

Instructions: Read each statement, and select the number that best describes how you feel, from strongly disagree to strongly agree.

<table>
<thead>
<tr>
<th>Strongly</th>
<th>Moderately</th>
<th>Disagree</th>
<th>Neither</th>
<th>Agree</th>
<th>Moderately</th>
<th>Strongly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disagree</td>
<td>Disagree</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. A woman who is raped while she is drunk is at least somewhat responsible.
2. Although most women wouldn't admit it, they generally like being physically forced to have sex.
3. If a woman is willing to "make out" with a guy, then it's no big deal if he goes a little further and has sex with her.
4. Many women secretly desire to be raped.
5. If a woman doesn't physically fight back, you can't really say that it was rape.
6. Men from nice middle-class homes almost never rape.
7. Rape accusations are often used as a way of getting back at men.
8. Usually, only women who dress sexy are raped.
9. If the rapist doesn't have a weapon, you really can't call it a rape.
10. Rape is unlikely to happen in a woman's own neighbourhood.
11. Women tend to exaggerate how much rape affects them.
12. A lot of women lead a man on and then they cry rape.
13. A woman who "teases" men deserves anything that might happen.
14. When women are raped, it's often because the way they said "no" was unclear.

15. Men don't usually intend to force sex on a woman, but sometimes they get too sexually carried away.

16. A woman who dresses in skimpy clothes should not be surprised if a man tries to force her to have sex.

17. Rape happens when a man's sex drive gets out of control.

18. Most rape and sexual assaults are committed by strangers.

19. In Victoria, a 15 year-old can give consent to have sex.

20. If someone came to me and claimed that they were raped, my first reaction would be to not believe them.
Appendix E:
Paulhus Deception Scale (electronic version)

Instructions: Read each statement carefully, and circle the number that best describes you, from Not true to Very True.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Not True</th>
<th>Very True</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. My first impression of people usually turns out to be right.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. It would be hard for me to break any of my bad habits.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. I don’t care to know what other people really think of me.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. I have not always been honest with myself.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. I always know why I like things.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>6. When my emotions are aroused, it biases my thinking.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>7. Once I have made up my mind, other people cannot change my opinion</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>8. I am not a safe driver when I exceed the speed limit.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>9. I am full in control of my own life.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>10. It’s hard for me to shut off a disturbing thought.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>11. I never regret my decisions.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>12. I sometimes lose out on things because I can’t make up my mind soon enough.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>13. The reason I vote is because my vote can make a difference.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>14. People don’t seem to notice me and my abilities.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>15. I am a completely rational person.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>16. I rarely appreciate criticism.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>17. I am very confident of my judgments.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>18. I have sometimes doubted my ability as a lover.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>19. It’s alright with me if some people happen to dislike me.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>20. I’m just an average person.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>21. I sometimes tell lies if I have to.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>22. I never cover up my mistakes.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>23. There have been occasions when I have taken advantage of someone.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>24. I never swear.</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>25. I sometimes try to get even rather than forgive and forget.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>26. I always obey laws, even if I am unlikely to get caught.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>27. I have said something bad about a friend behind his/her back.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>28. When I hear people talking privately, I avoid listening.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>29. I have received too much change from a salesperson without telling him or her.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>30. I always declare everything at customs.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>31. When I was young, I sometimes stole things.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>32. I have never dropped litter on the street.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>33. I sometimes drive faster than the speed limit.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>34. I never read sexy books or magazines.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>35. I have done things that I don’t tell other people about.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>36. I never take things that don’t belong to me.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>37. I have taken sick-leave from work or school even though I wasn’t really sick.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>38. I have never damaged a library book or store merchandise without reporting it.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>39. I have some pretty awful habits.</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>40. I don’t gossip about other people’s business.</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>
### Paulhus Deception Scale Scoring Form (printed copy)

#### Scoring Page and Profile Form

**Instructions:** Copy the circled number from each row into the white box. Then, sum each column to obtain the Impression Management (IM) and Self-Deceptive Enhancement (SDE) subtotals. The PDS Total is the sum of these two subtotals. On the profile, circle the IM, SDE, and PDS Total scores under the appropriate column.

#### General Population

<table>
<thead>
<tr>
<th>T</th>
<th>IM</th>
<th>SDE</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>13</td>
<td>24</td>
<td>13+</td>
</tr>
<tr>
<td>21</td>
<td>14</td>
<td>25</td>
<td>25+</td>
</tr>
<tr>
<td>22</td>
<td>15</td>
<td>26</td>
<td>26+</td>
</tr>
<tr>
<td>23</td>
<td>16</td>
<td>27</td>
<td>27+</td>
</tr>
</tbody>
</table>

#### Prison Entrants

<table>
<thead>
<tr>
<th>T</th>
<th>IM</th>
<th>SDE</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>13</td>
<td>24</td>
<td>13+</td>
</tr>
<tr>
<td>21</td>
<td>14</td>
<td>25</td>
<td>25+</td>
</tr>
<tr>
<td>22</td>
<td>15</td>
<td>26</td>
<td>26+</td>
</tr>
<tr>
<td>23</td>
<td>16</td>
<td>27</td>
<td>27+</td>
</tr>
</tbody>
</table>

#### PDS Total

<table>
<thead>
<tr>
<th>IM</th>
<th>SDE</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**IM** Self-Deceptive Enhancement (SDE) Subtotal

**PDS Total**
Appendix F

Physical Violence Against Current Partner Justification Scale

(1 strongly agree to 5 strongly disagree)

Do you agree or disagree that a man would be justified in using physical force against his wife or partner if she…

1. Argues with or refuses to obey him.
2. Wastes money.
3. Doesn’t keep up with the domestic chores.
5. Refuses to have sex with him.
6. Admits to having sex with another man.
7. Doesn’t keep the children well behaved.
8. Socialises too much with her friends.
9. Puts her own career ahead of the family.
Appendix G
Instructions for Focus Groups and elive Screenshot

Thank you for participating in this project. The instructions for accessing the online focus group are explained below. Please store these instructions for use on day of focus group. If you require further clarification, please email the moderators directly before the session.

1. **CODE NAME:**
I would ask that first you devise a code name for use in the focus group based on the following:

First 2 letters of mother’s name

E.g. Beryl: BE

All digits of postcode

E.g. Dandenong: 3175

First 2 letters of father’s name (if not known, substitute with XX).

E.g. Harold: HA

Or XX

Resulting code name: BE3175HA

2. **QUESTIONNAIRES**
Once you have devised your codename for the study, you are then asked to complete a few short questionnaires **BEFORE** participating in the online focus group. To access these questionnaires, click on the link below:

http://www.deakin.edu.au/psychology/research/samtabak/group04
3. **FOCUS GROUP**

You are invited to attend an online eLive session at 8pm EST on 9/03/2010.

In order to participate in this eLive session, you will need to ensure that your computer and other hardware are set up correctly at least 15-30 minutes before the start of your session.

To join the session directly, please click on the link below:

http://elive.its.deakin.edu.au:8080/join_meeting.html?meetingId=12559231938

If the link does not work, you can manually search for the focus group “Attitudes towards Child Sexual Abuse” or click on the date of the focus group on the calendar on the home page.

To access elive (i.e. follow the directions on each page):

1) Click on the focus group link in your email

2) When the ‘Join Session’ page appears, enter the email address the invitation was sent to (this will not appear in the focus group) and enter your display name (i.e. your code name) in the “GUEST” box. Then click on the log in button in the bottom right hand corner.

3) Allow any downloads or pop ups as Deakin requires JAVA to run elive. All downloads are safe.

4) Your session should start automatically. If it does not, click ‘manual download’.
5) Select your connection speed (usually cable/DSL). The program download may take anywhere from 2 to 20 minutes depending on your Internet connection speed.

The focus group session will then appear (see below screen shot). Stay logged on until every person has come on line and the session will begin at the scheduled time.

![Screen Shot]

1 = this is where your code name will appear.

2 = this area indicates when a participant has their hand up

3 = this area is where you will type

4 = this area is where you will read the fictional case

In the event of technical problems, I will be online 60 mins before the start of the session. Please email me: sitab@deakin.edu.au. Remember to keep this email for later use.
Appendix H

Study Advertisement

Deakin University Human Research Ethics Committee
– Health Medicine Nursing & Behavioural Sciences Subcommittee

(DUHREC-HMNBS)

MARCH, 2010

Invitation

My name is Samantha Tabak and I am conducting a research project with Dr Bianca Klettke, a lecturer in the School of Psychology, Deakin University. I am conducting this research to find out how the Australian public perceives child sexual abuse. The aim of this study is to rectify the low conviction rate in child sexual abuse cases. The results will be used to educate the public on the perceived differences (if any) between younger and older victims of child sexual abuse. The researchers will employ the use of discourse analysis in order to identify attitudes that individuals bring to a jury.

I would like to invite you to participate in this research. You must be above the age of 18 years as this study concerns information of a sexual nature. You must also be an Australian citizen and be eligible for jury duty. Your participation will be anonymous and no identifying information will be recorded. You will take part in an online focus group with up to 3 other participants. You will be asked to answer a few short questionnaires and read a short fictional passage describing an assault. You will then be asked to answer and discuss questions relating to the case, in written format. The study will take approximately 60
minutes to complete. The focus group session will be recorded in order to analyse your perceptions.

If you decide to participate, please contact me on the email address below for further information. If you feel other people would be interested in participating, please forward this email to other people above the age of 18. Click on the link below for detailed information:

http://www.deakin.edu.au/psychology/research/samtabak/files/

If you have any further questions regarding participating in this research, please contact Samantha at sjtab@deakin.edu.au or Dr Bianca Klettke at biancak@deakin.edu.au

You will not be asked to disclose any private or personal information.
Appendix I
Plain Language Statement

DEAKIN UNIVERSITY
PLAIN LANGUAGE STATEMENT
School Of Psychology, Deakin University

Full Project Title: Attitudes towards Younger and Older Victims of Child Sexual Assault

Principal Researcher: Dr Bianca Klettke
Student Researcher: Samantha Tabak

Your Consent

You are invited to take part in this research project. You must be over 18 years old, be eligible for jury duty, be able to answer questions in English, and if part of the electronic focus groups, be able to use a computer.

This Plain Language Statement contains detailed information about the research project. Its purpose is to explain to you as openly and clearly as possible all the procedures involved in this project so that you can make a fully informed decision whether you are going to participate.

Please read this Plain Language Statement carefully. Feel free to ask questions about any information in the document. You may also wish to discuss the project with a relative or friend or your local health worker. Feel free to do this.

Once you understand what the project is about and if you agree to take part in it, you will be asked to complete the Consent Form. By completing the Consent Form, you indicate that you understand the information and that you give your consent to participate in the research project.

Purpose and Background

My name is Samantha Tabak and I am a postgraduate student conducting a research project under the supervision of Dr Bianca Klettke at Deakin University, Australia. The purpose of this project is to explore the attitudes held by the community towards victims of child sexual assault. This study will
investigate how individuals ascribe blame, responsibility, culpability and victim credibility in child sexual abuses cases. Consequently, Australian citizens are eligible for jury duty, therefore, the perceptions of the general public equate to the perceptions of potential jurors.

The findings from this study will be written up as a thesis, counting towards a Doctor of Clinical Psychology degree.

A total of 30-50 people will participate in this project.

Child sexual assault is a prevalent crime in Australia, yet prosecution rates remain low. Due to the lack of physical evidence, the most significant factor in a trial is the jurors' perceptions of the child-witness. A summary of previous studies suggests that attitudes towards credibility, memory, suggestibility, consent, responsibility and blame have been viewed differently. It is important to understand how jurors' make decisions in court cases, based purely on the child's testimony.

You are invited to participate in this research project because it is believed that you represent an individual that may be randomly selected for jury duty at any time. Therefore, we seek your views and perceptions within a small focus group. If you agree to participate, you will be asked to read a fictional account of child sexual abuse, informally discuss the topic of child sexual assault, and talk about the fictional case. The aim of the focus group is to identify different attitudes and points of view. Below is an example of the fictional account and questions that will be asked:

Jennifer, a 6-year-old girl, was home alone with her 35-year-old neighbour while her parents were out shopping one day. Jennifer was sitting on the sofa in the living room. The neighbour walked towards her and sat down on the sofa. The neighbour told her that they were going to spend some time together and have some fun. He placed his hand on Jennifer's leg and began rubbing. Her neighbour made her lie down on the sofa, and he began rubbing Jennifer's body with his hands, while they were both dressed. Jennifer again protested and her neighbour became angry, telling Jennifer to lie down and be quiet—she would enjoy this game, it would feel good. He continued petting Jennifer's body, and then slowly undressed her. When Jennifer was naked, her neighbour began kissing her body, starting with her face and working his way down to Jennifer thighs.

• Exploring the attitudes towards the vignette
• How credible would you find the child?
• What aspects lead you to make that decision?
• How much responsibility would you attribute to the child/male/parents?
• How much blame would you attribute to the child/male/parents?

Procedures

Participation in this project will involve:
• Approximately forty-five to sixty minutes of your time, in which we ask you to answer and discuss child sexual assault. You will be part of a small focus group of five people. No identifying or personal information will be required and you will be asked to devise a username for yourself. The session is recorded in order to analyse the group's discussion at a later date.

• You will be asked to complete a series of questionnaires in order to understand your views and attitudes towards women and empathy.

• We then ask you to read a fictional account of an assault. Following this, we ask you to engage in a discussion about the fictional case, particularly voicing your attitudes and perceptions.

• You will be asked to indicate how much attribution of blame, responsibility and guilt you attribute to each of the characters in the vignette.

• As the researcher, I will moderate and monitor the focus group, along with my University supervisor who is experienced in moderating focus groups. Each participant will be instructed to speak in turn and the group will be stopped if problems arise.

• You will be given information and access to a counselling service if required, and the experienced moderator will be available if required.

Possible Benefits

While we do not anticipate that you, as an individual, will receive any benefits from your participation in this project, the findings will be used to further examine attitudes and perceptions of the general public. This knowledge is essential in order to run media campaigns and educate society about child sexual abuse.

Possible Risks

This research poses minimal risks, however the fictional vignette and subsequent discussion does focus on material of a sexual nature. This has the impact to cause participants some level of distress while reading the vignette, answering questions or discussing the topic. Therefore, if at any time while participating in this study you feel distressed please feel free to cease participation and withdraw. You may leave the group at any time with no negative consequences.

There may be additional unforeseen or unknown risks; therefore, if you feel distressed due to your participation we encourage you to contact Lifeline. Lifeline is a 24-hr telephone counselling service staffed with experienced and trained volunteer counsellors. The number for Lifeline is 13 11 14.

Privacy, Confidentiality and Disclosure of Information

While we ask that no identifying information be given during the course of the focus group session, confidentiality of the group's discussions cannot be guaranteed. In order to maintain anonymity, we stress that you respect the
confidentiality of other members of the group. All recorded tapes and transcripts will be kept in a locked filing cabinet at Deakin University. Dr Bianca Klettke and Samantha Tabak are the only members of staff who have access to the data. The data is stored for a minimum period of 6 years after publication of the data, after which time the data will be destroyed.

Any information obtained in connection with this project and that can identify you will remain confidential. It will only be disclosed with your permission, subject to legal requirements. If you give us your permission by signing the Consent Form, we plan to use the results as the basis for Samantha Tabak's doctoral thesis and if appropriate we plan to submit a manuscript for publication in a peer-reviewed journal. In any publication, information will be provided in such a way that you cannot be identified. Please note, any information you give to us will not be forwarded to any other person or institution.

**Results of Project**

Following the completion of this project, the results will be used solely for generating subsequent attitudes and perceptions. These, in turn, will be used in the generation of future questionnaires.

**Participation is Voluntary**

Participation in any research project is voluntary. If you do not wish to take part you are not obliged to. If you decide to take part and later change your mind, you are free to withdraw from the project at any stage. As information is collected in a focus group situation and the discussion is recorded, it is not possible to withdraw the data you provide. Your decision whether to take part or not to take part, or to take part and then withdraw, will not affect your relationship with Deakin University.

Before you make your decision, a member of the research team will be available to answer any questions you have about the research project. You can ask for any information you want. Sign the Consent Form only after you have had a chance to ask your questions and have received satisfactory answers.

If you decide to withdraw from this project, please notify a member of the research team or complete and return the Revocation of Consent Form attached. This notice will allow the research team to inform you if there are any health risks or special requirements linked to withdrawing.

**Ethical Guidelines**

This project will be carried out according to the National Statement on Ethical Conduct in Human Research (2007) produced by the National Health and Medical Research Council of Australia. This statement has been developed to protect the interests of people who agree to participate in human research studies.

The ethics aspects of this research project have been approved by the Human Research Ethics Committee of Deakin University.
Complaints

If you have any complaints about any aspect of the project, the way it is being conducted or any questions about your rights as a research participant, then you may contact:

Manager, Research Integrity, Human Research Ethics Committee, Deakin University, 221 Burwood Highway, Burwood, Victoria 3125, Telephone: 9721 7129, Facsimile: 9244 6581; All communication should be directed to:
research-ethics@deakin.edu.au

Please quote project number EC-13-2009.

Reimbursement for your costs

You will not be paid for your participation in this project.

Further Information, Queries or Any Problems

If you require further information, wish to withdraw your participation or if you have any problems concerning this project (for example, any side effects), you can contact the principal researcher.

The researchers responsible for this project are:

Dr Bianca Klettke
C/- School of Psychology, Deakin University
221 Burwood Hwy, Burwood, Victoria, Australia, 3125.
Email: biancak@deakin.edu.au
Ph: 9244 6774

Samantha Tabak
C/- School of Psychology, Deakin University
221 Burwood Hwy, Burwood, Victoria, Australia, 3125.
Email: sjtab@deakin.edu.au
Ph: 0419 474 018

If you would like to participate in this project, please click the following button to indicate that you have read and understand the terms of the plain language statement and agree to give your consent to participate in the study:

I Do Consent

If you do not wish to participate in this project, you may click on the following button to return to the Deakin University homepage

I Do Not Consent
Appendix J

Focus Group Question Guide

Thank you for participating in my study. Does anyone have any questions about how to use this chat room? No audio is required. You can tell someone is typing when the bubble next to your name turns yellow. You can maximise your screen for easier reading by clicking on ‘view’ then ‘layouts’ then select wide layout. If you experience any difficulties, I am available via email.

Firstly, I would like you all to read the slide on the right side of your screen. Once you have finished, please type "done".

Now, to start with I will ask you some general questions.

Now imagine, if a friend of yours was too drunk to drive, would you drive him/her home?

In general, what are the top three issues that are concerning you in society today (e.g., petrol prices, greenhouse gases etc.)?

In comparison, how would the sexual assault of children rank in relation to these issues?

In general, tell me how would you define child sexual assault?

Tell me about any aspect you think contribute to child sexual assault?

Tell me about any factors that may justify child sexual assault (for example, unaware that the victim was under 16 years old)

Tell me whether you think child sexual assault is a public or private issue?

Who do you believe is responsible for child sexual assault?

Who is responsible for those who you perceive to be guilty?

Tell me about some of the factors contributing to child sexual assault that are outside the child’s control.

At what age do you believe a child is no longer sexually naive? (i.e. becomes knowledgeable about sex?)

Tell me what you think can be done about child sexual assault? How can it be prevented?

How do you think offenders are generally portrayed in news and entertainment shows?

Tell me what impact age has on the reliability of a child victim’s statement?
What do you think could influence a child to make up a story of sexual assault? Would the same apply to young as well as older children? At what age does this stop being a concern?

Ok. Please read the case summary on the slide. Please type “done” when you are finished. And the next one please and type “done” when you are finished.

How responsible is the child?

How responsible is the defendant?

How responsible is the mother?

What aspects lead you to make those decisions?

How much blame do you give the child?

How much blame do you give the defendant?

How much blame do you give the mother?

What aspects lead you to make that decision?

How much confidence do you have that the child is not to blame, on a scale of 1-10? 1 = none, 10 = total

What influenced you in that decision?

Do you think there is a difference between responsibility and blame? Why?

As a juror, what evidence would you need to return a verdict?

Would seeing the child/defendant impact your decision?

If a child had been a different age, for example 6, would you have believed more/less?

How does the age of the defendant impact your perception of the case?

Would you find the perpetrator guilty?

What parts of the case have impacted on that decision?

Of everything that has been discussed, what is most important to you?

Ok. I have to wrap things up now. Thank you all for your candid and respectful responses. If anyone is feeling distressed, please call lifeline on 13 11 14, or discuss their distress in the group or in a confidential discussion with me following the termination of the focus group.
Cluster Analysis

Table K1. Co-occurrences of codes

<table>
<thead>
<tr>
<th>Co-occurrences</th>
<th>Codes</th>
<th>Pearson’s correlation</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Testimony-Evidence</td>
<td>0.252</td>
</tr>
<tr>
<td>2</td>
<td>Evidence-Criminal Justice System</td>
<td>0.052</td>
</tr>
<tr>
<td>2</td>
<td>Evidence-Believability</td>
<td>-0.014</td>
</tr>
<tr>
<td>5</td>
<td>Testimony-Believability</td>
<td>-0.073</td>
</tr>
<tr>
<td>1</td>
<td>Testimony-Criminal Justice System</td>
<td>-0.164</td>
</tr>
<tr>
<td>1</td>
<td>Believability-Community awareness</td>
<td>-0.020</td>
</tr>
</tbody>
</table>

Figure 1. Node clusters
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broke the law</td>
<td>References to child sexual assault law and legal age for sexual contact</td>
</tr>
<tr>
<td>Change in child’s</td>
<td>References to the statement that the child began displaying nightmares, wetting the bed etc. These behaviours were perceived as indicative of assault</td>
</tr>
<tr>
<td>behaviour</td>
<td></td>
</tr>
<tr>
<td>Child’s competency</td>
<td>Statements that referred to the capability of the child witness. References to facets of the developmental stages of the child and the defendant. These aspects included perceived sexual knowledge and experience, memory and recall ability, cognitive ability, stage of development, sexual history, understanding and comprehension.</td>
</tr>
<tr>
<td>Community awareness</td>
<td>Reference to the perception that individuals are aware of the implications of being alone with a child (specific reference to neighbour variable)</td>
</tr>
<tr>
<td>Defendant statement</td>
<td>Perceptions that related to the defendant statement such as its implausibility, the lack of detail in his account, the lack of explanation and the need for further investigation</td>
</tr>
<tr>
<td>Due process</td>
<td>References to due process in the legal system. Statements referred to proof of guilt, legal standards of proof and reasonable doubt.</td>
</tr>
<tr>
<td>Impact of legal</td>
<td>References to the impact of testifying in court for the child and child witness evidence</td>
</tr>
<tr>
<td>proceeding</td>
<td></td>
</tr>
<tr>
<td>Insufficient information</td>
<td>Comments that reflected the lack of information that was available in the statements.</td>
</tr>
<tr>
<td>Jury discussion</td>
<td>Participants questioning each other, engaging in discussion, and/or posing questions to the group</td>
</tr>
<tr>
<td>Lack of evidence</td>
<td>Statements that reflected the impact of lack of evidence upon the ability to make a decision of</td>
</tr>
<tr>
<td>Perception</td>
<td>Description</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>More evidence in real cases</td>
<td>Perceptions that more evidence would be available to a jury in a real child sexual assault case</td>
</tr>
<tr>
<td>Older child evidence</td>
<td>Belief that in the case of an older child witness, more evidence would be needed to increase believability</td>
</tr>
<tr>
<td>Power/control</td>
<td>Perceptions of dominance over the child witness by the defendant</td>
</tr>
<tr>
<td>Pre-meditation</td>
<td>Statements referring to the nature of the alleged assault and the reported actions of the defendant. For example, access and contact</td>
</tr>
<tr>
<td>Understanding</td>
<td>Statements referring to the perceived ability of the defendant to understand the repercussions of his behaviour</td>
</tr>
<tr>
<td>Victim statement</td>
<td>Comments that refer specifically to aspects of the child witness statement. These perceptions included the language used by the child, the detail, adequacy and believability of the statement.</td>
</tr>
<tr>
<td>Younger child believable</td>
<td>Perceptions of younger children (6 &amp; 11 years) being more believable than older children (15 years)</td>
</tr>
<tr>
<td>Younger child trustworthy</td>
<td>Perceptions of younger children (6 &amp; 11 years) being more trustworthy than older children (15 years)</td>
</tr>
<tr>
<td>Younger child unlikely to lie</td>
<td>Perceptions of younger children (6 &amp; 11 years) are less likely to lie than older children (15 years)</td>
</tr>
</tbody>
</table>
Table K3. Content-Derived Codes for Credibility and Culpability for Child, Defendant and Mother

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Specific references to the age of the child in the vignette</td>
</tr>
<tr>
<td>Competence</td>
<td>Statements that referred to the capability of the child witness. References to facets of the developmental stages of the child. These aspects included perceived sexual knowledge and experience, memory and recall ability, cognitive ability, stage of development, sexual history, understanding and comprehension</td>
</tr>
<tr>
<td>Consent</td>
<td>References to lack of consent</td>
</tr>
<tr>
<td>Credibility of child</td>
<td>Perceptions of the child’s age, cognitive ability, truthfulness, believability and/or previous allegations</td>
</tr>
<tr>
<td>Defendant factors</td>
<td>Perceptions of the defendant in the scenario. These included the defendant history, intent, force/aggression, believability of testimony, relationship to the child and the benefit of the doubt</td>
</tr>
<tr>
<td>Due Process</td>
<td>Statements that refer to defendant’s rights in the criminal justice system, such as innocent until proven guilty, giving the benefit of the doubt and making judgements on a case by case basis</td>
</tr>
<tr>
<td>Evidence</td>
<td>Statements that referred to the type of evidence required for judgement or the perceived lack of evidence. These include the defendant history or background, insufficient testimony, pattern of behaviour, limited information, forensics and the detail of the child’s testimony</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Intent</td>
<td>Perceptions of the defendant’s actions such as premeditation, planning, initiated contact, awareness of actions, opportunity, power and control</td>
</tr>
<tr>
<td>Jury discussion</td>
<td>Participants questioning each other, engaging in discussion, and/or posing questions/ideas to the group, clarification, expressing emotion and personal reflections</td>
</tr>
<tr>
<td>Knowledge</td>
<td>Statements that relate to any prior knowledge or suspicions the mother had of the defendant, knowledge of the defendant’s history and recognition of behavioural indicators in the defendant prior to alleged assault</td>
</tr>
<tr>
<td>Parental responsibility</td>
<td>Perceptions or attitudes regarding parental or adult responsibility, such as child safety, inadequate parenting, supervision, care relevant to age, carelessness, duty of care, accountability, unsafe environment, knowledge of carers, questionable actions, previous experience and proportion of blame</td>
</tr>
<tr>
<td>Relationship</td>
<td>References to the relationships between the child, the defendant and the mother. Also includes perceptions of familial abuse, trust and patterns of behaviour.</td>
</tr>
<tr>
<td>Response</td>
<td>Perceptions of the mother’s response to the child’s behaviour and disclosure. These include perception of the mother’s awareness, appropriate response, reporting the allegation, recognising behavioural changes in the child and remorse</td>
</tr>
<tr>
<td>Risk factors</td>
<td>Statements that suggested risk factors for child sexual assault including mental health issues, low social economic status, lack of education, the influence of media and substance use</td>
</tr>
<tr>
<td>Trustworthiness</td>
<td>Perceptions of the truthfulness of the child. These perceptions included the ability to lie, the assumption of truthfulness, prior history of false accusations, allegations or lying, and uncertainty in truthfulness</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Uncertainty</td>
<td>Participants reflected on their uncertainty in allocating blame or responsibility. Participants questioned the truthfulness of the allegation, the context of the assault and questioned the mother’s motives</td>
</tr>
<tr>
<td>Victim factors</td>
<td>Statements that related to the child’s behaviour, disclosure and reporting, resistance, contribution to assault, impact of lying, prior knowledge, suggestibility, education, age, previous abuse, mental state, history and the myth of ‘blaming the victim’</td>
</tr>
</tbody>
</table>
Appendix L

Additional Quantitative Analysis For Future Publications

**Empathy, Rape and CSA**

A number of closely related constructs have been investigated in the child sexual assault (CSA) literature. Empathy, rape myths, and perceptions of interpersonal violence have been found to effect attributions of credibility and guilt in studies of adult sexual assault. The reduction of violence towards women and children has been a recent priority for the Australian government (N. Taylor & Mouzos, 2006), and continues to be an important issue for the community as a whole. While child sexual assault is the focus of the current thesis, a number of closely related constructs have been investigated in the CSA literature. Empathy, rape myths, and perceptions of interpersonal violence, have been found to impact attributions of credibility and guilt in studies of sexual assault.

Empathy consists of two separate, but related, constructs. It is defined as the capacity to experience another’s emotions (i.e., an affective trait), and/or understand the emotions of another person or situation (i.e., cognitive trait) (Albiero et al., 2009; Deitz, Tiemann-Blackwell, Daley, & Bentley, 1982; Eisenberg & Strayer, 1987; Haegerich & Bottoms, 2000; Jolliffe & Farrington, 2006). Empathy is considered an essential part of social and moral behaviour (Albiero et al., 2009), and a lack of empathy has been found to relate to aggressive and antisocial behaviour (Jolliffe & Farrington, 2006). The way in which empathy is defined is critical.
In addition to the affective and cognitive elements, two levels of empathy have also been studied: trait and state. Trait empathy refers to the relatively stable level of a person’s ability to empathise, while state empathy refers to empathy that has been elicited by an external stimulus, such as through perspective taking or role playing (Haegerich & Bottoms, 2000). This differentiation is significant in juror decision-making as research has found that eliciting empathy during a trial can not only influence perceptions of credibility and responsibility, but also verdict outcomes (Deitz et al., 1982; Haegerich & Bottoms, 2000). Empathy is particularly critical in cases where there is little evidence and juror decisions are based on the testimonies and the character of the defendant and appellant, such as in CSA or rape trials.

Research has suggested that empathy is susceptible to the influence of gender and that females have been found to exhibit more empathy than males (Bottoms et al., 2007). In a review of 16 studies of empathy, Eisenberg and Lennon (1983) found that the significant effects in gender were dependant on how empathy was operationalized, with the largest differences found in paper-and-pencil self-report measures, small differences in picture or story measures, and no differences in physiological measures. However, the outcome of a meta-analysis suggested that females consistently scored higher on measures of empathy than males (i.e., an effect size of 0.99). It was suggested that this result may be contributed to sex-role stereotypes in which females are expected to be more emotional, or due to socialisation where females are actually more empathic than males (Eisenberg & Lennon, 1983).

In one study, females were more likely to exhibit higher levels of empathy than males in a study of patricide (Haegerich & Bottoms, 2000). In
this scenario, participants read sections of an actual trial transcript that described the murder of a father by his own child (male or female) after years of father-to-child sexual abuse. Half of the participants received information regarding the sexual abuse as a mitigating factor, while the control group did not. Participants were asked to render a verdict, make judgements on credibility and responsibility to the father and child, and indicate the degree to which they believed the abuse was a mitigating factor. Results showed that jurors in the empathy condition had significantly more empathy for the child (defendant). Males had more empathy for the defendant of the same gender (i.e., male), yet ratings of empathy based on defendant gender did not differ for females. Findings also showed that females were more likely to find the defendant not guilty, and perceive the defendant as more credible and less responsible than males. Similar results have also been found in studies of partner violence and rape (Haegerich & Bottoms, 2000; Schuller & Hastings, 2002) suggesting that males may be more susceptible to sex role stereotyping and rape myths.

Much of what we know of CSA has come from the research on adult rape and partner violence. Attitudes towards rape and partner violence have been found to correlate with attitudes towards CSA (Brownmiller, 1975). Much like research has demonstrated that juries are influenced by their own beliefs in CSA cases, myths about rape have been found to influence perceptions of adult rape victims. In fact, attitudes towards sexual violence against women are often influenced by a number of common myths, which have been shown to influence perceptions of believability, credibility,
responsibility, and guilt outcomes in legal decision-making (Victorian Law Reform Commission, 2004).

Rape myths are closely associated with child sexual assault myths. For example, one particular myth that has been found in both the CSA and rape literature is the perception that an individual is more likely to have been the victim of an assault if she/he actively resisted (Burt, 1980; Feild, 1978). Other influential myths relate to timing of disclosure, relationship between the victim and defendant, level of aggravation (Fitzgerald, 2006), and prior sexual history (Victorian Law Reform Commission, 2004). For example, Fitzgerald (2006) found that convictions were more likely when a stranger was involved, the assault included aggravation, the report to police was made early, lack of consent was evident, and there was corroborating evidence. Yet, as in CSA cases, rape cases are less likely to include these elements (Taylor & Mouzos, 2006).

In an Australian study, Taylor and Joudo (2005) used simulated mock jury trials to examine the impact of CCTV evidence in adult rape trials. Participants were randomly allocated to one of six conditions based on emotionality (i.e., neutral or emotional) and mode of testimony (i.e., CCTV, face-to-face, video). The focus of the study was the effect of these variables on perceptions of victim credibility, empathy, and guilt. Findings showed gender differences in credibility and attitudes towards rape with males holding less favourable perceptions of the rape victim. In addition, after deliberation the number of guilty verdicts increased for females, but not for males. More importantly, examination of juror comments showed that a significant number of participants subscribed to rape myths and held negative attitudes towards
rape victims. For example, the results showed that participants believed that the victim should have shown more resistance; physical evidence should have been found; a report should have been made earlier; and the complainant should have exhibited a distressed demeanour in court (N. Taylor & Joudo, 2005). Overall, this study showed that credibility was positively associated with guilt and that some community members still ascribe to particular myths regarding victims of sexual assault. This is concerning not only for rape victims in court, but also for victims of child sexual assault.

Research has shown that older child victims (e.g., 15 years) are more likely to be perceived like adult rape victims (Duggan et al., 1989) and thus, are susceptible to similar misconceptions and lack of convictions (Waterman & Foss-Goodman, 1984). Misconceptions such as the child should have been able to resist or that physical evidence indicates that abuse has occurred has been linked to victim blaming (Back & Lips, 1998; Goodman et al., 1989; Morrison & Greene, 1992). This attitude has been found to be associated with victim characteristics such as attractiveness, sexual history, style of dress (i.e., provocative), and demeanour (Isquith et al., 1993). Much research has demonstrated that older children are more likely to be perceived as responsible (Rogers & Davies, 2007); viewed as more able to resist (Waterman & Foss-Goodman, 1984); and perceived as having the ability to disclose the assault immediately (Rogers & Davies, 2007), which is aligned with studies of adult rape victims (Finkelhor et al., 1990; Sorensen & Snow, 1991). However, in both cases, victims usually do not disclose immediately (Smith et al., 2000) and may not resist or cry for help (N. Taylor, 2007). While some changes have been made to the information the jury receives in rape trials, such as reasons...
why a woman may not immediately report an assault, these myths and stereotypes still exist within the community, and thus, are likely to be present in the jury room (Bronitt, 1998). Given these parallels, it is likely that participants in the current research will exhibit similar misconceptions of rape and CSA.

**Analysis**

Statistical analyses were conducted using SPSS for Windows (version 19). Scale reliabilities for the sample data were completed (see Appendix M). Prior to analyses, attitude and deception measures were examined for data entry accuracy, missing data and outliers. Missing data was found on one case in the PDS and this score was readjusted as per manual instructions. Less than 5 percent of missing data was found across the data set so it was concluded that missing values were randomly dispersed. As such, linear regression was used to estimate missing scores (Tabachnick & Fidell, 2001).

Tests for normality were performed for correlations, t-tests and chi-square analysis on the sample data, and kurtosis was located on several variables: cognitive empathy, rape myth acceptance scale, PDS self-deception subscale, and the partner violence scale. A number of outliers were located on these variables (see Appendix M), and were transformed to correct for violation of normality. The method of transformation was by logarithm given the skewed distribution of scores (Tabachnick & Fidell, 2001). Given the small sample size, it was decided that no outliers be removed from analyses. Outliers were again inspected and found to be true scores, thus non-parametric tests were used to counteract the violation of normality assumptions.
Assumptions underlying correlations and t-tests were considered. The residual scatterplots indicated that the assumptions of linearity, homoscedasticity, and independence of observations were acceptable for correlational analysis (Pallant, 2005). Assumptions underlying independent comparison of means were investigated on all attitude measures. Homogeneity of variance was tested using Levene’s test for equality of variance. No violations were found across the attitude measures following adjustments to normality (see Appendix M). Given the small sample size, non-parametric tests were used in some instances and the assumptions of random and independent observations were met.

Table L1. Tests of Normality, Outliers and Corrections for Attitude and Deception Scales

<table>
<thead>
<tr>
<th>Scale</th>
<th>Normality</th>
<th>Outliers</th>
<th>Correction</th>
<th>Outliers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total empathy</td>
<td>K-S = 0.200</td>
<td>0</td>
<td>K-S = 0.200</td>
<td>0</td>
</tr>
<tr>
<td>Cognitive empathy</td>
<td>K-S = 0.002</td>
<td>1</td>
<td>K-S = 0.001</td>
<td>1</td>
</tr>
<tr>
<td>(violated)</td>
<td>(violated)</td>
<td>1</td>
<td>(violated)</td>
<td>1</td>
</tr>
<tr>
<td>Affective empathy</td>
<td>K-S = 0.116</td>
<td>1</td>
<td>K-S = 0.116</td>
<td>1</td>
</tr>
<tr>
<td>Total IRMAS</td>
<td>K-S = 0.034</td>
<td>2</td>
<td>K-S = 0.200</td>
<td>0</td>
</tr>
<tr>
<td>(violated)</td>
<td>(violated)</td>
<td>2</td>
<td>(violated)</td>
<td>0</td>
</tr>
<tr>
<td>Total PDS</td>
<td>K-S = 0.121</td>
<td>0</td>
<td>K-S = 0.121</td>
<td>0</td>
</tr>
<tr>
<td>PDS IM</td>
<td>K-S = 0.200</td>
<td>0</td>
<td>K-S = 0.200</td>
<td>0</td>
</tr>
<tr>
<td>PDS SDE</td>
<td>K-S = 0.000</td>
<td>2</td>
<td>K-S = 0.003</td>
<td>0</td>
</tr>
<tr>
<td>(violated)</td>
<td>(violated)</td>
<td>2</td>
<td>(violated)</td>
<td>0</td>
</tr>
<tr>
<td>Partner violence</td>
<td>K-S = 0.000</td>
<td>8</td>
<td>K-S = 0.000</td>
<td>5</td>
</tr>
<tr>
<td>(violated)</td>
<td>(violated)</td>
<td>8</td>
<td>(violated)</td>
<td>5</td>
</tr>
</tbody>
</table>

*Note. IRMAS = Illinois Rape Myth Acceptance Scale, PDS = Paulhus Deception Scale, PDS IM = Impression Management subscale, PDS SDE = Self Deception subscale, K-S = Kolmogorov-Smirnov statistic.*
Attitudes and Gender Role Stereotypes

The relationships between empathy, rape myth endorsement, and attitudes towards partner violence were investigated using Pearson product-moment correlation coefficient. Partial correlations were then calculated to examine the effect of socially desirable responding on attitude measures. Independent t-tests were conducted to compare the cognitive, affective and overall empathy scores for males and females. In addition, independent t-tests were conducted to compare scores for males and females on attitudes towards partner violence and endorsement of rape myths.

Partial Correlations

In order to identify whether participants were responding in a socially desirable manner, partial correlations, holding for social desirability, were conducted. To determine whether holding for social desirability influenced scores, the correlations between the two groups were compared for statistical significance. Correlation coefficients were calculated using the Fisher r-to-z transformation into standard scores (z-scores) and compared. Results are presented in the tables below.

Table L2. Pearson’s correlations between empathy and attitude measures

<table>
<thead>
<tr>
<th>Measures</th>
<th>Total empathy</th>
<th>Affective empathy</th>
<th>Cognitive empathy</th>
<th>IRMAS</th>
<th>Partner violence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total empathy</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affective empathy</td>
<td>.08</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cognitive empathy</td>
<td>.47**</td>
<td>-.07</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IRMAS</td>
<td>-.22</td>
<td>.13</td>
<td>-.01</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partner violence</td>
<td>-.35</td>
<td>.39*</td>
<td>-.23</td>
<td>.60**</td>
<td>-</td>
</tr>
</tbody>
</table>
Table L3. Partial Correlations Holding for Social Desirable Responding

<table>
<thead>
<tr>
<th>Measures</th>
<th>Total empathy</th>
<th>Affective empathy</th>
<th>Cognitive empathy</th>
<th>IRMAS</th>
<th>Partner violence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total empathy</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affective empathy</td>
<td>.36</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cognitive empathy</td>
<td>.38*</td>
<td>-.12</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IRMAS</td>
<td>-.19</td>
<td>.15</td>
<td>.02</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Partner violence</td>
<td>-.27</td>
<td>.45*</td>
<td>-.15</td>
<td>.59**</td>
<td>-</td>
</tr>
</tbody>
</table>

*Note. * = significant at $p < .05$; ** = significant at $p < .01$

**Total IRMAS & Partner Violence: $r = 0.59, n = 31, p = 0.000$**

There was a strong correlation between rape myth acceptance and partner violence [$r = 0.59, n = 31, p < 0.001$], with higher agreement of rape myths associated with a belief that physical violence against a partner can be justified. Acceptance of rape myths helped to explain 44.89% of the shared variance in respondent’s scores on the partner violence scale. There was no significant difference between scores ($z = 0.02, p > 0.05$), suggesting that participant’s scores were not reflective of responding in a socially desirable manner and were a true reflection of rape myth endorsement and attitudes towards partner violence.

**Affective Empathy & Partner Violence: $r = 0.45, n = 28, p = 0.012$**

There was a moderate correlation between affective empathy and partner violence [$r = 0.45, n = 28, p < 0.05$], with higher levels of affective empathy associated with lower levels of the belief that physical violence against a partner can be justified. Affective empathy helped to explain 13.69%
of the shared variance in respondent’s scores on the partner violence scale. There was no significant difference between scores ($z = -0.27, p > 0.05$), suggesting that participant’s scores were not reflective of responding in a socially desirable manner and were a true reflection of affective empathy and attitudes towards partner violence.

**Hypotheses**

It was hypothesised that females would exhibit higher levels of empathy than males.

**Total Empathy by Gender**

There was a non-significant difference in scores for males ($m = 75.17, sd = 6.12$) and females ($m = 78.90, sd = 8.95, t (32) = -1.29, p > 0.5$) in overall empathy. The magnitude of the difference in the means was very small ($\eta^2 = 0.03$) suggesting that 3.12% of the variance in total empathy can be explained by gender in this sample.

**Cognitive Empathy by Gender**

There was a non-significant difference in scores for males ($m = 26.54, sd = 1.43$) and females ($m = 26.47, sd = 1.32, t (30) = 0.14, p > 0.5$) in cognitive empathy. The magnitude of the difference in the means was very small ($\eta^2 = 0.033$) suggesting that 3.33% of the variance in cognitive empathy can be explained by gender in this sample.

**Affective Empathy by Gender**

There was a non-significant difference in scores for males ($m = 28.83, sd = 1.89$) and females ($m = 30.42, sd = 2.96, t (29) = -1.65, p > 0.5$) in affective empathy. The magnitude of the difference in the means was very...
small (eta squared = 0.034) suggesting that 3.4 % of the variance in affective empathy can be explained by gender in this sample.

It was hypothesised that males would exhibit higher levels of partner violence acceptance than females, and that males would exhibit higher levels of rape myth acceptance than females.

**Partner Violence by Gender**

There was a non-significant difference in scores for males ($m = 0.97$, $sd = 0.04$) and females ($m = 0.98$, $sd = 0.09$, $t (32) = -0.414$, $p > 0.5$) in partner violence. The magnitude of the difference in the means was very small (eta squared = 0.031) suggesting that 3.12% of the variance in attitudes to partner violence can be explained by gender in this sample.

**Total IRMAS by Gender**

There was a non-significant difference in scores for males ($m = 1.46$, $sd = 0.14$) and females ($m = 1.51$, $sd = 0.15$, $t (32) = -.095$, $p > 0.5$) in rape myths. The magnitude of the difference in the means was very small (eta squared = 0.031) suggesting that 3.12% of the variance in endorsement of rape myths can be explained by gender in this sample.

**Verdict**

It was hypothesised that females would be more likely to perceive the case as representing child sexual assault and vote guilty than males. Further, it was hypothesised that mock jurors who deliberated in a case featuring an older child (15 years) would be more likely to vote guilty than jurors deliberating a case with a younger child victim (6 or 11 years).

**Does the gender of the respondent influence verdict outcome?** A chi-square test of independence was performed to examine the relation
between gender and verdict outcome. The relation between these variables was not significant, \(X^2 (1, N = 34) = 2.38, p < 0.05\). In this sample, while the gender of the respondent was not statistically significant, it was found that 25 percent of males voted guilty compared to 59.1 percent of females.

**Does the age of the child victim influence verdict outcome?** A chi-square test of independence was performed to examine the relation between verdict outcome and the age of the child in the presented case. The relation between these variables was significant, \(X^2 (1, N = 34) = 12.62, p < 0.01\). Mock jurors were more likely to vote guilty (75%) when deliberating a case involving a younger child than not guilty (25%), and more likely to vote not guilty (92.7%) in deliberating a case with an older child than guilty (7.1%). Overall, it was found that 52.9 percent of mock jurors returned a not guilty verdict compared to 47.1 percent who voted guilty.

A chi-square test of goodness of fit was performed to examine the differences within the verdict outcomes of guilty, not guilty, and abstain across all groups. The relation between these variables was significant, \(X^2 (2, N = 34) = 11.70, p < 0.05\). Mock jurors were more likely to vote not guilty compared to guilty and abstain in deliberations of child sexual assault.

**Quantitative Discussion**

The results from these analyses indicate that, overall, gender was not related to the influence of empathy, endorsement of rape myths, attitudes towards partner violence or verdict preference. Results further indicate that while there were relationships between partner violence and affective empathy and between endorsement of rape myths and more accepting attitudes towards partner violence, an influence of gender was not found. This suggests that the
endorsement of these attitudes was not dependent on gender for this sample. These results do not confirm the hypothesis that females would exhibit higher levels of empathy than males, as has been previously found (Deitz et al., 1982; Jolliffe & Farrington, 2006). Nor was the prediction that males would endorse rape myths and partner violence more than females confirmed, as has been previously found (Haegerich & Bottoms, 2000; N. Taylor & Mouzos, 2006). Gender was not found to influence verdict preference in this sample. While females were more likely to vote guilty, this result may be a result of unequal numbers of males and females across the focus groups.

A significant difference was found between the age of the child in the deliberated case and the verdict outcome. Guilty verdicts were more likely in cases with younger children compared to older children, regardless of the age of the child in the presented case (i.e., 6, 11, or 15 years). However, mock jurors were more likely to vote not guilty overall, suggesting that other factors might influence verdict outcomes in conjunction with the age of the child victim. This was investigated more closely in the qualitative analysis of deliberation transcripts.
Appendix M

Scale Reliability and Normality Analysis

Table M1. Scale Reliabilities

<table>
<thead>
<tr>
<th>Scale</th>
<th>Cronbach’s Alpha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Empathy:</td>
<td>alpha = 0.844</td>
</tr>
<tr>
<td>Cognitive Empathy:</td>
<td>alpha = 0.881</td>
</tr>
<tr>
<td>Affective Empathy:</td>
<td>alpha = 0.796</td>
</tr>
<tr>
<td>Total IRMAS (rape myth scale):</td>
<td>alpha = 0.912</td>
</tr>
<tr>
<td>Total PDS (social desirability):</td>
<td>alpha = 0.835</td>
</tr>
<tr>
<td>PDS Impression Management:</td>
<td>alpha = 0.820</td>
</tr>
<tr>
<td>PDS Self Deception:</td>
<td>alpha = 0.767</td>
</tr>
<tr>
<td>Total Partner Violence:</td>
<td>alpha = 0.804</td>
</tr>
</tbody>
</table>

Table M2. Normality Analysis

<table>
<thead>
<tr>
<th>Scale</th>
<th>Kolmogorov-Smirnov Statistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Empathy:</td>
<td>$K-S = 0.20$ (normally distributed)</td>
</tr>
<tr>
<td>Cognitive Empathy:</td>
<td>$K-S = 0.002$ (normality violated)</td>
</tr>
<tr>
<td>Affective Empathy:</td>
<td>$K-S = 0.116$ (normally distributed)</td>
</tr>
<tr>
<td>Total IRMAS (rape myth scale):</td>
<td>$K-S = 0.034$ (normality violated)</td>
</tr>
<tr>
<td>Square root transformation Total IRMAS:</td>
<td>$K-S = 0.0191$ (normally distributed)</td>
</tr>
<tr>
<td>Total PDS (social desirability):</td>
<td>$K-S = 0.121$ (normally distributed)</td>
</tr>
<tr>
<td>PDS Impression Management:</td>
<td>$K-S = 0.20$ (normally distributed)</td>
</tr>
<tr>
<td>PDS Self Deception:</td>
<td>$K-S = 0.000$ (normality violated)</td>
</tr>
<tr>
<td>Total Partner Violence:</td>
<td>$K-S = 0.000$ (normality violated)</td>
</tr>
</tbody>
</table>
### Table M3. Outlier Analysis

<table>
<thead>
<tr>
<th>Scale</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Empathy:</td>
<td>None</td>
</tr>
<tr>
<td>Cognitive Empathy:</td>
<td>1 outlier ($M=26.50$, Trimmed $M=26.55$), so not having a big influence on the mean.</td>
</tr>
<tr>
<td>Affective Empathy:</td>
<td>1 outlier ($M=29.80$, Trimmed $M=29.75$), so not having a big influence on the mean.</td>
</tr>
<tr>
<td>Total IRMAS (rape myth scale):</td>
<td>2 outliers ($M=33.50$, Trimmed $M=32.04$)</td>
</tr>
<tr>
<td>Square root transformation Total IRMAS:</td>
<td>2 outliers ($M=5.69$, Trimmed $M=5.6$), so not having a big influence on the mean.</td>
</tr>
<tr>
<td>Total PDS (social desirability):</td>
<td>None</td>
</tr>
<tr>
<td>PDS Impression Management:</td>
<td>None</td>
</tr>
<tr>
<td>PDS Self Deception:</td>
<td>2 outliers extreme ($M=2.29$, Trimmed $M=1.96$)</td>
</tr>
<tr>
<td>Total Partner Violence:</td>
<td>8 outliers ($M = 9.70$, Trimmed $M = 9.32$)</td>
</tr>
</tbody>
</table>
Table M4. Scale Reliability Analysis – Pilot

<table>
<thead>
<tr>
<th>Scale</th>
<th>Cronbach’s Alpha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Empathy:</td>
<td>alpha = 0.26</td>
</tr>
<tr>
<td>Cognitive Empathy:</td>
<td>alpha = 0.51</td>
</tr>
<tr>
<td>Affective Empathy:</td>
<td>alpha = 0.46</td>
</tr>
<tr>
<td>Total IRMAS (rape myth scale):</td>
<td>alpha = 0.43</td>
</tr>
<tr>
<td>Total PDS (social desirability):</td>
<td>alpha = 0.83</td>
</tr>
<tr>
<td>PDS Impression Management:</td>
<td>alpha = 0.82</td>
</tr>
<tr>
<td>PDS Self Deception:</td>
<td>alpha = 0.62</td>
</tr>
</tbody>
</table>

Table M5. Scale Reliability Analysis (with mean substitution)-Pilot

<table>
<thead>
<tr>
<th>Scale</th>
<th>Cronbach’s Alpha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Empathy:</td>
<td>alpha = 0.66</td>
</tr>
<tr>
<td>Cognitive Empathy:</td>
<td>alpha = 0.51</td>
</tr>
<tr>
<td>Affective Empathy:</td>
<td>alpha = 0.62</td>
</tr>
<tr>
<td>Total IRMAS (rape myth scale):</td>
<td>alpha = 0.75</td>
</tr>
<tr>
<td>Total PDS (social desirability):</td>
<td>alpha = 0.83</td>
</tr>
<tr>
<td>PDS Impression Management:</td>
<td>alpha = 0.816</td>
</tr>
<tr>
<td>PDS Self Deception:</td>
<td>alpha = 0.62</td>
</tr>
</tbody>
</table>
Table M6. Normality Analysis

<table>
<thead>
<tr>
<th>Scale</th>
<th>Kolmogorov-Smirnov Statistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Empathy:</td>
<td>$K-S = 0.20$ (normally distributed)</td>
</tr>
<tr>
<td>Cognitive Empathy:</td>
<td>$K-S = 0.20$ (normally distributed)</td>
</tr>
<tr>
<td>Affective Empathy:</td>
<td>$K-S = 0.12$ (normally distributed)</td>
</tr>
<tr>
<td>Total IRMAS (rape myth scale):</td>
<td>$K-S = 0.12$ (normally distributed)</td>
</tr>
<tr>
<td>Total PDS (social desirability):</td>
<td>$K-S = 0.08$ (normally distributed)</td>
</tr>
<tr>
<td>PDS Impression Management:</td>
<td>$K-S = 0.20$ (normally distributed)</td>
</tr>
<tr>
<td>PDS Self Deception:</td>
<td>$K-S = 0.20$ (normally distributed)</td>
</tr>
</tbody>
</table>

Table M7. Outlier Analysis

<table>
<thead>
<tr>
<th>Scale</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Empathy:</td>
<td>None</td>
</tr>
<tr>
<td>Cognitive Empathy:</td>
<td>None</td>
</tr>
<tr>
<td>Affective Empathy:</td>
<td>1 outlier ($M=42.5$, Trimmed $M=42.72$), so not having a big influence on the mean.</td>
</tr>
<tr>
<td>Total IRMAS (rape myth scale):</td>
<td>1 outlier ($M=27.54$, Trimmed $M=27.16$)</td>
</tr>
<tr>
<td>Total PDS (social desirability):</td>
<td>None</td>
</tr>
<tr>
<td>PDS Impression Management:</td>
<td>None</td>
</tr>
<tr>
<td>PDS Self Deception:</td>
<td>None</td>
</tr>
</tbody>
</table>
Appendix N

Ethics approval

The first application for ethics approval was submitted to Deakin University Human Research Ethics Committee (DU-HREC, EC-13) on 16th February 2009. Following recommendations from the committee, changes were made and the study was approved on 29th June 2009. Following difficulties with recruitment, modification requests were submitted in September 2009 and initially approved in October 2009. A further modification for assistance with recruitment was submitted in April 2010 and initially not approved. Subsequent changes were made and final approval for the study was granted in July 2010.