Adolescent Victims with an Intellectual Disability: Perceived Credibility in Cases of Sexual Abuse

by

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Submitted in partial fulfilment of the requirements for the degree of

Doctor of Psychology (Forensic)

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June 2011
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Date .............................................. 24.11.2011
ACKNOWLEDGMENTS

I would like to acknowledge and thank those that have contributed to this project, starting with Dr. David Hamilton, who has provided me with guidance and supervision throughout the project, and has been a valued source of knowledge and support. I would further like to thank Associate Professor Keith McVilly for his detailed feedback, guidance, supervision and assistance in reviewing the project for resubmission.

I must acknowledge and thank the wonderful members of the Victorian community who participated in this project, giving their time and effort to provide insight into perceptions of adolescents with an intellectual disability. Additionally, I would like to thank the disability service providers who allowed me to recruit participants from their organisations.

I would like to thank my family and friends who have provided me with support throughout the duration of my degree, and in particular, in the final stages of writing and completion of this thesis. I would like to extend my sincere gratitude and appreciation to my parents, who have been an ongoing support throughout the past several years. I value your opinions on my work, your reading of drafts, the meals you cooked, and your unwavering support that forms the solid foundation that enables me to continue to achieve in my life. Finally, I would like to extend my thanks to my husband, Sam, who has lived through the highs and the lows of this degree and thesis, and continues to love and support me unconditionally.

Thank you for the cups of tea!
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ABSTRACT

People with intellectual disabilities (ID) are recognised as a vulnerable population generally, and there is an increasing body of research indicating that people with ID are more vulnerable to criminal offences, including sexual abuse. The current study aimed to assess potential jurors’ perceptions of the credibility of adolescent victim/witnesses with ID, and compared this to their perceptions of the credibility of adolescent victim/witnesses without ID. Extralegal factors, including victim and participant/juror characteristics, were examined. Participants were recruited through their place of work or via a snowballing recruitment procedure (n = 108) and were asked to complete demographic questions, read a fictitious scenario depicting the alleged sexual abuse of an adolescent, and to complete questions regarding the scenario. Results revealed that victim and participant/juror characteristics influenced participants’ perceptions of the credibility of the victim and verdict responses. Major findings related to the impact of the depicted level of intellectual disability, type of offence perpetrated, perceptions of competency and honesty, suggestibility, gender of victim, and gender of participant. These findings are discussed in relation to the insight they provide into perceptions of adolescents with an intellectual disability in cases of sexual abuse and how these function within legal and social contexts.
Chapter 1: Introduction

This thesis examines the perceived credibility of adolescents with intellectual disability who are the alleged victims of sexual offences. In particular, it addresses issues associated with the perceptions of jurors adjudicating such cases, and the implications for the criminal justice system. This first chapter describes the context for the research. Differing definitions used to identify people with intellectual disability are described, and the subsequent implications for determining their prevalence in the community and statistical surveillance in the justice system are discussed. Definitions and prevalence of sexual offences are also described, together with the limitations of these data. Potential barriers to reporting and the investigation of sexual crimes against people with intellectual disability are addressed. It is concluded that understanding perceptions of victim/witness credibility are central to protecting the interests of people with intellectual disability and the integrity of the criminal justice system.

1.1. Context for the Research

People with intellectual disabilities (ID) account for around one-third of disability service users in Australia (Australian Institute of Health and Welfare, 2009). They are recognised as a vulnerable population generally, and there is an increasing body of anecdotal and empirical evidence suggesting that people with ID are more vulnerable to criminal offences than others (Davis, 2000; Sobsey, 1994). Specifically, it is thought that people with ID experience sexual assault and abuse at higher rates than their non-disabled counterparts (Crossmaker, 1991; Muccigrosso, 1991; Sobsey, 1994). However, offence rates might not be accurately reflected in the rates for prosecution or
conviction of offenders. This discrepancy, in part at least, might be accounted for by the perceptions held by the community concerning the reliability of people with ID in the reporting of such offences; potentially reflected in the referral practices of carers, the action of law enforcement officials, such as police, and the response of those involved in judicial processes, including jurors. These issues to some degree parallel those associated with the prosecution of offences relating to children.

Often in cases of sexual abuse involving children and adolescents, physical evidence and corroborating witnesses are unavailable, meaning that jurors deliberating over cases are left to make decisions on the basis of a victim’s word alone. In cases such as these, extralegal factors are asserted to influence jurors’ judgments. Extralegal factors may include both victim and juror variables. These factors are thought to influence jurors’ perceptions of the credibility of witnesses, and consequently appraisal of their testimony. Perceived credibility depends on the salience of two dimensions – expertise and trustworthiness (O’Keefe, 2002). Additionally, perceived credibility involves the consideration of several components that may be thought of as mediators of credibility that jurors are likely to take into consideration when determining the credibility of witnesses: suggestibility, trustworthiness, competence, and ability to fabricate allegations.

Considering the mediating variables, research has indicated that there is an assumption among the non-disabled population that people with ID cannot be accurate eyewitnesses, leading to lower rates of reporting of abuse, arrests, and prosecutions (Valenti-Hein & Schwartz, 1993). Despite the identified risks to which people with ID are vulnerable and their reliance on community services and the legal system for
protection, there is a paucity of research examining community perceptions of the credibility of people with ID as witnesses. To date, Bottoms and her colleagues are among a limited number of researchers examining potential jurors’ perceptions of the credibility of an adolescent with an ID who is either a victim or witness of sexual abuse (Bottoms, Nysee-Carris, Harris, & Tyda, 2003; Rogers, Titterington, & Davies, 2009).

The first two chapters of this thesis will outline the relevant literature from research conducted with both the non-disabled and disabled populations regarding perceptions of credibility, factors mediating perceptions of credibility, and factors influencing potential jurors’ perceptions of credibility, with a view to identifying gaps in the current research literature. The third chapter outlines the limitations of the literature and a proposal for the current study.

The current study builds on the work of Bottoms and colleagues (2003). The perceptions of potential jurors’ concerning the credibility of adolescent victim/witnesses with intellectual disability are compared to perceptions potential jurors have of the credibility of people of average intelligence and adaptive functioning. Specifically, the current study examines how level of intellectual disability, gender of the victim/witness, and type of offence impacts on participant ratings of credibility and judgments of guilt, in addition to examining the impact of juror/participant characteristics, such as gender and level of experience with people with intellectual disability. Subsequent discussion focuses on what research into participant, potential juror, and community perceptions have demonstrated to date, and how the current study contributes to the body of research into perceptions of victim/witness credibility in cases of sexual abuse involving people with intellectual
disabilities. However, prior to reviewing the literature on community and juror perceptions of witness credibility, it is important to establish a clear understanding of the defining characteristics of people with intellectual disability, and an understanding of what constitutes a sexual assault.

1.2. Definitions and prevalence of Intellectual Disability

People with intellectual disabilities comprise a significant proportion of the client group in disability services throughout Australia. However, there is some diversity in the underlying definitions and classifications of intellectual disability used both internationally, and in Australia. This diversity of definitions in turn confounds the identification of people with intellectual disability in the population for statistical and legal purposes.

1.2.1. Definitions of intellectual disability.

To identify people with disability, including those with intellectual disability, the Australian Bureau of Statistics (ABS) has adopted the concepts used in the International Classification of Functioning Disability and Health (referred to as the ICF) (WHO, 2001) and the classifications of the International Statistical Classification of Diseases and Related Health Problems Tenth Revision (ICD-10), provided by the World Health Organisation (WHO). The WHO understanding of what constitutes disability involves not only the identification of pathology (i.e. a diagnosis), but also an assessment of the persons limitations and support needs in a number of life domains considered core to independent functioning in society: mobility, self-care, and
communication. People with intellectual disability (and in particular, those identified as eligible for funded disability services in Australia) are typically among those classified by the ABS as having severe to profound core activity limitations.

Other Australian institutions at both state and local levels, in administration, legislation, and academic work, have adopted and adapted the definitions and classifications of the American Association on Mental Retardation (AAMR) (American Association on Mental Retardation, 2002). The AAMR has recently changed its name to the American Association on Intellectual and Developmental Disabilities (AAIDD). The AAIDD provides a functional definition, emphasising the importance of interactions between the supports needed by or available to a person and their subsequent ability to function in society (AAIDD, 2010).

The AAIDD (2010) definition of intellectual disability is comprised of a statement and three requirements. It adopts a multidimensional model of intellectual disability that includes five interrelated dimensions - intellectual abilities, adaptive behaviour, participation, interactions and social rules, and context. The structure and guidelines of the AAIDD assessment process are tailored specifically for intellectual disability. However, the definition and recommended assessment processes of AAIDD are consistent with those proposed by the WHO for the assessment of disability more generally. Table 1.1 provides a comparison of the three major definitions of intellectual disability employed internationally.

In Victoria, the Disability Act (2006) defines intellectual disability for the purposes of assessing eligibility for services. For the purposes of assessing whether or not a person (over the age of 5 years) is intellectually disabled, standardised measures
of intelligence and adaptive behaviour are relied upon. A person is classified as having an intellectual disability if the results of the standardised intelligence measures indicate the person has an intelligence quotient (IQ) at least 2 standard deviations below the population average, and a result at or below the second percentile for people of the same age and cultural group on a standardised measure of adaptive behaviour.

As a consequence of the many systems of classification of ID, and the periodic revision of such systems, Australian operational definitions and estimates of prevalence have been affected. This has resulted in a ‘mixed use’ of definitions of support needs, developmental disability and intellectual disability, creating inconsistency in data collections, which in turn has made estimates of prevalence particularly difficult. However, the developments in the AAIDD definition and classification of ID are in ‘apparent harmony’ with disability policy in Australia; adopting a multidimensional approach, avoiding sole reliance on IQ scores and focusing attention on people’s support needs (Wen, 1997). For the purposes of the current study, the definitions and classification system utilised by the Disability Act (2006) and AAIDD will be adopted when defining and classifying level of ID.
Table 1.1.

Comparison of the Three Major Internationally Recognised Definitions of Intellectual Disability.

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<tr>
<td>Diagnostic criteria to be met:</td>
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<tr>
<td>A. Significantly subaverage intellectual functioning: An IQ of approximately 70 or below on an individually administered IQ test.</td>
<td>A condition of arrested or incomplete development of the mind, characterised by impairment of skills manifested during the developmental period, skills which contribute to the overall level of intelligence, i.e. cognitive, language, motor, and social abilities. Retardation can occur with or without any other mental or physical condition.</td>
<td>Characterised by significant limitations both in intellectual functioning and adaptive behaviour as expressed in conceptual, social, and practical adaptive skills. This disability originates before age 18.</td>
</tr>
<tr>
<td>B: Concurrent deficits or impairments in present adaptive functioning (i.e. the person’s effectiveness in meeting the standards expected for his/her age by his/her cultural group) in at least two of the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety.</td>
<td>Degrees of mental retardation are conventionally estimated by standardised intelligence tests. These can be supplemented by scales assessing social adaptation in a given environment.</td>
<td>The following five assumptions are required for the application of this definition:</td>
</tr>
<tr>
<td>C: The onset is before age 18 years.</td>
<td>Intellectual abilities and social adaptation may change over time, and, however poor, may improve as a result of training and rehabilitation.</td>
<td>1. Limitations in present functioning must be considered within the context of community environments typical of the individual’s age, peers, and culture.</td>
</tr>
<tr>
<td></td>
<td>Diagnosis should be based on the current levels of functioning.</td>
<td>2. Valid assessment considers cultural and linguistic diversity as well as differences in communication, sensory, motor, and behavioural factors.</td>
</tr>
<tr>
<td></td>
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<td>3. Within an individual, limitations often coexist with strengths.</td>
</tr>
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<td>4. An important purpose of describing limitations is to develop a profile of needed supports.</td>
</tr>
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<td></td>
<td></td>
<td>5. With appropriate personalised supports over a sustained period, the life functioning of the person with intellectual disability generally will improve.</td>
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</table>
1.2.2. Prevalence of intellectual disability.

The ABS national disability surveys provide the only available data on a comprehensive national population prevalence\(^1\) estimate of intellectual disability in Australia (Australian Bureau of Statistics, 2003a). In the 2003 ABS\(^2\) Survey of Disability, Ageing and Carers (SDAC) one in five people in Australia reported a disability. This rate was similar for males (19.8%) and females (20.1%). A data brief on the estimates of prevalence of intellectual disability in Australia released by the Australian Institute of Health and Welfare (AIHW) reports that in 1998, 503,000 people (or 2.7% of Australians) reported one or more intellectually disabling conditions. An estimated 212,700 people in 1998 (or 1.1% of the Australian population) reported an intellectual disability as their main disabling condition (Australian Institute of Health and Welfare (AIHW), 2004).

\(^1\) Prevalence refers to the total number of cases of a particular condition or disease at a specified point in time, including all previously existing cases plus any newly identified cases. Prevalence estimates take into consideration population survival and migration, and is important for estimating current and future needs for the provision of disability services (Wen, 1997). Some studies have provided estimates of lifetime prevalence, and it should be noted that this differs from incidence and prevalence. Lifetime prevalence refers to projections of the proportion of the population that may be considered to have an intellectual disability at some point in their lives.

\(^2\) The ABS disability surveys collected data on the basis of respondents’ self reported information, which may not have been the result of professional assessment. The definitions used in the surveys were based on screening questions on impairments and restrictions adapted from the conceptual definition of the ICIDH. The ABS definition of severity of handicap or disability does not relate directly to any particular category or level of impairment, instead, severity is measured in terms of the need for, and intensity of, personal support in three of five activity areas (self care, mobility, verbal communication, schooling and employment), which are used to define the handicap. IQ scores are not taken into consideration to define intellectual disability. The measurement of severity in the ABS surveys are similar to those specified by the AAIDD, however, the ABS surveys tend to focus primarily on physical abilities of daily living, which may highlight handicaps arising from physical impairment (Madden, Black, & Wen, 1995). Thus, caution should be taken in interpreting the ABS estimates of prevalence of ID, as estimates of severity may not be directly comparable to those estimates based on IQ scores.
White and colleagues (2005) analysed data from unit record files (CURF) provided by the ABS, that sampled both the rural and urban population except for prisoners, non-Australian diplomatic personnel, and members of non-Australian defence forces stationed in Australia using the ICD-10 system of classification to estimate the prevalence of ID in Australia. Their results indicated that the lifetime prevalence of intellectual disability was 1.3%. However, of these people, 1.3% had a comorbid psychotic disorder, 8% a depressive disorder, and 14% an anxiety disorder that had been present for a minimum of 6 months and to such a severity that it too could be classified as disabling (White, Chant, Edwards, Townsend, & Waghorn, 2005).

There are limited statistics available regarding the prevalence of intellectual disabilities among children and adolescents in Australia, and more specifically, Victoria. The ABS disability survey (1993) found that estimates of prevalence tend to increase with age until about age 10-14, with the highest rates between 2% and 2.2% (Wen, 1997). After this peak, prevalence rates declined to around 1.6%. In relation to gender, the ABS SDAC findings for 2003 found that rates of disability and profound or severe activity limitation for 5-14 year old males almost doubled those for females of the same age group (Australian Bureau of Statistics, 2003a).

Taking into account the varying definitions adopted across Australian jurisdictions, and by agencies within those jurisdictions gathering data for different purposes, it would be reasonable to conclude that there are at least 500,000 people in Australia with intellectual disability, or approximately 2% of the population. This estimate is consistent with population estimates for other developed countries.
1.3. Definitions and Prevalence of Sexual Assault

1.3.1. Definitions of sexual assault.

In Australia, while the definition of different sexual offences varies across jurisdiction, standardised descriptions of these offences are provided in the Australian Standard Offence Classification (ASOC), Second Edition (Australian Bureau of Statistics, 2008). Division 3 of the ASOC describes sexual assault as:

Physical contact, or intent of contact, of a sexual nature directed toward another person where that person does not give consent, gives consent as a result of intimidation or deception, or consent is proscribed (i.e. the person is legally deemed incapable of giving consent because of youth, temporary/permanent (mental) incapacity or there is a familial relationship) (p.32).

The ASOC further subdivides sexual offences into aggravated and non-aggravated offences. A broader definition is adopted for some frameworks, such as the provision of support and services for those who have experienced sexual assault, while a narrower, more offence-based definition is adopted for circumstances for criminal processes under specific legislation (Australian Bureau of Statistics, 2004).

The Australian Bureau of Statistics employs a broad, ‘experience-based’ definition which purports that sexual assault is “unwanted behaviour of a sexual nature towards a person,” which makes that person feel uncomfortable, distressed, frightened, or threatened, or results in injury or harm to that person; whereby the person has not provided consent or freely agreed, or in circumstances where the person is not capable of providing consent; and that sexual assault is a behaviour whereby another person uses physical, emotional, psychological, or verbal force, or other coercive behaviour
against a person (ABS, 2004, p. 8). In this definition, it is proposed that sexually
abusive behaviour may be located on a continuum of behaviours ranging from sexual
harassment to life-threatening rape. Behaviours included on this continuum are
lewdness, stalking, indecent assault, date-rape, drug-assisted sexual assault, child
sexual abuse, incest, and exposure of a person to pornography, use of a person in
pornography, and threats or attempts to sexually assault (Australian Bureau of

The ‘offence-based’ definition proposes that sexual assault is a “physical assault
of a sexual nature directed towards another person without their consent,” ranging from
unwanted touching to sexual penetration without consent, including attempts
(Australian Bureau of Statistics, 2004, p.9). In this definition, consent requires a ‘free
agreement.’ A person is said to be unable to freely agree when they are fearful for
themselves or someone else, have been threatened, are mistaken about the identity of
the person or the nature of the sexual act, the person wrongly believes that the act is for
medical purposes, are incapable of consenting due to the influence of alcohol or other
drugs, or are legally deemed incapable of giving consent due to youth, temporary or
permanent incapacity, or where there is a familial relationship or other relationship

The Crimes Act (1958) in the state of Victoria, Australia, determines that someone
has committed an indecent assault if he/she assaults another person in indecent
circumstances while being aware that the person is not consenting or might not be
consenting (Crimes Act, s39). The meaning of consent, as defined in the Crimes Act
(1958), is that consent means ‘free agreement.’ Circumstances in which a person does
not freely agree to an act include: the person submits because of force or the fear of force to that person or someone else; the person submits because of the fear of harm of any type to that person or someone else; the person submits because she or he is unlawfully detained; the person is asleep, unconscious, or so affected by alcohol or another drug as to be incapable of freely agreeing; the person is incapable of understanding the sexual nature of the act; the person is mistaken about the sexual nature of the act or the identity of the person; and the person mistakenly believes that the act is for medical or hygienic purposes.

The Crimes Act (1958) states that an indecent act need not necessarily involve the accused making any threatening gesture or make any physical contact with the other party – ‘indulging in an indecent exhibition without there being any physical contact between the parties can constitute an act of indecency’ (s47.15). The Crimes Act (1958) further states that ‘a person must not wilfully commit, or wilfully be in any way a party to the commission of, an indecent act with or in the presence of a 16 year old child to whom s/he is not married and who is under his or her care, supervision or authority’ (s49: Indecent Act with 16 year old child). Note – as the current study examined primarily indecent acts committed against a 16 year old child, only the relevant legislation will be outlined.

Section 51 of the Victorian Crimes Act (1958) addresses sexual offences against people with impaired mental functioning. The definition of impaired mental functioning includes impairment due to mental illness, intellectual disability, and dementia or brain injury. The definition of intellectual disability used is the same as in the Disability Act (2006). Section 51 primarily relates to those providing medical or
therapeutic services to a person with impaired mental functioning, stating that (1) a person who provides medical or therapeutic services to a person with impaired mental functioning who is not his or her spouse or de facto spouse must not take part in an act of sexual penetration with that person; and (2) must not commit, or be in any way a party to, the commission of an indecent act with that person.

Regardless of whether an experience-based or an offence-based definition of sexual assault is adopted, it can be argued that the defining characteristics of people with intellectual disability (as discussed in section 1.2) make them particularly vulnerable to such offences. That is to suggest, impairments to intellectual ability, limitations in their adaptive behaviour, and increased daily support needs relative to those of people in the general population, all combine to place them in situations involving multiple dependent relationships, heightened vulnerability to intimidation and coercion, and impaired capacity to freely provide consent to activity involving sexual relationships. Furthermore, it is possible that some people with intellectual disability will also experience difficulty conveying the information required to report or establish at law a sexual assault according to the concepts articulated in the various legal definitions as discussed above. Such issues have implications not only for individuals, but also when seeking to establish the prevalence of sexual assault among people with intellectually disability at a population level.

1.3.2. Prevalence of sexual assault.

The ABS uses population-based surveys to obtain estimates of incidence and prevalence rates of sexual assault. These are expressed as either percentages, or rates
per 100,000 of the relevant population. The collection and collation of information about the extent and nature of sexual assault is complicated somewhat by several factors. Due to the two definitions of sexual assault (experience based or offence based, as described in section 1.3.1), problems are created in measurement, and the use of different counting units (i.e. people and incidents) can make it difficult to compare data from different sources. Additionally, there are many personal and institutional barriers to the reporting of sexual assault and these may reduce the number of incidents counted. The aforementioned inconsistencies in legislation, definitions, recording practices and administrative systems also mean that data comparison practices are compromised (Australian Bureau of Statistics, 2004). It is also important to note the lack of data relating to male victims and child victims, with the majority of the survey data relating to adult females.

The National Crime and Safety Survey (Australian Bureau of Statistics, 2002) provides the most recent national data on sexual assault. In 2002, the NCSS provided data estimating that 33,000 adults in Australia were victims of sexual assault in the 12 months prior to the survey. This translates to a prevalence rate of 0.2% (200 victims per 100,000 adult persons). The prevalence rate for females was 0.4% (28,300 victims) and for males 0.1% (4,800 victims). These rates reflect the fact that the majority of incidents reported to the police involve female victims, especially young women, with the majority of perpetrators reportedly males, in particular, young to middle-age men.

3The 2005 National Crime and Safety Survey indicated that in 2005, there were an estimated 44, 100 persons aged 18 years and over who were victims of a minimum of one sexual assault in the 12 months prior to the survey. However, it was noted that response rates for sexual assault in 2005 were lower than in previous years, possibly due to changes made to the survey methodology. As such, only limited data is available for rates of sexual assaults for 2005.
Children and young people are over-represented in sexual assault victimisation. However, the data available are variable due to issues of sensitivity. The highest age group victimisation rates reported in the Recorded Crime Statistics (RCS) collection (2003) were the 15-19 year old age group (0.29%, or 287.7 per 100,000 persons). The highest rates recorded for females was in the 15-19 years age group (0.52%, or 519 per 100,000 females), and the highest rates for males was recorded in the 0-9 years age group (0.09%, or 90 per 100,000 males). Of the RCS data for 2003, 31% of all victims were aged 15-24 years. Of all victims in this age group, 89% were female and 11% were male (Australian Bureau of Statistics, 2003b). Here, there is a need to identify people with intellectual disability in the population of those who are victims of sexual assault.

1.3.3. Prevalence of sexual assault in the disabled population.

There is an increasing body of anecdotal and research evidence to suggest that people with intellectual disabilities are more vulnerable to criminal offences than others, and are less protected (Davis, 2000; Sobsey, 1994; van den Bergh & Hoekman, 2006). A study in South Australia found that people with intellectual disabilities were more than 12 times more likely to be robbed, and that women with an ID were 10 times more likely to be assaulted than their non-disabled peers (Wilson & Bewer, 1992). Whilst no definitive statistics are available as to the prevalence of sexual assault in the intellectually disabled population (specifically in Victoria), estimates have indicated that people with intellectual disabilities experience sexual assault at higher rates than their non-disabled peers. Muccigrosso (1991) estimated rates of four times that of the
non-disabled population, whilst others have reported that 50-90% of people with disabilities will experience sexual assault (Crossmaker, 1991). Sobsey (1994) found that 67.4% of children and adults with disabilities 12 years and younger, 52.6% between 13 and 17 years, and 39.3% 18 years and older experienced ten or more episodes of sexual assault. Alarmingly, he found that only 7.9% of those committing offences (perpetrators) were convicted, and, of those reported, in 37.2% of cases no charges were laid. It was estimated that 39% of incidents were never reported (Sobsey, 1994).

Figures cited in a Victorian Law Reform Commission (VLRC) issues paper on the Criminal Justice System and Victims of Sexual Offences with Impaired Mental Functioning (VLRC, 2001) indicate for the year 2000/2001, a total of 112 police interviews attended by Independent Third Persons (ITPs) related to sexual assault and rape incidents. Of these, 69 incidents reported a victim with an intellectual disability; 23 cases the victim was reported to have a psychiatric disability. For the year 2000/2001, 320 clients of Centres Against Sexual Assault (CASA) House’ identified as having a disability. Of these, 221 identified as having a psychiatric disability. In April/June 2000, 20% of victims who used a sexual assault service across Australia were identified as having a disability, with mental health the most prominent (270), followed by intellectual disability (81). Three hundred and fifty victims reported a disability not identified by the service.

Variations among estimates of prevalence can be accounted for by the differing definitions of sexual assault and abuse, the different populations sampled, and differing research methods. However, it is clear that lower rates of prevalence are reported when
researchers obtain information on abuse from sources further removed from the individual clients themselves (McCarthy & Thompson, 1996). It has also been noted that it can be difficult to “locate, access, analyse and sometimes cite statistics” regarding the incidence of reported sexual assaults experienced by individuals, and specifically for women with an intellectual disability or cognitive impairment (Goodfellow & Camilleri, 2003). Data that exist tend to be based on recorded access to sexual assault support services, which tend to lack a consistent approach to the collection of such data, in addition to the problems associated with identifying individuals with an intellectual disability within the criminal justice system, indicating that substantiation of data about the incidence and prevalence of sexual assault in this group would be inaccurate.

Despite limitations in the research literature and official government surveillance, it would be reasonable to conclude that people with an intellectual disability or cognitive impairment might experience sexual abuse at increased rates as a result of increased vulnerability relating to: a lack of knowledge and understanding about possible risks, as well as consequences and concerns due to limited cognitive functioning and adaptive skills (Frawley, 1997); expressive communication problems, making disclosure of abuse difficult (Carmody, 1990); power imbalances and the over-reliance and dependence on others (Carmody, 1992; Sobsey, 1994); and physical and social isolation (Frawley, 1997). There are additional systemic issues that further contribute to people with an ID being at an increased risk or vulnerability to sexual abuse, including service provider’ unwillingness to acknowledge the nature of abuse in care settings, a service culture of secrecy, disbelief that vulnerable people such as those
with ID would be victims of sexual assault (Murray & Powell, 2008), and a lack of staff training around recognition and adequate responses to sexual abuse (Goodfellow & Camilleri, 2003).

1.4. Factors Affecting Reporting of Abuse and Barriers to the Investigation of Alleged Sexual Assault

The ABS (2004) reports that for most victims of sexual assault, the perpetrator is most likely known to them, with most commonly reported location of incidences of assault being residential. The ABS also reports that the majority of victims of sexual assault do not report the crime to police and most do not access available support services. It has been proposed that factors affecting the decision to report an offence include the closeness of the victim/offender relationship and the victim's perception of the seriousness of the crime (Lievore, 2003). Lievore further reports, victims are more likely to report an incident to police if the perpetrator was a stranger, the victim was physically injured, or the victim was born in Australia.

The flow chart below (Figure 1.1) displays a generic model of the legal processes involved once an individual has reported an incident of sexual assault to the police. The majority of cases of sexual assault do not proceed to the first step in the process shown below.
There are numerous reasons as to why victims do not report. Whilst there are many personal and situational factors that influence an individual’s decision to report, two broad categories of barriers to reporting have been identified – personal barriers, and barriers related to the criminal justice system (Lievore, 2003). The most common barriers in these two categories are displayed in Table 1.2. Personal barriers tend to relate to victims’ perceptions of the incident, with the greatest determinant being personal perception of the seriousness of the crime. The barriers associated with the justice system include both perceptions of the justice system by victims (and their
advocates) as well as attitudes and beliefs within the justice system, which influences its response.

Table 1.2.  
**Barriers to the Reporting of Sexual Assault.**

<table>
<thead>
<tr>
<th>Personal barriers</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Too trivial or inappropriate to report to police</td>
</tr>
<tr>
<td>o Not a ‘real’ crime</td>
</tr>
<tr>
<td>o Not clear that harm was intended</td>
</tr>
<tr>
<td>o Dealt with it themselves</td>
</tr>
<tr>
<td>o Regard it as a private matter</td>
</tr>
<tr>
<td>o Shame, embarrassment</td>
</tr>
<tr>
<td>o Did not want family or others to know</td>
</tr>
<tr>
<td>o Fear of reprisal by assailant</td>
</tr>
<tr>
<td>o Self-blame or blamed by others for the attack</td>
</tr>
<tr>
<td>o Desire to protect offender, relationship or children</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Justice system barriers</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Police would not or could not do anything</td>
</tr>
<tr>
<td>o Police would not think it was serious enough, or would not want to be bothered with the incident</td>
</tr>
<tr>
<td>o Fear of not being believed by police</td>
</tr>
<tr>
<td>o Fear of being treated hostilely by police or other parts of the justice system</td>
</tr>
<tr>
<td>o Fear/dislike of police</td>
</tr>
<tr>
<td>o Fear of the legal process</td>
</tr>
<tr>
<td>o Lack of proof that the incident happened</td>
</tr>
<tr>
<td>o Did not know how to report</td>
</tr>
</tbody>
</table>

Source: Leivore, 2003, p. 28

Significant barriers to the disclosure of sexual abuse exist for people with a disability, operating and interacting at a societal, organisational and individual level. Furthermore, there are different levels of disclosure, for example, to a family member or residential care staff, and reporting to the police. Often, reporting to the police is done by a person other than the victim, as a result of the nature of some organisation and service policies (Murray & Powell, 2008). It is possible that these third party reports are not responded to by the justice system in the same way that self-report
might be, and additional concerns regarding such policies include the time elapsed between an initial report being made by a victim, and the formal report to the police, with ramifications for the collection of forensic evidence. To bring about change to prevailing policies, organisational procedures and the way in which they are put into effect by those in the community charged with the responsibility of protecting the rights of people with intellectual disability, it is important to develop an understanding of the perceptions of people in the wider community concerning people with intellectual disability, including the perceptions of support service personnel, police, members of the judiciary and jurors.

However, the barriers to reporting and acting on allegations of sexual assault are not limited to the perceptions of people in the general population. Joyce (2003), in her audit of referrals to a psychology service requesting assistance in the investigation of allegations of abuse of adults with an ID, found that aside from the difficulties that are inherent in an investigation of abuse procedurally, the individual making the allegation of abuse faced significant difficulties. In her sample of 26 victims, seven victims refused to allow further criminal investigation of the alleged abuse or withdrew their allegation. They reported a fear of consequences for themselves or, for example, their family, and fear of the court process (Joyce, 2003). A limitation in the sampling in this study was that the participants had predominantly been selected for participation because of their likely involvement with the criminal justice system. That is, allegations or concerns regarding possible abuse had been raised with, or reported to, the appropriate authorities (such as the police). Those individuals who had reported abuse, however, were less likely to engage with the criminal justice system (e.g. their reports
of abuse had not been substantiated), were not included in the sample. As such, sampling could be improved in future studies by including individuals with an ID who had alleged or reported abuse, regardless of the possibility of contact with the criminal justice system in terms of substantiation of their report. This would allow further exploration of the barriers not only to the reporting of abuse to the authorities, but also of the willingness to proceed with an allegation. It may also enable an exploration of the issues around substantiation of reports with individuals with ID. As such, although the sample in this study was not representative of victims with an ID as a group, it does highlight the difficulties in investigating abuse in people with an ID and proceeding once abuse has been substantiated.

At a broad societal level, barriers to disclosure by people with ID may relate to general understanding of sexual violence. For example, if the perpetration of abuse is considered acceptable, then people with ID may also believe it is acceptable and might not then disclose. Conversely, abuse may be viewed as shameful, thus people with an ID, not unlike other victims, may be discouraged from disclosing as a consequence of their feelings of shame (Murray & Powell, 2008). Of importance is how people with ID are understood and perceived within the community. Similarly, family members or service providers who become aware of such incidents might feel ashamed of what has occurred while the person was in their care, and consequently either not support the person with disability, or actively discourage them from reporting.

Of potential importance is how people with ID are understood and perceived within the community. For example, beliefs that people with ID are promiscuous or asexual; that they lie; or would not be sexually assaulted (Chenoweth, 1996; Lievore,
2005) would likely impact on an individual’s willingness to disclose. Such beliefs could also potentially influence the willingness of others (e.g. family members or service providers) to support the person with disability with any such disclosure and formal reporting process.

Kielty and Connelly (2001) conducted a study to identify barriers facing women with an ID when making a statement about sexual assault to the police in Sydney, Australia. Data was collected via qualitative “in-depth” interviews with police officers and sexual assault workers, conducted face-to-face, both individually and in small groups. Additionally, structured telephone interviews were conducted with staff members from the Court and Legal Services, Prosecuting Services, whose role is to provide advice to police regarding whether to proceed to prosecution (Kielty & Connelly, 2001). Of the police in the sample, all indicated having taken a statement from a woman with an ID, and all were classified as “investigators.” It was highlighted that interviews were not conducted with general duty police officers, who tend to be the first point of contact for an individual reporting an incident of abuse. Although not stipulated in the paper, it appeared the interview data was analysed using thematic analysis techniques, whereby common themes were identified through recurrence and repetition.

Kielty and Connelly (2001) identified two “myths” predominant in police personnel’s perception of women with ID, which have the potential to effect investigative processes and the pursuit of prosecution – that women with an ID are promiscuous, and that the victim’s story is “not a credible account” (Kielty & Connelly, 2001, p. 280). The Victorian Law Reform Commission (VLRC; 2004) further
identified that police personnel may present as dismissive of allegations of sexual abuse by people with ID, as the victim may be perceived as suggestible or easily influenced, and therefore, not a viable witness (VLRC, 2004).

Also relating to the under-reporting of abuse from individuals, and in particular, children, with an intellectual disability, are the stereotypes and prejudices held by interviewers, such as police officers (Aarons & Powell, 2003). Brennan and Brennan (1994) surveyed police officers’ perceptions and attitudes toward people with intellectual disability in New South Wales as part of a project to provide training and support in regards to communicating with people with an intellectual disability. Overall, police officers as a group reported beliefs regarding the difficulties and inabilitys of people with an intellectual disability to provide accurate and credible accounts of their experiences, based on their intellectual and cognitive abilities, verbal communication skills, and concentration difficulties. For example, many officers surveyed likened a person with an intellectual disability to a child and, as such, would attempt to communicate to such individuals as if they were indeed a child (Brennan & Brennan, 1994). Such beliefs impinge not only on an individuals’ perceived competence as a credible witness, but also on professionals’ abilities to manage communication barriers, which allows perpetuation of negative stereotypes and of a cycle disabling the progression of a case to court and prosecution.

Another major barrier to reporting of abuse by people with an ID is their sometimes limited knowledge about sexuality and therefore, a lack of ability to recognise sexual abuse. This further increases an individual’s vulnerability to
manipulation and to “grooming” into sexual abuse or into believing they have consented to sexual contact (Carmody, 1991; Peckham, 2007).

Building on the premise that people with an ID may have limited knowledge about sexuality, is the lack of knowledge regarding how to communicate abuse. The major evidence prepared by a victim of sexual assault is in the form of a written statement following police interviews. The way in which an interview is conducted, and the capacity for the person to participate in the interview process has major ramifications for the information that is then available for the written statement of evidence (Keilty & Connelly, 2001), and subsequently, the quality of the written statement that can influence both decisions to proceed with a prosecution and the success of any court proceedings.

For individuals who cannot communicate verbally, they will need to use Augmentative and Alternative Communication (AAC) techniques. Alternative forms of communication can include both low-tech (e.g. sign language and picture boards) and high-tech (e.g. electronic communication system) options. Here through the success of such techniques can be dependent upon the inclusion of appropriate signs and symbols in the person’s communication system and the person’s familiarity with using these symbols. Often symbols for the words about genitalia, rape, or sexual abuse are not included on the person’s existing boards, increasing the level of difficulty in communicating an incident of abuse (Goodfellow & Camilleri, 2003). Also, the familiarity (or lack of familiarity) with the use of ACC systems by the person conducting the interview might also plausibly affect the process. Additionally, from the literature in regards to credibility of victims, three significant barriers to effective
communication are memory, recall, and suggestibility. These factors will be discussed in greater depth in Chapter 2.

At an organisational level, deficiencies in policies and procedures to manage disclosures of abuse and an organisational culture of denial further hinders the reporting of abuse. Even though such policies and procedures exist, they may act to exclude the individual reporting abuse from the procedure, limiting any inclusion in personal decision making. For example, if the policy is for disability support workers to report to Centre management, with the decision as to whether to report to police being a managerial decision, the choice in the process is removed from the victim (Goodfellow & Camilleri, 2003). The way in which an organisation deals with reports of abuse may also deter individuals to disclose, given the individual’s perception of the process. An example of this is a 2006 report from the Victorian Ombudsman that found that often when incidents of abuse were reported in residential care settings, often it was the victim who was moved to an alternative location, rather than the alleged perpetrator. This may be perceived by a victim as punitive towards them (Ombudsman Victoria, 2006).

Even where policies and procedures are geared towards facilitating reports of incidents involving sexual assault, a possible determinant of the extent to which these matters are reported and pursued is the perceived credibility of the person alleging the assault. The credibility of the victim is not a consideration limited to situations involving people with intellectual disability, but can also influence proceedings involving children, adolescents, and people from social minorities. Indeed, victim credibility is a factor commonly considered by defence counsel more generally when
cross-examining witnesses, and seeking to place in the mind of the jury reasonable doubt with respect to the accused’s alleged actions. It is this key perception of credibility that will be addressed in chapter 2.

Table 1.3.

*Summary of the Literature Presented in Chapter 1.*

**Summary of Chapter 1**

**Introduction and rationale:**

- Individuals with an ID are recognised as a vulnerable population generally, and there is anecdotal and empirical evidence suggesting that people with ID are more vulnerable to criminal offences than others.
- Extralegal factors may influence jurors’ perceptions of the credibility of witnesses/victims with an ID in cases of sexual abuse.
- Limited research has examined potential jurors’ perceptions of the credibility of adolescents with an ID in cases of sexual abuse.

**Definitions and prevalence of ID:**

- Differing definitions internationally. For the purposes of the current study, the *Disability Act (2006)* stipulates that a person is classified as having an intellectual disability if the results of a standardised intelligence test indicate the person has a level of intellectual functioning at least 2 standard deviations below the population average, and a result at or below the second percentile of people of the same age and cultural group on a standardised measure of adaptive behaviour.
- Limited statistics available regarding the prevalence of ID among children and adolescents in Australia.

**Definitions and prevalence of sexual assault:**

- In Australia, ASOC provides standardised descriptions of sexual offences, despite the different definitions of offences utilised across jurisdictions.
- In relation to the current study, the *Victorian Crimes Act (1958)* definitions of Indecent Assault and Indecent Exposure are most relevant.
- Problems are apparent in estimates of prevalence due to differing definitions of sexual assault.
- No specific statistics available regarding the prevalence of sexual assault in the ID population, however, estimates have indicated that people with ID experience sexual assault at higher rates than their non-disabled peers.

**Factors affecting reporting of abuse:**

- Many personal and situational factors influence a decision to report.
- 2 broad categories of barriers – personal barriers and barriers related to the criminal justice system.
- Significant barriers to the disclosure of sexual abuse exist for people with an ID, operating at societal, organisation, and individual levels.
Chapter 2: Perceptions of Credibility of Victims/Witnesses

This second chapter establishes the centrality of the concept of credibility to understanding how victims/witnesses of sexual offences with intellectual disability are dealt with by the justice system. The factors influencing perceptions of credibility in other populations, including children and adolescence are evaluated. Consideration is given to both those factors associated with the victim/witness and those factors associated with juror profiles. It is established that there is a paucity of research to inform our understanding of how jurors might perceive the credibility of victims/witnesses of sexual offences with intellectual disability and why they might come to the conclusions that they do.

2.1. Credibility

Often in cases of sexual abuse involving children and adolescents, physical evidence and corroborating witnesses are not available. The consequence being that jurors are left to make decisions on the basis of a victim’s word (Myers, 1997). In cases such as this, jurors’ judgments can be influenced by many extralegal factors. Extralegal factors are those variables that are not related to the specific facts of the case, but which may influence the decision making processes in court. It is of great importance for the victims of sexual abuse that such factors be investigated to determine their influence on judgments. Examples of such factors are juror gender and pre-trial attitudes (Gabora, Spanos, & Joab, 1993). Victim characteristics, such as ethnicity, age (Nightingale, 1993), and gender (Bottoms, et al., 2003; Quas, Bottoms, Haegerich, & Nysse-Carris,
2002) may also be influential. A victim characteristic that may be of particular importance is that of intellectual disability.

Children and adolescents with intellectual disabilities (ID) may be at greater risk of sexual abuse than their non-disabled counterparts (Wilson & Bewer, 1992). However, victims from this population also display lower levels of reporting of abuse, charging of the perpetrator, and lower conviction rates for incidents of sexual assault and abuse (Brown, Stein, & Turk, 1995; Joyce, 2003; Keilty & Connelly, 2001; Valenti-Hein & Schwartz, 1993). The greater level of vulnerability in this population may be explained by communication deficits, impaired mobility, social isolation, a lack of sexual education, and social powerlessness (Valenti-Hein & Schwartz, 1993). In addition to this, when reports of abuse are made by individuals with ID, they may be less likely to be believed (Williams, 1995). As a consequence, victims are less likely to report, with reporting rates for people with ID who have experienced sexual abuse being approximately 3%, while for individuals without ID, reporting rates range between 15% and 28% (Williams, 1995).

It has been proposed that lower reporting rates and comparatively low numbers of legal actions taken in cases of sexual abuse involving people with intellectual disability might be accounted for by assumptions among carers of people with disabilities that authorities investigating cases and jurors hearing cases will not believe allegations from individuals with ID concerning sexual abuse (Bottoms, et al., 2003; Sanders, Creaton, Bird, & Weber, 1997). Moreover, research indicates that there is an assumption among the non-disabled population, especially those in a position to report
Credibility, or perceived credibility, consists of the judgments made by the perceiver regarding the believability of the source or communicator. O'Keefe (2002) proposes that there are two dimensions defining credibility. The first is expertise, which can also be thought of as competence or authoritativeness, and relates to a perceiver’s assessment of whether the communicator (and in this context, a witness) is in a position to provide accurate and complete information. The second dimension is that of trustworthiness, which relates to character and personal integrity. It is related to the perceiver’s assessment of whether the communicator or witness will be likely to tell the truth as he or she sees it (O'Keefe, 2002).

Miller and Burgoon (1982) proposed similar constructs underlying how credible a victim is perceived to be; competence to provide an accurate description of an event, and trustworthiness that the victim is providing an honest account (Miller & Burgoon, 1982). These two dimensions may only represent the most general forms of credibility-relevant judgments made by recipients, as the specific judgments that underlie credibility probably vary from case to case, and so too can the emphasis placed on one or another dimensions of judgment. The discussion will next address those factors identified in the literature as potential influences on perceptions of credibility.
2.2. Factors Influencing Perceptions of Credibility

Judgments of credibility can be influenced by numerous factors, such as education, occupation, experience and whether the communicator or witness is liked by the perceiver (or in this instance, a juror). However, current research data do not provide a comprehensive picture of all such factors that may influence perceptions of credibility (O'Keefe, 2002). In this area, further research is warranted.

Perceived credibility involves the consideration of a number of components that may be thought of as mediators of credibility that jurors take in to consideration when determining the credibility of witnesses. These include perceived witness suggestibility, honesty or trustworthiness, ability to fabricate a charge, and competency.

As discussed previously, often victims and witnesses are required to give statements to the police, which are then relied upon in court. Included among these alleged victims and potential witnesses are children and people with intellectual disabilities. The credibility of witnesses depends on the perceived ability, competence or expertise of an individual (Cashmore & Bussey, 1996; Luus & Wells, 1994; Nettelbeck et al., 2000) and the perceived motivation or honesty of an individual (O'Keefe, 2002; Undeutsch, 1982). Although it is commonly assumed that witnesses and victims give more honest (than ‘self-serving’) accounts than defendants (Gudjonsson, 1999), the reliability of such statements cannot always be taken at face value, as witnesses and victims can lie for a number of reasons, including: a need for attention, eagerness to assist police with their enquiries, police pressure, covering up mistakes or true motives for actions, and exerting revenge on a third party (Gudjonsson, 2003). Furthermore, even when individuals are motivated to be honest,
their statements to police and the courts may be influenced by their ability to give a reliable account of events. That is, an individual’s psychological vulnerabilities and limitations can impact on their ability to give reliable accounts.

The way in which a witness is questioned will also influence their motivations to be honest (Kebbell & Hatton, 1999). Gudjonsson (1999) proposes that this aspect of credibility (a person’s psychological vulnerabilities) is related to the victim/witness’s memory of an incident in question, their cognitive functioning (e.g. intelligence, memory capacity, tendency to confabulate), personality (e.g. suggestibility, compliance, acquiescence), and mental state (e.g. depression, anxiety, guilt, shock, post-traumatic stress disorder, use of alcohol or other drugs or withdrawal symptoms) (Gudjonsson, 1999, p. 63). It would be reasonable to conclude that each of these issues could be further confounded by the impairments associated with intellectual disability and that the combination of these factors could influence the perceptions of those in decision making roles, such as jurors. To understand how some of these factors, and combinations of factors, might influence jurors, it would be useful to first consider how they potentially influence jurors considering matters related to typically developing children as victims of, and / or witnesses to alleged criminal activity.

2.2.1. Perceptions of typically developing children.

Research investigating how mock jurors perceive the credibility of child witnesses has been extensively researched, with many different effects reported. That is, child witnesses are perceived sometimes as less, equally, or more credible, than adult witnesses. Children tend to be perceived as more credible in cases of sexual
abuse, although, there seems to be a negative bias against child witnesses in cases not involving sexual abuse (Leippe & Romanczyk, 1989; McCauley & Fraser-Parker, 2001). Children under the age of 12 years tend to be perceived as more credible than adolescent or adult victims in cases of sexual abuse.

There are several plausible explanations as to why younger children tend to be perceived as more credible than adolescents or adults. The major explanation purports that this might occur due to perceptions that young children are lacking the cognitive abilities and sexual knowledge required to fabricate allegations of abuse (Bottoms & Goodman, 1994; Gabora, et al., 1993; Nightingale, 1993), although there is conflicting evidence on this. Other studies have found that witness age has no impact on ratings of witness credibility, indicating that children and adults are perceived similarly by mock jurors in terms of their credibility (Johnson, 1986; Ross, Miller, & Moran, 1987). In such studies, factors including the perceived confidence or speech style of the witness influenced mock jurors’ perceptions more so than witness age (Luus & Wells, 1992; Nigro, Buckley, Hill, & Nelson, 1989; Wells, Lindsay, & Ferguson, 1979). Another explanation for some studies failing to detect age differences may relate to use of global credibility measures, rather than measures separating items relating to the components of credibility – competence and trustworthiness/honesty (Rogers & Davies, 2007). In an attempt to explain the conflicting findings in the child witness credibility literature, researchers have focused on jurors’ stereotypes in relation to the perceived cognitive abilities and honesty of child witnesses (Ross, Dunning, Toglia, & Ceci, 1990; Ross, Jurden, Lindsay, & Keeney, 2003).
There is evidence to suggest that jurors, or mock jurors may be reluctant to convict a defendant when the testimony against the defendant comes only from a child witness. Leippe and Romanczyk (1987) recruited college students to read a trial summary involving a robbery and murder case. In each summary, the witness was described as either 6, 10, or 30 years of age, and the amount of incriminating evidence against the defendant was described as either weak, moderate, or strong. They found that when the amount of evidence against the defendant was strong, subjects in the 6 and 10 year old witness condition were less likely to convict the defendant (58% conviction rate), whereas subjects/jurors presiding over the adult witness condition voted unanimously to convict the defendant (Leippe & Romanczyk, 1987). In the same study, Leippe and Romanczyk investigated how consistency of testimony affected the severity of a defendant’s sentence, as rated by the mock jurors/college students. The witness testimony was varied as consistent or inconsistent, and the defendant’s possible sentence was varied as light or heavy. The major finding was that consistency of testimony had an impact on mock juror’s perceptions of witness credibility only in the 6-year old witness condition, where the inconsistent witness was rated as less credible than the consistent witness.

Ross and colleagues conducted three experiments examining mock jurors’ responses to the testimony of a child witness, compared to the testimony of a young adult and an elderly witness (Ross, et al., 1990). In the first experiment, mock jurors viewed a videotaped recreation of a court trial in which the age of the prosecution’s key witness was presented as 8, 21, or 74 years of age. The results obtained were contrary to prior research. The testimony of the 8 year old witness was rated as more credible
than identical testimony given by the 21 year old. The elderly witness was also seen as more credible than the 21 year old. These results were replicated in their second experiment, where mock jurors read a written transcript of the same trial as was presented via videotape in experiment one. These results are inconsistent with one body of research (Goodman, Golding, Helgeson, Haith, & Michelli, 1987; Leippe & Romanczyk, 1987), however, are consistent with the opposing and emerging body of research, indicating that child witnesses are perceived as more credible than adults (Davies & Rogers, 2009; Duggan, et al., 1989; Goodman, Bottoms, Hersocvici, & Shaver, 1989; Leippe & Romanczyk, 1989; Nigro, et al., 1989). In the third experiment, mock jurors were surveyed about their beliefs about age differences in eyewitness ability. Interestingly, mock jurors were found to have negative stereotypes of child witnesses, which is not consistent with the findings of experiments 1 and 2 (Ross, et al., 1990). Ross and colleagues speculate that there are two possible explanations from the literature for the contradictory findings of their research. The first relates to how stereotypes influence social judgments, while the second centres on whether the credibility of witnesses relies primarily on the accuracy of their testimony (expertise, as described above) or their honesty/sincerity of intentions.

Social psychological research suggests that stereotypes exert a striking influence on social judgment. That is, if people expect to see a characteristic in a witness, they will usually see it, especially if the behaviour of the witness adheres to their preconceived expectations. In relation to the Ross et al. (1990) study, subjects may have attributed greater credibility to a child’s testimony because it “violated their expectations about child witnesses” (p.19). Other reasons relate to the scenario used in
their research, which involved a drug transaction. It is less plausible for a child to be involved in such a scenario, whereas it is viable for a 21 year old.

Here then, the question arises as to the perception of accusations or accounts of sexual assault made by children and adolescents with the added complication of their presenting with a developmental delay or cognitive impairment.

2.2.2. Perceptions of children and adolescents with an intellectual disability.

Little research has been conducted examining juror’s perceptions of the credibility of adolescents with an intellectual disability as witnesses of sexual abuse. The research conducted with non-disabled children has been used to understand and conceptualise perceptions of credibility of sexual abuse victims with intellectual disabilities. It is thought that the perceived characteristics of credibility associated with children are likely to be similar for adolescents with ID. That is, people with ID are likely to have reduced cognitive abilities, less sexual knowledge (increased sexual naïveté), and less likely to possess the skills required to fabricate allegations of abuse (Bottoms, et al., 2003; Podell, Kastner, & Kastner, 1994, 1996).

Bottoms and colleagues (2003) are among a limited number of researchers examining perceptions of the credibility of adolescent witnesses with ID (Bottoms, et al., 2003). The assumption that witnesses with ID will not be believed by jurors was tested in a mock trial study whereby 160 men and women watched videotaped excerpts from an actual trial. The victim of sexual assault was depicted as a 16 year old girl who was described as being either ‘mildly mentally retarded,’ or as ‘having average
intelligence.’ They found that jurors were more likely to vote ‘guilty’ and to have more confidence in the defendant’s guilt when the victim was portrayed as having an ID. They considered the witness to be more credible and the defendant to be less credible as witnesses. Jurors rated the victim to be more honest and less capable of fabricating the allegation of sexual abuse, and less likely to have fabricated the allegation. This study represents the limited research in this area to date, and the results should be interpreted with caution. The participants/jurors were undergraduate psychology students, and even though they were derived from an ‘ethnically diverse’ campus of the university, the generalisability of the results to other populations is limited. This is an important limitation, as jurors are randomly selected from the community, not university campuses. Drawing upon a university sample is a biased representation of the population sample, and fails to provide reliable information regarding perceptions of credibility that jurors from other demographics may ascribe to adolescent witnesses with ID. That is, the findings may not be generalizable to other groups of mock jurors, nor jurors generally.

2.3. Other Characteristics of the Witness which might Influence the Outcome of Judicial Proceedings

It is evident that the credibility of the witness is a crucial factor influencing the outcome of judicial proceedings. Furthermore, it is evident that there are a variety of factors contributing to the formulation of an opinion by jurors concerning a witness’ credibility. However, there are a number of other factors that could feasibly influence the outcome of proceedings. These factors include the perceived expertise or
competence of the witness, their suggestibility, their propensity to confabulate, together with their trustworthiness and honesty.

2.3.1. Competence (expertise).

Witness competence (or expertise) may be considered a special issue in regards to witnesses with intellectual disabilities, for whom there is still a presumption of incompetence throughout the legal system (Valenti-Hein & Schwartz, 1993). Competence should be considered even more compelling for victims with ID, given the higher rates of sexual abuse perpetrated against this population. The literature relating to children will be focused on at present as a means to gain information regarding the future acceptability of witnesses with ID. At present, there are a number of strategies used to determine competence in regards to children giving testimony. Most of these approaches are derived from a Supreme Court decision in the United States, Wheeler v. United States (1895), which ruled that the admissibility of children’s testimony should be determined through examination of the child by a judge. From this, stemmed the ‘Wheeler Criterion,’ which includes four factors: 1) an understanding of the difference between truth and falsehood, and an understanding of the obligation to speak the truth whilst on the witness stand; 2) the capacity to accurately perceive the events in question; 3) sufficient memory to recollect the events; and 4) the ability to translate memory into words and respond to simple questions (Valenti-Hein & Schwartz, 1993 p. 287). The potential significance of these criterion to cases involving people with intellectual disability are apparent when taken into account are the defining characteristics of people with ID (as outlined earlier, in section 1.2.1).
The criteria established in Wheeler v. United States are used differently throughout the states of America, with different states putting greater emphases on the respective criteria. However, the American Bar Association’s (ABA) National Resource Centre for Child Advocacy and Protection (American Bar Association, 1985) has taken the current federal rules of evidence further in regards to child victims of sexual abuse, proposing that victims of sexual abuse should be considered competent witnesses regardless of whether they have undergone a competency assessment. The criteria established in Wheeler v. United States have not commonly been applied to cases involving people with intellectual disability. Here though, the issue of the competency of the witness to make allegations on which charges can be laid, and to give testimony in court, remains important.

Competence is associated with credibility, and the terms are occasionally used interchangeably. It should be noted that competence relates to an individual’s ability to provide reliable testimony, while credibility relates to the beliefs of a judge or jury that the witness is providing reliable testimony (Valenti-Hein & Schwartz, 1993). However, it is thought that judiciary and juror perceptions of the competence of a witness will influence their ratings of the credibility of such witnesses. Jurors often have biases and ‘erroneous beliefs’ about child witnesses that influence their perceptions of competency. Similarly, jurors tend to have preconceived stereotyped beliefs about people with intellectual disabilities, which act to constrain this population’s participation in legal proceedings, despite individual abilities to fulfil the aforementioned criteria for competency (Valenti-Hein & Schwartz, 1993). Such stereotypes of incompetence are asserted to result in a lack of investigation into crimes,
prosecution of crimes, and to add greater risk of victimisation to the ID population (Nettelbeck, Wilson, Potter, & Perry, 2000; Valenti-Hein & Schwartz, 1993).

Cashmore and Bussey (1996) conducted a study investigating judicial perceptions of the competence of child witnesses and methods that facilitate competence. They chose the judiciary as a sample, as few studies have included the views of judges. Judges and magistrates have ultimate control over the inclusion or exclusion of evidence in court. Their perceptions of a child witnesses’ competence to testify remain at their own discretion (Cashmore & Bussey, 1996). They found that the median age of children for presumed incompetence was 5-6 years of age, and competence 12-13 years of age. This is consistent with other studies examining ‘juror’ and lawyers presumptions of age of competence (Leippe & Romanczyk, 1989), with children becoming ‘equal to an adult’ in terms of competence at approximately 11 years of age. Importantly, the focus of competence testing is usually on an individual’s understanding of truth and lies. However, in this study, the judges and magistrates displayed little concern about the potential of dishonesty in the children, with the majority believing that children were at least as honest as adults, if not more so, due to their naïveté and less developed cognitive abilities. Conversely, judges expressed concern regarding children’s susceptibility to the influence of others and their ‘propensity to fantasise.’ They viewed children as more vulnerable to suggestive questioning, and as more likely to revise their testimony in response to coaching, threats, and challenges to their integrity (Cashmore & Bussey, 1996). A major limitation of this study was that the sample of judiciary was predominantly male, with only two female participants. This raises concerns as to the validity of the results, as
Research suggests that gender may influence perceptions of credibility and competence (Bottoms & Goodman, 1994; Gabora et al., 1993; Golding, Sanchez, & Sego, 1997; Morison & Greene, 1992; Quas et al., 2002). On the other hand, the sample used was representative of the judiciary as a group, as males tend to comprise a larger proportion of judges and magistrates.

Gudjonsson, Murphy and Clare (2000) assessed the capacity of people with intellectual disabilities who were victims/witnesses of crime to be witnesses in court. The adults with intellectual disabilities were assessed in regards to their capacity to provide advice to police, by examining their intellectual ability, memory, acquiescence, suggestibility, and their ability to explain concepts related to the oath taken in court. The results suggested a significant relationship between intellectual ability and understanding of the oath, in that the higher functioning the individual was the more likely it was that they understood the basic elements of the oath (e.g. truth and lies). Those participants with a mild intellectual disability seemed to understand the basic nature of the oath, however, those with a moderate intellectual disability were “very unlikely to understand the basic nature of the oath, although two…appeared to have some understanding of the concept of the truth in concrete situations” (Gudjonsson, Murphy, & Clare, 2000, p.312). The general conclusions drawn from this study indicated that cognitively disadvantaged individuals can validly be interviewed by police and can be reliable witnesses in court. Furthermore, the findings suggest that their presentation in court would be supported and enhanced if a functional approach to capacity were to be employed, whereby the oath was simplified (Gudjonsson et al., 2000).
Connolly and colleagues (2008) conducted three studies investigating the effect of a judicial declaration of competence on perceptions of credibility towards a child witness and an adult defendant. Undergraduate students completed vignettes about a 5- or 13-year old child witness or an adult involved in one of two scenarios – a case of sexual assault, or a case of a motor vehicle accident. The child conditions were either preceded by a general or specific declaration of the child’s competence to testify, or no mention of the child’s competence was made. Participants were required to rate the credibility of both the witness and the defendant. Overall, the results of these studies indicated that a specific judicial declaration of competence targeted at a particular child increased that child’s perceived credibility, and when the child was depicted as five years old, lower ratings of credibility were found for the defendant. That is, when a specific declaration of competence was made, ratings of credibility for the child increased, and decreased for the adult. However, these results were not replicated when a general declaration of competence was made (a general declaration that children are deemed competent to testify). Rather, when a general declaration was made, in some cases the defendant was rated more positively (Connolly, Gagnon, & Lavoie, 2008).

The major limitation with these studies was their use of undergraduate students. An aim of the studies was to activate stereotypes of child witnesses; however it is possible that the stereotypes held by undergraduate students, given their limited life experience, may differ to those of older adults. Further, throughout the three studies, females were represented in the participants at a higher rate than males. As previously noted, research suggests that gender may influence perceptions of credibility and
2.3.2. Suggestibility.

Memory and suggestibility are central to legal situations where children and adults are required to provide evidence (Ceci & Bruck, 1995). Suggestibility has been traditionally referred to as “the extent to which individuals come to accept and subsequently incorporate post-event information into their memory recollections” (Guðjónsson, 1986). This implies that it is an unconscious process resulting from information that was supplied after an event and that suggestibility is a memory-based phenomenon (Ceci & Bruck, 1995), rather than a result of social pressure to lie or conform to expectations. However, this traditional conceptualisation is somewhat limited in its use and applicability to many cases (Ceci & Bruck, 1995).

Ceci and Bruck (1995) broadened the definition of suggestibility to include what is usually thought of as its ‘lay usage.’ They propose that suggestibility refers to the degree to which the encoding, storage, retrieval, and reporting of events can be influenced by various internal and external factors. Using this meaning, it is possible to accept information and be “fully conscious of its divergence from the originally perceived event, as in the case of acquiescence to social demands, lying or efforts to please loved ones” (p. 45). This definition does not necessarily involve the alteration of underlying memories, meaning that an individual may still remember an incident or details surrounding an incident, but may choose not to report it for motivational reasons.
Hence, suggestibility, according to this broader definition, can be a result of social and cognitive factors alike. This definition allows the examination of testimony, taking into consideration the incorporation of information both before and after an event, regardless of whether the effect of suggestions on their testimony is socially- or memory-based, or whether suggestions are produced consciously or unconsciously (Ceci & Bruck, 1995).

Gudjonsson has suggested that there are two distinct and ‘reasonably independent’ types of interrogative suggestibility, which are referred to as ‘shift,’ and ‘yield.’ ‘Yield’ refers to the tendency of interviewees of ‘giving in to’ leading questions, whereas ‘shift’ is related to the interviewee’s ability to cope with interrogative pressure, for example, negative feedback and repeated questioning (Gudjonsson & Henry, 2003). He proposes that both are mediated by similar factors, for example; cognitive variables, anxiety, social factors, and coping skills, but notes that ‘yield’ may be relatively more related to cognitive variables, and ‘shift’ relatively more related to interpersonal and social factors (Gudjonsson, 2003; Gudjonsson & Henry, 2003).

Historically, children, and people with intellectual disabilities, have been considered unreliable witnesses due to the belief that their memory systems are not fully developed, in the case of children, or are impaired, in the case of people with ID (Beail, 2002). As a result, it has also been assumed that they are susceptible to both shift and yield in police interviews. Gudjonsson (1992) reviewed the literature on suggestibility and memory, finding that the poorer the participant’s memory, the greater the likelihood of being suggestible. Clare and Gudjonsson (1993) found that recall is poorer for individuals with ID than those of average intellectual ability, which
is not a surprising result. Clare and Gudjonsson concluded that people with ID are particularly susceptible to ‘leading questions,’ about material that they did not remember well. However, alternative explanations were not explored in their study. It would be of benefit to explore this further, as in other papers, such as Gudjonsson (1992), it has been extrapolated that interrogative suggestibility can, to a certain extent, predict the reliability of information witnesses provide when interviewed by police or other authorities. Furthermore, that suggestibility is a vulnerability that can be minimised or exacerbated by the circumstances in which an interview is conducted.

Henry and Gudjonsson (1999) examined eyewitness memory and suggestibility in children with intellectual disability to determine how well they were able to recall a live staged event one day later, compared to chronological aged and mental age matched peers. Different types of questions and questioning techniques were used, including free recall, open-ended specific questions, general questions, closed misleading questions and correctly leading questions. They found that children with ID performed well on many measures of eyewitness memory performance, reaching similar levels to those of the chronological age group for free recall, general, open-ended and correctly leading questions, but were more suggestible in response to closed misleading questions than those in the chronological-aged-matched group, though were not more suggestible than those in the mental-age-matched group.

The investigators suggest that social factors may account for the increase in suggestibility in the ID group with closed misleading questions, as they may place strong interrogative pressure on children with ID to conform to the interviewer. They propose that factors such as eagerness to please, reduced confidence in their own
memory of the event, and a reluctance to disagree with an adult may have produced this effect. Prior research supports this claim that individuals with ID are especially vulnerable to acquiescence when interviewers use closed or yes/no questions (e.g. (Heal & Sigelman, 1995). Henry and Gudjonsson (2007) note that the “types of factors that might impact on the fullness, accuracy, and reliability of eyewitness memory in children with ID are only just being identified” (p. 361).

Findings have indicated that the eyewitness abilities of children with ID are poorer than those of typically developing peers when comparisons are made using chronological age. This appears to also apply to adults with an intellectual disability (see (Milne, Clare, & Bull, 2002). However, it appears that when children with ID are compared to typically developing peers using mental age, few differences in performance are noted (Henry & Gudjonsson, 1999). Conversely, Agnew and Powell (2004) found that children with mild and moderate ID were less likely than the typically developing controls to be susceptible to interviewer suggestion. They related this to the possibility that children with ID have poorer memory abilities, and as such, the children in this group may have a reduced likelihood of encoding and remembering interviewer suggestion (Agnew & Powell, 2004).

Henry and Gudjonsson (2007) in their study examining developmental improvements in eyewitness memory performance for children with ID compared to typically developing children, found evidence to suggest that in children with ID, free recall can improve over time. However, they note that a longitudinal follow up study would provide more rigorous support for this. They further found that measures of mental age may better predict recall and suggestibility in children with ID than
measures of verbal and non-verbal intelligence (Henry & Gudjonsson, 2007). The authors did note, however, that extraneous variables (both internal and external) involved in real-life forensic contexts may impact upon an individual’s ability to recall and resist suggestion, especially in the sense that children with an ID may find the pressures of a “real” forensic interview more difficult to cope with than typically developing children (Henry & Gudjonsson, 2007).

Cederborg et al. (2008) examined whether repeated interviewing would improve the performance and amount of information provided by children with an ID, aged between 4 and 18 years, questioned in criminal investigations. The study utilised qualitative and quantitative data collection strategies regarding utterances made by the interviewees in two repeated interviews regarding their experience of abuse. They found that, contrary to previous research (e.g. Henry & Gudjonsson, 2003) indicating that children with mild and moderate ID changed their answers in repeated interviews to a greater degree than age-matched peers, “new and elaborated” information provided by the children in this study tended to be less contradictory or more consistent. That is, repeated interviews were demonstrated in this study to be valuable in regards to eliciting new information from children with an ID. This result requires further empirical exploration to determine whether interviewer questioning style and wording may impact upon recall and information elicitation, given a major identified limitation to this study was “poor interviewing style” that may have contaminated children’s information, regardless of their abilities.

Nathanson and Platt (2005) conducted a study examining attorneys’ perceptions of child witnesses with mental retardation/ID. Thirty-nine criminal attorneys completed
a 33-item questionnaire designed to assess attorney opinions of the capabilities of adults and children with and without intellectual disability to recall and communicate information in forensic contexts. The results indicated that attorneys find adults more credible than children, and children as more suggestible. In addition to this, the results indicated that attorneys perceive children with ID as less credible and more suggestible than child witnesses without ID. Ninety-two percent of the attorneys surveyed assumed that child witnesses with ID would recall less than a child without ID when recalling a crime. Eighty-nine percent of attorneys surveyed perceived witnesses with ID as being ‘more’ or ‘much more’ suggestible than those without ID. As a result of these perceptions, attorneys were asked how likely they thought a jury would be to convict if the sole witness was a child versus an adult. Forty-six percent of attorneys believed a jury would ‘less’ or ‘much less’ likely to convict in those circumstances. Attorneys also reported beliefs that juries would be less likely to convict if the witness was a child with ID, and that juries are likely to perceive child witnesses with ID to be ‘inferior’ or ‘much inferior’ in their ability to recall events compared to child witnesses without ID (Nathanson & Platt, 2005). In interpreting these findings, it should be noted that the sample size of this study was somewhat limited (N=39), with 28 males and 11 females. Over half the attorneys surveyed did not have any experience working with children with ID, although they still held strong assumptions as to their credibility and suggestibility. Studies such as this highlight concern for the conviction of perpetrators of offences against, specifically, young people with ID.

Whilst studies have looked closely at juror’s and legal practitioner’s perceptions of witnesses with ID, these studies have focused predominantly on children and adults,
with little research conducted on juror’s perceptions of adolescent witnesses or victims of sexual assault with ID. Furthermore, studies that have examined juror’s perceptions of people with ID tend to have used college samples, which do not provide an accurate representation of the potential jury pool.

2.3.3. Confabulation, trustworthiness and honesty.

Gudjonsson and Clare (1995) investigated the relationship between confabulation and intellectual ability, memory, suggestibility and acquiescence. Confabulation occurs when there are problems in an individual’s memory processing, and they replace gaps in their memory with imaginary experiences which they hold true (Gudjonsson, 1992). The authors hypothesised that lower intellectual ability or lower functioning would be associated with a greater tendency to confabulate. Two different types of confabulation were distinguished from each other – distortions and fabrications. Correlations were used to examine relationships between the aforementioned variables. Confabulation did not correlate significantly with any of the other variables. However, it was found that the two types of confabulation did not correlate with each other, indicating the possibility of them being two separate components that may need to be measured separately to attain accurate confabulation, distortion, and fabrication figures in future research (Gudjonsson & Clare, 1995).

Whilst jurors may consider children and people with ID as low on competency factors such as cognitive ability and resistance to suggestion, they tend to rate them high on trustworthiness factors, such as honesty and innocence (Bottoms & Goodman, 1994). Both survey and experimental findings support this explanation. Survey studies
have indicated that children are believed to be more trustworthy and sincere, though less cognitively competent than adults (Leippe & Romanczyk, 1987, 1989). Further to this, in experiments where children were seen as less credible than adults, this was attributed to mock juror’s concerns about competency factors, whereas, where children were seen as more credible or equally credible as adults, sincerity and honesty factors were seen as more important by jurors (Ross, et al., 1990).

In child sexual assault cases, competence and trustworthiness factors are probable salient dimensions of credibility, but another dimension combining the two, is likely to be important with regard to juror judgments of credibility – sexual naïveté. That is, whilst jurors may rate competency factors as low, this may work to a child’s advantage in cases of sexual abuse, due to their relative lack of sexual knowledge (incorporated into cognitive competency), whilst ratings of honesty and sincerity remain high. Adults may be less likely to view children (and potentially people with intellectual disabilities) as possessing the cognitive abilities and sexual knowledge required to fabricate allegations of sexual abuse (Bottoms & Goodman, 1994), leading to a greater overall rating of credibility in regard to a child’s testimony when other evidence is lacking. Overall, research indicates that as witness age increases, juror’s presumptions of sexual naïveté decrease, as attributions of a child’s responsibility for sexual abuse, suspicions regarding a child’s capacity and propensity to lie about sexual abuse, are likely to be fostered (Bottoms & Goodman, 1994; Duggan, et al., 1989; Gabora, et al., 1993; Leippe & Romanczyk, 1989).

Studies have indicated, therefore, that children are seen as more credible in this regard, compared to adolescents. Duggan and colleagues found that 5 and 9 year old
victims of sexual abuse were perceived by mock jurors as more credible than a 13 year-old. When questioned as to the reasons underlying their ratings, jurors specified that they believed younger children to be sexually naïve and lacking in the knowledge required to make allegations of a sexual nature (Duggan, et al., 1989). Similar results were obtained by Waterman and Foss-Goodman (1984), finding that more blame was attributed to a 15 year-old victim of sexual assault compared with an 11 or 7 year-old victim (Waterman & Foss-Goodman, 1984). Bottoms and Goodman (1993) propose that when sexual naïveté is a salient factor in cases of sexual abuse, perceived credibility is likely to be inversely related to age.

2.4. Victim and Juror Factors Impacting upon Perceptions of Credibility

Individuals with ID are more vulnerable to sexual abuse than those without ID (Furey, Granfield, & Karan, 1994). Sources including family members, staff, people without disabilities, and also other individuals with ID may heighten the risk of abuse (Furey, 1994). Physical evidence and corroborating witnesses are often not available in cases of sexual abuse, leaving jurors to base their decisions chiefly on the testimony of alleged victims (Myers, 1997). It is therefore important to understand how jurors respond to witnesses. There is a growing body of literature illustrating that jurors’ perceptions and case decisions are influenced by case evidence and extralegal factors, including juror gender and pre-trial attitudes, as well as victim characteristics such as age and gender. To date, limited research has been conducted investigating the victim and juror characteristics that influence perceptions of credibility in the intellectually disabled population. There follows discussion of the literature concerning victim age,
gender and the presence of disability (section 2.5). Thereafter, research concerning juror characteristics such as gender, ethnicity and personal experience of people with intellectual disability will be evaluated (section 2.6).

2.5. Victim Characteristics

2.5.1. Victim age.

Research has indicated that witness credibility may be related, sometimes directly, other times inversely, to witness age (e.g. Davies & Rogers, 2009; Goodman, et al., 1989; Leippe & Romanczyk, 1989; Ross, et al., 1987). These differing results may relate to the proposal that credibility is compiled of the two underlying constructs of competence and trustworthiness. In studies where younger children are perceived as more credible, sincerity and honesty seem to be the salient and emphasised factors (Johnson, 1986; Ross, et al., 1987), whereas in studies where children are seen as less credible than adults, cognitive abilities seem to be emphasised (Goodman, et al., 1987; Leippe & Romanczyk, 1987, 1989). In terms of child sexual abuse cases, competence and trustworthiness may be merged to form judgments of sexual naïveté (Bottoms & Goodman, 1994). As a result of this, in cases of sexual abuse, children may be perceived as more credible witnesses than adolescents and adults (Duggan, et al., 1989). That is, increased age is associated with decreasing perceptions of sexual naïveté.

Davies and Rogers (2009) investigated victim culpability, credibility, and assault severity in a case of hypothetical sexual abuse, with items assessing victim blame and responsibility, perpetrator blame and responsibility and sympathy for the
victim, perceived severity of the sexual assault, perceptions of impact and trauma on the victim, perpetrator guilt, and victim credibility items, including competence and trustworthiness. The victims were depicted as a five, ten, or fifteen-year old female who was assaulted by either her father, a male family friend or a male stranger. Of importance, the study utilised a convenience sample of the British general public who were recruited from public places, including parks, beaches, and public areas. As such, this study may be more representative in terms of assessing a greater scope of opinions. The results indicated that younger victims were regarded as more credible than older victims, lending support to theories suggesting the influence of perceptions of sexual naiveté and trustworthiness in younger children. Furthermore, the attributions made by participants generally indicated more support for the victims, regardless of the age they were depicted to be.

Davies and Rogers (2009) provided support for previous research (e.g. Rogers, Josey & Davies, 2007, Back & Lips, 1998) indicating that younger victims are perceived as less culpable and more credible. Rogers et al.’s (2007) study examined attributions of blame and credibility towards a female victim in a hypothetical scenario of sexual abuse depicted as either a ten or fifteen year old. These ages were chosen as a ten year old is young enough to be considered sexually naïve, and a fifteen year old is approaching the age of consent for sexual activity. The ten year old victim was perceived to be less culpable for her victimisation that the fifteen year old, again supporting the notion that younger children are perceived to provide more credible accounts of sexual abuse due to their sexual naiveté (Rogers, Josey, & Davies, 2007).
A limitation of these studies was the focus on female victims. Future studies will need to assess perceptions of both male and female adolescents with an intellectual disability, to investigate the impact of victim gender on perceptions of credibility.

In contrast with the above studies, McCauley and Parker (2001) examined the dimensions jurors may utilise when deciding on a child victims’ credibility, and found no interactions of victim’s age on verdict or perceptions of credibility, honesty, or memory. Golding et al. (1997) further failed to find a significant main effect for age and verdict and believability in their study utilising victims depicted as four, six, and fourteen years of age. As such, it appeared that by middle childhood, children were viewed as having accurate memory abilities, but not old enough to have the motive to fabricate allegations of sexual abuse (Gabora, et al., 1993; Golding, et al., 1997). A significant limitation to McCauley and Parker’s (2001) study was the use of an undergraduate student sample, despite them being of jury-eligible age.

Presented in Table 2.1 are summaries of particularly prominent studies from the body of literature investigating the effects of victim age on jurors’ perceptions of child witnesses in cases of sexual abuse. From the results of these studies it can be observed that in the majority of cases, younger children are perceived as more credible than adolescent and adults witnesses. However, upon inspection of the methods utilised in each of these studies, it is evident that college samples tend to be used as sample populations. As with many of the mock jury studies investigating witness factors and credibility in both disabled and non-disabled populations, college samples do not necessarily provide accurate representations of widely held views and perceptions, thus the external validity and generalisability of their results are questionable. It therefore
remains important for future research to examine the impact of victim age (across children, adolescents, and adults with an intellectual disability) on juror perceptions.
Table 2.1

Summary of Noteworthy Studies Investigating the Effect of Victim Age on Juror’s Decisions in Child Sexual Abuse Cases.

<table>
<thead>
<tr>
<th>Authors</th>
<th>Title</th>
<th>N</th>
<th>Method</th>
<th>Results</th>
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<tbody>
<tr>
<td>Rogers, Josey &amp; Davies</td>
<td>Victim age, attractiveness and abuse history as factors in the perception of a hypothetical child sexual abuse case</td>
<td>169 males &amp; 228 females ranging in age from 16 to 83 years from a community sample.</td>
<td>2 (victim age – 10 years vs. 15 years) x 2 (victim attractiveness – attractive vs. unattractive) x 3 (victim’s abuse history – first time vs. multiple with same perpetrator vs. multiple with various perpetrators) x 2 (respondent gender – male vs. female) between subjects design. Case scenario described a hypothetical scenario of abuse, demographic items, and 16 blame attribution items.</td>
<td>Significant differences in ratings of victim culpability and credibility based on victim age, attractiveness, abuse history and respondent gender. 10 year old seen as less culpable than 15 year old victim; male respondents attributed more culpability to victims than did females; 10 year old victim rated as more credible than 15 year old. Female respondents rated victim as more credible than did males.</td>
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<tr>
<td>Newcombe &amp; Bransgrove</td>
<td>Perceptions of witness credibility: variations across age</td>
<td>40 male &amp; 86 female undergraduate psychology students</td>
<td>Participant-jurors viewed videotaped interviews that paired an accurate respondent with an inaccurate respondent within same-aged pairs. Ages were 4 years, 9 years, adult. Completed booklets indicating their perceptions of witness characteristics (e.g. accuracy, suggestibility, honesty, credibility).</td>
<td>Supported hypothesis that mock jurors are reluctant to believe the word of a young child in contrast to an older child or an adult.</td>
</tr>
<tr>
<td>Newcombe &amp; Bransgrove</td>
<td>Perceptions of witness credibility: variations across age</td>
<td>54 male and 130 female undergraduate psychology students</td>
<td>Participant-jurors viewed videotaped interviews that paired an accurate respondent with an inaccurate respondent within different-aged pairs. Ages were 4 years, 9 years, adult. Completed</td>
<td>Supported hypothesis that mock jurors are reluctant to believe the word of a young child in contrast to an older child or an adult.</td>
</tr>
<tr>
<td>Study Authors</td>
<td>Study Title</td>
<td>Participant Groups</td>
<td>Methodology</td>
<td>Findings</td>
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<tr>
<td>Rogers &amp; Davies (2007)</td>
<td>Perceptions of victims and perpetrators in a depicted child sexual abuse case: Gender and age factors</td>
<td>141 males &amp; 184 females recruited from a northwestern university campus &amp; from public parks &amp; beaches in the south of England.</td>
<td>Employed a 2 (victim age) x 2 (victim gender) x 2 (perpetrator gender) x 2 (respondent gender) between subjects design. Questionnaire booklets consisting of demographic details, past history of sexual abuse, number of children, whether children had suffered any form of sexual abuse, case scenario, and series of questions about the scenario. Scenario detailed a hypothetical case in which the victim was sexually assaulted by a neighbour. Victim &amp; perpetrator gender manipulated. Victim depicted as either 10- or 15 years of age.</td>
<td>Male respondents deemed perpetrator less culpable, assault less severe, victim less credible and more culpable than did females. Males considered assault on a 15 year old male victim by a female perpetrator as less severe, victim less credible. Female perpetrators considered more favourably than males. Victimisation of 10 year old considered more severe, regardless of gender of victim or perpetrator.</td>
</tr>
<tr>
<td>Davies &amp; Rogers (2009)</td>
<td>Perceptions of blame and credibility toward victims of childhood sexual abuse: Differences across victim age, victim-perpetrator relationship, and respondent gender in a depicted case</td>
<td>139 males &amp; 239 females recruited from the jury-eligible general public in London and Southeast England.</td>
<td>Questionnaire booklet consisting of instructions, one of nine (3 victim age x 3 victim-perpetrator relationship) scenarios, 14 CSA attribution items, demographic items. Scenarios depicted a hypothetical case in which a female victim was sexually assaulted while staying overnight at her father’s house. Victim ages depicted as either 5, 10, or 15 years of age.</td>
<td>Younger victims considered more credible than older victims; the more sexually naïve a child appears, the more trustworthy and truthful their disclosure is perceived to be. Respondents generally pro-victim. Respondents generally saw victims across ages as being capable of giving accurate and competent evidence. Female respondents judged the victim to be more honest and credible and the perpetrator to be more culpable than did males.</td>
</tr>
<tr>
<td>Bottoms &amp; Goodman (1994)</td>
<td>Perceptions of children’s credibility in sexual assault</td>
<td>34 male &amp; 87 female students in lower-level psychology programs</td>
<td>One page scenario in which a female student (age 6, 14, 22) claimed to have been sexually abused</td>
<td>Youngest victim judged as more credible than the adult victim. Credibility of the 14 yr old did not differ reliably from that of the 6 or 22 yr old.</td>
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<tr>
<td>Study</td>
<td>Title</td>
<td>Participants</td>
<td>Methods</td>
<td>Findings</td>
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<tr>
<td>McCauley &amp; Fraser Parker (2001)</td>
<td>When will a child be believed? The impact of the victim’s age and juror’s gender on children’s credibility and verdict in a sexual abuse case</td>
<td>573 undergraduate students, aged 18 to 55 years (78% falling in to 18-25 yr old group)</td>
<td>3 simulated written trials with female victims of 6 or 13 yrs. Based on vignettes developed by Nightingale (1993).</td>
<td>No interaction of victim’s age with case on verdict or on perceptions of victim credibility, honesty or memory. There was a noteworthy effect of victim’s age on perceptions of victim’s memory – 6 year old perceived to have poorer memory than 13 yr old. This did not manifest in guilt decisions.</td>
</tr>
<tr>
<td>Gabora, Spanos &amp; Joab (1993)</td>
<td>The effects of complainant age and expert psychological testimony in a simulated child sexual abuse trial</td>
<td>352 (192 male, 160 female) volunteers from university undergraduate courses. Course credit was received for their participation.</td>
<td>Mock jury study. Juries were randomly assigned to 1 of 6 conditions. Shown 1 of 6 videotaped trials, varying complainant age and level of expert witness.</td>
<td>More convictions when victim was 13 rather than 17. Indicated that 17 yr old perceived as more likely to fabricate allegations than 13 yr old &amp; more likely to possess that knowledge. Jurors rated complainant more credible at 13 than at 17 yrs of age.</td>
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<tr>
<td>Duggan, Aubrey, Doherty, Isquith, Levine &amp; Scheiner (1989)</td>
<td>The credibility of children as witnesses in a simulated child sex abuse trial</td>
<td>216 participants, with equal numbers of males and females serving on mock juries Aged 20-80 years (mean = 42 years). Sample selected randomly from the voting rolls. 98% of sample was Caucasian.</td>
<td>3 males &amp; 3 females served on 36 mock juries. Viewed a videotaped trial where age of victim/witness, presence of corroborative testimony, and relationship to defendant were varied. Credibility measured via questionnaire after viewing video.</td>
<td>More likely to convict defendant who offended against a 5 year old and a 9 year old victim/witness (75% and 81% of jurors, respectively). Only 65% of those viewing the 13 year old victim/witness voted to convict defendant.</td>
</tr>
<tr>
<td>Nightingale (1993)</td>
<td>Juror reactions to child victim witnesses: Factors affecting trial outcome</td>
<td>379 (199 female, 180 male) undergraduate psychology students.</td>
<td>Written trial testimony varying case type (civil/criminal), corroboration (yes/no), &amp; age of victim (6, 9, or 12 yrs).</td>
<td>Although not reaching significance, pairwise comparisons revealed that amounts of blame attributed to 6 and 9 yr olds were not significantly different from one another, but that the amount of blame attributed to the 12 yr old was significantly higher than for 6 &amp; 9 yr old.</td>
</tr>
<tr>
<td>Study</td>
<td>Reaction to child (versus adult) eyewitnesses</td>
<td>Students &amp; Participants</td>
<td>Scenario</td>
<td>Findings</td>
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<tr>
<td>Study 1</td>
<td>Reactions to child (versus adult) eyewitnesses</td>
<td>72 college students in an introductory psychology students (75% female)</td>
<td>Written description of scenarios, varying age (5/6; 8/9; 12/13; 18-22). Asked to rate estimated objective recall &amp; estimated recognition.</td>
<td>Estimates of witness responses to objective recall influenced by witness age – increased linearly as witness age increased. Subjects did not rate younger children lower on recognition of lineup, however.</td>
</tr>
<tr>
<td>Study 2</td>
<td>Reactions to child (versus adult) eyewitnesses</td>
<td>83 female &amp; 37 male college students participated in groups of 8 to 18.</td>
<td>Subjects read &amp; reacted to written criminal cases in which the principle prosecution eyewitness was either a child or adult.</td>
<td>A 6 yr old eyewitness was judged to be less credible than an adult eyewitness &amp; fewer guilty judgments were rendered when eyewitness was 6 or 10 yrs old vs. adult.</td>
</tr>
<tr>
<td>Study 3</td>
<td>Reaction to child (versus adult) eyewitnesses</td>
<td>119 female and 61 male college students</td>
<td>As in study 2</td>
<td>Apparent inconsistency lowered the credibility of 6 yr old, but not of a 10- or 30 yr old eyewitness.</td>
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<tr>
<td>Study 4</td>
<td>Reaction to child (versus adult) eyewitnesses</td>
<td>170 female and 56 male students from an introductory psychology course</td>
<td>As in study 2</td>
<td>6 year old eyewitness was judged more credible than adult eyewitness &amp; more guilty judgments were rendered when the case included the child eyewitness.</td>
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<tr>
<td>Study 5</td>
<td>Reaction to child (versus adult) eyewitnesses</td>
<td>48 introductory psychology students (27 males)</td>
<td>As in study 2, but manipulated the description-or-transcript distinction</td>
<td>Bias observed against cases with a child eyewitness when mock jurors simply knew witness age, &amp; a bias favouring cases when mock jurors read the eyewitness testimony.</td>
</tr>
<tr>
<td>Goodman, Golding, Helgeson, Haith, Michelli (1987) Experiment 1</td>
<td>When a child takes the stand: Jurors perceptions of children’s eyewitness testimony</td>
<td>72 introductory psychology students (35 female, 37 male)</td>
<td>Participants read a written description of a car-pedestrian accident (vehicle homicide). Child was only bystander witness. Age was varied.</td>
<td>Mock jurors judged children to be less credible eyewitnesses than adults. Eyewitness age did not determine the degree of guilt attributed to defendant.</td>
</tr>
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</table>
2.5.2. Victim gender.

Historically, victim gender issues have been ignored in the child and adult sexual abuse literature, potentially due to assumptions that the rate of sexual assault of men (outside of the prison environment) is low (Cotton & Groth, 1984). Due to the relatively recent recognition that young males are frequently sexually abused, it is of great importance to assess jurors’ reactions to young male, as well as young female, victims (Bottoms & Goodman, 1994). Studies of male sexual abuse victims are rare, with the literature primarily relating to abuse in institutions, such as prison (Rideau & Sinclair, 1982), the armed forces, and boarding schools (Darves-Bornoz, Choquet, Ledoux, Gasquet, & Manfredi, 1998; Goyer & Eddleman, 1984). In addition to this, reporting of sexual assault by males remains low, possibly due to the stigmatised nature of male sexual assault, especially when the perpetrator is a woman (Cermak & Molidor, 1996; Thomas, 1989).

Young male victims’ credibility may be rated as lower than that of girls due to beliefs that boys that are sexually abused are not as ‘harmed’ as girls, and that boys are more likely than girls to initiate abuse. As a result of these preconceived beliefs, it may be presumed that jurors may have significant difficulties believing young male victims compared to young women. Research on child sexual abuse perpetrated by adults indicates that victim gender, especially in interaction with perpetrator and/or juror gender may influence judgments in such cases (Bottoms & Goodman, 1994). Broussard and Wagner (1988) obtained results indicating that adult males considered perpetrators less responsible for abusing boys than girls, whereas they found that women’s ratings
of responsibility did not differ as a function of gender. That is, women perceived boys and girls as equally credible (Broussard & Wagner, 1988).

Finkelhor (1984) found that participants considered heterosexual abuse more serious for female than male victims, indicating that homosexual acts against male children might influence judgments of witness credibility (Finkelhor, 1984). However, the single experimental study investigating mock juror’s judgments of credibility and guilt in relation to victim gender found no significant differences. Bottoms and Goodman (1994) conducted a study to determine whether victim gender influenced ratings of credibility. They hypothesised that, given findings in the adult rape literature, that there would be interactions between victim and participant gender. Victims were described as 6, 10, or 14 years of age. It was expected that the 6 year old would be perceived as more credible than the 10 and 14 year olds. In regards to the 14 year old, they proposed that they would be perceived as past the age of sexual naïveté, and would be judged as less credible than the 6 year old. This assumption was based on Duggan et al.’s (1989) findings that dishonesty and responsibility were perceived as reasonable attributes for a 13 year old victim (Duggan, et al., 1989). The population sampled were 62 men and 61 women (aged 16-39 years) from lower-level psychology courses. A one page scenario of sexual assault was used, with the age and gender of the victims varied across scenarios. Witness credibility and guilt judgments were surveyed after reading the scenario. They found that no differences in credibility judgments were made due to victim gender or victim age, however, participant gender effects were found (please see section juror characteristics for a description of these results). Similarly, no significant differences in guilt judgments emerged as a result of victim
gender or victim age. A major limitation of this study is the use of a college sample, even though there was a relatively even spread of males, females and age groups.

Bornstein, Kaplan and Perry (2007) examined the effects of victim and perpetrator gender (male or female), type of abuse (physical, relatively mild sexual, or relatively severe sexual), and victim-perpetrator relationship (parent or babysitter) in the perception of child abuse as rated by students and non-students. The victim was depicted as eight years of age. Participants rated each case scenario on the degree of trauma and severity, likelihood of general occurrence and reoccurrence, victim believability, and “repressability” of the event. The results in relation to the effects of victim gender indicated that the abuse of females was perceived as more “severe and traumatic.” Of note, such perceptions were not associated with a perception that female victims were more believable, the abuse of females was not perceived as more common generally, and the particular types of abusive were not viewed as more likely to occur to a female than a male victim. Such a result was inconsistent with previous empirical findings (Clark & Nightingale, 1997) This may indicate that community perceptions in relation to the sexual abuse of males are changing to be more inclusive (Bornstein, Kaplan, & Perry, 2007).

Rogers and Davies (2007) investigated the roles of respondent, perpetrator, and victim gender on attributions (of severity, culpability, credibility) toward a 10- or 15 year old victim and an adult perpetrator in a hypothetical case of sexual abuse. Specifically in regards to ratings of victim gender and culpability, the results indicated that a 15 year old male victim assaulted by a male perpetrator was deemed less culpable than a 15 year old boy assaulted by a female perpetrator. In general, it
appeared that victims of a male perpetrator were evaluated equally positively regardless of the gender of the victim, which is not consistent with the adult rape literature, which indicates a tendency for adult male rape victims to be judged more negatively than adult female rape victims (Davies, Pollard, & Archer, 2001; Perrott & Webber, 1996).

Rogers and Davies hypothesised that their finding may relate to “negative attributions based on homophobia” for adult rape victims (Rogers & Davies, 2007). That is, respondents respond negatively to toward male victims who are perceived to be gay, and it may be unlikely that child victims would be perceived in this manner. This hypothesis would require empirical exploration, however. Of note, when the male child in the study was depicted as older (15 years of age), they appeared vulnerable to similar negative gender-role stereotyping as an adult male victim when the perpetrator was depicted as a female (Davies, Pollard, & Archer, 2006). This again may indicate the functioning of a stereotype whereby female perpetrated sexual abuse is not viewed as damaging or as serious as male perpetrated sexual abuse. When the victim was depicted as 10 years of age, the victimisation was considered damaging and severe, regardless of the gender of the perpetrator. This may provide further evidence of ceiling effect for credibility in relation to sexual naivety.

In Rogers and Davies’ (2007) study, approximately one half of the sample comprised undergraduate students, while the remainder of the sample comprised members of the British general public. Although the sample was broadened to capture a wider sample than students, comparisons were able to be made between the student and non-student samples, with differences observed in their judgments (see Validity of Jury Simulations section for further details). The differences were statistically controlled for
however, the authors noted the importance of including wider factions of the public in future studies.

2.5.3. Victim disability.

The credibility of sexual abuse victims with intellectual disabilities may be understood in term of the factors described above in the child witness literature. People with ID are perceived negatively in terms of intellectual capacity and logical ability (Gottlieb & Corman, 1975; Johnson, 1986). In a case of sexual abuse, this could contribute to increased perceived credibility, in that jurors may doubt that ID victims would be capable of fabricating allegations of abuse (Bottoms, et al., 2003). Alternatively, individuals with ID may be perceived positively in terms of honesty, kindness and morality (Gottlieb & Corman, 1975; Williams, 1986), likeability, cheerfulness, lovingness, and helpfulness (Williams, 1986). In child sexual abuse cases, these are the factors that tend to predict higher ratings of perceived credibility. Additionally, disabled children and adolescents may be considered sexually naïve in the same way as children under the age of approximately eleven or twelve years (Bottoms & Goodman, 1994; Duggan, et al., 1989; Gabora, et al., 1993; Nightingale, 1993).

There is limited available research on the sexual knowledge of people with ID. The available research indicates that adults with mild or moderate ID have basic sexual knowledge (Baroff, 1986) and may engage in similar sexual behaviours to their non-disabled counterparts (Monat-Haller, 1992; Scotti, Slack, Bowman, & Morris, 1996). However, adolescents with ID (14-17 years) are not well-educated about sexuality
A more recent study, conducted by Murphy and O’Callaghan (2004) provides further insights into the capacity of adults with an ID to consent to sexual activity, utilising a functional approach. The functional approach proposes that the decision making capacity of vulnerable people, such as those with an ID, should be supported and encouraged to make decisions for themselves, wherever possible. The functional approach further suggests that capacity is decision-specific and reflects an interaction between an individual’s skills, abilities, and demands of the task.

Specifically, the study aimed to assess the sexual knowledge, vulnerability, and capacity to consent to sexual relationships in adults with ID, using a comparison group of people without disabilities aged 16-17 years (the legal age of consent to sexual relationships in the United Kingdom). The results indicated that adults with an ID were less able to identify abusive situations than young persons aged 16 years, assessed using The Understanding Consent and Abuse measure (O’Callaghan & Murphy, 2002), and five vignettes (developed by the authors; O’Callaghan & Murphy, 2002) depicting either consenting or abusive situations involving sexuality. Furthermore, the sexual knowledge of the adults with an ID was lower than the 16-year-old non-disabled group, as assessed by a shortened version of the Sexual Knowledge Inventory (Sex-Ken-ID; McCabe, 1994). However, it was highlighted by the authors that adults with an ID may have less sexual knowledge than young persons without an ID due to much less sexual education – both formal, and informal (such as from peers, parents, magazines). It was further highlighted that on an individual basis, capacity to consent to sexual activity is unlikely to be a “static phenomenon” (Murphy & O’Callaghan, 2004), having found that sex education was associated with higher levels of knowledge and lower levels of
vulnerability for people with an ID. As such, increasing levels of sexual education and providing this on an ongoing basis may assist adults with an ID in their decisions about sexual relationships and reduce levels of vulnerability to abuse. Whilst this study provides much needed insights into the capacity of adults with an ID to consent to sexual relationships and recognise abusive situations, there remains a gap in the literature in regards to the sexual knowledge and capacity to recognise abuse in children and adolescents with an ID. Additionally, despite actual capacity of people with an ID to understand and consent to sexual relationships, there appears to be a lack of research investigating specifically, general perceptions of the sexuality of children and adolescents with ID. One can only speculate at this stage as to whether disabled children and adolescents are considered sexually naïve for similar reasons to children without ID, and whether perceptions of sexual naïveté are likely to be enduring to older ages for individuals with ID (Bottoms, et al., 2003).

Rogers, Titterington and Davies (2009) investigated the effects of victim disability (physical, intellectual and no disability), level of victim resistance, and respondent gender on attributions of blame and credibility in a hypothetical child sexual abuse case. The case(s) depicted a fictional police statement regarding the sexual assault of a 12-year-old girl by a 23-year-old man. The results in relation to disability status suggested that child sexual abuse victims with physical or intellectual disabilities were not rated as less credible than their non-disabled counterparts, indicating that disability status did not appear to have a direct impact on perceptions of credibility when the victim was depicted as a 12-year-old girl. Furthermore, perpetrators and non-offending parents depicted in the case scenario were rated as just
as culpable, and the assault was rated as just as serious, despite disability status. This finding was consistent for both male and female respondents. Additionally, victim disability did not significantly impact on general ratings of perpetrator culpability. That is, offenders were rated as blameworthy regardless of victim disability status (physical, intellectual, or no disability). In this study, it appeared that respondents may have recognised that children with an intellectual disability are capable of distinguishing between appropriate and sexually abusive acts (Rogers et al., 2009).

Peled, Iarocci, and Connolly (2004) examined the perceived credibility of youth with mild intellectual disability in providing courtroom testimony. Half of the participants read testimony described as the account of a 15-year-old girl with a mild intellectual disability functioning at the age of 10 year old, and the other read testimony described as from a typically developing 10 year old. Half of the participants read testimony that reflected the speech and style and language abilities of a typically developing 10-year-old, whereas the other half received testimony reflecting the speech, style and language abilities of a typically developing 15-year-old. The results suggested that participants rated a typically developing 10-year-old as less credible than an adult of average intelligence, and less credible than a typically developing 15-year-old. Participants rated a 15-year-old with a mild intellectual disability as less credible than a 15-year-old typically developing. Further, participants perceived the 15-year-old with a mild intellectual disability as less credible than a typically developing 10-year-old. This indicated that knowledge of a victim/witnesses’ intellectual disability can bias perceptions of credibility, given participants were informed that the 15-year-old with the mild intellectual disability was functioning at the level of a typically
developing 10-year-old, yet was still rated as less credible (Peled, Iarocci, & Connolly, 2004). This is in contrast to the results of the study undertaken by Rogers et al. (2009) and Bottoms et al. (2003).

Bottoms and colleagues (2003) investigated the effect of intellectual disability on mock juror’s ratings of credibility. They found that when the victim was portrayed as a 16 year old woman with a mild intellectual disability, jurors provided higher ratings of honesty, and determined the victim to be less capable of fabricating the charge, and less likely to have fabricated the charge. Following this, they tested whether perceived victim credibility mediated the effect of disability status on guilt judgments. They found that disability status significantly predicted verdicts and perceived victim credibility, and that perceived victim credibility significantly predicted verdicts, whilst disability status did not predict degree of guilt (verdict) ratings. They concluded that perceived victim credibility mediated the effect of disability status on verdict preferences (Bottoms, et al., 2003 p. 219). Additionally, they tested another model of mediation involving the examination of degree-of-guilt ratings and disability status. The results suggested that the effect of disability status on degree-of-guilt ratings was also mediated by perceived victim credibility (Bottoms, et al., 2003).

To date, the level or severity of intellectual disability has not been varied to determine whether witnesses with more severe disabilities may still be considered naïve and honest, or whether ratings of suggestibility or competence would be more salient. That is, is there a limit to the extent to which impaired or decreased cognitive abilities translate into higher ratings of perceived credibility?
The studies outlined above illustrate differing findings in relation to the impact of victim/witness intellectual disability on perceived credibility. Future research needs to extend the work of the above authors by examining the extent to which severity of intellectual disability translates to lower, or higher, perceived credibility. Furthermore, future research needs to investigate perceptions of jurors of both female and male adolescents with an ID, to determine the extent to which ratings of credibility of individuals with an ID differ as a function of victim/witness gender.

2.6. Juror Characteristics

Even though trial juries are expected to provide impartial judgments and decisions, extralegal variables influence verdicts (Gabora, et al., 1993; Nightingale, 1993; Quas, et al., 2002). Jurors’ backgrounds and attitudes may be considered extralegal factors in cases, given they are independent of evidence, legal rulings, and courtroom presented arguments (Green & Bornstein, 2003). Juror characteristics that have been demonstrated to influence case judgments include juror gender and ethnicity, although it is possible that there are many other juror characteristics that may influence trial outcomes. Juror gender and ethnicity have been studied relatively extensively, whereas other potential juror variables have been somewhat neglected in the literature. Further, attorneys and lawyers use information about jurors’ gender (e.g. Tate, Hawrish, & Clark, 1974), occupation (e.g. Padawer-Singer & Barton, 1975), and ethnicity (Van Dyke, 1977) in order to make decisions about whom to accept and reject from a panel of potential jurors.
Olczak, Kaplan and Pernod (1991) examined the type of information utilised by attorneys in jury selection in criminal cases and how this information combined to judge juror bias. Eleven characteristics were varied (for example, gender, age, nationality, and marital status) and attorneys were asked to rate the extent to which each profiled juror would be biased towards defence or prosecution. Attorneys highlighted minimal characteristics, and a later follow-up study indicated that none of the juror characteristics used by the attorneys actually predicated juror voting (Olczak, Kaplan, & Penrod, 1991).

Interestingly, there is a paucity of literature available on the potential influences of juror age on perceptions of credibility in not only the ID population, but all populations. Research literature examining effects of juror age on the credibility of witnesses was unavailable. This is surprising, considering other juror characteristics (such as gender and ethnicity) are examined for potential influences on perceptions of credibility and outcome judgments of guilt.

2.6.1. Juror gender.

The majority of research examining gender and child sexual abuse has focused predominantly on the impact of juror gender (Quas, et al., 2002). Generally, men and women react differently to child sexual abuse victims and defendants, with men being more pro-defendant and women pro-victim. In particular, men appear to view child sexual abuse as a less serious crime and may be more likely to endorse “child sexual abuse myths,” (for example, “a child who does not display signs of distress probably has not been a victim of sexual assault;” (Morison & Greene, 1992). Consistent with
these views are mock jurors’ reactions to child sexual abuse cases. Male jurors tend to rate child sexual abuse victims as less credible than women, and tend to be more pro-defence in making judgments of guilt (Back & Lips, 1998; Bottoms, Davis, & Epstein, 2004; Bottoms & Goodman, 1994; Broussard & Wagner, 1988; Davies & Rogers, 2009; Gabora, et al., 1993; Golding, et al., 1997; McCauley & Fraser-Parker, 2001; Quas, et al., 2002; Rogers & Davies, 2007; Rogers, et al., 2007; Schutte & Hosch, 1997). However, in regards to confidence in verdict given, McCoy and Gray (2007) found that males tended to be more confident in their judgments than females, although females were significantly more confident across cases. Further, no significant differences were identified between females and males in relation to likelihood of rendering a guilty verdict. Of some note, however, is that females rated the victim as more believable than did males (McCoy & Gray, 2007). Such gender differences seem to be a result of greater victim empathy and negatively held attitudes towards child sexual abuse in women (Bottoms, 1993).

Bottoms and colleagues (2003) examined the effects of juror gender on perceptions of victims with ID. They found that men and women differ in their perceptions of alleged sexual assault victims, even when the victim is portrayed as having an intellectual disability. Providing results consistent with those in the child abuse literature, they found that women rendered significantly more guilty verdicts and were more confident in finding the defendant guilty. Women considered the victim as more credible and honest, less suggestible, less capable of fabricating and less likely to have fabricated allegations compared to men. Overall, women held more liberal views towards people with ID than men. However, contrary to their hypotheses, the gender
differences observed were not significantly more pronounced when the victim was described as having ID (Bottoms, et al., 2003). Inherent in this study were sample limitations. That is, a college undergraduate sample was surveyed as mock jurors. The jurors were not exposed to a ‘live’ trial (they observed a videotape recording of court proceedings) and jurors were aware that their judgments would not have a direct impact on a defendant. Although the sample used was ethnically diverse, with relatively even numbers of male and female participants, such research would be of greater benefit if the sample were derived from a more diverse population, for example, a random community sample.

2.6.2. Ethnicity.

A widely researched extralegal variable is that of ethnicity, particularly with respect to the ethnicity of defendants (Abwender & Hough, 2001). However, the ethnicity of potential jurors may be an important factor influencing ratings of credibility in witnesses with intellectual disability, bearing in mind that perceptions of people with intellectual disability more generally vary across cultures (Skinner & Weisner, 2007; Littlewood, 2006; Whyte & Ingstad, 1995). However, the current search of the literature failed to identify any research examining the possible effect of juror ethnicity on perceptions of either victims or witnesses with intellectual disability. More generally though, research conducted on the relationship between juror and defendant ethnicity indicates that there is a tendency for jurors to treat same-ethnicity defendants more leniently, whilst treating other ethnicity defendants more critically (e.g. Abwender & Hough, 2001; Bornstein & Rajki, 1994; Kerr, Hymes,
Anderson, & Weathers, 1995). In accordance with social identity theory (Tajfel & Turner, 1985), which proposes that individuals categorise others into in-group or out-group members and favour the in-group to enable the enhancement of self-image, the tendency for jurors to treat same-ethnicity defendants more leniently is consistent with an in-group favourability bias. It would be expected that a similar bias would occur in relation to victims or witnesses, including those with intellectual disabilities.

Acknowledging the potential importance of ethnicity, and that it is a factor that features in some research conducted in other countries, ethnicity is not a variable commonly considered in generic jury research in Australia. It will therefore not be considered further in the current study.

2.6.3. Experience with intellectual disability.

A further juror factor for investigation is that of juror/participant personal experience of people with an intellectual disability. The writer was unable to locate any peer-reviewed research pertaining to this factor specifically in relation to juror perceptions of individuals with an ID. Searches of the literature further revealed a lack of research into perceptions of credibility of other clinical populations, such as people with a mental illness, based on experience or lack of experience of that population. However, social psychological research investigating the effects of personal experience with mental illness on community attitudes of individuals with mental illness may assist in providing a context and rationale for this variable.

Research has suggested that personal contact with individuals with a mental illness exercises a positive influence on an individual’s attitude, including beliefs that
individuals with mental illness are less dangerous (Link & Cullen, 1986; Penn et al., 1994); are more likely to engage in social relationships (Penn et al., 1994); and are more likely to espouse a more accepting attitude towards individuals with a mental illness (Brockington et al., 1993). Further, familiarity (also knowledge of, and experience with, mental illness) with people with mental illness appears highly associated with positive attitudes, and has been demonstrated to be “inversely associated with prejudicial attitudes towards mental illness” (Holmes, Corrigan, Williams, Canar, & Kubiak, 1999).

Angermeyer and Matschinger (1996) investigated the extent to which personal experiences with mental illness influence attitudes towards the mentally ill in a sample of German persons over the age of 18 years living in private households, selected using “random digits” in a random route procedure. The results suggested that with increased experience with mental illness (ranging from someone in their family, contact through employment, own experience of mental illness, friends or acquaintances with a mental illness, and no experience with mental illness), participants responded more positively and prosocially, indicated less anxiety, and less “desire for social distance.” That is, participants who were more familiar with mental illness demonstrated more prosocial reactions than those with no experience with mental illness, and reacted less fearfully (Angermeyer & Matschinger, 1996, p. 321). These results are supported by a study undertaken by Corrigan, Edwards, Green, Diwan, and Penn (2001), who investigated the effects of familiarity with mental illness on prejudice in a general population recruited from 24 Illinios community colleges participating in a statewide training initiative on increasing skills and knowledge related to mental illness. Data were
collected prior to the commencement of the training, and participants were split between those who had worked in community services for mental illness, and those with no prior work experience in the field (Corrigan et al., 2001, p. 220). Prejudicial attitudes were assessed using the OMI Questionnaire (Cohen & Struening, 1962), which consists of 70 statements about the presentation and treatment of mental illness. The results suggested that participants who were relatively more familiar with mental illness (through, for example, school learning or experience with family or peers with a mental illness) were less likely to endorse prejudicial attitudes towards individuals with a mental illness.

Although the above studies were not assessing potential juror or mock jurors’ attitudes or perceptions of individuals with a mental illness in a legal situation or in regards to credibility of individuals with a mental illness, they provide evidence to suggest that familiarity and experience with a clinical population may reduce stigmatising attitudes towards that population. It is possible that this may apply to individuals with an ID in that those with experience may differ in their perceptions of credibility than those individuals who have not had experience with ID. Such assertions would certainly be consistent with more general literature concerning community attitudes towards people with intellectual disability. These literature typically report that those persons with greater contact or experience of people with intellectual disability report more positive attitudes and express greater confidence in the ability of people with intellectual disability than those with none or only limited personal experience of people with intellectual disability (Yasbeck, McVilly & Parmenter, 2004). Consequently, this may be an important factor in determining the credibility of an
adolescent with an ID, and may have psycholegal implications, for example, in regards to jury selection.

Table 2.2.

Summary of the Literature Presented in Chapter 2.

Summary of Chapter 2

Credibility:

- Assumptions among carers of people with ID that authorities investigating cases and jurors hearing cases will not believe allegations of abuse. Assumption that individuals with ID cannot be accurate eyewitnesses.
- Credibility (perceived credibility) consists of judgments made by the perceiver regarding believability of communicator. Proposed that there are 2 dimensions underlying the concept of credibility – expertise (competence) and trustworthiness.
- Judgments of credibility can be influenced by numerous extralegal variables, including education, occupation, experience, and victim/witness and juror characteristics.
- Little research has examined jurors’ perceptions of adolescents with an ID, and as such, research conducted with non-disabled children has been used in this study to understand and conceptualise perceptions of credibility of sexual abuse victims with an ID.
- Perceived credibility involves considering components of credibility, including suggestibility, honesty, trustworthiness, ability to fabricate, and competency of a witness.
- Characteristics of the victim/witness may be related to perceived credibility; and include: victim/witness age, gender, and in potentially intellectual disability.
- Characteristics of the perceiver/potential juror may influence judgments or perceptions of credibility, including gender, ethnicity, and in the case of the current research, experience with people with an ID.
Chapter 3: Limitations of the Current Literature and a Proposed Agenda for Further Research

Based on the literature reviewed in the previous two chapters, it is evident that there are a number of limitations to our knowledge concerning the prevalence of sexual offences involving victims with intellectual disability, and how people with intellectual disability are perceived when they report such offences or give evidence in judicial proceedings. In this third chapter, the limitations to our knowledge will be summarised and previous attempts to address these gaps in our knowledge critiqued. Issues surrounding the use of jury simulation studies, as one means of investigating how the credibility of victims/witnesses with intellectual disability are perceived by the justice system will be reviewed. Future directions for research will be proposed, and a number of specific hypotheses for investigation outlined.

3.1. Limitations to the Literature and Areas Requiring Further Investigation

As has been established in the current review, adults and children with intellectual disabilities have been identified as a group that is at heightened risk for sexual abuse (and they may sometimes testify about their abuse in court), their claims are less likely to be reported to authorities, acted on by authorities, and prosecuted in court than those of victims in the general population. These factors may contribute to their vulnerability for abuse. Despite these identified issues, there is a paucity of research investigating community perceptions of the credibility of people with intellectual disabilities as witnesses in legal settings. Especially lacking is research on perceptions of the credibility of adolescents with ID. There are a number of limitations
in the current research literature, which are outlined in this Chapter. Further, Bottoms and colleagues (2003) have made suggestions for future research in the area.

To date, mock jury studies have tended to use American undergraduate college students and, as a consequence, have sampled participants aged disproportionately in their early twenties. Furthermore, world-wide, there is a relative lack of jury studies using community samples, accessing a range of different ages, ethnic groups, education levels, and delineating factors such as previous experiences with, or on, juries. Also of interest, in relation to the present study, is potential jurors’ knowledge of, and experience with, people with intellectual disability. Also, at present, no research has examined potential jurors’ perceptions of the credibility of witnesses with ID in an Australian setting.

3.2. Validity of Jury Simulations

Due to the many legal and logistical problems involved in conducting research on the decision-making processes of jurors as they may serve in actual cases, the majority of jury research has utilised jury simulations (Bornstein, 1999). The ecological validity of such simulations has been questioned from the commencement of their use (Diamond, 1979). The main validity concerns include the mock jury sample (e.g. undergraduates vs. community-dwelling adults), the research setting (e.g. laboratory vs. courtroom), the trial medium (e.g. written summaries vs. more realistic simulations), the trial elements included (e.g. presence or absence of deliberation), the dependent variables used, and the consequentiality of the task (that is, making a hypothetical versus a real decision) (Bornstein, 1999). Diamond (1997) has proposed that jury
deliberations have an advantage over individual verdicts in that deliberations allow for correcting misunderstandings held by any particular juror. Further, Diamond (1997) indicates that deliberations may allow for a better understanding of the information presented at trial than each individual’s level of processing (Diamond, 1997). Conversely, Shaw and Skolnick (1995) propose that group discussions may cause mock jurors’ extralegal biases to be publicly identified and possibly intensified (Moscovici & Zavalloni, 1969; Shaw & Skolnick, 1995).

Of specific concern in utilising jury simulation methodologies is the sample of jurors used. As can be seen from the review of many jury simulation studies in the previous chapters, the vast majority of samples used are undergraduate college students. This is of great concern due to the relative infrequency with which such students actually serve on ‘real’ juries, and also due to some of the uses that the findings may be put to; for example, modifying the court system.

In their study of perceptions of victims and perpetrators in a hypothetical case of child sexual abuse, Rogers and Davies (2007) utilised a sample which comprised half undergraduate students, and half members of the general public. Although it was not their primary aim to compare the perceptions of students versus the general public, differences were observed in preliminary analyses. Students were found to judge the perpetrator in the case as more culpable, the victim to be more credible, and the victim to be less culpable than did the members of the general public. As such, in this study, students were observed to be more pro-victim than non-students. Although this is an isolated example, it highlights issues associated with utilising predominantly
undergraduate students as jury members/potential jurors in mock jury studies and studies investigating general perceptions of people, such as victims of sexual abuse.

In terms of the way in which trials are presented, prior research has identified few differences between mock jurors’ decisions in studies using written transcripts versus video-taped or live testimony (Bornstein, 1999; Goodman, Golding, & Haith, 1984; Scheiner, 1988). Bornstein (1999) conducted comparisons of different trial presentations across studies. He found that, in the majority of cases, presentation medium does not have any effect, exerting main effects in only 3 out of the 11 studies reviewed. In addition, trial presentation does not seem to alter the effect of other variables, such as mock juror verdicts of guilt (Bornstein, 1999). This indicates that jury simulation studies may often have a high degree of external validity, in that the results of similar experiments, although using different presentations mediums (e.g. written summaries versus video presentation), are likely to remain consistent. However, what appears to be lacking is the extent to which mock juries’ decisions and behaviour are consistent with, and representative of, real-world equivalents (Breau & Brook, 2007). However, there is a lack of any literature or research relating to mock jury research that has directly studied this, which potentially relates to the ramifications of conducting such a study with “real” jurors presiding over a “real” case.

Breau and Brook (2007) conducted a study with the aim of directly examining whether the “consequentiality of realism” of mock jury simulations impacts upon the deliberation process and outcome verdicts. To compare mock jury deliberations and verdicts with “real” juries, they staged four trials at a law school, where randomly selected law students were presented with evidence that another student had violated
the Code of Professional Misconduct. Juries were asked to decide whether this particular violation occurred. In the first two trials, the juries were informed that they were deciding on a “real” case, while in the second two trials, the juries were informed that they were in a mock jury experiment. They found that the jurors’ knowledge of being participants in a study impacted on the deliberations and outcomes. The mock juries tended not to deliberate for as long, reached consensus quickly (guilty verdicts), and rendered harsher sanctions. The “real” juries rendered a not guilty verdict, and a hung jury, and spent significantly more time deliberating. Although this experiment indicates that there may be significant differences between the outcomes of mock jury studies versus the real world, it should be noted that this study was in itself a simulation, and was different to a criminal trial. Further, the participants were law students, meaning the sample may not be generalised to other populations.

The courts tend not to welcome psycho-legal research findings that derive methods that are not realistic or representative of actual legal processes. Whilst no experimental jury simulation study can absolutely mirror an actual courtroom trial, measures can be taken to increase the generalisability and validity of results (Diamond, 1997). Bottoms and colleagues (2004) propose that a written scenario methodology allows for the “experimental control necessary to draw cause and effect conclusions about variables…before moving onto more elaborately staged research to pursue interesting patterns of results” (Bottoms, et al., 2004).
Table 3.1.

Summary of Literature Associated with the Use of Jury Simulations in Psycholegal Research.

Validity of jury simulations:
- Due to legal and logistical problems in conducting research into decision-making processes of jurors in actual cases, most jury research has employed jury simulations.
- Major validity concerns are around the mock jury sample used (community sample versus undergraduate student sample), the research setting, trial medium, dependent variables used, and the consequentiality of the task.
- Some research has suggested (e.g. Bornstein, 1999) that in the majority of cases, presentation medium does not appear to alter the effect of other variables, such as verdicts of guilt; indicating that jury simulation studies may have a high degree of external validity.
- Bottoms et al., (2004) has proposed that written scenario methodologies allow for the “experimental control necessary to draw cause and effect conclusions about variables,” prior to engaging in more “elaborately staged” research.

3.3. A proposal for Future Research

It is therefore proposed to extend the work of Bottoms et al. (2003) by employing a scenario-based mock jury simulation process to assess potential jurors’ perceptions of the credibility of adolescent victim/witnesses with ID, and compare these same potential jurors’ perceptions of the credibility of adolescent victim/witnesses without ID. It is further proposed to assess the extent to which potential jurors’ perceptions differ in regards to the level of the victim’s/witnesses’ intellectual disability. To achieve this, severity of ID will be varied across three conditions – mild ID, moderate ID, and ‘average’ intelligence (non-disabled condition). The manipulation of severity of ID will allow for exploration of the extent to which lowered cognitive capacity translates to differing perceptions of credibility. As this last factor has not previously been examined, the investigation will be exploratory.

In addition to assessing perceptions of a female adolescent with ID, scenarios with a male victim will also be utilised to determine whether perceptions of credibility
differ according to victim gender and ID. To date, no study has examined perceptions of credibility of male victims of sexual abuse with an ID. Research in the non-disabled population indicates that male victims tend to be seen as less credible and more responsible for abuse (Finkelhor, 1984; Haegerich & Bottoms, 2000; Quas, et al., 2002). Even in the non-disabled literature however, little research has examined perceptions of credibility of adolescent males, with researchers focusing predominantly on children and special populations, such as the prison population (Cotton & Groth, 1984). Whether ID is a factor that could potentially increase (or decrease) ratings of credibility in male adolescents will also be examined. In light of the literature on the non-disabled population, it is expected that the female victim will be perceived as more credible than the male victim, and that there will be a higher rate of ‘guilty’ judgments as a consequence in the female condition.

Participant/juror-related factors will also be examined to determine whether factors such as participant/juror age, gender, level of education and knowledge of ID impact on ratings of victim/witness credibility, judgments of guilt and attribution of responsibility for the alleged crime. In particular, previous research has not considered or explored the potential juror-related factor of ‘knowledge of intellectual disability.’ In the present study, potential jurors will be asked to specify their experience with people with ID, ranging from having a family member with ID, to working in the disability services arena, to no experience at all.

In relation to the literature on the non-disabled population and studies of community attitudes towards people with ID generally, it is expected that those jurors with a greater amount of experience with ID will rate the ID victims as more credible,
and therefore confer more ‘guilty’ verdicts. One may speculate that people who are knowledgeable about ID may recognise the cognitive limitations of those with moderate ID compared to those with mild ID, thus it might be expected that those people with experience with people with moderate ID might rate the victim as less credible than those with mild ID.

An additional factor that has not been examined thus far in the disability literature is how the type of crime itself may impact on perceptions of credibility and judgments of guilt. The literature from the non-disabled population indicates interactions between victim age, type of case, and perceived credibility (e.g. Golding, et al., 1997; Leippe & Romanczyk, 1987, 1989; Nightingale, 1993). In the present study, the type of sexual abuse described in vignettes will be varied across conditions. The type of abuse described will be either indecent exposure, whereby the alleged perpetrator exposed himself to the alleged victim; or indecent assault, whereby the alleged perpetrator indecently touched the alleged victim. Type of crime has not been varied within an already established crime in previous research. Hence, in order to address this issue, two types of crime will be used in this study. However, they are both classified under the broader crime of ‘sexual abuse/assault.’ Given the limited literature investigating these issues, this latter analysis will be exploratory in nature and thus an expected outcome is not predicted.

The current research will also seek to address the problem of sampling bias evident in previous studies, in which mock juries have commonly consisted of undergraduate students. To achieve this, participants will be recruited from a broader
range of people, more representative of the community at large from which jurors are selected.

The aims of the current study are summarised as follows:

1. To extend on the work of Bottoms et al. (2003) by assessing potential jurors’ perceptions of the credibility of adolescent victim/witnesses with an ID, and to compare this to their perceptions of the credibility of adolescent victim/witnesses without an ID.

2. To build on the current research into community perceptions of the credibility of adolescent victims of sexual assault with an ID (and to address sample bias in previous research, which has been based predominantly on undergraduate participants) by using a sample derived from the general population.

3. To examine alleged victim factors to determine the ways in which these factors impact on perceptions of victim/witness credibility, and subsequent judgments of guilt for the alleged offence. These factors include victim gender (male or female), level of intellectual disability (no ID, mild ID and moderate ID), and type of offence (indecent exposure or indecent assault).

4. To examine a range of participant/juror factors to determine the ways in which these factors impact on judgments of victim/witness credibility, and subsequent perpetrator guilt. Participant/juror factors will include gender (male or female), age, level of education, occupation, and knowledge of ID (experience with ID versus no experience with ID).
The major focus will be on the impact of juror gender and experience with, or knowledge of, ID.

The hypotheses for the current study are summarised as follows:

Concerning adolescent victim/witnesses with ID -

1. That adolescent victim/witnesses with ID will be perceived by jurors as less able to fabricate evidence and consequently more credible than adolescent victim/witnesses without an ID, and that this will be reflected in a higher incidence of guilty verdicts associated with the testimony of victims/witnesses with ID.

2. That adolescent victim/witnesses with mild ID will be perceived by jurors as more credible than adolescent victim/witnesses with moderate ID, and that this will be reflected in a higher incidence of guilty verdicts associated with the testimony of victims/witnesses with mild ID.

3. That female adolescent victim/witnesses with ID will be perceived by jurors as more credible than their male counterparts.

Concerning type of offence –

4. Given insufficient evidence in the literature base, the null hypothesis is posed in relation to this variable. As such, it is hypothesised that juror perceptions of the credibility of adolescent victim/witnesses with ID will be no different between scenarios involving allegations of indecent exposure and those involving indecent assault.
Concerning participant/jurors –

5. That female participants will have higher perceptions of the credibility of victim/witnesses with ID than those of male participants, reflected in a higher incidence of guilty verdicts provided by female participants associated with the testimony of victim/witnesses with ID.

6. That female participants will have higher perceptions of the credibility of victim/witnesses generally than male participants, reflected in a higher incidence of guilty verdicts provided by female participants.

7. Given insufficient evidence in the literature base, the null hypothesis is posed in relation to the variable of participant level of education. As such, it is hypothesised that juror perceptions of the credibility of adolescent victim/witnesses with ID will be no different between participants with a school, TAFE, or university education.

8. That participant/jurors with personal experience of people with intellectual disability will have higher perceptions of the credibility of victims/witnesses with ID than those with no personal experience of people with intellectual disability, reflected in a higher incidence of guilty verdicts associated with the testimony of victims/witnesses with ID.

Concerning the factors proposed to underlie credibility –

9. That participants will rate victim/witnesses with an ID as higher on the honesty/trustworthiness component of credibility.
10. That participants will rate victim/witnesses with no ID as higher on the competence component of credibility.

11. That participants will rate victim/witnesses with ID as more suggestible than the victim/witnesses depicted as no ID.

Concerning reporting, verdict, and confidence in verdict –

12. Given insufficient evidence in the literature base, the null hypothesis is posed in relation to the variable of likelihood of reporting the allegation. As such, it is hypothesised that juror willingness to report the alleged offence will be no different between level of ID, offence type, victim gender, participant/juror experience of ID, and participant/juror gender.

13. That female participants will provide more guilty verdicts than male participants for all victim/witnesses.

14. Given insufficient evidence in the literature base, the null hypotheses is posed in relation to the variable “confidence in verdict.” As such, it is hypothesised that there will be no differences in participants’ confidence in providing a verdict between level of ID, offence type, victim gender, participant/juror gender, and participant experience of ID.
Chapter 4: Method

To achieve the research aims outlined and in chapter 3, and to address the hypotheses formulated in chapter 3, this chapter describes the methodology for the proposed investigation. The ethics approval process is documented. The recruitment process and resulting participants are described. Details concerning the research materials, measures and procedures are given. The chapter concludes with an outline of the research design and the statistical approach taken in the analysis of the results.

4.1. Ethics Approval

Approval to conduct the research was obtained from the Deakin University Human Research Ethics Committee (DU-HREC) (Project EC 69-2007); (see Appendix A for the letter of approval). Additionally, approval to advertise the project and recruit participants was sought from two disability support organisations, which was further considered by the DU-HREC. The DU-HREC granted approval to undertake this research for a period of three years from 31 May 2007.

4.2. Participants

Participants were recruited to reflect the population of potential jurors in the state of Victoria, Australia. This was considered important in order to address the limitations of previous studies, which have typically recruited undergraduate students and, as a consequence, are subject to limitations in terms of the generalisation of their findings to the wider population. Participants were required to be 18 years or over, representing their eligibility to be members of a jury in Victoria. The Juries Act (Vic)
2000, Section 5 (3) stipulates persons ineligible to serve as jurors in the state of Victoria, Australia (see Appendix B for Schedule 1 and Schedule 2 of the Victorian Juries Act, 2000). To the knowledge of the researchers, none of the requirements stipulated in this Act were violated in the sampling and recruitment of the participants.

In order to investigate the possible effect of jurors’ prior knowledge of people with ID on their perception of victim/witness credibility, the recruitment strategy was designed in such a way as to enroll people both with and without prior knowledge of people with ID. For these purposes, a snowballing technique was employed. A sample that is recruited via snowballing develops via a process of reference from one person to another (Streeton, Cooke, & Campbell, 2004). A major characteristic of this technique is using participants to contact other potential participants. Snowballing has been found to be an effective technique when needing to recruit participants with specialist knowledge or when investigating sensitive issues such as child abuse (Gibson, 1996).

Participants with experience of individuals with an ID were recruited either through disability support services, or by utilising snowballing procedures, which identified people known to persons working in disability services who had personal experience of people with ID. Subsequently, these participants included both service workers supporting people with ID, and family members of people with ID. Participants without knowledge of people with ID were recruited from a convenience sample of the general population, again utilising a snowballing technique. This latter sample commenced with people known to the researcher, and included colleagues and acquaintances.
A total of 210 questionnaire packages (described in detail at section 4.3 below) were circulated, with approximately equal numbers to potential participants with personal knowledge of people with ID and to those with no prior knowledge of people with ID. Subsequently, 111 participants returned questionnaire packages (i.e., a 53% return rate). However, three packages were incomplete and had to be excluded from the data analysis. As such, the current study comprised 108 participants: 57 participants (22 men and 35 women) with knowledge of people with ID; and 51 participants (15 men and 36 women) with no prior experience of people with ID.

Participants’ ages ranged from 21 to 75 years, with a mean age of 38.61. The details of participants’ gender, age, occupation, and highest level of education are provided in Table 4.1, which displays the demographic characteristics of participants as a group. Table 4.2 depicts the demographic characteristics of participants assigned to the ‘experience with intellectual disability’ group, and Table 4.3 displays the demographics characteristics of participants assigned to the ‘no experience with intellectual disability’ group.
Table 4.1.

Participants’ Gender, Age, Occupation, and Highest Level of Education Achieved as a Group (N=108).

<table>
<thead>
<tr>
<th></th>
<th>Percentage (and Frequency) of Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender</strong></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>34.3 % (37)</td>
</tr>
<tr>
<td>Female</td>
<td>65.7 % (71)</td>
</tr>
<tr>
<td><strong>Age (years)</strong></td>
<td></td>
</tr>
<tr>
<td>18-24</td>
<td>10.2 % (11)</td>
</tr>
<tr>
<td>25-54</td>
<td>71.3 % (77)</td>
</tr>
<tr>
<td>55-64</td>
<td>15.7 % (17)</td>
</tr>
<tr>
<td>65+</td>
<td>2.8 % (3)</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
</tr>
<tr>
<td>Post Graduate Degree</td>
<td>25.9 % (28)</td>
</tr>
<tr>
<td>Graduate Diploma/Certificate</td>
<td>12.0 % (13)</td>
</tr>
<tr>
<td>Bachelor Degree</td>
<td>33.3 % (36)</td>
</tr>
<tr>
<td>Advanced Diploma/Diploma</td>
<td>7.4 % (8)</td>
</tr>
<tr>
<td>Certificate 3/4</td>
<td>3.7 % (4)</td>
</tr>
<tr>
<td>Year 12</td>
<td>10.2 % (11)</td>
</tr>
<tr>
<td>Year 11</td>
<td>2.8 % (3)</td>
</tr>
<tr>
<td>Year 10</td>
<td>1.9 % (2)</td>
</tr>
<tr>
<td>Year 9 or below</td>
<td>1.9 % (2)</td>
</tr>
<tr>
<td>Level not determined</td>
<td>0.9 % (1)</td>
</tr>
<tr>
<td><strong>Occupation</strong></td>
<td></td>
</tr>
<tr>
<td>Professionals</td>
<td>47.2 % (51)</td>
</tr>
<tr>
<td>Clerical and Administration</td>
<td>0.9 % (1)</td>
</tr>
<tr>
<td>Technician and Trade</td>
<td>3.7 % (4)</td>
</tr>
<tr>
<td>Managers</td>
<td>0.9 % (1)</td>
</tr>
<tr>
<td>Sales</td>
<td>5.6 % (6)</td>
</tr>
<tr>
<td>Community/Personal Service</td>
<td>20.4 % (22)</td>
</tr>
<tr>
<td>Student</td>
<td>8.3 % (9)</td>
</tr>
<tr>
<td>Retired</td>
<td>11.1 % (12)</td>
</tr>
<tr>
<td>Not Specified</td>
<td>1.9 % (2)</td>
</tr>
</tbody>
</table>
Table 4.2.

Participants’ Gender, Age, Occupation, and Highest Level of Education Achieved – Experience with Intellectual Disability Group (N=57).

<table>
<thead>
<tr>
<th>Percentage (and Frequency) of Participants with Experience with ID.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender</strong></td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td><strong>Age (years)</strong></td>
</tr>
<tr>
<td>18-24</td>
</tr>
<tr>
<td>25-54</td>
</tr>
<tr>
<td>55-64</td>
</tr>
<tr>
<td>65 +</td>
</tr>
<tr>
<td><strong>Education</strong></td>
</tr>
<tr>
<td>Post Graduate Degree</td>
</tr>
<tr>
<td>Graduate Diploma/Certificate</td>
</tr>
<tr>
<td>Bachelor Degree</td>
</tr>
<tr>
<td>Advanced Diploma/Diploma</td>
</tr>
<tr>
<td>Certificate 3/4</td>
</tr>
<tr>
<td>Year 12</td>
</tr>
<tr>
<td>Year 11</td>
</tr>
<tr>
<td>Year 10</td>
</tr>
<tr>
<td>Year 9 or below</td>
</tr>
<tr>
<td>Level not determined</td>
</tr>
<tr>
<td><strong>Occupation</strong></td>
</tr>
<tr>
<td>Professionals</td>
</tr>
<tr>
<td>Clerical and Administration</td>
</tr>
<tr>
<td>Technician and Trade</td>
</tr>
<tr>
<td>Managers</td>
</tr>
<tr>
<td>Sales</td>
</tr>
<tr>
<td>Community/Personal Service</td>
</tr>
<tr>
<td>Student</td>
</tr>
<tr>
<td>Retired</td>
</tr>
<tr>
<td>Not specified</td>
</tr>
</tbody>
</table>
Table 4.3.

*Participants’ Gender, Age, Occupation, and Highest Level of Education Achieved – No Experience with Intellectual Disability Group (N=51).*

<table>
<thead>
<tr>
<th></th>
<th>Percentage (and Frequency) of Participants with No Experience with ID</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender</strong></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>29.41 % (15)</td>
</tr>
<tr>
<td>Female</td>
<td>70.59 % (36)</td>
</tr>
<tr>
<td><strong>Age (years)</strong></td>
<td></td>
</tr>
<tr>
<td>18-24</td>
<td>11.76 % (6)</td>
</tr>
<tr>
<td>25-54</td>
<td>72.55 % (37)</td>
</tr>
<tr>
<td>55-64</td>
<td>13.73 % (7)</td>
</tr>
<tr>
<td>65 +</td>
<td>1.96 % (1)</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
</tr>
<tr>
<td>Post Graduate Degree</td>
<td>23.53 % (12)</td>
</tr>
<tr>
<td>Graduate Diploma/Certificate</td>
<td>17.65 % (9)</td>
</tr>
<tr>
<td>Bachelor Degree</td>
<td>37.25 % (19)</td>
</tr>
<tr>
<td>Advanced Diploma/Diploma</td>
<td>7.84 % (4)</td>
</tr>
<tr>
<td>Certificate 3/4</td>
<td>3.92 % (2)</td>
</tr>
<tr>
<td>Year 12</td>
<td>15.69 % (8)</td>
</tr>
<tr>
<td>Year 11</td>
<td>1.96 % (1)</td>
</tr>
<tr>
<td>Year 10</td>
<td>3.92 % (2)</td>
</tr>
<tr>
<td>Year 9 or below</td>
<td>0 % (0)</td>
</tr>
<tr>
<td>Level not determined</td>
<td>0 % (0)</td>
</tr>
<tr>
<td><strong>Occupation</strong></td>
<td></td>
</tr>
<tr>
<td>Professionals</td>
<td>54.90 % (28)</td>
</tr>
<tr>
<td>Clerical and Administration</td>
<td>1.96 % (1)</td>
</tr>
<tr>
<td>Technician and Trade</td>
<td>7.84 % (4)</td>
</tr>
<tr>
<td>Managers</td>
<td>1.96 % (1)</td>
</tr>
<tr>
<td>Sales</td>
<td>9.80 % (5)</td>
</tr>
<tr>
<td>Community/Personal Service</td>
<td>3.92 % (2)</td>
</tr>
<tr>
<td>Student</td>
<td>7.84 % (4)</td>
</tr>
<tr>
<td>Retired</td>
<td>9.80 % (5)</td>
</tr>
<tr>
<td>Not Specified</td>
<td>1.96 % (1)</td>
</tr>
</tbody>
</table>
4.2.1. How the participant group compares to the potential jury pool for Victoria.

According to the Australian Bureau of Statistics (ABS) 2006 Census, 49.1% of the Victorian community were male, compared to 50.9% who were female. As such, the sample included in the current study was over-represented by female participants (65.7%) compared to male participants (34.3%). In relation to age, the current sample of participants was younger than the Victorian community, according to the ABS data. The current study was over-represented by 25 to 54 year old participants (71.3% in the current study versus 52.7% in the Victorian community). In regards to those participants in the current study aged 18 to 24 years of age, comparison with the ABS Census data was deemed inappropriate, as the ABS includes 15 to 25 year olds in its age categorisation. Further, comparisons were unable to be made between the ABS data and the current study in relation to level of education achieved, as the 2006 Census surveyed members of the Victorian community in relation to their highest level of secondary education, while the current study included tertiary education. As such, the percentage of the Victorian community who completed tertiary education cannot be determined. In regards to occupation, comparisons cannot be made to the ABS data, as the current study only included persons over 18 years of age, whereas the ABS data on occupation includes employed persons aged 15 years and over.

Participants were asked to indicate their level of experience with individuals who have an intellectual disability. According to the Victorian Department of Human Services (DHS) Annual Report 2008-09, 6756 females and 3193 males were employed in the department across all sectors. Of these people, 3686 were employed in the
Disability Development and Support Sector. Data on the breakdown of gender representation within this sector was not available, although, a higher proportion of females may be assumed to work in this sector, given the number of females employed overall at DHS. Further data on the gender of employees working in Disability Support were not, in total, available, given the number of disability service providers across Victoria. As a whole, the sample for the current study appeared to be over-represented by female participants, and participants with higher education, engaged in employment deemed “professional.” However, given the possible over-representation of women working at the DHS, and consequently, within the Disability sector, the current sample may be more representative of the population tending to work with individuals with an intellectual disability. The potential impact of the gender imbalance present in the participant sample is discussed further in the Limitations section of the Discussion.

4.3. Materials

Each participant received a questionnaire package consisting of a Plain Language Statement for Research Participants, standardised instructions for completion, a page of general questions regarding demographic information, six fictional vignettes/scenarios depicting the alleged sexual abuse of a male or female adolescent, and the questions regarding the case study/scenario (see Appendices B to G for questionnaire information).

The Plain Language Statement for Research Participants (Appendix C) provided a comprehensive overview of the research and details of what participants were committed to if they provided consent to participate. It was written in simple
language, with no use of specialist terms or wording. It included information such as
the project title, a brief overview of the aims of the project, the names, organisation,
and contact details of the principal researchers, details about what was involved in
participating in the research project and examples of the kind of questions that were
asked, approximate time to complete the material, information on treatment of data and
confidentiality, including how long, and where data would be stored and then
destroyed, how participants could gain access to results, if desired, the voluntary nature
of the research and how participants could withdraw their participation from the
project, the contact details of the university ethics committee if participants had
concerns, and contact details of support agencies, should the participant require
assistance.

The questions regarding demographic information asked participants to indicate
their gender, age, highest level of education, current occupation, and the level of
experience they have with people with intellectual disabilities (see Appendix D). The
second section of the questionnaire consisted of six hypothetical scenarios or vignettes,
each describing a single case of sexual abuse (see Appendix E and Appendix F). Each
scenario was between 650 to 800 words in length. The questionnaire was designed to
take approximately 45 minutes to complete. The fictional scenarios remained
consistent except for the manipulation of the independent variables relating to
victim/witness characteristics: gender of the victim/witness; level of intellectual
disability; and type of offence. However, each participant completed scenarios
depicting either a male or female adolescent, not both genders, across scenarios. The
scenarios are included as Appendices E and F.
Each of the six scenario depicted an adolescent male or female (consistent across all scenarios for each questionnaire pack). Level of intellectual disability of the alleged victim/witness varied in each scenario, portrayed as mild intellectual disability, moderate intellectual disability, or no intellectual disability / average intellectual functioning. In each scenario, the victim had made an allegation of sexual abuse (depicted in the context of a first incident of alleged sexual abuse) against his/her stepfather (consistent in all scenarios). The stepfather was chosen as the perpetrator, as most sexual abuse is perpetrated by someone known to the victim (Ferguson & Mullin, 1999), and as such, this scenario was considered representative of a realistic case. The offence type varied throughout each questionnaire package, with an equal number of scenarios depicting either indecent assault or indecent exposure. Throughout the scenarios, the victim did not encourage the perpetrator in any way, and actively resisted by requesting the perpetrator stop. The scenarios provided additional information describing how the victim functioned in every-day life, an indication as to whom the assault was reported, and a psychologist’s opinion about the truthfulness and validity of the allegation.

Following each scenario, questions about the scenario were asked, specifically designed to examine participants’ perceptions of the individual described in the scenario (included as Appendix G). These were adapted from previous work by Bottoms and colleagues (2003). Fourteen items assessed participants’ perceptions of the credibility of the alleged victim, specifically in relation to factors of competence, trustworthiness, and suggestibility. One item assessed participants’ preference to report the alleged incident to authorities; one item assessed participants’ verdict preference,
and how confident they felt in making the decision. Participants recorded their ratings for 15 questions on a Visual Analogue Scale and two questions were forced choice. Data were recorded or reverse scored depending on the wording of the question to enable high scores to represent a pro-victim, higher credibility stance.

4.4. Measures - Visual Analogue Scales (VAS)

Visual Analogue Scales (VAS) have been employed in the assessment of a variety of health- and psychological-related constructs, including quality of life (de Boer et al., 2004) and mood (Lingjaerde & Foreland, 1998; Steiner & Streiner, 2005). They attempt to measure a characteristic or attitude that is purported to vary across a continuum that cannot be directly or easily measured. VAS have often been used as both a research, and clinical tool in psychological practice and research, given the simplicity of the technique and the “adaptability to a wide range of research settings” (McCormack, de L. Horne & Sheather, 1988, p. 1007). They are brief to administer, and simple in regards to understanding. They have further been found to be practical when assessing a “single construct with many perceptible graduations,” such as “Not at all Credible” to “Extremely Credible.” VAS can be presented vertically, however, are mainly presented using a horizontal line, which was employed in the current research, as horizontal lines have been demonstrated to “produce a more uniform distribution of scores and to be more sensitive than vertical scales” (Wewers & Lowe, 1990). The steps taken in developing the VASs included defining the response to be measured, deciding upon the extremes of that response and choosing “end-phrases” that were descriptive, but short and easily understood, identifying and using an appropriate question in order
to introduce the scale, and deciding upon a unit of measurement (Scott & Huskisson, 1976). Studies have generally reported high levels of reliability and validity (see Wewer & Lowe, 1990, for a critical review of VAS), however, difficulties have been encountered, including use with particular populations (for example, Hornblow and Kidson, 1976, found that in using a VAS to measure anxiety, a student sample control group used the VAS as a continuum, as reflected in the results, whereas the clinical populations’ results were clustered in a tri-modal fashion with clusters at the midpoint and extremes of scales), respondent difficulty and error (McCormack et al., 1988).

In the current study, ten (10) centimetre VASs were utilised for participants to measure the factors assessed as related to credibility, including honesty/trustworthiness, competency, believability, and ability to fabricate. The distance from the left edge or end of the line to the mark made by the participant was measured to the nearest millimetre (i.e. on a 100 point scale), and was subsequently used in analyses as participant responses to the relevant question.

4.5. Procedure

The participants were initially invited to read the plain language statement, outlining the purpose and nature of the study. Participants were informed that the current study sought to assess potential jurors’ perceptions of witnesses, and more specifically, examining cases of alleged sexual abuse. The plain language statement further outlined the voluntary nature of participation and indicated that informed consent was implied upon completion and return of the completed survey. Participants
were reassured that their responses would remain confidential, and that the data from this research would be stored securely for a minimum period of six years.

Prior to reading the scenarios, participants completed the demographic questionnaire (as described above). Participants were then instructed to read the fictional scenarios or vignettes provided, playing the role of a juror. They were instructed to “make judgements that you would make if you were on a jury deliberating over this case.” It was highlighted in the instructions that “some questions may be difficult to answer,” but that there were “no right or wrong answers – your opinion is what is required.” Participants were then asked to complete the questions following each scenario regarding their opinion of the victim/witness’ credibility, whether they would report the alleged abuse to the appropriate authorities, and the verdict they would find.

Participants were required to mark on a VAS continuum their opinion on questions asked, for example: “In your opinion, how credible is Kate/Kaleb as a witness”, ranging for example, from Not at all credible to Very credible. Prior to making this final judgment on credibility, participants were required to mark their opinion on VAS continuums related to the factors of honesty (e.g. “In your opinion, how honest is Kate/Kaleb in describing the sexual abuse?” ranging from Not at all honest to Very honest), suggestibility (e.g. “In your opinion, how suggestible is Kate/Kaleb?” ranging from Not at all suggestible to Very suggestible), ability to fabricate evidence (e.g. “In your opinion, what is the likelihood that s/he fabricated the charge?” ranging from Not at all likely to Very likely), and competence (e.g. “In your opinion, how competent is Kate/Kaleb?” ranging from Not at all competent to Very
which were identified through the literature review as factors considered by participants in making judgments of credibility. Participants were asked to return the completed questionnaire package using the anonymous reply-paid envelope provided.

4.6. Research Design

To address the hypotheses, the current study employed a mixed-method, 2 (gender of victim/witness) x 2 (offence type) x 3 (level of intellectual disability) design, resulting in 12 conditions, as reflected in the scenarios provided to participants. Gender of victim/witness and level of intellectual disability were assessed as victim/witness factors that may be implicated in perceptions of credibility. The factors offence type and level of intellectual disability were assessed as within-subject variables, and gender of victim/witness and experience with intellectual disability as between-subject variables. Furthermore, demographic data collected from participants (gender, age, education, occupation, and experience with ID) was included in analyses to determine any impact participant/juror variables may have on perceptions of victim/witness credibility, and on the provision of a verdict. As such, the current project assessed three main categories of data pertaining to victim/witness characteristics, participant/juror characteristics, and offence-related characteristics.

Participants were randomly assigned one of two conditions: male victim/witness or female victim/witness. Both the male and female victim/witness’ were depicted as an adolescent (16 years of age). Participants rendered a verdict (guilty/not guilty) based on the available information, following completion of measure of their confidence in the victim/witness’ credibility (believability); including the
victim/witness’ ability to fabricate the charge of sexual abuse, accuracy in recalling information, suggestibility, honesty, believability, understanding of the charge of sexual abuse, and the likelihood the victim/witness believed they experienced sexual abuse. Each of the dependent variables measuring jurors’ perceptions of victim/witness “credibility” were continuous variables measured on a VAS.

T-tests and one-way between subjects Analyses of Variance were initially conducted to explore the data relating to the impact of victim/witness characteristics, participant/juror characteristics, and the type of offence on ratings of perceived credibility. Given the results obtained from the initial analyses, and the mixed method design, mixed-model Analysis of Variance (ANOVA) was employed to compare and contrast the data related to ratings of credibility, with an alpha level set at .05. Effect sizes for the mixed-model ANOVA analyses were interpreted using Cohen’s (1988) proposed guidelines for interpreting effect sizes, whereby .01 represents a small effect, .06 a moderate effect, and .14 a large effect. Pearson’s chi squared tests of independence were employed to explore the relationships between the independent categorical variables of verdict (guilty/not guilty) and reporting (to the appropriate authorities; yes/no).
Chapter 5: Results

5.1. Treatment of Results

The results of the following analyses are separated into four sub-sections to address the hypotheses stipulated in Chapter 3: (1) analyses pertaining to ratings of credibility associated with victim/witness characteristics, with a focus on victim/witness gender, victim/witness disability, level of intellectual disability, and type of offence; (2) analyses pertaining to ratings of credibility associated with participant/potential juror characteristics, including gender, education, experience, and type of offence; (3) analyses pertaining to underlying credibility concepts, including trustworthiness, competence, and suggestibility; and (4) analyses pertaining to the variables of reporting allegations to relevant authorities and juror verdict.

As described in detail in the methodology, total credibility scores for each scenario were derived by adding participant responses for questions 1 to 13 in relation to each scenario and dividing by 13. For the interpretation of results, unless otherwise specified, alpha was set at .05 and, throughout the chapter, effect sizes are interpreted using either eta squared (i.e., the ratio of variance explained in the dependent variable by a predictor while controlling for other predictors) or partial eta squared (i.e., the proportion of total variation attributable to the factor, excluding other factors from the total non-error variation), and by employing Cohen’s (1988, p. 284 – 287) proposed guidelines for interpreting effect sizes, whereby .01 represents a small effect, .06 a moderate effect, and .14 a large effect. Whether eta squared or partial eta squared is used is specified in the description of each interpretation of analysis. For the non-parametric analyses (chi squared), Cohen’s (1988) guidelines were applied using the
phi coefficient, whereby .10 indicates a small effect, .30 for a medium effect, and .50 for a large effect.

Through initial exploratory analyses, the overall distributions of ratings of credibility, independent of the other variables, were assessed as normally distributed, therefore justifying the use of parametric statistics in the analyses of credibility data (see Appendix H for diagrammatic representation of the distribution of scores). One-way Analysis of Variance (ANOVA), and mixed-model ANOVA were chosen in order to assess the credibility of adolescents with an ID, in relation to the assessed victim/witness, potential juror/participant and offence-type characteristics due to the presence of multiple levels within the variables, and because ANOVA is generally considered a reasonably robust technique (Tabachnick&Fidell, 2001). Given the complexity of the data, no attempt will be made to analyse interactions. The focus of the work will be on main effects in relation to all variables. Pearson’s chi squared tests of independence were chosen to explore the relationships between the independent categorical variables pertaining to the reporting of the offence and verdict, and the victim characteristics (gender of victim, level of ID) and juror/participant characteristics (gender of participant, experience), and type of offence (exposure and indecent assault).

5.2. Credibility and Victim/Witness Characteristics

The analyses in this section address the hypotheses relating to the impact of victim/witness factors on ratings of perceived credibility.
5.2.1. Victim/witness gender.

A one-way between-groups ANOVA was conducted to explore the impact of victim/witness gender on perceived credibility, regardless of ID status. No significant difference was found in ratings of credibility based on the gender depiction of the adolescent victim/witness when the offence was depicted as exposure (Male: $M = 6.07$, $SD = .95$; Female: $M = 6.17$, $SD = .88$), $F (1,106) = .36$, $p > .05$. Additionally, no significant difference was found in ratings of credibility based on the gender depiction of the adolescent victim/witness when the offence was depicted as indecent assault (Male: $M = 6.09$, $SD = .97$; Female: $M = 6.27$, $SD = .91$), $F (1,106) = .99$, $p > .05$. As such, the results suggest that regardless of offence type, ratings of credibility were not made based on victim/witness gender.

5.2.2. Offence type.

Variables were computed, compiling total ratings of credibility scores for the two offence types (exposure and indecent assault), regardless of ID status, to test for any overall differences in ratings of credibility based on offence type alone. A paired samples $t$-test was conducted to evaluate the impact of offence type on ratings of credibility. A result reaching statistical significance was revealed, with ratings of credibility for indecent assault ($M = 6.18$, $SD = .94$) slightly higher than for exposure ($M = 6.11$, $SD = .91$), $t (107) = -2.00$, $p = .048$ (two-tailed). The eta squared statistic indicated a small effect at .036. However, should the $p$ value be rounded up, it would be at .05, indicating that the result does not reach statistical significance at the alpha level specified for the current study.
Participant ratings of credibility of victim/witnesses without ID and with ID (regardless of level of ID) were considered for each of the two offence types – exposure and indecent assault. That is, for the ID variable, scores for both mild ID and moderate ID were initially collapsed together to form total ID scores. As such, four new variables were created for the purposes of the following analyses: (1) credibility ratings for exposure offence for no ID; (2) credibility ratings for exposure offence for ID; (3) credibility ratings for indecent assault offence for no ID and, (4) credibility ratings for indecent assault offence for ID.

### 5.2.2.1. Exposure.

A paired-samples $t$-test was conducted to compare mean credibility scores for the exposure offence, for non-ID and ID conditions. Initial exploratory analyses indicated a normal distribution of data. There was a statistically significant difference between credibility scores, whereby ratings of credibility were higher in the non-ID group ($M = 6.83, SD = 1.09$) than the ID group ($M = 5.76, SD = .98$), $t(107) = 11.50, p< .0005$ (two-tailed). The mean difference in ratings of credibility was 1.07 with a 95% confidence interval ranging from .86 to 1.25. The eta squared statistic (.55) indicated a large effect size, with a substantial difference in the ratings of credibility for the exposure offence between the non-ID and ID groups.

### 5.2.2.2. Indecent assault.

A paired-samples $t$-test was employed to compare mean credibility scores for the indecent assault offence for non-ID and ID groups. Initial exploratory analyses
indicated no assumptions were violated. There was a statistically significant difference between ratings of credibility for the non-ID, and ID group, when indecent assault was the offence depicted. The non-ID condition received higher ratings of credibility ($M = 6.82$, $SD = 1.18$), than the ID condition ($M = 5.86$, $SD = .96$), $t (107) = 10.59$, $p < .0005$ (two-tailed). The mean difference in credibility scores was .96, with a 95% confidence interval ranging from .78 to 1.14. The eta squared statistic (.51) indicated a large effect size.

5.2.3. Level of intellectual disability.

A one-way repeated measures analysis of variance was conducted to compare ratings of credibility for the three levels of intellectual disability/ability (no ID, mild ID, and moderate ID) for both exposure and indecent assault. The means and standard deviations are presented in Table 5.1.
Table 5.1.  

*Means and Standard Deviations for Credibility as a function of level of Intellectual Disability and Type of Offence.*

<table>
<thead>
<tr>
<th>Level of Intellectual Disability</th>
<th>No ID</th>
<th>Mild ID</th>
<th>Moderate ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exposure</td>
<td>6.83 (1.09)</td>
<td>5.95 (1.12)</td>
<td>5.57 (1.08)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>6.82 (1.18)</td>
<td>6.05 (1.05)</td>
<td>5.67 (1.05)</td>
</tr>
</tbody>
</table>

Values in parentheses are standard deviations.

There was a significant effect for level of ID when the offence was exposure, Wilks Lambda = .42, $F (2, 106) = 74.07, p<.0005$, multivariate partial eta squared = .43, indicating a large effect size. Post-hoc comparisons were utilised in order to assess differences in the means for each level of ID. These revealed significant differences in perceived credibility for each level of ID, which can be viewed in Table 5.2, and indicate that victim/witnesses with no ID were rated as most credible, followed by those with a mild ID, and those with a moderate ID were rated as least credible.
Table 5.2.

*Post-hoc Comparisons assessing Mean Difference in Ratings of Credibility between Levels of Intellectual Disability for Exposure.*

<table>
<thead>
<tr>
<th>Level of ID</th>
<th>Comparison Level</th>
<th>Mean Difference</th>
<th>Std. Error</th>
<th>Sig.</th>
<th>Lower Bound</th>
<th>Upper Bound</th>
</tr>
</thead>
<tbody>
<tr>
<td>No ID</td>
<td>Mild ID</td>
<td>.878*</td>
<td>.106</td>
<td>.000</td>
<td>.621</td>
<td>1.135</td>
</tr>
<tr>
<td></td>
<td>Moderate ID</td>
<td>1.261*</td>
<td>.104</td>
<td>.000</td>
<td>1.008</td>
<td>1.514</td>
</tr>
<tr>
<td>Mild ID</td>
<td>No ID</td>
<td>-.878*</td>
<td>.106</td>
<td>.000</td>
<td>-1.135</td>
<td>-.621</td>
</tr>
<tr>
<td></td>
<td>Moderate ID</td>
<td>.383*</td>
<td>.097</td>
<td>.000</td>
<td>.148</td>
<td>.618</td>
</tr>
<tr>
<td>Moderate ID</td>
<td>No ID</td>
<td>-1.261*</td>
<td>.104</td>
<td>.000</td>
<td>-1.514</td>
<td>-1.008</td>
</tr>
<tr>
<td></td>
<td>Mild ID</td>
<td>-.383*</td>
<td>.097</td>
<td>.000</td>
<td>-.618</td>
<td>-.148</td>
</tr>
</tbody>
</table>

*The mean difference is significant at the $p < .005$ level.

a. Adjustment for multiple comparisons: Bonferroni.

There was a significant effect for level of ID when the offence was indecent assault, Wilks Lambda = .48, $F (2, 106) = 57.26$, $p < .0005$, multivariate partial eta squared = .52, representing a large effect for level of ID. Post-hoc comparisons were
utilised in order to assess differences in the means for each level of ID. These revealed significant differences in perceived credibility for each level of ID, which can be viewed in Table 5.3, and illustrate that victim/witnesses with no ID were rated as most credible, followed by those with mild ID, and those with a moderate ID were rated as least credible.

The above results indicate that level of ID is an important factor considered by participants in providing ratings of credibility. The results suggest that adolescent victim/witnesses with ID are perceived to be significantly less credible than their non-intellectually disabled peers.
Table 5.3.

*Post-hoc Comparisons assessing Mean Difference in Ratings of Credibility between Levels of Intellectual Disability for Indecent Assault.*

<table>
<thead>
<tr>
<th>Level of ID</th>
<th>Comparison Level</th>
<th>Mean Difference</th>
<th>Std. Error</th>
<th>Sig.</th>
<th>Lower Bound</th>
<th>Upper Bound</th>
</tr>
</thead>
<tbody>
<tr>
<td>No ID</td>
<td>Mild ID</td>
<td>.770*</td>
<td>.089</td>
<td>.000</td>
<td>.553</td>
<td>.988</td>
</tr>
<tr>
<td></td>
<td>Moderate ID</td>
<td>1.149*</td>
<td>.109</td>
<td>.000</td>
<td>.884</td>
<td>1.414</td>
</tr>
<tr>
<td>Mild ID</td>
<td>No ID</td>
<td>-.770*</td>
<td>.089</td>
<td>.000</td>
<td>-.988</td>
<td>-.553</td>
</tr>
<tr>
<td></td>
<td>Moderate ID</td>
<td>.379*</td>
<td>.083</td>
<td>.000</td>
<td>.176</td>
<td>.581</td>
</tr>
<tr>
<td>Moderate ID</td>
<td>No ID</td>
<td>-1.149*</td>
<td>.109</td>
<td>.000</td>
<td>-1.414</td>
<td>-0.884</td>
</tr>
<tr>
<td></td>
<td>Mild ID</td>
<td>-.379*</td>
<td>.083</td>
<td>.000</td>
<td>-.581</td>
<td>-.176</td>
</tr>
</tbody>
</table>

*The mean difference is significant at the $p<.005$ level.

a. Adjustment for multiple comparisons: Bonferroni.
5.3. Credibility and Participant/Juror Characteristics

The following analyses address the hypotheses related to the impact of participant/potential juror factors on the perceived credibility of adolescent victim/witnesses with ID and with no ID.

5.3.1. Gender of participant/juror.

In order to explore the impact of participant/juror gender on ratings of credibility, regardless of level of ID, overall credibility ratings for both offences were collapsed to form two variables. The first, consisting of all ratings of credibility for the exposure offence, and second consisting of all ratings of credibility for the indecent assault offence.

A one way between groups ANOVA was conducted to explore the impact of participant/juror gender on overall credibility ratings for the exposure offence. There was a statistically significant difference between males ($M = 5.80, SD = .95$) and females ($M = 6.28, SD = .85$) rating of overall credibility for the exposure offence: $F(1, 106) = 7.28, p < .05$. The eta squared statistic was .06, representing a medium effect for gender on ratings of overall credibility for the exposure offence, whereby females overall provided higher ratings of credibility.

Similarly, a one way between groups ANOVA was conducted to examine the impact of participant/juror gender on overall credibility ratings for the indecent assault offence. There was a statistically significant difference between males ($M = 5.86, SD = .98$) and females ($M = 6.35, SD = .88$) overall ratings of credibility for the indecent assault offence: $F(1, 106) = 7.00, p < .05$. The eta squared statistic was .06,
representing a medium effect for gender on ratings of overall credibility for the indecent assault offence, whereby overall, female participants provided higher ratings of credibility.

Next, a one-way between-groups analysis of variance was conducted to explore the impact of participant/juror gender on ratings of credibility for both offence types and presence of ID. In relation to exposure offences, for the non-ID group, there was a statistically significant difference at the $p < .05$ level in credibility scores provided by male ($M = 6.45, SD = 1.14$) and female ($M = 7.03, SD = 1.02$) participants, whereby female participants provided higher ratings of credibility to the non-ID group: $F(1, 106) = 7.23, p < .05$. The effect size, calculated using eta squared, was .06, was medium, using Cohen’s (1988) guidelines. Further, in relation to exposure offences for the ID group, there was a statistically significant difference between male ($M = 5.47, SD = 1.01$) and female ($M = 5.91, SD = .94$) ratings of credibility: $F(1, 106) = 5.022, p < .05$. The effect size, using the eta-squared statistic, was .05, indicating a small to medium effect. As such, despite reaching statistical significance, the actual difference between male and female participants ratings of credibility of victim/witnesses with ID for exposure offences appeared quite small.

In relation to allegations of indecent assault for the non-ID group, there was a significant difference between ratings of credibility for male ($M = 6.40, SD = 1.16$) and female ($M = 7.05, SD = 1.13$) participants: $F(1, 106) = 7.91, p < .05$. The effect size, using eta squared, was .07, indicating a medium effect. Additionally, female participants ($M = 6.00, SD = .89$) provided statistically significant higher ratings of credibility than male participants ($M = 5.60, SD = 1.03$) for cases alleging indecent
assault for the ID group: $F (1, 106) = 4.55, p < .05$. The effect size, calculated using eta squared, was .04, indicating a small to medium effect. As such, from the results presented thus far in relation to participant gender, female participants consistently rated all victim/witnesses as more credible than male participants, regardless of the type of offence depicted.

As such, the salient factor in regards to the impact of gender of participant/potential juror is that regardless of level of intellectual functioning, gender of victim, and type of offence, female participants consistently provided higher ratings of credibility for victim/witnesses than male participants.

A mixed between-within subjects ANOVA was conducted to explore the impact of participant gender, level of ID, and type of offence on participants’ ratings of credibility. There was no significant interaction between participant gender and level of ID, Wilks Lambda = .98, $F (2,105) = 1.08, p = .34$, partial eta squared = .02. There was no significant interaction between gender of participant and type of offence, Wilks Lambda = 1.00, $F (1,106) = .00, p = .96$, partial eta squared = .00. Finally, there was no significant interaction between participant gender, level of ID, and offence type, Wilks Lambda = .99, $F (2,105) = .16, p = .86$, partial eta squared = .00. These results suggest that participant gender, level of intellectual functioning, and offence type did not interact to impact upon participant ratings of credibility.
5.3.2. Education.

A one way between groups ANOVA was conducted to examine the impact of juror education on ratings of credibility. Upon observation, it appeared that there was a significant proportion (71.2%) of the sample that had completed higher education (university bachelor degree or above). Limited data were observed across other cells. Therefore, participant levels of education were collapsed into four groups of education – University (included: Post Graduate Degree, Graduate Diploma/Certificate, and Bachelor Degree); TAFE (included: Advanced Diploma/Diploma, Certificate ¾, Certificate1/2); School (Year, 12, Year 11, Year 10, Year 9 or below), and Level Not Determined. Those participants falling into the Level Not Determined group were excluded from the analysis. No significant differences in ratings of credibility were found between the three levels of education for the exposure offence (University: $M = 6.21, SD = .97$; TAFE: $M = 5.65, SD = .78$; School: $M = 5.97, SD = .55$), and nor for allegations of indecent assault (University: $M = 6.26, SD = .99$; TAFE: $M = 5.75, SD = .87$; School: $M = 6.09, SD = .56$), indicating no differences in perceptions of credibility based on level of education.

5.3.3. Participant/juror experience.

To explore the impact of participant/juror experience with ID on ratings of credibility in relation to level of disability of the victim/witness, one-way between groups ANOVA was conducted for the exposure offence for both ID and non-ID groups. In relation to the non-ID group, the results revealed no significant difference between ratings of credibility by participants with experience ($M = 6.78, SD = 1.14$)
and no experience ($M = 6.88, SD = 1.05$). Furthermore, no significant difference was found for those with experience ($M = 5.77, SD = 1.00$) and no experience ($M = 5.74, SD = .96$) for ratings of credibility for the exposure offence for the ID victim/witness group.

A one-way between groups ANOVA was conducted to explore the impact of participant/juror experience with ID and ratings of credibility for an indecent assault offence type, for both non-ID and ID groups. The results revealed no significant difference in ratings of credibility based on experience for the non-ID group (experience: $M = 6.81, SD = 1.20$; no experience: $M = 6.84, SD = 1.16$). Similarly, no significant difference was found in ratings of credibility based on experience for the ID group for the indecent assault offence (experience: $M = 5.92, SD = .93$; no experience: $M = 5.80, SD = .99$).

A mixed between-within subjects ANOVA was conducted to explore the impact of participant experience, participant gender, and level of ID on ratings of credibility. No significant interaction was found between participant experience and level of ID, Wilks Lambda = .99, $F(2,103) = .39, p = .67$, partial eta squared = .01. No significant interaction was found between participant experience, level of ID, and gender of participant, Wilks Lambda = .99, $F(2,103) = .41, p = .66$, partial eta squared = .01.

Given the above results for experience with ID, it would be reasonable to assume that in the current study, participant/juror level of experience (either experience or no experience) did not appear to effect ratings of credibility for victim/witnesses
depicted in the vignettes as having an ID, and nor for those who were depicted in the vignettes with no ID.

5.4. Concepts Underlying Credibility

The following analyses relate to the factors of competency, honesty/trustworthiness, and suggestibility, which are thought to underlie the concept of credibility and upon which perceptions of credibility may be based.

5.4.1. Competency and honesty.

Total credibility ratings were divided into the components of competency and honesty to determine whether differences in total credibility scores differed as a function of ratings of either competence or honesty of the victim/witness. The variable of competency was generated using scores from the items in the questionnaire that related to a victim/witness’ level of expertise, including questions related to the ability to fabricate evidence, capability and accuracy in recall. The variable of honesty was generated using scores from the items in the questionnaire that related to a victim/witness’ perceived trustworthiness, and included questions that addressed perceptions of their likelihood of fabricating an allegation.

Mixed-model ANOVAs were conducted to assess the impact of ID, victim gender, type of offence, and participant / juror gender on ratings of competence and honesty, as components of credibility. A substantial significant main effect was present for level of intellectual disability as a function of ratings of competence, Wilks Lambda = 0.256, $F(2, 103) = 149.42, p = .000$, partial eta squared = .744, indicating that each
level of intellectual disability was rated differently in regards to competence, in the expected order. Victims with average intelligence were rated most credible, \((M = 6.90, SD = 1.14)\), followed by victims with a mild intellectual disability, \((M = 5.64, SD = 1.14)\), and victims with a moderate intellectual disability were rated as least credible in terms of ratings of competence, \((M = 4.85, SD = 1.04)\).

In regards to ratings of honesty, there was a main effect for level of intellectual disability, however, in a different direction than for ratings of competence, Wilks Lambda = .918, \(F(2, 103) = 4.60, p < .012\), partial eta squared = .082. That is, there was a significant difference between victims with mild intellectual disability, \((M = 6.34, SD = 1.25)\), and victims with moderate intellectual disability, \((M = 6.59, SD = 1.25)\). The mean score for victims with average intelligence did not significantly differ from either, \((M = 6.43, SD = 1.56)\). Interestingly, victims with moderate intellectual disability were rated as more honest than those with a mild intellectual disability. Those with no intellectual disability/average intelligence were also rated as more honest than those with a mild intellectual disability.

These findings suggest that participants/potential jurors weighted their judgments of credibility differently, depending on the whether the characteristic they were rating related to either characteristics of competency or honesty. Further, it appears that these factors may be weighted differently in judgments of credibility depending on the level of cognitive function of the victim.

In regards to type of offence and honesty, a moderate significant main effect was present, indicating that when honesty was considered as a component of credibility, ratings of credibility differed as a function of the type of offence, Wilks
Lambda = 0.69, \( F(1, 104) = 7.71, p = .007 \). Victims (both male and female) depicted as experiencing indecent assault were rated as more credible than those depicted as experiencing an exposure offence. That is, there was a significant difference between indecent assault (\( M = 6.54, SD = 1.18 \)) and exposure (\( M = 6.37, SD = 1.22 \)) offences when honesty was considered. As such, it appears that type of offence, or severity of offence may be weighted differently in judgments of credibility when honesty is the characteristic considered.

In regards to gender of participants and competence, a small to moderate significant effect was observed, indicating that when competence was considered as a component of credibility, ratings of credibility differed depending on participant gender, \( F(1, 104) = 5.05, p = .027 \), partial eta squared = .046. That is, male participants rated victims as less credible (\( M = 5.60, SD = 1.50 \)) than female participants (\( M = 6.00, SD = 1.06 \)) when competence was considered. It appears that ratings of credibility may differ between male and female participants when competence is considered as a primary characteristic in that male participants rate victims as less credible than female participants.

5.4.2. Suggestibility.

A mixed -model ANOVA was conducted to assess the impact of level of intellectual disability, gender of the alleged victim, type of offence, and gender of participants on participant’s ratings of the alleged victim’s level of suggestibility. A significant large main effect was found for level of intellectual disability, Wilks Lambda = .54, \( F(2, 103) = 43.84, p< .0005 \), partial eta squared = .46. Victims with
average intelligence were rated as most suggestible, \((M = 4.90, SD = 2.18)\), with those with mild intellectual disability rated as next most suggestible, \((M = 4.29, SD = 1.77)\). A significant difference was not observed between ratings of suggestibility for those with a mild intellectual disability and those with a moderate intellectual disability, \((M = 4.10, SD = 1.97)\). Pair-wise comparisons were utilised in order to assess differences in the means. Significant differences were found between ratings of victims with average intelligence and those with both mild and moderate intellectual disability. Table 5.4 depicts the results of the pair-wise comparisons. No significant difference was found between the mean scores for ratings of suggestibility of victims with mild and moderate intellectual disability.

Table 5.4.

*Pair-wise comparisons assessing mean differences in ratings of suggestibility between levels of intellectual disability.*

<table>
<thead>
<tr>
<th>Level</th>
<th>Comparison Level</th>
<th>Mean Difference</th>
<th>Std. Error</th>
<th>Sig.</th>
<th>95% Confidence Interval for Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Lower Bound</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>.608*</td>
<td>.207</td>
<td>.004</td>
<td>.197</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>.802*</td>
<td>.270</td>
<td>.004</td>
<td>.268</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>-.608*</td>
<td>.207</td>
<td>.004</td>
<td>-1.019</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>-.194</td>
<td>.171</td>
<td>.257</td>
<td>-.144</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>-.802*</td>
<td>.270</td>
<td>.004</td>
<td>-1.337</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>-.194</td>
<td>.171</td>
<td>.257</td>
<td>-.533</td>
</tr>
</tbody>
</table>

* The mean difference is significant at the \(p < .05\) level
5.4.3. Summary of main findings relating to ratings of credibility.

1. Ratings of credibility for indecent assault were slightly higher than for exposure, however, when the $p$ value was rounded up, it was .05, indicating the result did not reach statistical significance at alpha level proposed for the current study.

2. Victim/witnesses with no ID were rated as more credible than those with ID for both exposure and indecent assault.

3. Victim/witnesses with no ID were rated as significantly more credible than both victim/witnesses with mild ID and moderate ID. Victim/witnesses with mild ID were rated as next credible, and victim/witnesses with moderate ID were rated as least credible. A statistically significant difference in ratings of credibility was observed between all levels of ID.

4. Female participants were more consistently more likely to render higher ratings of credibility than male participants.

5. When competency was considered alone in ratings of credibility, victims with average intelligence were rated as most credible, followed by victims with a mild intellectual disability. Victims with a moderate intellectual disability were rated as the least credible.

6. When honesty was considered in ratings of credibility, victims with a moderate intellectual disability were rated as more honest, followed by victims with average intelligence. Victims with a mild intellectual disability were rated as the least honest. A significant difference was found only between victims with a moderate intellectual disability and a mild intellectual disability.
7. When honesty was considered in ratings of credibility, victims who had experienced an indecent assault offence were rated as significantly more credible than those had experienced an exposure offence.

8. When competence was considered in ratings of credibility, male participants rated victims as significantly less credible than female victims.

9. When ratings of suggestibility were considered, victims with average intelligence were considered significantly more suggestible than those with a mild intellectual disability and a moderate intellectual disability. There was no significant difference between ratings of suggestibility for victims with a mild intellectual disability and moderate intellectual disability.

5.5. Reporting Allegations, Verdict and Confidence in Verdict

Pearson’s chi squared tests of independence were utilised to explore the relationship between the independent categorical variables relating to the reporting of allegations (yes or no) and juror verdict (guilty or not guilty). A mixed model Analysis of Variance (ANOVA) was conducted to assess participant’s ratings of confidence in their rendered verdict of guilty or not guilty for the alleged perpetrator. The phi coefficient was utilised to estimate effect sizes, applying Cohen’s (1988) criteria for effect sizes appropriate to these analyses, whereby .10 indicates a small effect, .30 for a medium effect, and .50 for a large effect. Throughout these analyses, “frequency” refers to the frequency of that result within the specified sample.
5.5.1. Reporting allegations.

In the first set of analyses, Pearson’s chi squared tests of independence (with Yates Continuity Correction) were utilised to explore the relationship between the independent categorical variable “reporting” and gender of victim (male, female), gender of participant (male, female), level of intellectual disability (no ID, mild ID, moderate ID), type of offence (exposure, indecent assault), and level of participant experience (experience, no experience) with individuals with an intellectual disability). The categorical variable “reporting” relates to participants’ responses to the question: “If Kate/Kaleb initially came to you and told you about what allegedly happened to her/him, would you report it to the police or appropriate authorities” (Yes/No). No significant associations were found for reporting of the alleged offence, based on the factors outlined above. That is, the majority of participants indicated that they would report the alleged offence to the relevant authorities. The distribution of frequencies of response in relation to reporting of the alleged offence can be viewed in Tables 5.5, 5.6, and 5.7. Here, it should be noted that in some response categories cell frequencies fell below 5 and consequently in these instances the results of the statistical analysis should be treated with caution. Potential limitations for the analyses and implications for the findings will be discussed later.
Table 5.5.  

*Frequency* (and percentage) of Participants’ Reporting of the Alleged Offence as a Function of their Experience with Individuals with an Intellectual Disability, Offence Type, and Alleged Victim Level of Intellectual Disability.*

<table>
<thead>
<tr>
<th>Level of Intellectual Disability</th>
<th>No ID</th>
<th>Mild ID</th>
<th>Moderate ID</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Report (Yes/No)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>52 (91.2)</td>
<td>52 (91.2)</td>
<td>52 (91.2)</td>
</tr>
<tr>
<td>No</td>
<td>5 (8.8)</td>
<td>5 (8.8)</td>
<td>5 (8.8)</td>
</tr>
<tr>
<td><strong>Experience</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure</td>
<td>53 (93.0)</td>
<td>54 (94.7)</td>
<td>53 (93.0)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>4 (7.0)</td>
<td>3 (5.3)</td>
<td>4 (7.0)</td>
</tr>
<tr>
<td><strong>No Experience</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure</td>
<td>47 (92.2)</td>
<td>48 (94.1)</td>
<td>47 (92.2)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>50 (98.0)</td>
<td>49 (96.1)</td>
<td>50 (98.0)</td>
</tr>
</tbody>
</table>

*within experience of participant figures presented*
Table 5.6.  

*Frequency* (and percentage) of Participants’ Reporting of the Alleged Offence as a Function of the Gender of the Alleged Victim, Offence Type, and Alleged Victim Level of Intellectual Disability.*

<table>
<thead>
<tr>
<th>Level of Intellectual Disability</th>
<th>No ID</th>
<th>Mild ID</th>
<th>Moderate ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report (Yes/No)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male Victim</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure</td>
<td>Yes</td>
<td>49 (90.7)</td>
<td>50 (92.6)</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>5 (9.3)</td>
<td>4 (7.4)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>Yes</td>
<td>50 (92.6)</td>
<td>51 (94.4)</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>2 (3.7)</td>
<td>3 (5.6)</td>
</tr>
<tr>
<td>Female Victim</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure</td>
<td>Yes</td>
<td>50 (92.6)</td>
<td>50 (92.6)</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>4 (7.4)</td>
<td>4 (7.4)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>Yes</td>
<td>51 (94.4)</td>
<td>52 (96.3)</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>3 (5.6)</td>
<td>2 (3.7)</td>
</tr>
</tbody>
</table>

* within gender of victim figures presented
Table 5.7.

*Frequency* (and percentage) of Participants’ Reporting of the Alleged Offence as a Function of the Gender of Participants, Offence Type, and Alleged Victim Level of Intellectual Disability.

<table>
<thead>
<tr>
<th>Level of Intellectual Disability</th>
<th>Male Participant</th>
<th></th>
<th></th>
<th>Female Participant</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Report (Yes/No)</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Exposure</td>
<td>Yes</td>
<td>35 (94.6)</td>
<td>2 (5.4)</td>
<td>35 (94.6)</td>
<td>2 (5.4)</td>
<td>34 (91.9)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>Yes</td>
<td>35 (94.6)</td>
<td>2 (5.4)</td>
<td>35 (94.6)</td>
<td>2 (5.4)</td>
<td>35 (94.6)</td>
</tr>
<tr>
<td>Exposure</td>
<td>Yes</td>
<td>64 (90.1)</td>
<td>7 (9.9)</td>
<td>65 (91.5)</td>
<td>6 (8.5)</td>
<td>65 (91.5)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>Yes</td>
<td>68 (95.8)</td>
<td>3 (4.2)</td>
<td>68 (95.8)</td>
<td>3 (4.2)</td>
<td>68 (95.8)</td>
</tr>
</tbody>
</table>

* within gender of participant figures presented
5.5.2. Verdict.

In the second set of analyses, Pearson’s chi squared tests of independence were utilised to explore the relationship between the independent categorical variable “verdict” and gender of victim, gender of participant, level of intellectual disability, type of offence, and level of participant experience (experience versus no experience with individuals with an intellectual disability). The categorical variable “verdict” relates to participants’ responses to the question: “If you were on a jury, would you find Steven, the stepfather, “guilty” or “not guilty” of sexual abuse/assault?”.

Chi square analysis (with Yates Continuity Correction) revealed a significant association between experience and participants’ verdict responses for the case whereby the offence was indecent assault and the victim was depicted as having average intelligence, $\chi^2 (1, 108) = 4.033, p< .05, \phi = -.214$. That is, participants with no experience with people with an intellectual disability were more likely to render a guilty verdict than those participants with experience in this specific case. It should be noted that although not reaching statistical significance, a trend was observed towards rendering a guilty verdict for the experience group for case scenarios where the victim was depicted as lower functioning intellectually (mild and moderate intellectual disability). This trend is consistent across type of offence. The data presented in Table 5.8 illustrate this trend. A more stable trend was observed in the no experience group, with an observed tendency to make consistent judgments across level of intellectual disability and type of offence, as illustrated in Table 5.8.
Table 5.8.

*Frequency* (and percentage) of Participants’ Verdicts as a Function of Participant Level of Experience with Individuals with an Intellectual Disability, Alleged Victim Level of Intellectual Disability, and Offence Type.

<table>
<thead>
<tr>
<th>Level of Intellectual Disability</th>
<th>No ID</th>
<th>Mild ID</th>
<th>Moderate ID</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Guilty</td>
<td>Not Guilty</td>
<td>Guilty</td>
</tr>
<tr>
<td><strong>Verdict</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Experience</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure</td>
<td>38 (66.7)</td>
<td>19 (33.3)</td>
<td>41 (71.9)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>36 (63.2)</td>
<td>21 (36.8)</td>
<td>42 (73.7)</td>
</tr>
<tr>
<td><strong>No Experience</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure</td>
<td>39 (76.5)</td>
<td>12 (23.5)</td>
<td>37 (72.5)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>42 (82.4) †</td>
<td>9 (17.6) †</td>
<td>44 (86.3)</td>
</tr>
</tbody>
</table>

* within experience of participant figures presented † indicates significance at $p < .05$
Chi square analysis for independence (with Yates Continuity Correction) indicated a significant association between the gender of the victim and verdict when the alleged victim was depicted as having a mild intellectual disability who had been indecently assaulted (offence 2), \( \chi^2 (1, 108) = 4.62, p < .05, \phi = -.23 \). That is, participants rendered more guilty verdicts when the victim was depicted as a female with a mild intellectual disability who had alleged indecent assault, than a male victim with a mild intellectual disability who had alleged indecent assault. Although not reaching statistical significance, there appeared to be a trend for participants to render more guilty verdicts when the victim was depicted as female. Table 5.9 illustrates this trend. Interestingly, upon visual inspection of the data, when the victim was depicted as having a moderate intellectual disability that had been indecently assaulted, the frequency of the verdicts were almost identical for both male and female victims.
Table 5.9.

*Frequency* (and percentage) of Participants’ Verdicts as a Function of Alleged Victim Gender, Alleged Victim Level of Intellectual Disability, and Offence Type.*

<table>
<thead>
<tr>
<th>Level of Intellectual Disability</th>
<th>Male Victim</th>
<th></th>
<th></th>
<th>Female Victim</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No ID</td>
<td>Mild ID</td>
<td>Moderate ID</td>
<td>Exposure</td>
<td>Guilty</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-------------</td>
<td>---</td>
<td>---</td>
<td>-------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Verdict</td>
<td>Guilty</td>
<td>Not Guilty</td>
<td>Guilty</td>
<td>Not Guilty</td>
<td>Guilty</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>Male Victim</td>
<td>35 (64.8)</td>
<td>19 (35.2)</td>
<td>35 (64.8)</td>
<td>19 (35.2)</td>
<td>37 (68.5)</td>
<td>17 (31.5)</td>
</tr>
<tr>
<td>Exposure</td>
<td>35 (64.8)</td>
<td>19 (35.2)</td>
<td>38 (70.4)</td>
<td>16 (29.6)</td>
<td>43 (79.6)</td>
<td>11 (20.4)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>35 (64.8)</td>
<td>19 (35.2)</td>
<td>35 (64.8)</td>
<td>19 (35.2)</td>
<td>43 (79.6)</td>
<td>11 (20.4)</td>
</tr>
</tbody>
</table>

* within gender of victim figures presented  † indicates significance at $p < .05$
Chi square analysis (with Yates Continuity Correction) revealed significant associations between gender of participants and verdict, in all case scenarios except for one. The direction of the associations indicated that female participants rendered significantly more guilty verdicts than did male participants. A significant medium association was found between gender of participant and verdict when the victim was depicted as having average intelligence and had experienced exposure (offence 1), $\chi^2 (1, 108) = 9.51, p < .005, \phi = -.32$. A significant medium association was found between gender of participant and verdict when the victim was depicted as having a moderate intellectual disability and had experienced exposure (offence 1), $\chi^2 (1, 108) = 8.57, p < .005, \phi = -.30$. A significant medium association was found between gender of participant and verdict when the victim was depicted as having average intelligence and had experienced indecent assault (offence 2), $\chi^2 (1, 108) = 10.69, p < .005, \phi = -.336$. A significant medium to large effect was revealed between gender of participant and verdict when the victim was depicted as having a mild intellectual disability and had experienced indecent assault (offence 2), $\chi^2 (1, 108) = 16.07, p < .001, \phi = -.41$. A significant small to medium effect was found between gender of participant and verdict, when the victim was depicted as having a moderate intellectual disability and had experienced indecent assault (offence 2), $\chi^2 (1, 108) = 5.89, p < .05, \phi = -.26$. The data presented in Table 5.10 illustrate that, overall, female participants' found the perpetrator guilty of both exposure and indecent assault offences, regardless of victim/witness level of intellectual disability, compared to male participants. That is, female participants were more likely than male participants to select a guilty verdict.
No significant association was found between verdict and gender of participants when the victim was depicted as having a mild intellectual disability who had experienced an exposure offence, however, the result was in the same direction (female participants more likely to select a guilty verdict than male participants), although failed to reach statistical significance.

5.5.3. Confidence in verdict.

A mixed model Analysis of Variance (ANOVA) was conducted to assess the impact of level of intellectual disability, gender of victim/witness, type of offence, and gender of participants on participant’s ratings of confidence in their rendered verdict of guilty or not guilty for the alleged perpetrator. A significant moderate main effect was found for type of offence, Wilks Lambda = .95, $F(1, 104) = 5.11, p< .05$, partial eta squared = .047. This result suggests that participants were more confident in their verdict when the victim was depicted as being indecently assaulted ($M = 4.34, SD = 2.49$) than when depicted as being exposed to ($M = 4.56, SD = 2.49$).

A mixed model ANOVA was performed to examine the impact of participant demographic characteristics, such as participant/potential juror age, level of education, and occupation, in relation to confidence in judgments of credibility. No significant results were revealed for demographic factors. As previously indicated, it appeared that there was a significant proportion (71.2%) of the sample who had completed higher education (university bachelor degree or above), and as such, there were limited data across cells, thus not allowing for accurate or rigorous statistical analysis. This also applied to occupation, given 47.2% of participants were engaged in employment.
classified as “Professional” at the time of data collection, and 20.4% of participants were engaged in employment classified as “Community and Personal Service,” at the time of data collection. These limitations to the current study will be discussed later.
Table 5.10.

Frequency* (and percentage) of Participants’ Verdicts as a Function of Participant Gender, Alleged Victim Level of Intellectual Disability, and Offence Type.

<table>
<thead>
<tr>
<th>Level of Intellectual Disability</th>
<th>No ID</th>
<th></th>
<th></th>
<th>Moderate ID</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Verdict</td>
<td>Guilty</td>
<td>Not Guilty</td>
<td>Guilty</td>
<td>Not Guilty</td>
<td>Guilty</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>Male Participant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure</td>
<td>19 (51.4)</td>
<td>18 (48.6)</td>
<td>23 (62.2)</td>
<td>14 (37.8)</td>
<td>21 (56.8)</td>
<td>16 (43.2)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>19 (51.4)</td>
<td>18 (48.6)</td>
<td>21 (56.8)</td>
<td>16 (43.2)</td>
<td>25 (67.6)</td>
<td>12 (32.4)</td>
</tr>
<tr>
<td>Female Participant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure</td>
<td>58 (81.7)</td>
<td>13 (18.3)</td>
<td>55 (77.5)</td>
<td>16 (22.5)</td>
<td>60 (84.5)</td>
<td>11 (15.5)</td>
</tr>
<tr>
<td>Indecent Assault</td>
<td>59 (83.1)</td>
<td>12 (16.9)</td>
<td>65 (91.5)</td>
<td>6 (8.5)</td>
<td>63 (88.7)</td>
<td>8 (11.3)</td>
</tr>
</tbody>
</table>

* Within gender figures presented
5.5.4. Summary of main findings relating to the reporting of allegations, juror verdict and confidence in verdict.

1. The majority of participants indicated that they would report the alleged offence to the relevant authorities.

2. A significant association was found between experience with people with ID and verdict when the case involved a victim with average intelligence who was indecently assaulted. Participants with no experience with individuals with an intellectual disability were more likely to render a guilty verdict than those with experience in this case.

3. The analysis revealed a significant association between gender of the victim and verdict when the victim was depicted as having a mild intellectual disability and when the offence was indecent assault. Participants rendered more guilty verdicts when the victim was depicted as female, mild intellectual disability, who had alleged indecent assault.

4. A significant association was revealed between gender of participants and verdict. Female participants rendered significantly more guilty verdicts than male participants.

5. Participants were more confident in rendering their verdict when the victim was depicted as having experienced indecent assault than when depicted as having experienced an exposure offence.
Chapter 6: Discussion

The current study investigated potential jurors’ perceptions of the credibility of adolescent victim/witnesses with an intellectual disability. More specifically, it assessed how potential jurors’ perceptions differ in regards to victim characteristics, including the level of disability, gender of the victim/witness, the type of offence committed; and participant/potential juror characteristics, such as gender, and experience with or knowledge of, intellectual disability. Additionally, participant/juror perceptions of victim/witness honesty and competence, which were considered components of credibility, were examined in relation to the above factors. Ratings of suggestibility were also considered. Findings revealed that level of intellectual disability, type of offence, and victim and participant/potential juror gender impacted upon ratings of credibility in a number of ways. These will be discussed below.

This chapter will focus on the influence that the aforementioned factors had on potential jurors’ ratings of credibility, their likelihood of reporting alleged offences and verdict responses, and how the influence of these factors compared across the different scenarios (an exposure offence and an offence of indecent assault). The implications that these findings have for decision making in cases of sexual abuse where the victim has an intellectual disability, and in regards to the potential barriers in the justice system that could be experienced by victims with an intellectual disability will be examined. The chapter will conclude with a discussion of the limitations of the current study, and future directions for research.
6.1. Credibility and Victim/Witness Characteristics

The following section of the discussion addresses the results obtained in analyses pertaining to the impact of victim/witness characteristics on ratings of perceived credibility. Specifically, the victim/witnesses’ level of ID, and gender.


The current study aimed to extend on the work of Bottoms et al. (2003) by assessing potential jurors’ perceptions of the credibility of adolescent victim/witnesses with ID, and compare this to their perceptions of the credibility of adolescent victim/witnesses without ID. The study aimed to assess how potential jurors’ perceptions differ in regards to the level of disability, with severity of ID varied across three conditions (moderate ID, mild ID, and ‘average’ intelligence as the non-disabled condition). This was manipulated to explore the extent to which lowered cognitive capacity potentially influences ratings of perceived credibility.

The results from the study in relation to overall ratings of credibility indicated that victims with average intelligence were rated as most credible by the potential jurors, followed by victims with a mild intellectual disability. Victims with a moderate ID were rated as least credible. These findings suggest that members of the community/potential jurors consider adolescents with an ID to be less credible than those without an ID. These analyses were predominantly exploratory in nature however, the findings were contra to what was expected. Based on the child witness literature, it was hypothesised that adolescent victim/witnesses with ID would be perceived by participant/jurors as more credible than those without ID, due to the belief
that they were less likely or capable of fabricating evidence. This hypothesis was consistent with the findings of Bottoms et al. (2003), wherein a 16-year-old girl was rated higher on credibility measures when she was depicted as having an intellectual disability. Why the current findings arise as contra to predictions warrants further investigation, possibly considering not only the demographic characteristics of victim/witnesses of jurors (i.e., in the form of quantitative studies), but also the cognitions underpinning the beliefs and values of potential jurors (i.e., in the form of a qualitative study).

6.1.2. Victim/witness gender.

The current study is one of the first studies to examine how potential jurors respond to both adolescent male and female victims with an intellectual disability, and to investigate whether perceptions of credibility differ according to victim gender. To date, gender differences in ratings of the credibility of adolescents with an ID have not been examined.

Research in the non-disabled population has suggested that male victims tend to be rated as less credible and more responsible for abuse (Finkelhor, 1984; Haegerich & Bottoms, 2000; Quas et al., 2002). Furthermore, previous research has indicated that male victims’ credibility may be rated as lower than that of female victims due to beliefs that boys that are sexually abused are not as “harmed” as girls, and that boys may be more likely to initiate abuse (Bottoms & Goodman, 1994). However, the literature focused on the non-disabled population has also failed to examine perceptions
of credibility specifically of adolescent males, tending to focus on younger children and special populations, such as prison populations (Cotton & Groth, 1984).

Rogers and Davies (2007) however, found that victims of a male perpetrator were evaluated positively, regardless of their gender. This result was not consistent with the adult rape literature. Rogers and Davies hypothesised that their finding may relate to “negative attributions based on homophobia” for adult rape victims (p. 579). In a previous study, these authors found that when a male child in their study was depicted as being 15 years old versus 10 years old, they appeared more vulnerable to similar gender-role stereotyping as an adult male victim (Davies, et al., 2006), potentially providing evidence of a ceiling effect for credibility in relation to sexual naiveté. For example, community beliefs about people with ID have included that they are promiscuous, that they lie, and would not be sexually assaulted (Chenoweth, 1996; Lievore, 2005). Kielty and Connelly (2001) further identified in their sample of police personnel the existence of two predominant “myths:” that women with an ID are promiscuous, and that victims’ stories are “not a credible account”. The extent to which these stereotypes extend to beliefs concerning adolescent males with ID has not previously been investigated.

For the current investigation, it was hypothesised that female adolescent victims / witnesses with ID would be perceived by potential jurors as more credible than their male counterparts. However, the current study failed to identify any differences in ratings of credibility between male and female victim/witnesses. Rather, ratings of credibility of all victim/witnesses appeared more dependent on participant (juror) gender. While female participants did not differ significantly in their ratings of
credibility across victim gender, consistent with prior research (e.g. Broussard & Wagner, 1988), male participants rated both male and female victims as less credible than did female participants. Given this was a first attempt at the assessment of perceptions of credibility based on victim/witness gender in adolescents with ID, this factor warrants further exploration and testing, examining more closely the way in which potential jurors make decisions about judgments of credibility based on victim gender, age, and intellectual disability.

6.2. Credibility and Participant/Juror Characteristics

The following discussion address the hypotheses and results obtained in relation to the impact of participant/potential juror factors on the perceived credibility of adolescent victim/witnesses with ID and with no ID. Specifically, juror gender and experience of people with ID.


In general, men and women have been found to react differently to child sexual abuse victims and defendants/perpetrators, with men considered pro-defendant, and women pro-victim. Men appear to view child abuse as a less serious crime than women, and may be more likely to endorse “child sexual abuse myths” (Morison & Greene, 1992). Similarly, male mock jurors tend to rate child sexual abuse victims as less credible than women, and tend to be more pro-defence in making judgments of guilt (Bottoms, et al., 2004; Bottoms & Goodman, 1994; Davies & Rogers, 2009; Rogers, et al., 2007). Further, women have been found to rate victims as more
believable than males (McCoy & Gray, 2007). In relation to the effects of juror gender on perceptions of victims with ID, Bottoms and colleagues (2003) found that men and women differ in their perceptions of alleged sexual assault victims even when the victim is depicted as having an ID.

As such, it was hypothesised in the current study that female participants would provide higher ratings of credibility than male participants not only for victims with an ID, but also for victim/witnesses generally (regardless of disability status). The results of the current study support the hypotheses, and are consistent with the apparent consensus within the literature. They revealed that female participants/potential jurors were more likely to rate victims as higher in credibility, regardless of intellectual disability status, gender of the victim, and type of offence, than male participants. Furthermore, when competence was considered as a component of credibility, female participants rated victims as more credible than male participants. These results provide support for the work of Bottoms et al. (2003), and provide stronger support for the finding that juror gender functions in a similar manner whether victims have an intellectual disability or not. The varsity of these findings are further strengthened given the sample in the current study was comprised of community members, rather than an undergraduate convenience sample as has been the case for most previous research in this field. In summary, the current study supports past research that has demonstrated that female participants tend to provide higher ratings of credibility for victims than men. The results also support prior research that suggests that female participants are more likely to be consistent in their ratings of credibility of victims across both victim/witness genders.
6.2.2. Participant/juror experience.

The impact of participant/juror experience with people with ID on ratings of credibility was explored in the current study. The writer was unable to locate any peer-reviewed research pertaining specifically to this factor. Furthermore, there appeared to be a paucity of research into juror perceptions of other clinical populations, such as those with a mental illness, based on juror’s personal experience with people from clinical populations. As such, research investigating the effects of personal experience with mental illness on community attitudes more generally was utilised to provide a context for the investigation of this factor.

Previous research concerning the influence of personal experience on attitudes of people generally towards those with disability has suggested that personal contact with people with a mental illness can result in more positive attitudes, such as reduced perceptions of dangerousness (Link & Cullen, 1986; Penn et al., 1994; Angermeyer & Matschinger, 1996); an increased likelihood of engaging in social relationships with such individuals; and holding more accepting attitudes towards people with a mental illness generally (Brockington et al., 1993). Additionally, familiarity appears associated with fewer prejudicial attitudes (Holmes et al, 1999; Corrigan et al., 2001). Extrapolating from these examples, and in conjunction with the more general literature addressing community attitudes of people with ID (Yazbeck, McVilly, & Parmenter, 2004), which suggest among other things that persons with greater contact or experience of people with ID report more positive attitudes and express greater confidence in the ability of people with ID than those with limited, or no experience, it was hypothesised that there would be a significant difference in
ratings of credibility between participant/jurors with experience and no experience of people with ID; and explicitly that those with experience would give higher ratings of credibility than those with no previous experience of people with ID.

However, the results revealed no significant differences in ratings of credibility based on participant/juror experience, or no experience, with ID. As such, it would be reasonable to assume that in the current study, experience as a factor did not affect ratings of credibility for adolescent victim/witnesses with ID or with no ID. Given these findings were contra to predictions made on the basis of well established findings concerning attitudes in the community more generally, further research appears warranted including attempts at replication of the current findings. Further considerations concerning the potential impact of juror experience of people with ID in relation to verdict (guilty / not guilty) based on the evidence of a victim / witness with ID are considered in section 6.5.2.

6.3. Offence type.

The following discussion addresses the hypotheses and results obtained in relation to the impact of offence type on juror ratings of credibility. In the disability literature, type of offence has not been examined in relation to perceptions of credibility. For this reason, the type of sexual abuse described in the vignettes/scenarios was varied across conditions. The alleged perpetrator either exposed himself to the victim (non-contact offence), or indecently assaulted the victim, whereby the alleged perpetrator indecently touched the victim (contact offence). This factor was considered in order to determine whether the perceived severity of the
offence impacted upon potential jurors’ ratings of credibility of the victims. Previous research has examined different types of offences (e.g. violent offences versus sexual offences) however, the severity of the crime within a sexual offence has not been examined, particularly in relation to individuals with an ID. As such, these analyses remained predominantly exploratory, and the null hypothesis was posed. It was therefore hypothesised that juror perceptions of the credibility of adolescent victim/witnesses with ID would be no different between scenarios involving allegations of indecent exposure and those involving indecent assault.

Contrary to the null hypothesis, the findings of the current study found that victims were rated as more credible when they had been depicted as indecently assaulted (contact offence), versus an exposure offence (non-contact offence). However, there was a small effect size for this result, and additionally, when the $p$ value was rounded up, the result failed to reach statistical significance. These results could be the effect of sample size, however, the direction of the trend is worth further investigation.

In regards to the interaction of offence type and presence of ID, when variables of “ID” and “no ID” were created, the results suggested that for both exposure and indecent assault, the “no ID” group were rated as more credible than the “ID” group. This result indicates that ID may be a factor considered pertinent in providing ratings of credibility, regardless of type of offence they are alleged to have experienced.

When the honesty component of the overall ratings of credibility was considered (independently of the competency component of credibility), victims of both genders were perceived as more credible when they had been indecently assaulted than when
they were depicted as experiencing an exposure offence. Possible explanations for this may revolve around the nature of the crimes themselves. It is possible that participants were more likely to believe the victim/witnesses’ allegations when the crime was more severe, and that evidence may be believed to be stronger in such an instance. Further, participants may have felt a higher level of emotion (e.g. sympathy or empathy) when the crime was depicted as more severe, as defined by the law in regards to tariff (i.e., potential length of sentence), which may have translated into higher perceived credibility. Alternatively, participants may have perceived that the victim/witness would be less likely to fabricate a more serious charge of indecent assault, and given their perceived sexual naïveté, would be less likely to have the cognitive capacity to fabricate a higher tariff charge such as indecent assault.

These findings in relation to offence type also highlight the need to consider credibility as a multi-dimensional construct. For the current study, questions comprising the overall rating of credibility included those that related to issues of both perceptions of victim / witness honesty and competency.

6.4. Concepts Underlying Credibility

The following discussion pertain to the results of analyses investigating the impact of factors considered to underlie perceptions of credibility, and upon which perceptions may be based. These include issues relating to perceptions of competency, honesty, and suggestibility.
6.4.1. Competency and honesty.

When honesty was considered as a discrete component of credibility in the current study, victims with a moderate ID were rated as more honest than those with either a mild ID or of average intelligence. Conversely, when competency was considered alone in ratings of credibility, victims with average intelligence were rated as most credible, followed by those with a mild ID. Victims with a moderate ID were rated as least credible on competency measures. These finding lend support to theories proposing two dimensions underlying credibility (competence or expertise, and trustworthiness or honesty) (Miller & Burgoon, 1982; O’Keefe, 2002).

The findings of the current study suggest that when credibility is considered primarily in relation to ratings of competency, participants rate the victim/witness as more capable of providing an accurate account of the events when they are depicted as being of average intelligence. In contrast, when the victim is depicted as having a moderate ID, potential jurors rated them higher in regards to honesty and trustworthiness factors, possibly due to their perceived naïveté and perceived reduced ability to fabricate an allegation of sexual abuse.

These findings are consistent with the child witness literature, where studies have indicated that younger children are perceived as more credible (in terms of their honesty and trustworthiness) than older children, adolescents, and adults (Bottoms & Goodman, 1994; Leippe & Romanczyk, 1987, 1989; Ross, et al., 1990). Furthermore, the current findings suggest that a presumption of incompetence for adolescents with an ID continues to exist within both the general community, and those with personal experience of people with intellectual disability.
Interestingly, when the victim was depicted as having a mild ID, they were rated as least honest. In the absence of any findings from previous research employing a similar design whereby level of ID is manipulated, some caution is required in drawing any conclusions from this. It is possible that participants were unable to discriminate significant differences in the level of functioning of someone with a mild ID, versus average intelligence, or that adolescents that have a mild ID are not ‘severe’ enough to be considered naïve. These questions warrant further investigation.

Overall, the pattern of participants’ responses in the current study indicate that research findings regarding perceived credibility in relation to competence and honesty/trustworthiness are a valid consideration when the victim / witness is an adolescent with an ID, regardless of the type of offence committed, gender of the victim, gender of the potential juror, and the level of experience the potential juror has with individuals with ID. Such findings could have implications for how a victim / witness is presented to the court and the potential impact of the adoption of ‘special measures’ (e.g., the presentation of pre-recorded testimony, testimony provided by videolink or the presence of a support person in the witness box) for presenting testimony of victims / witnesses with ID which are available in some jurisdictions, including Victoria, Australia. Future research may wish to consider how different presentation modes (e.g. written transcripts, video, and live) affect perceptions of adolescent victim/witnesses with an ID, given prior research has indicated that witnesses are rated more positively and viewed as being more honest when their testimony is presented live to the perceiver (Landström, Granhag & Hartwig, 2005; Akehurst, Köhnken & Höfer, 2001). Such information would be beneficial for policy
makers and those involved in the development and implementation of courtroom technology, and further, for legal representatives in considering the situations in which the honesty component of credibility of the witness may be enhanced. Overall, these findings may have implications for the prosecution of cases of sexual abuse where the victim is an adolescent with an ID.

6.4.2. Victim/witness suggestibility.

People with ID have historically been considered unreliable witnesses due to beliefs that their memory systems are impaired (Beail, 2002), which has had a follow on effect whereby it has also been assumed that they are more susceptible to suggestion in, for example, police interviews. Henry and Gudjonsson (1999) found that children with ID performed well on several measures of eyewitness memory performance and indicated that social factors may account for increases in suggestibility when questions posed to them are closed-ended, misleading questions, placing increased pressure on the individual to conform to the interviewer. Factors such as eagerness to please, a lack of confidence in their memory, acquiescence and a reluctance to disagree with adults may further contribute.

Further, Henry and Gudjonsson (2007) highlighted that the factors impacting on the accuracy, breadth, and reliability of eyewitness memory in children with ID are “only just being identified” (p. 361). To date, some findings have suggested that the eyewitness abilities of individuals with ID are poorer than those of typically developing peers (Henry & Gudjonsson, 2007; Milne, Clare, & Bull, 2002). Other research has indicated that children with mild and moderate ID were less likely than typically
developing controls to be susceptible to interviewer suggestion (Agnew & Powell, 2004).

In regards to perceptions, few studies have examined how children or adolescents with an ID are perceived in regards to their vulnerability to suggestion. Nathanson and Platt (2005) found in their study examining attorney’s perceptions of child witnesses with ID, that attorneys perceive children with ID as less credible and more suggestible than child witnesses without ID.

When ratings of suggestibility were considered in the current study, adolescent victims with average intelligence were considered significantly more suggestible than those victims with a mild or moderate intellectual disability. No significant difference was found in relation to suggestibility between victims with a mild ID and a moderate ID. Given there is a paucity of research literature on the perceived suggestibility of adolescents with an ID, the current results will be contrasted with the child witness literature.

In relation to general findings in the child witness literature, it could be predicted that persons at an earlier developmental phase of life would be more suggestible than those who were older and more psycho-socially developed. However, the current study revealed that the non-disabled victim/witness was perceived as more suggestible than either of the categories of intellectually disabled victims depicted in the scenarios (i.e., mild ID and moderate ID). This result is further complicated when other findings in this study have suggested that non-disabled victims were perceived higher in relation factors of competence, of which suggestibility has been considered a component in previous literature (Ceci&Bruck, 1995; Bottoms & Goodman, 1994;
Cashmore & Bussey, 1996). However, the current result may be better explained when considered in light of the theory proposed by Agnew and Powell (2004).

Agnew and Powell (2004) found that children with mild and moderate ID were less susceptible to interviewer suggestion than typically developing controls. They indicated that there is a possibility that children with ID have poor memory abilities, and therefore, the children in this group may have a reduced likelihood of encoding and remembering interviewer suggestion. It is possible that the participants/potential jurors in the current study considered the non-disabled victim to be more competent, and therefore, more vulnerable to suggestion, and considered the intellectually disabled victims to be less able to understand suggestion. They may further have conceptualised that the intellectually disabled victims were more sexually naïve, less able to fabricate allegations, and therefore, less likely to be vulnerable to suggestion on these issues. Given moderately intellectually disabled victims in the current study were considered more honest than the non-disabled victims, participants may have considered honesty and trustworthiness factors as more salient even in their judgment of a factor that is generally related more to cognitive competence. It is also possible that the participants did not have a sound understanding of the concept of suggestibility and how it might relate to competence and credibility. Similarly, the reliance on a single item in the questionnaire may have impacted on participant understanding and rating of suggestibility. All of these issues warrant further investigation, possibly using qualitative techniques to further explore the cognitions and reasoning of potential jurors.
6.5. Reporting, Verdict and Confidence in Verdict

The following discussion relates to the factors of reporting of the alleged offence, verdict responses, and ratings of confidence in verdict provided by participant/jurors.

6.5.1. Reporting.

The current study investigated the relationships between participants’ willingness to report the alleged offence to the appropriate authorities (“reporting”), and level of intellectual disability, type of offence, gender of the victim, gender of the participant, and level of participant experience (experience versus no experience with individuals with an intellectual disability). Interestingly, no significant relationships were found between these variables, with the vast majority of participants indicating that they would report the alleged offence to the relevant authorities (e.g. police). This appeared to indicate that in the current sample, regardless of perceived credibility, if an adolescent with an ID alleged sexual abuse, that this abuse would be reported.

The current result is not consistent with what is known about how the process of reporting is functioning at present, whereby many cases of sexual abuse against individuals with an ID are not reported to the police (Sobsey, 1994; Peckham, 2007; Goodfellow & Camilleri, 2003). This result may be explained by the hypothetical nature of the scenarios included in the study. Although completing an anonymous questionnaire, participants may have been reluctant to indicate that they would not report an allegation of abuse. For these reasons, future studies would benefit from the inclusion of measures to assess the extent to which social desirability might influence
participants’ responses to such scenarios (Crowne & Marlowe, 1960; Stöber, 2001). Furthermore, participants who work in the disability sector may indeed report an allegation of abuse to their management team, as is protocol in many organisations. However, if the decision to report to the police is a managerial decision, the allegation still might not proceed, regardless of what the alleged victim and reporting disability worker have reported or alleged. In regards to participants with no experience of ID, perhaps when faced with a hypothetical scenario, the decision to report seems appropriate. However, in reality, it is possible that reports would not proceed given the barriers to reporting for both victims and others discussed in Chapter 2.

The use of hypothetical scenarios may be problematic, as although research indicates a high level of external validity regarding presentation mediums in mock jury studies (e.g. video-taped evidence and written scenarios), the extent to which decisions made by potential jurors in a study may not be consistent with, or representative of, the decisions they would make in the real-world (Breau & Brook, 2007). Bottoms and colleagues (2004) proposed that utilising a written scenario methodology enables the researcher experimental control to explore important variables, before developing research further to examine patterns of results. As such, the current study does provide a starting point for further developing research on potential jurors’ decisions regarding reporting of alleged abuse. Additionally, research investigating disability workers’ actual rates of reporting of abuse, to either the police or management, would be valuable, in addition to further investigating the barriers to workers reporting initial allegations of abuse.
6.5.2. Verdict.

The current study examined the relationships between verdict, and the victim characteristics of level of intellectual disability, type of offence, and gender of victim, in addition to the potential juror/participant characteristics of gender of participant, and level of participant experience with individuals with an intellectual disability (“experience”). Additionally, the study aimed to examine participants’ confidence in their verdict response. Findings revealed that the above characteristics impacted upon participants’ verdict responses and their level of confidence in their verdict.

Results of the current study revealed a relationship between having experience of people with intellectual disability and participants’ verdict responses in the case scenario whereby the offence was depicted as indecent assault and the victim was depicted as being of average intelligence. The results revealed that participants who had no experience with individuals with ID were more likely to render a guilty verdict than those participants with experience of people with ID. While there was a trend towards participants providing guilty verdicts for both the experience group and the no experience group, a more stable trend was identified in the no experience group, whose verdict responses tended to be more consistent across the different levels of ID and types of offences (exposure and indecent assault); that is a propensity to render a guilty verdict. Although a relationship between experience and verdict was found, given the variable of “experience” or knowledge of ID has not been considered or examined previously, it is difficult to make inferences about what this result could mean. It might be that participants with no knowledge of, or experience with, people with an ID do not recognise the cognitive limitations of those with a moderate ID, compared to those with
a mild ID, or alternatively, may perceive the victims in all case scenarios to be vulnerable, and the perpetrator guilty. Future research into the relationship between potential jurors with experience, and those with no experience with ID, may benefit from examining the nature of the relationship between “experience” and verdict responses, incorporating a qualitative analysis of the considerations in reaching a verdict.

Until recently, studies of male sexual abuse have remained rare, possibly due to historically low rates of reporting of sexual abuse by males and the stigmatised nature of male sexual assault (Cermak & Molidor, 1996). The current study aimed to build on the research in relation to perceptions of credibility across both genders, and additionally to examine whether verdict responses differed as a function of victim gender. The results revealed a trend whereby participants rendered more guilty verdicts when the victim was depicted as a female adolescent, however, this reached statistical significance only when the victims were depicted as having a mild ID and who had been indecently assaulted. In this scenario, where a female victim with a mild ID had been depicted as being indecently assaulted, participants rendered more guilty verdicts than the scenario where a male victim with a mild ID had been depicted as being indecently assaulted. This result is consistent with previous research on victim gender and verdict, whereby female victims receive higher ratings of perceived credibility and guilty verdicts. However, it is important to highlight that there remains a paucity of research on verdict and victim gender incorporating male victims. As such, community perceptions may differ in the current social climate, and further
research would be valuable to determine the relationship between male gender, adolescence, ID, and verdict.

Of further interest is that the verdict responses for both male and female victims when depicted as having a moderate ID were almost identical. This may indicate that level of intellectual disability is a factor that could potentially increase guilty verdicts for male adolescents. Bottoms and colleagues (2003) found that perceived victim credibility mediated the effect of disability status on verdict preferences in their study utilising a 16 year old female victim with a mild ID. It is noteworthy that the level or severity of the ID has not previously been varied to determine whether severity of ID translates to higher perceived credibility, and in this instance, guilty verdict responses. Although an initial trend has been illustrated in the current study, further research would be necessary to generate a more robust finding across studies.

Men and women have been previously found to react differently to child sexual abuse victims, with men being more pro-defendant and women pro-victim. Further male mock jurors have tended to be more pro-defence in making judgments of guilt (Back & Lips, 1998; Bottoms & Goodman, 1994; Broussard & Wagner, 1988; Davies & Rogers, 2009; Gabora, et al., 1993; Golding, et al., 1997; McCauley & Fraser-Parker, 2001; Quas, et al., 2002; Rogers & Davies, 2007; Rogers, et al., 2007; Schutte & Hosch, 1997). Bottoms et al. (2003) examined the effects of juror gender on perceptions of victims with ID. Consistent with the child abuse literature, they found that male and female mock jurors differed in their perceptions of alleged sexual assault victims when the victim was portrayed as having an ID. They found that women rendered significantly more guilty verdicts than men.
The findings in the current study revealed that overall, female participants/potential jurors rendered significantly more guilty verdicts than did male participants. This was consistent across levels of ID and type of offence, with female participants rendering guilty verdicts when the allegations were exposure and indecent assault. Interestingly, no relationship was found between verdict and gender of participants when the victim was depicted as having a mild ID and had experienced an exposure offence. However, it should be noted that the result, although not reaching statistical significance, was in the direction of the other results, whereby female participants rendered more guilty verdicts than males.

In summary, the results from this study provide support for prior research, suggesting that female potential jurors/participants are more likely to render guilty verdicts than their male counterparts. The causal relationship was not evaluated in this study, and it would be valuable to examine the underlying decision making mechanisms and how they differ between male and female participants/potential jurors.

6.5.3. Confidence in verdict.

The current study examined participants’ confidence in rendering verdicts based on hypothetical case scenarios of alleged sexual abuse against adolescents with an intellectual disability. This was examined in regards to the impact of level of intellectual disability, gender of the victim, type of offence, and gender of participants/potential jurors. No significant results were yielded in relation to confidence in verdict based on level of intellectual disability, gender of the victim, and gender of the participants/potential jurors. The result in relation to gender of
participants/potential jurors was particularly interesting, given previous research has indicated that male participants tend to be more confident in their judgments than female participants (McCoy & Gray, 2007).

The findings from the current study revealed that participants were more confident in their verdict responses when the victim was depicted as being indecently assaulted than when depicted as experiencing an exposure offence. As such, it appears that perceived severity of the offence played a role in potential juror decision making in regards to verdict. Previous research has not examined differences in perceptions of credibility, nor in verdict responses by varying the severity of a crime within an already established crime (in this case, sexual offending), with research focused on identifying differences based on distinctly different crimes (e.g. property crime versus violent crime). Further, this factor has not been examined in relation to individuals with an intellectual disability. As such, this finding remains predominantly exploratory in nature, and will require further research validation to draw more robust conclusions. However, this finding is consistent with the findings in the current study relating to perceived credibility and type of offence, whereby victims were perceived to be more credible when they had been indecently assaulted, than when subjected to an incident involving exposure.

These findings together suggest that severity of crime, within for example, sexual offences, are worthy of further empirical exploration, and may provide valuable information regarding how the perceived severity of a sexual offence may impact on the progression of a report of abuse through the criminal justice system.
6.6. Implications of the Current Study

Individuals with intellectual disabilities continue to face barriers to the reporting of sexual abuse to the relevant authorities and in participating in the criminal justice process. A particularly important barrier identified is that these individuals may face prejudice and misperceptions regarding their memory abilities and credibility, which has resulted in authorities, such as the police, not taking reports of abuse seriously (VLRC, 2004). The current study aimed to investigate the barriers faced by adolescents with an ID who have experienced abuse, specifically examining how this group is perceived by the general community who are eligible for jury duty, and have no experience with people with ID, and those individuals that have experience with people with ID, predominantly through their work (disability workers). The study aimed to understand the factors participants consider when they determine whether an adolescent with an ID is credible in their reporting of sexual abuse, and whether they would be believed should the allegation proceed through the justice system, and eventually to court.

The current study contributes to the literature by further developing an understanding of how stereotypes and misconceptions in relation to individuals with intellectual disabilities function within legal, social and broader community contexts. The sample utilised in the current study was drawn from the Victorian community, including people with no experience with people with ID, and those with significant experience with ID (such as disability service workers). As such, the results provide a strong basis for the understanding of how the perceptions of the community in Victoria, Australia impact upon the social, organisational, and systemic barriers faced by
individuals with an ID when reporting sexual abuse, in contrast to previous studies, which have focused on tertiary student samples. It illustrates that decision making processes by jury eligible community members in cases of sexual abuse can be influenced by perceptions concerning adolescent males and females, the offences reported, and by their beliefs about adolescents’ intellectual disabilities.

Given the results, education about the sexual abuse of intellectually disabled individuals, and specifically adolescents, would be worth implementing, not only to adolescents with an ID and their families and carers, but to the broader community, in order to discourage the perpetuation of “myths” about sexual abuse and intellectual disability. This may be especially pertinent in regards to education around the sexual abuse of adolescent males with an ID. Beliefs within society that adolescents with an ID are neither credible nor reliable witnesses may continue to be a barrier to these individuals in regards to having their allegations reported, proceeded to court, and prosecuted. However, the current study also demonstrates that adolescent victims with an ID may not necessarily always be disadvantaged in the reporting process, and indeed the court process when compared to adolescent victims of average intelligence. In the current study, although adolescents with an ID may not be perceived to be as credible as their non-disabled counterparts in relation to competency factors, they were perceived to be honest and trustworthy.
6.7. Limitations

A number of limitations to the current study were observed, including sampling limitations, the written medium of the scenarios and the ability to generalise from hypothetical scenarios. These limitations are discussed below.

6.7.1. Sampling limitations.

The current study aimed to examine community and disability workers’ perceptions of the credibility of adolescent victim/witnesses with an intellectual disability by using a sample of participants who were representative of the Victorian community. However, a smaller proportion of male participants responded to the questionnaire, compared to female participants. Prior mock jury research has indicated that female participants tend to be more pro-prosecution/pro-victim, and male participants tend to be more pro-defence (Golding, Bradshaw, Dunlap, & Hodell, 2007), therefore this may have impacted on the current study in regards to verdict responses given more females participated in the study. However, the possible confound of gender was taken in to account in the analyses. Although in the Victorian community there is a greater percentage of female citizens; and in disability services there tend to be a higher proportion of female workers, replication of the current study would be best undertaken using a sample that consisted of a relatively equal proportion of female and male participants.

Furthermore, the current study was over-represented by 25 to 54 year olds compared to the ABS data on the Victorian public. Although this age bracket encompasses thirty years, it may be beneficial for future research to ensure a more even
representation of ages. However, comparisons of samples with ABS data regarding the Victorian community remain difficult, as citizens become jury eligible when they turn 18 years old, and the ABS catchments for this age range encompasses 15 to 25 year olds. However, it is possible that the sample in the current study is overall representative of the age of citizens that are, in reality, serving on juries in Victoria. An additional issue worthy of consideration for future research is that it is possible that jurors themselves are not representative of the population, for example, given exemptions provided to particular professionals (e.g. senior medical staff in hospital environments).

The recruitment strategy itself may have impacted on the final sample being over-represented by females, and participants with higher educational attainment than might have been expected from a Victorian population sample. The snowball sampling procedure, in particular, has identified advantages and disadvantaged. Snowball procedures are well-suited for research purposes where the focus of the study may be considered sensitive in nature (Biernacki & Waldorf, 1981), thus enabling the researcher to collect data from participants that may be difficult if using other sampling methods. However, the limitations of snowball sampling include the lack of control over the sampling method, and thus, the representativeness of the sample is not guaranteed, and may be biased (Morse & Field, 1995). Initial participants may have nominated and recruited individuals they knew well, therefore, increasing the probability that the participants may share similar characteristics (e.g. demographic characteristics such as gender, age, and level of education). This may have resulted in data representing a smaller than desirable subgroup of the general population. It is
unclear if this occurred in the current research, however, future research may consider alternative sampling procedures, such as a random mail-out with addresses taken from the electoral roll (from which jurors are typically drawn), in order to reduce the possibility of sampling bias. Here it should be noted that the resources required to undertake such sampling were not available to the current researcher.

Another sampling limitation may be the approximate 50% return rate of the questionnaire packages. Response rates to mail surveys are a common concern faced by researchers (Scott, 1961), with the major concern centred on the ability to, and validity of, generalising from the responsive sample. However, what may be considered a low response rate does not necessarily produce increased error, unless respondents and non-respondents differ on the variables of interest (Holbrook, Krosnick & Pfent, 2008). It is possible that those that did not respond may be similar in terms of demographic characteristics to those that did respond and participate. Alternatively, the opposite may be true, and that a particular subset of participants responded, and that they might differ on demographic factors to those that did not respond.

Recent research has provided insight into methods that may increase response rates (see Holbrook et al. 2008), and these may be considered for future studies. However, although it was viewed for some time that response rates were a reflection of survey or questionnaire quality (and increased accuracy or validity) (Babbie, 1990; Aday, 1996), more recent research has contested presumptions that lower response rates equate to decreased accuracy in measurement (e.g. Holbrook et al. 2008; Curtin, Presser & Singer, 2000). While lower response rates may indicate or present a risk of
lower accuracy, there does not appear to be a consensus on this. As such, future research may consider methods of increasing the response rate in order to assess any discrepancies in results based on respondent characteristics.

6.7.2. Limitations of the scenarios.

Attempts were made to ensure that the sexual abuse scenario remained consistent throughout the study, with only aspects related to the type of offence, the alleged victim’s gender and the alleged victim’s level of intellectual disability altered to fit the scenario (e.g. school versus supported employment; exposure versus indecent assault). As such, participants were asked to carefully read the scenarios to ascertain those subtle differences. However, it is possible that some participants may have found it difficult to discriminate between cases. Future research may wish to highlight the subtle differences in case scenarios to a greater level, rather than relying on participants to read the scenarios carefully. Future research may additionally wish to consider addressing issues for persons with severe to profound intellectual disabilities. Additionally, the order in which scenarios were presented may have impacted on participant decision making regarding the credibility of each victim. Future studies may wish to consider the impact that the order in which scenarios are presented has on perceptions and subsequent ratings of credibility.

The scenario content itself employed a realistic case scenario, given sexual abuse is most often perpetrated by someone known to the victim (Ferguson & Mullin, 1999), which may increase generalisability, given children with intellectual disabilities are more likely to be sexually abused by people they know and trust than by strangers.
(Brown, et al., 1995). Furthermore, for participants who had no experience with intellectual disability, the capabilities of a person with a mild ID and a moderate ID were described briefly at the start of each scenario, where relevant, to enable participants to make more informed decisions about the credibility of an adolescent with an intellectual disability. However, it may be important to note that the responses provided by the participants in the current study may be restricted or specific to the characteristics and context of the scenarios developed and used. Future studies may further explore how jury eligible community members perceive the credibility of adolescents with ID in different contexts or under different circumstances.

The current study utilised written case scenarios/vignettes depicting the alleged sexual abuse of a male or female adolescent that participants read prior to completing questions regarding the case study/scenario. Participants completed the questionnaire booklets individually, and without deliberation with any other participants. Consequently, the effect of group discussion, as would be the case in a jury trial, could not be evaluated. Although the current study was not a mock jury study per se, participants were instructed to make decisions on the case scenarios that they would do if they were on a jury deliberating on the case.

6.7.3. Ability to generalise from hypothetical scenarios.

Golding and colleagues (2007) identified two major limitations with regards to mock jury studies in cases of sexual abuse. The first is a lack of jury deliberations. This limitation may apply to the current study, posing a threat to the ecological validity of the results (Diamond, 1997). Diamond (1997) highlighted that the importance of
jury deliberations rather than individual verdicts is related to the ability of the jurors to interact and possible clarify individual misunderstandings or misperceptions. Diamond further indicated that group processing, as with a jury, may yield different results than individual level processing.

The second limitation identified by Golding et al. (2007) is that it remains unclear how individual verdicts and conviction rates translate to decisions made by a group. The current study examined the characteristics and factors considered by jury eligible community members in making decisions about the credibility of an adolescent with an ID, as individuals. As such, the current study provided a means of investigating those variables important in the decision making process, and has provided a base from which to guide future research in the area.

Prior research has identified few differences between mock jurors’ decisions in studies employing written transcript or scenario methods versus video taped testimony (Bornstein, 1999). However, it would be valuable for future research to build on the current study by employing alternative measures, such as videotaped testimony from an actual trial of an allegation of sexual abuse (see Bottoms et al. 2003) to determine any differences in findings, given the presentation medium of the case. Furthermore, it would be valuable to utilise juries that deliberate in order to control for the misconceptions of individuals. Additionally, the gender composition of juries should be a consideration for future studies, given prior research has indicated that juries with a female majority tend to render more guilty verdicts than non-female majority juries (Golding, et al., 2007).
6.8. Future Directions

The current study has illustrated how adolescents with an ID can be perceived in terms of their credibility in cases of sexual abuse. The findings have further shown that decisions regarding credibility, reporting of allegations, and verdict responses remain complex. Future research could benefit from examining how additional factors, for example, ethnicity, might influence perceived credibility, willingness to report, and verdict. Furthermore, the current study was limited to examining perceptions of adolescents with an ID in cases of sexual abuse. It would be valuable for future research to examine whether community members and disability workers hold similar attitudes and perceptions towards adolescents with an ID when other types of abuse are perpetrated or alleged, such as physical, emotional, or psychological abuse.

The current research has provided an initial examination of how community members (with and without experience of people with ID) perceive adolescent victims with an ID (both males and females). As findings from the current study have demonstrated, perceptions of the credibility of adolescents with ID remain complex. Future research could examine how other factors influence community perceptions. To gain a more thorough understanding of community members’ or potential jurors’ perceptions of adolescents with an ID in cases of sexual abuse, future research may wish to investigate how varying the gender of the alleged perpetrator in cases of sexual abuse impact on perceptions of credibility of victims. That is, employing a design that incorporates both male and female perpetrators of sexual abuse and assessing the impact of perpetrator gender on perceptions of credibility of victims (of both genders), perceptions of severity of the offence, and participants’ attributions of blame and
responsibility for both victims and perpetrators. Further exploring the factor of sexual naïveté would also be of benefit to determine whether this factor applies to individuals with an ID in a similar manner to individuals without an ID. Additionally, future research may wish to further examine the sociodemographic factors of participants to assess how these affect perceptions of adolescents with an ID in cases of sexual abuse. Both the demographic data available in the current study, coupled with sampling limitations prevented the exploration of factors such as income, education, political and religious beliefs, and cultural identity. Future research may additionally wish to examine the impact of the Victorian “Special Measures” for individuals with an ID in contact with the Criminal Justice System, and any unintended consequences, in order to improve access to justice for victims and witnesses with an ID.

6.9. Conclusion

The current study assessed potential jurors’ perceptions of the credibility of adolescent victim/witnesses with an intellectual disability in cases of sexual abuse, compared to perceptions of the credibility of adolescent victim/witnesses without an intellectual disability. In particular, the current study focused on providing an assessment of how potential jurors’ perceptions differ as a function victim/witness characteristics, including the level of intellectual disability of the victim, the gender of the victim/witness, and the type of offence alleged; and participant/potential juror characteristics, including gender and experience with individuals with an intellectual disability. Findings of the current research indicate that decisions about credibility,
reporting of abuse allegations, and verdict responses remain complex and depend upon individual perceptions of the characteristics of victim/witnesses.

The current study contributes to the literature by adding to the current understanding of how perceptions of adolescents with an ID function within legal and social contexts, and how this might apply in the Victorian context. Furthermore, the current study demonstrates that decision making processes by jury eligible citizens, both with, and without experience with ID, are influenced by their beliefs about the credibility of adolescent males and females with ID, and the types of offences alleged. This has implications for the perpetuation of barriers already faced by adolescents with an ID in reporting instances of sexual abuse, and having their case proceed through the legal system. Nonetheless, the current study also demonstrates that intellectually disabled adolescent victims of sexual abuse may not always be disadvantaged within the legal system in terms of the reporting of abuse and in particular, in court proceedings.

Should misconceptions and stereotypes continue to undermine the credibility of victims of abuse with ID; the barriers in the justice system faced by this vulnerable population will be perpetuated. As the research knowledge base increases regarding the important influence of societal attitudes and perceptions (including those of community members, disability workers, and other important personnel involved in the criminal justice system such as police and judges), so too should widespread education regarding the sexual abuse of vulnerable members of the community, such as intellectually disabled adolescents, be made available, to dissipate the perpetuation of
“myths”, and to encourage and support intellectually disabled victims in their reporting of abuse, and of the passage of their allegations through the criminal justice system.


Toglia & D. F. Ross (Eds.), *Children's eyewitness memory* (pp. 1421-1154). New York: Springer-Verlag.


Appendix A: Ethics Approval
MEMORANDUM

TO: Dr. David Hamilton
Psychology
Berwood

FROM: Executive Officer, Deakin University Human Research Ethics Committee (DU-HREC)

DATE: 31 May 2007

SUBJECT: PROJECT: EC 69-2007 (Please quote this project number in future communication.)
PERCEPTIONS OF THE CREDIBILITY OF ADOLESCENTS WITH AN INTELLECTUAL DISABILITY IN CASES OF SEXUAL ABUSE

This project was considered by DU-HREC on 2 April 2007.

APPROVAL HAS BEEN GIVEN FOR ALANA HARRIDGE, UNDER THE SUPERVISION OF DR. DAVID HAMILTON, SCHOOL OF PSYCHOLOGY, TO UNDERTAKE THIS PROJECT FOR A PERIOD OF THREE YEARS FROM 31 MAY 2007.

The approval given by the Deakin University Human Research Ethics Committee is given only for the project and for the period as stated in the approval. It is your responsibility to contact the Secretary immediately should any of the following occur:
• Serious or unexpected adverse effects on the participants
• Any proposed changes in the protocol, including extensions of time.
• Any events which might affect the continuing ethical acceptability of the project.
• The project is discontinued before the expected date of completion.
• Modifications are requested by other HREC's.

In addition you will be required to report on the progress of your project at least once every year and at the conclusion of the project. Failure to report as required will result in suspension of your approval to proceed with the project.

Silvia Rametta
On behalf of DU-HREC
(03) 9251 7123
MEMORANDUM

TO: Dr David Hamilton
School of Psychology, Burwood

FROM: Deakin University Human Research Ethics Committee (DU-HREC)

DATE: 24 September 2008

SUBJECT: Project EC 69-2007 (Please quote this project number in future communication.
Perceptions of the credibility of adolescents with an intellectual disability in
cases of sexual abuse

The modification to this project was ratified at the DU-HREC meeting held on 15 September 2008.

Approval has been given for Alana Harridge under the supervision of Dr David Hamilton, School of Psychology, to continue this project as modified to 31 May 2010.

The approval given by the Deakin University Human Research Ethics Committee is given only for the project and for the period as stated in the approval. It is your responsibility to contact the Executive Officer immediately should any of the following occur:

- Serious or unexpected adverse effects on the participants
- Any proposed changes in the protocol, including extensions of time.
- Any events which might affect the continuing ethical acceptability of the project.
- The project is discontinued before the expected date of completion.
- Modifications are requested by other HREC’s.

In addition you will be required to report on the progress of your project at least once every year and at the conclusion of the project. Failure to report as required will result in suspension of your approval to proceed with the project.

DU-HREC may need to audit this project as part of the requirements for monitoring set out in the National Statement on Ethical Conduct in Human Research (2007)

Vicky Bates, Secretary
On behalf of DU-HREC
03 9251 7052
Appendix B: Juries Act, 2000, Schedule 1 and Schedule 2

Juries Act 2000 - SCHEDULE 1

Section 5(2) PERSONS DISQUALIFIED FROM SERVING AS JURORS

1. A person who has been convicted, in Victoria or another jurisdiction, of treason or one or more indictable offences and sentenced to-

   (a) imprisonment for a term or terms in the aggregate of 3 years or more; or

   (b) a period of detention, for 3 years or more, under a hospital security order made under section 93A of the Sentencing Act 1991 or an equivalent order in another jurisdiction- but any conviction of an offence in respect of which a free pardon has been granted must be disregarded.

2. A person who within the last 10 years has been, in Victoria or another jurisdiction-

   (a) sentenced to imprisonment for a term or terms in the aggregate of 3 months or more (excluding a suspended sentence of imprisonment); or

   (b) ordered to be detained, for a period of 3 months or more, under a hospital security order made under section 93A of the Sentencing Act 1991 or an equivalent order in another jurisdiction- but any conviction of an offence in respect of which a free pardon has been granted must be disregarded.

3. A person who within the last 5 years, in Victoria or another jurisdiction-

   (a) has been sentenced to imprisonment for a term or terms in the aggregate of less than 3 months; or

   (b) has been ordered to be detained, for a period of less than 3 months under a hospital security order made under section 93A of the Sentencing Act 1991 or an equivalent order in another jurisdiction; or

   (c) has served a sentence of imprisonment by way of intensive correction in the community, or an equivalent sentence in another jurisdiction; or

   (d) has been sentenced to a suspended sentence of imprisonment; or

   (e) has served a sentence of detention in a youth justice centre or youth residential centre or an equivalent sentence in another jurisdiction-
but any conviction of an offence in respect of which a free pardon has been granted must be disregarded. 4. A person in respect of whom a court in Victoria (including the Magistrates' Court) or another jurisdiction, has, within the last 5 years, made a community-based order, or an equivalent order in another jurisdiction, but any conviction, or finding of guilt, of an offence in respect of which a free pardon has been granted must be disregarded. 5. A person who within the last 2 years-

(a) has been sentenced by a court, in Victoria (including the Magistrates' Court) or another jurisdiction, for an offence; or

(b) has been released on the giving of an undertaking under section 72 or 75 of the Sentencing Act 1991, or an equivalent undertaking in another jurisdiction. 6. A person who has been charged with an indictable offence and is released on bail in respect of that offence. 7. A person who is remanded in custody in respect of an alleged offence. 8. A person who has been declared bankrupt and has not obtained a discharge.

Juries Act 2000 - SCHEDULE 2

Section 5(3) PERSONS INELIGIBLE TO SERVE AS JURORS 1. A person who is or, within the last 10 years, has been-

(a) the Governor or the Official Secretary to the Governor;

(b) a judge, a magistrate or the holder of any other judicial office;

(c) a member of the Police Appeals Board;

(d) a bail justice;

(e) an Australian lawyer (within the meaning of the Legal Profession Act 2004);

(f) a person employed or engaged (whether on a paid or voluntary basis) in the public sector within the meaning of the Public Administration Act 2004 in law enforcement, criminal investigation, the provision of legal services in criminal cases, the administration of justice or penal administration;

(g) a member of the police force;

(h) the Secretary to the Department of Justice, the Secretary to the
Department of Human Services or the Secretary to the Department of Health;

(i) a member of the Legislative Assembly or Legislative Council;

(j) the Auditor-General;

(k) the Ombudsman or the Acting Ombudsman;

(l) an employee of the Ombudsman;

(la) the Director, Police Integrity or Acting Director, Police Integrity;

(lb) an employee in the Office of Police Integrity;

(lc) the Special Investigations Monitor or acting Special Investigations Monitor;

(ld) an employee in the office of the Special Investigations Monitor;

(m) a person employed as a Government shorthand writer or court reporter or in connection with any court recording service.

2. A person who is-

(a) the Electoral Commissioner;

(b) the Legal Ombudsman or an acting Legal Ombudsman;

(c) employed by a person admitted to legal practice in Victoria in connection with legal practice.

3. A person who-

(a) has a physical disability that renders the person incapable of performing the duties of jury service;

(b) is a patient within the meaning of the Mental Health Act 1986;

(c) has an intellectual disability within the meaning of the Disability Act 2006;

(d) is a represented person within the meaning of the Guardianship and Administration Act 1986;

(e) is subject to a supervision order under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997;

(f) is unable to communicate in or understand the English language adequately.
Appendix C: Plain Language Statement for Research Participants

Plain Language Statement for Research Participants

My name is Alana Harridge and I am currently enrolled in a doctorate of psychology (forensic) program at Deakin University, Melbourne. As part of my degree, I am conducting a research project under the supervision of Dr. David Hamilton, a senior lecturer in the School of Psychology. I would like to invite you to participate in this study.

The aim of my research is to assess potential juror’s perceptions of witnesses. More specifically, it looks at a case of alleged sexual abuse. If you agree to take part in this research, we will ask you to read a scenario in which sexual abuse is described. If you think you might find this distressing, please feel free not to proceed.

This is an anonymous questionnaire. By completing it, you are consenting to take part in this research. Please ensure you do not write any identifying information on the questionnaire. This includes information such as your name, or any other comments that may enable you to be identified. Once the questionnaire has been returned, the data you provided cannot be withdrawn, as your completed questionnaire will not be identifiable. The data from this research will be stored securely in a locked filing cabinet in the School of Psychology for a minimum period of 6 years.

If you agree to take part in this study, we will ask you to complete a 2part questionnaire that should take approximately 45 minutes. The two sections include:

1. Brief, general questions about you. These include questions about your gender, age, education level and your experience with people with intellectual disabilities. These questions provide information about the general characteristics of study participants as a group, and cannot be used to identify you in any way.

2. A description of an incident in which an alleged case of sexual abuse occurs. The scenario is hypothetical and does not refer to any actual person or event. Following this, you will be asked several questions about the scenario. You will be asked to provide your opinion about the credibility and other related characteristics of the witness. Some examples of the type of questions you will be asked are “how capable
do you think the alleged victim is of making up (fabricating) a charge of sexual abuse,” and “if you were on a jury, would you find the alleged perpetrator guilty or not guilty.”

There are no right or wrong answers – it is your opinion that is required.

If you would like a summary of the results, please feel free to contact Dr. David Hamilton on (03) 9244 6139 or Alana Harridge via email: arhar@deakin.edu.au. Findings will be available at the conclusion of the study, which is likely to be at the end of 2007.

Thank you for considering participating in this research. Should you require further information regarding the study, please contact David Hamilton on (03) 9244 6139 or Alana Harridge at arhar@deakin.edu.au.

If the research questions cause you to feel any anxiety, please consider discussing your feelings with your general practitioner or community health nurse. Alternatively, the following services offer counselling and support:
Centres Against Sexual Assault 1800 806 292
Suicide Helpline Victoria 1300 651 251
Mensline 1300 789 978

Should you have any concerns about the conduct of this project, please contact the Secretary, Ethics Committee, Research Services, Deakin University, 221 Burwood Hwy, Burwood VIC. Tel (03) 9251 7123.
Appendix D: Demographic Details Questionnaire

Demographic Questions

These questions do not allow me to identify you. They are used to provide information about the general characteristics of study participants.

Please indicate whether you are male or female

☐ Male  ☐ Female

1. Please state your age

______ Years

2. Please state the last year of education that you completed (e.g. Grade 6, Year 9, a four year university degree, etc).

________________________________________________________________________

3. Please state your current occupation.

________________________________________________________________________

4. Please indicate the level of experience you have with people with intellectual disabilities.

☐ No experience

☐ I have worked with people with an intellectual disability in a residential setting

☐ I have worked with people with an intellectual disability in a day program

☐ I have worked with people with an intellectual disability in another setting
  Please specify ____________________________________________________________

☐ Other - I have experience with people with an intellectual disability in the following capacity

________________________________________________________________________
Appendix E: Scenarios Male Victim

Moderate Intellectual Disability and Indecent Assault

Kaleb is a 16 year old male with a moderate intellectual disability. This means that he has a mental age between 6 and 9 years of age. He can perform most self-care tasks independently (such as brushing his teeth, having a shower and going to the toilet). He can communicate adequately and has limited academic skills, up to approximately a grade 2 level. (Peers of Kaleb’s age without an intellectual disability would be in year 11 at secondary school). He requires varying degrees of support to live and work in the community. For example, he requires assistance in meal preparation and management of finances/handling money, but is able to follow directions in meal preparation, and can make simple transactions in retail situations. Currently, Kaleb lives with his mother and stepfather in a suburban area of Victoria. He attends special school 5 days a week, engaging in activities such as independent living skills development and recreational activities.

Kaleb claims he was sexually assaulted by his stepfather, Steven, who is 44 years old. According to Kaleb’s mother, Jan, her new husband has been living at their home for approximately the last 9 months. Jan reports that, in general, Steven and Kaleb get along well enough, but that there had been some conflict every now and then in the past. However, she states that the conflict was not of a serious nature and most often resolved itself without a great deal of effort.

The alleged incident occurred at the home of Kaleb and his parents at approximately 9:45pm on the 14th of March, 2006. According to Jan, on the day of the initial incident, her and some of her friends had gone out for the evening and left Kaleb in Steven’s care, which occurred on occasion.

Kaleb reports that, after his mother and her friends left at 7pm, he continued watching television by himself in his bedroom, something that his mother reports he does on a regular basis. Kaleb states that Steven cooked him dinner, which he ate downstairs in the kitchen with him. Immediately afterward, Kaleb returned to his bedroom to watch television. Kaleb reports that he usually goes to bed at around 9pm, and that this is what he did on the evening in question. He reports that he put on his pyjamas in his bedroom then walked down the hallway to the bathroom to clean his teeth. At this stage, he reports that Steven was watching movies in the lounge room, adjacent to the bathroom, and that Steven spoke to him about going to bed. Kaleb states that after he had cleaned his teeth in the bathroom that he returned to his bedroom down the hall. Kaleb reports that this was probably at around 9:15pm. He reports getting in to bed but that he kept his TV on so that he could watch whilst in bed. He states that around 9:25pm Steven came in to check on him, instructing him to turn off the TV and head off to sleep soon. Kaleb reports that Steven stayed in his room for longer than usual, sitting on a chair across from his bed. He claims that Steven then moved to sit on his
bed next to him. Kaleb alleges that Steven forced him to take his pyjamas off. He alleges that he told him to lie down and proceeded to touch him in the genital area. Kaleb claims that he continued to do this, touching himself in the genital area through his clothes. He claims he removed his jeans and continued to touch himself. He reports that Steven was talking to him at the time, but that he couldn’t remember what he said to him. Kaleb claims that he protested, telling Steven it was making him upset. Kaleb states that Steven told him to put his pyjamas back on and left his bedroom at around 10:00pm.

Kaleb told his teacher at school, Anne, about the alleged incident. Anne reports that she felt obligated to speak to her superior about Kaleb’s allegation. She reports that it was viewed as serious, and the alleged incident was therefore reported to the police.

Kaleb’s mother, Jan, was informed by Kaleb’s workplace about the allegation and the steps they had taken (i.e. informing the police). She spoke to her friend about the situation, disclosing that she was unsure as to the truthfulness of the allegation, but was not willing to take the chance. She took Kaleb to see her therapist for an opinion, however, the therapist reported that sexual abuse was not his area of expertise and referred Kaleb to a psychologist with expertise in the area. Jan took Kaleb to see this psychologist, who commented that Kaleb displayed psychological symptoms that could be consistent with him having been sexually abused (for example, he appeared anxious), but, having not known him previously, that she was unable to commit either way.

Mild Intellectual Disability and Indecent Assault

Kaleb is a 16 year old male with a mild intellectual disability. This means that he has a mental age between (approximately) 9 and 12 years of age. This has resulted in some learning difficulties at school, with his current academic performance at approximately a grade 6 level (Peers of Kaleb’s age without an intellectual disability would be in year 11 at secondary school). Kaleb is able to work and maintain good social relationships. He presently attends special school, undertaking tasks such as basic reading tasks and post-school options preparation. Currently, Kaleb lives with his mother and stepfather in a suburban area of Victoria.

Kaleb claims he was sexually assaulted by his stepfather, Steven, who is 44 years old. According to Kaleb’s mother, Jan, her new husband has been living at their home for approximately the last 9 months. Jan reports that, in general, Steven and Kaleb get along well enough, but that there had been some conflict every now and then in the past. However, she states that the conflict was not of a serious nature and most often resolved itself without a great deal of effort.

The alleged incident occurred at the home of Kaleb and his parents at approximately 9:45pm on the 14th of March, 2006. According to Jan, on the day of the initial incident,
her and some of her friends had gone out for the evening and left Kaleb in Steven’s care, which occurred on occasion.

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Kaleb is a 16 year old male of average intelligence. Currently, Kaleb lives with his mother and stepfather in a suburban area of Victoria. He goes to school 5 days per week and is completing year 11. Kaleb works at a local shop on the weekends, completing tasks such as serving customers, making sales, and answering the phone. Currently, Kaleb lives with his mother and stepfather in a suburban area of Victoria.

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Moderate Intellectual Disability and Indecent Exposure

Kaleb is a 16 year old male with a moderate intellectual disability. This means that he has a mental age between 6 and 9 years of age. He can perform most self-care tasks independently (such as brushing his teeth, having a shower and going to the toilet). He can communicate adequately and has limited academic skills, up to approximately a grade 2 level. (Peers of Kaleb’s age without an intellectual disability would be in year 11 at secondary school). He requires varying degrees of support to live and work in the community. For example, he requires assistance in meal preparation and management of finances/handling money, but is able to follow directions in meal preparation, and can make simple transactions in retail situations. Currently, Kaleb lives with his mother and stepfather in a suburban area of Victoria. He attends special school 5 days a week, engaging in activities such as independent living skills development and recreational activities.

Kaleb claims he was sexually assaulted by his stepfather, Steven, who is 44 years old. According to Kaleb’s mother, Jan, her new husband has been living at their home for approximately the last 9 months. Jan reports that, in general, Steven and Kaleb get along well enough, but that there had been some conflict every now and then in the past. However, she states that the conflict was not of a serious nature and most often resolved itself without a great deal of effort.

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Mild Intellectual Disability and Indecent Exposure

Kaleb is a 16 year old male with a mild intellectual disability. This means that he has a mental age between (approximately) 9 and 12 years of age. This has resulted in some learning difficulties at school, with his current academic performance at approximately a grade 6 level (Peers of Kaleb’s age without an intellectual disability would be in year 11 at secondary school). Kaleb is able to work and maintain good social relationships. He presently attends special school, undertaking tasks such as basic reading tasks and post-school options preparation. Currently, Kaleb lives with his mother and stepfather in a suburban area of Victoria.

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Mild Intellectual Disability and Indecent Assault

Kate is a 16 year old female with a mild intellectual disability. This means that she has a mental age between (approximately) 9 and 12 years of age. This has resulted in some learning difficulties at school, with her current academic performance at approximately a grade 6 level. (Peers of Kate’s age without an intellectual disability would be in year 11 at secondary school). Kate is able to work and maintain good social relationships. She presently attends special school, undertaking tasks such as basic reading tasks and post-school options preparation. Currently, Kate lives with her mother and stepfather in a suburban area of Victoria.

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**Average Intelligence and Indecent Assault**

Kate is a 16 year old female of average intelligence. Currently, Kate lives with her mother and stepfather in a suburban area of Victoria. She goes to school 5 days per week and is completing year 11. Kate works at a local shop on the weekends, completing tasks such as serving customers, making sales, and answering the phone. Currently, Kate lives with her mother and stepfather in a suburban area of Victoria.

Kate claims she was sexually assaulted by her stepfather, Steven, who is 44 years old. According to Kate’s mother, Jan, her new husband has been living at their home for
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The alleged incident occurred at the home of Kate and her parents at approximately 9:45pm on the 14th of March, 2006. According to Jan, on the day of the initial incident, her and some of her friends had gone out for the evening and left Kate in Steven’s care, which occurred on occasion.

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**Moderate Intellectual Disability and Indecent Exposure**

Kate is a 16 year old female with a moderate intellectual disability. This means that she has a mental age between 6 and 9 years of age. She can perform most self-care tasks independently (such as brushing her teeth, having a shower and going to the toilet). She can communicate adequately and has limited academic skills, up to approximately a grade 2 level. (Peers of Kate’s age without an intellectual disability would be in year 11 at secondary school). She requires varying degrees of support to live and work in the community. For example, she requires assistance in meal preparation and management of finances/handling money, but is able to follow directions in meal preparation, and can make simple transactions in retail situations. Currently, Kate lives with her mother and stepfather in a suburban area of Victoria. She attends special school 5 days a week, engaging in activities such as independent living skills development and recreational activities.

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**Mild Intellectual Disability and Indecent Exposure**

Kate is a 16 year old female with a mild intellectual disability. This means that she has a mental age between (approximately) 9 and 12 years of age. This has resulted in some learning difficulties at school, with her current academic performance at approximately a grade 6 level. (Peers of Kate’s age without an intellectual disability would be in year 11 at secondary school). Kate is able to work and maintain good social relationships. She presently attends special school, undertaking tasks such as basic reading tasks and post-school options preparation. Currently, Kate lives with her mother and stepfather in a suburban area of Victoria.

Kate claims she was sexually assaulted by her stepfather, Steven, who is 44 years old. According to Kate’s mother, Jan, her new husband has been living at their home for approximately the last 9 months. Jan reports that, in general, Steven and Kate get along well enough, but that there had been some conflict every now and then in the past. However, she states that the conflict was not of a serious nature and most often resolved itself without a great deal of effort.

The alleged incident occurred at the home of Kate and her parents at approximately 9:45pm on the 14th of March, 2006. According to Jan, on the day of the initial incident, her and some of her friends had gone out for the evening and left Kate in Steven’s care, which occurred on occasion.

Kate reports that, after her mother and her friends left at 7pm, she continued watching television by herself in her bedroom, something that her mother reports she does on a regular basis. Kate states that Steven cooked her dinner, which she ate downstairs in the kitchen with him. Immediately afterward, Kate returned to her bedroom to watch
television. Kate reports that she usually goes to bed at around 9pm, and that this is what she did on the evening in question. She reports that she put on her pyjamas in her bedroom then walked down the hallway to the bathroom to clean her teeth. At this stage, she reports that Steven was watching movies in the lounge room, adjacent to the bathroom, and that Steven spoke to her about going to bed. Kate states that after she had cleaned her teeth in the bathroom that she returned to her bedroom down the hall. Kate reports that this was probably at around 9:15pm. She reports getting in to bed but that she kept her TV on so that she could watch whilst in bed. She states that around 9:25pm Steven came in to check on her, instructing her to turn off the TV and head off to sleep soon. Kate reports that Steven stayed in her room for longer than usual, sitting on a chair across from her bed. She claims that Steven then began to touch himself in the genital area through his clothes, and proceeded to remove his jeans and showed him his genitals. She reports that Steven was talking to her at the time, but that she couldn’t remember what he said to her. She claims that she protested, telling him it was making her upset. She reports that Steven left her bedroom at around 10:00pm.

Kate told her teacher at school, Anne, about the alleged incident. Anne reports that she felt obligated to speak to her superior about Kate’s allegation. She reports that it was viewed as serious, and the alleged incident was therefore reported to the police.

Kate’s mother, Jan, was informed by Kate’s workplace about the allegation and the steps they had taken (i.e. informing the police). She spoke to her friend about the situation, disclosing that she was unsure as to the truthfulness of the allegation, but was not willing to take the chance. She took Kate to see her therapist for an opinion, however, the therapist reported that sexual abuse was not his area of expertise and referred Kate to a psychologist with expertise in the area. Jan took Kate to see this psychologist, who commented that Kate displayed psychological symptoms that could be consistent with her having been sexually abused (for example, she appeared anxious), but, having not known her previously, that she was unable to commit either way.

Average Intelligence and Indecent Exposure

Kate is a 16 year old female of average intelligence. Currently, Kate lives with her mother and stepfather in a suburban area of Victoria. She goes to school 5 days per week and is completing year 11. Kate works at a local shop on the weekends, completing tasks such as serving customers, making sales, and answering the phone. Currently, Kate lives with her mother and stepfather in a suburban area of Victoria.

Kate claims she was sexually assaulted by her stepfather, Steven, who is 44 years old. According to Kate’s mother, Jan, her new husband has been living at their home for approximately the last 9 months. Jan reports that, in general, Steven and Kate get along well enough, but that there had been some conflict every now and then in the past. However, she states that the conflict was not of a serious nature and most often resolved itself without a great deal of effort.
The alleged incident occurred at the home of Kate and her parents at approximately 9:45pm on the 14th of March, 2006. According to Jan, on the day of the initial incident, her and some of her friends had gone out for the evening and left Kate in Steven’s care, which occurred on occasion.

Kate reports that, after her mother and her friends left at 7pm, she continued watching television by herself in her bedroom, something that her mother reports she does on a regular basis. Kate states that Steven cooked her dinner, which she ate downstairs in the kitchen with him. Immediately afterward, Kate returned to her bedroom to watch television. Kate reports that she usually goes to bed at around 9pm, and that this is what she did on the evening in question. She reports that she put on her pyjamas in her bedroom then walked down the hallway to the bathroom to clean her teeth. At this stage, she reports that Steven was watching movies in the lounge room, adjacent to the bathroom, and that Steven spoke to her about going to bed. Kate states that after she had cleaned her teeth in the bathroom that she returned to her bedroom down the hall. Kate reports that this was probably at around 9:15pm. She reports getting in to bed but that she kept her TV on so that she could watch whilst in bed. She states that around 9:25pm Steven came in to check on her, instructing her to turn off the TV and head off to sleep soon. Kate reports that Steven stayed in her room for longer than usual, sitting on a chair across from her bed. She claims that Steven then began to touch himself in the genital area through his clothes, and proceeded to remove his jeans and showed him his genitals. She reports that Steven was talking to her at the time, but that she couldn’t remember what he said to her. She claims that she protested, telling him it was making her upset. She reports that Steven left her bedroom at around 10:00pm.

Kate told her teacher at school, Anne, about the alleged incident. Anne reports that she felt obligated to speak to her superior about Kate’s allegation. She reports that it was viewed as serious, and the alleged incident was therefore reported to the police.

Kate’s mother, Jan, was informed by Kate’s school about the allegation and the steps they had taken (i.e. informing the police). She spoke to her friend about the situation, disclosing that she was unsure as to the truthfulness of the allegation, but was not willing to take the chance. She took Kate to see her therapist for an opinion, however, the therapist reported that sexual abuse was not his area of expertise and referred Kate to a psychologist with expertise in the area. Jan took Kate to see this psychologist, who commented that Kate displayed psychological symptoms that could be consistent with her having been sexually abused (for example, she appeared anxious), but, having not known her previously, that she was unable to commit either way.
Appendix G: Questions Regarding the Scenarios

QUESTIONS REGARDING THE CASE STUDY/SCENARIO

You are now asked to play the role of a juror. Please make judgements that you would make if you were on a jury presiding over this case.

Some of these questions may be difficult to answer, but please try your best. There are no right or wrong answers – your opinion is what is required. Remember: It is important to answer the questions honestly.

Please make a strike/line along the continuum where your opinion lies.

For Example:

___________________________________________________

Not at all                                         Very

QUESTIONS

1. In your opinion, how capable do you think Kate/Kaleb is of making up (fabricating) the charge of sexual abuse? (Please mark on the line)

___________________________________________________

Not at all capable                                  Definitely capable

2. In your opinion, what is the likelihood that s/he fabricated the charge?

___________________________________________________

Not at all likely                                    Very Likely
3. In your opinion, how well does Kate/Kaleb understand the charge of sexual abuse?

___________________________________________________

Not very well  Very well

4. In your opinion, how honest is Kate/Kaleb in describing the sexual abuse?

___________________________________________________

Not at all honest  Very honest

5. In your opinion, how honestly does Kate/Kaleb believe s/he experienced sexual abuse?

___________________________________________________

Not at all  Completely

6. In your opinion, how able do you think Kate/Kaleb would be at recalling information about the alleged incident?

___________________________________________________

Not very accurate  Very accurate
accurate

7. In your opinion, how accurate would Kate/Kaleb be in describing the alleged sexual abuse?

___________________________________________________

Not very accurate  Very accurate
accurate
8. In your opinion, how suggestible is Kate/Kaleb?

___________________________________________________

Not at all suggestible    Very suggestible

9. In your opinion, how competent is Kate/Kaleb?

___________________________________________________

Not at all competent    Very competent

10. In your opinion, how trustworthy is Kate/Kaleb’s account of events?

___________________________________________________

Not at all trustworthy    Very trustworthy

11. In your opinion, how trustworthy is Kate/Kaleb as the sole witness?

___________________________________________________

Not at all trustworthy    Very trustworthy

12. In your opinion, how reliable is Kate/Kaleb’s account of events?

___________________________________________________

Not at all reliable    Very reliable

13. In your opinion, how reliable is Kate/Kaleb as the sole witness?

___________________________________________________

Not at all reliable    Very reliable
14. In your opinion, how credible is Kate/Kaleb as a witness?

_________________________________________________________________________

Not at all credible  

Very credible

15. If Kate/Kaleb initially came to you and told you about what allegedly happened to her/him, would you report it to the police or appropriate authorities?

☐ Yes  ☐ No

16. If you were on a jury, would you find Steven, the stepfather, ‘guilty’ or ‘not guilty’ of sexual abuse/assault?

☐ Guilty  ☐ Not Guilty

17. How confident are you in making this decision?

_________________________________________________________________________

Very confident  

Not at all confident

Thank you very much for your time in completing these questions
Appendix H: Distribution of scores for data

Histogram

Mean = 6.11
Std. Dev. = 0.911
N = 109

Histogram

Mean = 5.46
Std. Dev. = 0.915
N = 708