HANDBOOK OF EYEWITNESS PSYCHOLOGY

Volume 1

MEMORY FOR EVENTS

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LEA
LAWRENCE ERLBAUM ASSOCIATES, PUBLISHERS
2007 Mahwah, New Jersey London
A Review of Factors Affecting Jurors’ Decisions in Child Sexual Abuse Cases

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Child maltreatment is one of the most significant problems society faces today (Myers, 2004; Vieth, 2006). Each year in the United States, there are around 3 million reported cases, of which approximately 1 million are substantiated. An indeterminably large number of cases go undisclosed and unreported (Jones & Finkelhor, 2001). Although child sexual abuse (CSA) constitutes only around 10% of all reported child maltreatment cases, it accounts for the majority of all sexual abuse cases handled by the American legal system. For example, 67% of all sexual assault cases reported to law enforcement agencies in the year 2000 were CSA cases (Snyder, 2000). CSA also accounts for the most trials in which children testify (Goodman, Quas, Bulkley, & Shapiro, 1999).

A juror’s task is never easy, but it is particularly difficult when a trial focuses on alleged CSA. Given the inherent privacy and secrecy of this crime, CSA cases often lack physical evidence and corroborating witnesses, and so jurors must base their decisions largely on the testimony of alleged victims (Myers, 1998; Pennsylvania v. Ritchie, 1987; Whitcomb, Shapiro, & Stellwagen, 1985). In fact, actual jurors in such cases say that a
child's testimony is the most important evidence (Myers, Redlich, Goodman, Prizmich, & Imwinkelried, 1999). Thus, although jury research in the field of psychology and law usually finds that hard evidence (i.e., "legal" evidence) is the most influential factor in jurors' decision making (Devine, Clayton, Dunford, Seying, & Pryce, 2001), there is little hard evidence in cases of CSA. Therefore, "extralegal" factors, such as individual juror biases or child characteristics, can influence decisions.

Research on perceptions of children's testimony finds that adults are often not very skilled at discerning children's actual accuracy (Goodman, Battersman-Faunce, Schaff, & Kenney, 2002; Goodman, Bottoms, Herscovici, & Shaver, 1989; Leippe & Romanzcyk, 1989; but see Leippe, Manion, & Romanzcyk, 1992). If children's actual accuracy is not the primary determinant of jurors' decisions, then it is of great importance to identify the factors that are influential. Social scientists have heeded this need over the past 15 years, producing a large and growing body of research on jurors' perceptions of CSA. In this chapter, we provide the first comprehensive review of that literature, summarizing the host of legal and extralegal factors that researchers have investigated, including juror, victim, defendant, and trial factors. We illustrate the value of this field of research for psychologists and for professionals within the legal system who seek to understand how jurors react to CSA victims and how they reach their verdicts in CSA cases.

In most studies reviewed in this chapter, researchers employed a mock trial methodology. That is, researchers create a detailed, plausible case, often based on facts from actual cases. Such cases are presented to mock jurors, that is, research participants who play the role of jurors for the study. These mock jurors are usually jury-eligible undergraduate students receiving course credit for participation, but they are sometimes community members paid for their time. Cases are presented via summarized written case summaries or trial transcripts, elaborately produced videotaped simulated-trial excerpts, or even videotaped testimony of actual CSA victims. Mock jurors are asked to render a verdict and to provide other judgments (e.g., ratings of their confidence in the verdict, perceived credibility of witnesses, perceived victim and defendant responsibility for the abuse, etc.). Researchers typically measure jurors' individual verdict preferences, but in some studies, jurors also deliberate before rendering verdicts.

Ideally, but not always, studies are conducted with as much ecological validity as is practically feasible, including pattern jury instructions and realistic case stimuli built upon admissible evidence and legally appropriate charges. Even so, the circumstances of mock trials do not duplicate the experiences of jurors in actual trials. Therefore, the artificiality in methods should be taken into account when seeking to generalize from laboratory studies to actual legal situations (Diamond, 1997; Weiten & Diamond, 1979). Still, a lack of some aspects of realism is not necessarily a marker of a nongeneralizable study. On the contrary, the experimental control offered by a laboratory setting is quite important in ensuring the scientific integrity of research. Mock trial methodology allows researchers to have the control necessary for varying certain factors (e.g., victim age) while keeping all other factors constant. Without this, it would be impossible to draw definitive conclusions about the effects of a particular factor. Mock trial methodology also allows for the collection of data from many participants rather than just a few, ensuring that results will generalize to a larger segment of the population. Such control
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would be impossible if researchers were restricted to studying actual cases decided by actual juries, which are unique in numerous idiosyncratic ways. We return to some of these methodological issues near the end of our chapter.

GENDER

JUROR GENDER

A growing number of studies have revealed robust effects of juror gender, which was one of the first factors to be studied in this field. Just as women have more negative reactions than men to rape (see Borgida & Brekke, 1985, for a review), sexual harassment (e.g., O'Donohue & O'Hare, 1997), and wife battering (e.g., Schuller & Hastings, 1996), women jurors are generally more pro-child victim and more prosecution oriented than men jurors in their reactions to CSA cases. Gender effects, however, are not always consistent or pervasive in terms of specific dependent measures; that is, sometimes gender differences emerge in verdicts (e.g., Castelli, Goodman, & Ghetti, in press; Crowley, O'Callahan, & Ball, 1994; Ross et al., 1994; but see, e.g., Tubb, Wood, & Hosch, 1999), but other times gender effects emerge only in more subtle judgments, such as perceived victim and defendant credibility or responsibility. Yet on average, women are often more likely than men to render a guilty verdict and/or to favor the prosecution in terms of victim and defendant credibility (believability) judgments, victim and witness responsibility judgments, etc. (Allen & Nightingale, 1997; Bottoms, 1993; Bottoms, Davis, & Epstein, 2004; Bottoms & Goodman, 1994, Experiments 2 and 3; Bottoms, Nyssse-Carris, Harris, & Tyda, 2003; Crowley et al., 1994; Duggan et al., 1989; Gabora, Spanos, & Joab, 1993; Golding, Sanchez, & Sego, 1999; Golding, Stewart, Yozwiak, Djadali, & Sanchez, 2000; Haegerich & Bottoms, 2000; Isquith, Levine, & Scheiner, 1993; Kovera, Levy, Borgida, & Penrod, 1994; McCauley & Parker, 2001; Nightingale, 1993; Quas, Bottoms, Haegerich, & Nyssse-Carris, 2002; Redlich, Myers, Goodman, & Qin, 2002; Ross et al., 1994; Scheiner, 1988; Schmidt & Brigham, 1996; Swim, Borgida, & McCoy, 1993; Yozwiak, Golding, & Marsil, 2004; see Schutte & Hosch, 1997, for a review). Such gender differences also manifest in some (Back & Lips, 1998; Broussard & Wagner, 1988; O'Donohue, Elliott, Nickerson, & Valentine, 1992; O'Donohue & O'Hare, 1997; Waterman & Foss-Goodman, 1984) but not all (O'Donohue, Smith, & Schewe, 1998; Maynard & Wiederman, 1997) studies in which participants do not pose as jurors, but instead read brief vignettes describing uncontested CSA situations and make judgments about the seriousness of the abuse and blameworthiness of the victim and perpetrator.

The generalizability of these findings to actual cases is bolstered by the fact that gender differences have also been shown in studies employing arguably the most realism possible in an experimental setting. Orcutt et al. (2001; see also Goodman et al., 1998) used an elaborate mock trial paradigm involving jury-eligible community members as participants and trials that were held in an actual courtroom, with well-trained actors playing the parts of the judges and attorneys, and actual child witnesses (7- to 9-year-old boys or girls) providing live testimony about a real play event they had experienced
3 weeks earlier at a university laboratory. The jurors’ task in each trial was to determine whether the defendant (a “babysitter”) had made a movie of himself, placing stickers on a child’s exposed body parts (e.g., stomach) during the previous play event. This event was not CSA, of course, but the event was perhaps as close a simulation of CSA as is ethically possible. Results revealed that prior to deliberation, men jurors were more likely than women to endorse pro-defense attitudes, have more empathy for the defendant, view the child as more suggestible, and were less likely to convict (although they did not differ from women in terms of child empathy or ratings of the child’s accuracy).

Women are also more pro-victim than men when sexual abuse accusations are made in the context of especially controversial cases, such as when the victim is a teenaged juvenile on trial for murdering her alleged sexual abuser (Haegerich & Bottoms, 2000), when claims arise in the context of bizarre satanic ritual abuse allegations (Bottoms, Diviak, & Davis, 1997), and when allegations are based on recovered memories (Clark & Nightingale, 1997; ForsterLee, Horwitz, Ho, ForsterLee, & McGovern, 1999; Golding, Sanchez, et al., 1999; Golding, Sego, Sanchez, & Hasemann, 1995).

In nearly all of the studies we have just reviewed, jurors rendered individual case judgments without deliberating as a group. Findings from the few studies that included deliberations suggest that despite pervasive gender differences in individual jurors’ judgments, gender differences might dissipate following deliberations (Goodman et al., 1998). For example, in studies by Crowley et al. (1994) and Isquith et al. (1993), women were somewhat more likely to change their votes from pre-deliberation to post-deliberation than were men, becoming more lenient after deliberation than before deliberation. Bottoms, Schmidt, and Epstein (1998) tested two theories that could explain why this verdict shift occurred for women: (a) male normative influence, or the idea that during deliberations men influence women to change their verdicts more than women influence men to change theirs; and (b) the leniency bias, or the tendency for factions of pro-acquittal jurors (in this case, generally men) to be more influential than equal-sized factions of pro-conviction jurors (in this case generally women). This leniency bias is observed across other types of cases and is thought to be prompted by the reasonable doubt standard of proof—it is easier to convince fellow jurors to have a doubt about guilt than to convince them there is no doubt in a case (MacCoun & Kerr, 1988). In the study by Bottoms et al., undergraduate jurors viewed a videotaped simulated CSA trial in which a 13-year-old girl claimed that her stepfather had fondled her (from Duggan et al., 1989). Women were more pro-prosecution than men before, but not after, group deliberation. The researchers constructed four types of juries based on gender and pre-deliberation verdict preference: (a) half male jurors favoring guilt and half female jurors favoring acquittal, (b) half male favoring acquittal and half female favoring guilt, (c) all male split equally on verdict, and (d) all female split equally on verdict. There were no post-deliberation differences in verdicts among the groups, suggesting that the shift was due to a leniency bias rather than disproportionate male influence during deliberation, which would have resulted in relatively more convictions in group a and more acquittals in group b. In support of this theory, coding of deliberation transcripts revealed that men and women jurors did not differ in terms of persuasive behaviors (e.g., the number of
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words spoken, turns taken, interruptions, etc.), unlike findings from studies of deliberations in other kinds of criminal cases (Hastie, Penrod, & Pennington, 1983).

Explaining Juror Gender Differences

Why do men and women, on average, have different reactions to CSA? Gender is, of course, merely a proxy variable for psychological variables and life experiences that happen to cluster or correlate with societal constructions of gender. That is, men and women differ in attitudes, feelings, and attributional tendencies relevant to the crime of CSA, and those differences translate into different case judgments. For example, women are more likely than men to make stable and internal attributions of causality and blame to CSA offenders (Beling, Hudson, & Ward, 2001). This might explain some of the differences in case judgments such as verdicts, but this theory has not been tested directly. Furthermore, experimental and survey research has shown that compared with men, women react more negatively to CSA, perceiving it to be more serious (e.g., Attias & Goodwin, 1985; Corder & Whiteside, 1988; Finlayson & Koocher, 1991; Kelly & Tarran, 1984; Kovera, Borgida, Gresham, Swim, & Gray, 1993). Men are also more likely to endorse what might be termed “CSA myths,” such as, “A child who does not display signs of distress probably has not been a victim of sexual assault” (Morison & Greene, 1992), just as men are more likely to endorse adult rape myths, such as, “If a woman doesn’t physically fight back, you can’t really say that it was rape” (Burt & Albin, 1981). In fact, similar gender differences in case judgments have been found in reactions to adult rape (Brekke & Borgida, 1988). Deitz, Blackwell, Daley, and Bentley (1982) found that these differences are explained by gender differences in empathy for victims and attitudes toward women, rape, and sexuality.

Using the adult rape literature as a guide, Bottoms (1993) theorized that gender differences in response to CSA cases might be explained by gender differences in empathy for child victims and in attitudes toward CSA, children’s general believability, women, and sexuality. She provided preliminary evidence from an undergraduate mock juror sample that (a) persons who have empathy for children, who consider children to be generally believable, who react negatively to adult/child sexuality, who hold pro-feminist views, and who hold conservative attitudes toward sex are most likely to make pro-child victim and anti-defendant judgments in CSA cases; (b) more women fit that profile than men; and (c) gender differences in case judgments are explained by the individual differences in child victim empathy and in attitudes, especially empathy and attitudes toward children’s general believability. Bottoms, Wiley, and Stevenson (2005) recently replicated these findings with a community sample of mock jurors. It will be important to determine other attitudinal constructs that help explain gender differences, and to understand how men and women come to have such distinct beliefs and reactions to CSA. This could be linked to women’s disproportionately higher rate of sexual victimization, which probably leads to a heightened tendency to identify with other victims and to be personally concerned with issues of abuse (Bottoms, 1993; Haegerich & Bottoms, 2000). This gender difference might also be linked to the internalization of societal gender
roles, which demand that women be more caring, empathic, and child-oriented than men (e.g., Gilligan, 1982; Barnett & Sinisi, 1990, but see Maynard & Wiederman, 1997).

Interactions of Juror Gender with Victim and Defendant Gender

On the one hand, a number of studies have shown that the effects of juror gender prevail regardless of whether the child victim is a boy or girl (Back & Lips, 1998; Bottoms & Goodman, 1994, Experiment 2; Crowley et al., 1994; Haegerich & Bottoms, 2000; Isquith et al., 1993). On the other hand, several investigations have found statistical interactions of juror gender with victim and/or defendant gender. First, some studies found that women jurors favor women perpetrators and girl victims, and men jurors favor men perpetrators and boy victims (e.g., ForsterLee et al., 1999). Second, some studies showed that on some case judgments, men jurors, but not women, are affected by victim gender (e.g., Broussard & Wagner, 1988; Clark & Nightingale, 1997; Quas et al., 2002). Third, there are studies in which women’s judgments were unaffected by manipulations of defendant gender, but the same was not true for men (O’Donohue et al., 1998; Quas et al., 2002; Smith et al., 1997). For example, in the Quas et al. (2002) study, men (but not women) jurors were less likely to convict women defendants when the victim was a boy compared with when the victim was a girl. It is possible that jurors—at least men—find sexual encounters between women and boys more permissible than other forms of abuse, a point we return to below.

Victim Gender

Historically, sexual victimization was considered a crime perpetrated on women and girls (Sepler, 1990). It has been argued that society has generally failed to recognize boys as true victims who are as harmed as girls by sexual abuse (Eisenberg, Owens, & Dewey, 1987; Finkelhor, 1984). Some also argue that boys are thought to be more able than girls to resist abuse and, therefore, to be at least partially responsible for abuse they endure (Rogers & Terry, 1984). It is not surprising, then, that boys have been deterred from reporting abuse (Bolton, Morris, & MacEachron, 1989; Urquiza & Keating, 1990), a fact vividly exemplified by the current Catholic Church abuse scandals, in which most victims were boys who often failed to report their abuse for decades (Bottoms, Shaver, Goodman, & Qin, 1995; John Jay College Research Team, 2004). Since the 1980s, and especially since the Catholic Church scandal, however, there has been a growing awareness that boys are sexually victimized, and efforts have been made to encourage them to report these crimes (e.g., Finkelhor, 1983; Sepler, 1990). Nonetheless, negative attitudes toward boy victims might still exist (Hunter, 1990). For instance, Donnelly and Kenyon (1996) reported that some law enforcement officers and rape crisis providers endorse myths that boys are infrequently sexually abused and that boy victims are weak, effeminate, and might even secretly enjoy sexual assault.

Research on the influence of victim gender has only partially supported the idea of jurors being more skeptical of CSA cases involving boys than cases involving girls.
haengerich and Bottoms (2000) observed that mock jurors were more willing to believe abuse allegations made by a 15-year-old girl than those made by a boy in a case in which the victim claimed to have killed her/his father as a self-defensive reaction to years of sexual abuse. In another study, however, undergraduate jurors were less likely to vote guilty when a woman as opposed to a man 23-year-old victim claimed to have recovered a formerly repressed memory of childhood abuse (Clark & Nightingale, 1997). Perhaps jurors are more impressed with adult men than women who break their silence in the face of potential stigmatization. In a study of the perceived accuracy of children portrayed in a forensic investigation (Goodman et al., 2002), undergraduates found boys to be more accurate and believable than girls, but social workers' judgments were uninfluenced by victim gender.

Even so, mock trial experiments have revealed few if any significant effects of victim gender on CSA case judgments, including studies by Bottoms and Goodman (1994, Experiment 2) involving 6-, 10-, and 14-year-old victims; by Crowley et al. (1994) involving 6-, 9-, and 12-year-old victims; and by Isquith et al. (1993) involving 13- and 15-year-old victims. Similarly, victim gender failed to influence attributions of responsibility for abuse in non-mock trial vignette studies (e.g., Back & Lips, 1998; O'Donohue et al., 1992; Waterman & Foss-Goodman, 1984). These results are consistent with Myers and colleagues' (1999) finding that most actual jurors (61% of 248 jurors from 42 real trials involving 5- to 18-year-old alleged victims) said that victim gender was not important in their decision-making. (Yet those jurors participated in cases in which 89% of victims were girls. Since the prototypical victim is a girl, jurors in cases involving girls probably would not think about issues of victim gender.) The results are also generally consistent with findings from studies of factors that influence actual prosecutorial decisions (Cross, DeVos, & Whitcomb, 1994; Brewer, Rowe, & Brewer, 1997; but see MacMurray, 1989, who found that cases involving boys were more likely to be prosecuted than cases involving girls).

Defendant Gender

There are relatively few studies investigating the effect of defendant gender on jurors' decisions in sexual abuse cases, probably because people assume that women rarely perpetrate child sexual abuse. This assumption, however, might be based more on social attitudes and lack of reporting than the actual prevalence of woman-perpetrated sexual assault (Bolton et al., 1989; Finkelhor & Russell, 1984; Finkelhor, Holaling, Lewis, & Smith, 1990; Finkelhor, Williams, & Burns, 1988; Hetherton, 1999). Some research suggests that allegations of CSA involving women defendants are less likely to result in formal legal action than allegations involving men defendants (Williams & Farrell, 1990), and that women offenders (with boy victims) are less likely to be prosecuted than men offenders (Finkelhor, 1983; but see Brewer et al., 1997; Cross et al., 1994). Hetherton and Beardsall (1998) also reported that, among men and women police officers and social workers, registration and incarceration of sex offenders were rated as more appropriate for men than for women. Freeman, Levine, and Doueck (1996), however, found no association between perpetrator gender and social services caseworker activity, amount
of services received, and likelihood of substantiation in actual child maltreatment cases. This might be explained by the fact that Freeman et al. included physical abuse and neglect cases in their sample. That is, the differences in perceptions of men and women CSA perpetrators might not generalize to other types of abuse cases.

With regard to perceptions in court, research has shown that sexual assault perpetrated by a woman tends to be perceived less negatively than assault by a man. A vignette study by Finkelhor and Redfield (1984), for example, revealed that jurors considered adult-child sexual relations to be less abusive when perpetrated by women than by men (but see Broussard & Wagner, 1988). Also, O’Donohue et al. (1998; see also Smith et al., 1997) presented undergraduates and educators with vignettes in which a child was abused by either a man (the child’s uncle) or a woman (the child’s aunt). Men jurors, less so than women, perceived the child as less credible when the perpetrator was a woman versus a man. O’Donohue et al. suggested plausibility as one possible explanation; that is, men-perpetrated abuse is less plausible than man-perpetrated abuse.

Finally, some research has found that victim gender interacts with defendant gender to influence jurors’ judgments. Specifically, just as perpetrators of same-gender sexual abuse are viewed as more psychologically disturbed than perpetrators of opposite-gender sexual abuse (Drugg, 1992), same-gender CSA is sometimes rated as more abusive than opposite-gender interactions, particularly when victims are teenagers. For example, in a vignette study by Maynard and Wiederman (1997), more blame was assigned to perpetrators of same-gender abuse than opposite-gender abuse when a victim was 15 years old (but not when the victim was 7 years old). Similarly, Dollar, Perry, Fromuth, and Holt (2004) found that people had more negative reactions to the abuse of a 16-year-old boy when it was perpetrated by a man versus a woman. Theoretically, such reactions could be driven by anti-gay biases or by social norms that encourage turning a blind eye toward sexual relations between adolescent boys and older women (Quas et al., 2002). Regarding the latter, Trivelpiece (1990; see also Hetherington, 1999; Hunter, 1990) suggests that some Americans believe that sexual relations with older women are permissible for adolescent boys. Even some researchers have suggested that some woman/boy sexual relations are not necessarily abusive (Rind, Tromovitch, & Bauseman, 1998), a claim rejected by many psychologists (Ondersma et al., 2001). Illustrating that such assumptions manifest in mock trial cases, Quas et al. (2002; see also Smith et al., 1997; Waterman & Foss-Goodman, 1984) found that men jurors were most lenient toward women defendants accused of abusing boys as compared with other victim/defendant gender combinations.

VICTIM, DEFENDANT, AND JUROR RACE

Effects associated with race and ethnicity are increasingly becoming of interest in the field of psychology and law. In the United States, minorities have suffered many injustices relative to the white majority population. There are widely documented examples of racial and ethnic stereotypes and unfavorable evaluations of minorities in various legally and non-legally relevant situations (e.g., Brigham, 1972; Devine, 1989; Landrine, 1985; Niemann, Jennings, Rozelle, Baxster, & Sullivan, 1994; Weinberg & Williams,
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Wilson, 1996; Wyatt, 1982, 1985, 1990). It is important to identify conditions 
under which race influences justice, so that social scientists can discover ways that society 
and the legal system can anticipate and avoid miscarriages of justice. 

With regard to CSA, it is important to keep in mind that African American children 
are sexually abused as often as white children (Finkelhor & Baron, 1986; Wyatt, 1985), 
not more often (Epstein & Bottoms, 1998; Tseng & Schwarzin, 1990; but see Linholm 
& Wille, 1986). Children of Hispanic origin are also abused at rates comparable to those 
found for white children (Epstein & Bottoms; Linholm & Wille, 1986). Negative stereotypes about Hispanic Americans (Wilson, 1996; Deaux & Ethier, 1998) and African 
Americans include a sexual component: that, compared with whites, minorities are more 
sexually promiscuous (Powell, Wyatt, & Bass, 1983; Weinberg & Williams, 1988; Wyatt, 
1982), more sexually experienced (Wyatt, 1982), and learn about and engage in pre-
marital sex at earlier ages (Wyatt, 1982). These beliefs might cause jurors (especially 
racist jurors) to take sexual abuse reports made by minority children less seriously than 
reports made by white children. In addition, stereotyped beliefs that African American defendants are more promiscuous, sexually perverse, hostile, and criminal-like than whites (e.g., Devine, 1989) might lead to greater perceptions of minority defendants' guilt, although this could interact with victim race. Finally, juror race might also affect 
decisions in CSA cases because of in-group favoritism (e.g., Tajfel, 1982). 

Despite the importance of understanding effects of race in legal settings, very little 
research has been conducted on race and CSA. In a sample of actual CSA cases in day-
care settings, Williams and Farrell (1990) found that perpetrators accused of assaulting 
white girls were arrested and convicted more frequently than those accused of assaulting 
African American girls. Yet two other studies of actual CSA cases found no relation 
of victim ethnicity and prosecutorial decisions (Brewer et al., 1997; Cross et al., 1994). 

There have been two laboratory studies investigating race and CSA case decisions. 
Foley and Chamlin (1982) asked African American and white mock jurors to listen to an 
audiotaped description of a trial in which an African American or white man was 
accused of sexual battery of an 11-year-old African American or white child. Victim and 
defendant race interacted to influence guilt judgments, but the interaction depended on 
the jurors' race. White jurors assigned higher guilt ratings to an African American defendant 
accused of assaulting a white child than to defendants in the other conditions. 
African American jurors assigned higher guilt ratings when the defendant's race matched 
the victim's, regardless of the specific defendant-victim race combination. All race ef-
facts, however, were eliminated when mock jurors' perceptions of victims' and defen-
dants' socioeconomic status were statistically controlled. 

Bottoms et al. (2004) used a mock-trial, written case summary methodology to ex-
amine the influence of race on undergraduate jurors' case decisions. In Experiment 1, 
undergraduate mock jurors judged 12- and 16-year-old African American and Hispanic 
girl victims to be more responsible than white victims for their sexual abuse allegedly 
perpetrated by a white teacher, but there were no race effects for guilt or credibility judg-
ments. Also, jurors who were of the same race as the victim rated the defendant to be 
significantly less credible and had more confidence in his guilt than did jurors who were 
of a different race (though there were no such effects on victim credibility or victim or 
defendant responsibility judgments). In Experiment 2, white jurors made judgments
about a case in which both a defendant’s and a 12-year-old victim’s race was varied (African American or white). Jurors assigned more guilt to defendants in cases involving victims and defendants of the same race relative to cases involving different races, which the authors attributed to laypeople’s general belief that different-race CSA is less common and thus less plausible than same-race abuse (supported by their findings in Experiment 3). Finally, contrary to the researchers’ expectations, there was no significant tendency for high-prejudiced mock jurors to make more racially biased judgments than low-prejudiced mock jurors.

OTHER JUROR FACTORS

We have reviewed many studies investigating the influence of juror individual differences on CSA judgments, including juror gender, juror race, and juror attitudes. There are likely to be a host of other juror individual difference factors linked to case judgments, only some of which have been investigated to date. For example, Vidmar (1997) suggested that in CSA cases, some jurors hold a “generic prejudice” that arises from negative reactions to this type of crime. According to Vidmar, generic prejudice inhibits jurors’ ability to be impartial and biases their judgments against any defendant accused of a particular crime. Vidmar (1997) examined transcripts and outcomes of challenges for cause (similar to the American process of voir dire) in 25 Canadian trials involving CSA. On average, 36% of 849 jurors indicated that they would not be able to be impartial in their decisions.

Bottoms (1993) hypothesized that experiential factors, such as a personal history of abuse, would also bias case judgments. She found preliminary evidence that, compared with nonvictims, people who have been sexually victimized themselves as adults or as children hold stronger pro-victim attitudes and make more pro-victim case judgments in CSA cases. Similarly, Waterman and Foss-Goodman (1984) found that participants who said they had been molested attributed less fault to a victim in a vignette CSA study.

Although one might predict a relation between judgments and parenthood or experience with children, Goodman et al. (1998) found no relations between judgments and demographic characteristics such as parental status and degree of contact jurors had with children. In another study, however, Goodman et al. (2002) found differences in case judgments between undergraduates and social workers, and between those who had and had not been abused. Specifically, when asked to watch a videotaped mock forensic interview of a child discussing a past event, undergraduates were more likely than social workers to believe that abuse had occurred, and among social workers, those who were themselves victimized or who were close to a victim were more likely than others to think abuse had occurred.

OTHER VICTIM CHARACTERISTICS

Myers and colleagues’ (1999) survey of actual jurors revealed that 53% stated that they considered child-victim characteristics to be the most important evidence in the case
im's race was varied in cases involving different races, which CSA is less consistent in Experi-
ences no significant tensed judgments than
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(20% said defendant factors were). Our review has illustrated the potential influence of victim race and gender on CSA case judgments, but other factors have also received much attention in the literature, particularly victim age.

Victim Age

Victim age is a powerful predictor of juror judgments through its influence on perceptions of competence and trustworthiness (central components of credibility). Building on theories first asserted by Goodman, Golding, and Haith (1984; Goodman, Golding, Helgeson, Haith, & Michelli, 1987), Bottoms and Goodman (1994) theorized that, compared with older children and adults, young children are generally perceived to be low on competence (cognitive ability, resistance to suggestion), yet high on trustworthiness (honesty, sincerity, innocence) (see also Leippe, Brigham, Cousins, & Romanczyk, 1989; Leippe & Romanczyk, 1987; Yarmey & Jones, 1983). They suggested that the relative salience of these dimensions in a particular case would determine a child witness's credibility. In cases highlighting witness competence, such as cases in which children are bystander witnesses and must remember many details accurately, younger children are perceived as less credible than older victims (e.g., Goodman et al., 1984, 1987; Leippe & Romanczyk, 1987, Experiment 2). In cases highlighting sincerity and honesty as opposed to cognitive competence, with CSA cases being a central example, child witnesses are generally viewed as no less credible than adults (e.g., Ross, Miller, & Moran, 1987). Bottoms and Goodman predicted that jurors would attribute credibility to young CSA victims because jurors view these victims as honest and trustworthy but also sexually naive, lacking the knowledge and cognitive capacity to fabricate sexual encounters. Also, young children would be considered unlikely to possess capacities that lower adult rape victims' credibility, such as previous sexual experience, sexual provocativeness, and ability to give meaningful consent (e.g., Borgida & Brekke, 1985; Brownmiller, 1975). Increasing age would be accompanied by decreasing perceptions of sexual naïveté and honesty, increasing perceptions of cognitive capacity, and, in turn, increased suspicions regarding a child's capacity and propensity to lie about sex acts and decreased perceived credibility.

Many studies varying victim age support this theory, finding that in cases involving younger CSA victims (i.e., younger than about 12 or 13 years; Bottoms & Goodman, 1994; Schiener, 1988), jurors perceive child witnesses more favorably and/or are more likely to vote guilty than in cases involving older child or adult victims (e.g., Bottoms & Goodman, 1994; Bottoms et al., 2004; Duggan et al., 1989; Gabora et al., 1993; Golding, Alexander, et al., 1999; Golding, Sanchez, & Sego, 1997; Golding, Sanchez, & Sego, 1999; Goodman et al., 2002; Nightingale, 1993; but see Allen & Nightingale, 1997; Crowley et al., 1994; Golding, Fryman, Marsil, & Yozwiak, 2003; and McCauley & Parker, 2001). To illustrate, Nightingale (1993) asked undergraduates to read a trial summary involving a girl being assaulted by a stranger on her way home from school. Convictions and perpetrator blame for the incident were more likely when the case involved a 6-year-old as compared with a 14-year-old. Vignette studies reveal similar results (Back & Lips, 1998; Collings & Payne, 1991; Finkelhor, 1984; Finkelhor & Redfield, 1984; Maynard & Wiederman, 1997; Waterman & Foss-Goodman, 1984). For example, Back and Lips
(1998) found that a 13-year-old child was seen as more responsible than a 6-year-old child for his/her abuse perpetrated by a male neighbor. Furthermore, the parents of the younger child were seen as more responsible than the parents of the older child.

What impact does victim age have in actual cases? Regarding prosecutorial decisions, although Bradshaw and Marks (1990) found no relation of prosecution tendencies and victim age in 121 Texas cases, Finkelhor (1983) found that prosecutions were most likely in cases with children aged 7 to 12 years. Others, however, have found that cases involving older child victims are more likely to be prosecuted than cases involving younger child victims (Brewer et al., 1997; Cross et al., 1994; Gray, 1993). This pattern would result if prosecuting attorneys believe that older children will make better witnesses than younger children (Cross et al., 1994). In fact, some very young children are too afraid and traumatized to testify without accommodations, as discussed by Goodman and colleagues (this volume). Yet when the crime is CSA, and the witness can testify, this strategy might be wrong, for all the reasons we have outlined above.

Myers and colleagues (1999) found few significant differences in real jurors' reported perceptions of the credibility of child witnesses as a function of child age, except that as age increased from 5 to 18 years, perceptions of the child's suggestibility decreased and perceptions of an adult hearsay witness who corroborated the child's testimony increased. Should this finding give us pause in generalizing laboratory findings to the courtroom? Not necessarily. Myers and colleagues (1999) suggested that once a case makes it to trial, the evidence might be so compelling and the children so well prepared as to negate the age/credibility relationship that typically emerges in laboratory experiments. In fact, in their study, 92% of the trials resulted in conviction. Studies of real cases could mask effects predicted by theories about perceived competence and sexual naiveté; that is, attorneys could be reluctant to pursue cases in which the victim is older and circumstances could suggest that she/he had a role in the relationship. Certainly, prosecutors rarely take to trial cases in which older teenagers are said to be romantically involved with perpetrators, even when the perpetrators are much older and state laws define the relationships as abuse.

Victim Disability

Children with intellectual disabilities are especially likely to be sexually abused (Friedrich & Boriskin, 1978; Westcott & Jones, 1999), yet prosecutors are sometimes reluctant to take these cases to court, fearing that jurors will be biased against disabled witnesses. In contrast, Bottoms et al. (2003) theorized that jurors would find them even more credible than children of average intelligence because, like young children, they would be deemed trustworthy and honest, yet lacking in the level of cognitive competence necessary for fabricating false charges (see also Yozwiak, 2003). To test this theory, Bottoms et al. (2003) conducted a mock trial study in which undergraduates watched videotaped excerpts from an actual trial. When the 16-year-old sexual assault victim was portrayed as "mildly mentally retarded" instead of as "having average intelligence," jurors were more likely to vote guilty and more likely to consider the victim to be believable, honest, and incapable of fabricating the sexual abuse accusation. In addition, jurors who had
more liberal views toward persons with disabilities were more likely than others to make pro-prosecution judgments on measures of guilt as well as victim understanding of, belief in, and likelihood of having fabricated the charge. Similarly, in non-mock-trial vignette studies, Podell, Kastner, and Kastner (1994) and Podell, Kastner, and Kastner (1996) found that CSA victims labeled as mentally retarded were not disadvantaged compared with a non-disabled victim, at least in terms of perceived responsibility for a forced sexual encounter. On the basis of these results, Bottoms and colleagues argue that dismissing the abuse allegations of children and adults with disabilities and assuming that they cannot be effective witnesses is an injustice.

Victim Behavior and Demeanor

In deciding CSA cases, jurors might use aspects of a child’s behavior during the abuse incident or during courtroom testimony as a cue. Regarding child behavior, two vignette studies have shown that jurors (especially men) attribute more responsibility for abuse to victims who do not actively resist a sexual abuse encounter compared with those who do resist (Broussard & Wagner, 1988; Collings & Payne, 1991). More research has investigated the impact of child demeanor during testimony, probably because it is so widely assumed that emotional demeanor of witnesses is a useful cue to determining their credibility (in fact, a statement to this effect is even a part of some jury instructions). Myers et al. (1999) found that actual jurors agree with this assumption and that their verdicts were correlated with the degree to which they perceived the child’s facial expressions, gestures and movements, eye contact, nervousness, and manner of speaking to be important. Furthermore, 16% of those jurors indicated that crying was the most important emotion displayed by the child, 14% indicated that nervousness was most important, and 14% indicated that embarrassment was most important. These are all emotions that conventional wisdom suggests are appropriate or even expected for victimized children.

There have been several experimental demonstrations of the importance of a child’s emotional reactions. Regan and Baker (1998) found that child demeanor at the moment when the child encounters the defendant in court affects the perceived credibility of the child’s testimony. When a child was portrayed in this case summary as having cried (versus staying calm) upon encountering the defendant, undergraduate mock jurors judged the child to be more honest, credible, accurate, and reliable. Jurors were also more likely to believe that the child who cried had been sexually abused and were more likely to find the defendant guilty. Perhaps, however, victims need to show some, but not too much, emotion. In an extension of the work by Regan and Baker, Golding et al. (2003) manipulated the child witness’s crying behavior by showing undergraduate jurors a drawing of a calm, teary, or hysterically crying child. Participants who rated the defendant as relatively guilty were more likely to convict if they saw the victim depicted as teary compared with calm or hysterical.

Although jurors might expect an abused child to be upset when testifying, in reality, by the time actual child victims testify about their abuse, much time has passed and many children have had time to heal emotionally. Many have also participated in pretrial court
preparation programs designed to help them cope with the stress of testifying. It is an unfortunate irony, then, that programs designed to aid children in giving their testimony might well have the effect of reducing their credibility in the eyes of the jury. Kovera and her colleagues found that expert testimony explaining these facts can help remedy this problem. Specifically, Kovera, Gresham, Borgida, Gray, and Regan (1997) showed undergraduate jurors a videotaped trial simulation in which an 8-year-old girl accused her stepfather of sexual assault. She appeared to be either prepared and calm or unprepared and emotional. There was either no expert testimony or an expert who (a) described common symptoms displayed by CSA victims, but did not specifically relate his testimony to the victim ("standard testimony"); (b) described common symptoms displayed by CSA victims and specifically discussed the ways in which the victim's symptoms matched those of a typical CSA victim ("concrete testimony"); or (c) summarized the research findings after providing the standard testimony ("repetitive standard testimony"). Overall, testimony matched to the specific victim improved the child's perceived credibility and increased defendant conviction rates compared with simulated trials in which no expert testimony was provided. When the child appeared prepared and the expert witness gave standard testimony, conviction rates increased. When the testimony was linked to the specific victim and the child was unprepared, conviction rates increased. That is, the concrete testimony appears to have sensitized jurors to expect a CSA victim to act a certain way. Thus, the behaviors of the unprepared child were perceived to be more consistent with the concrete testimony than the behaviors of the prepared child. For the prepared child, this perceived inconsistency seems to have decreased guilty verdicts.

CHARACTERISTICS OF ABUSE ALLEGATIONS

Repression and Delayed Reporting

Characteristics of the abuse allegations or the context of reporting can affect jurors' perceptions of child abuse cases. For example, researchers have studied jurors' reactions to repressed memory allegations, a topic that has had a high profile in recent years (Lindsay & Read, 1995). In these studies, disclosures are typically made by adults who delayed reporting their childhood abuse for years, either because they kept it a secret or because they repressed, then recovered the memories. In the first studies of this kind, Loftus (1993) and Loftus, Weingardt, and Hoffman (1993) found that jurors (especially men in the latter study) were more skeptical of victims who claimed to have repressed their memories as compared with victims who always remembered their abuse but kept it a secret (see also ForsterLee et al., 1999; Key, Warren, & Ross, 1996). This skepticism might reflect skeptical coverage of these cases in the media and popular press books (e.g., Pendergrast, 1995). Golding et al. (1995; Golding, Sego, & Sanchez, 1999; Stewart, Whiteside, & Golding, 2000) extended this research by including a control condition in which the victim reported the CSA immediately (see also Golding, Warren, & Ross, 1997). In this study, there was no difference in the believability of the alleged victims who re-
pressed versus kept the abuse secret (but see Clark & Nightingale, 1997), but both were less believable than the child who testified immediately. Golding, Sanchez, et al. (1999) investigated the impact of length of reporting delay in a study in which mock jurors read a trial summary in which a girl was allegedly abused at the age of 6 years, but reported it at age 7, 26, or 45 years. The longer the reporting delay (regardless of repression), the less believable the victim was perceived to be.

In a study by Bottoms et al. (1997), undergraduate mock jurors rendered judgments about a case involving childhood sexual abuse allegations made by either a 5-year-old child or a 30-year-old adult survivor who had delayed in reporting abuse that happened when she was 5 years old. Allegations of repression were not involved, but the presence or absence of bizarre satanic ritual abuse allegations (like those in the McMartin Day Care case) was varied. Delay did not affect jurors' judgments. Although jurors were significantly less likely to believe the satanic case details than other details of the cases, they were just as likely to vote guilty and to believe the victim in satanic as in non-satanic cases. That is, jurors appeared to set aside their skepticism about satanic ritual details, making judgments about the core issue of CSA based on their perceptions of the non-satanic case details about the sexual abuse. Furthermore, there were marked individual differences in decisions: When the allegations involved satanic ritual abuse, religious jurors were more likely than less religious jurors to believe the victim.

Disclosure Characteristics

The ways in which children disclose abuse vary (Pipe, Lamb, Orbach, & Cedarborg, in press), and disclosure or report characteristics might influence jurors' perceptions of child credibility. Yozwiak et al. (2004) explored this issue. Jury-eligible community members read a case summary in which a 6-year-old girl was picked up from school by a male neighbor, who then allegedly drove her to a wooded area and forced her to have sexual intercourse with him. The child provided either full and complete disclosure of the details of the incident during two interviews, or she was incomplete during a first interview but later included additional details of the event during a subsequent interview. Jurors were most likely to believe the victim and vote guilty when there was full disclosure during both interviews. This is particularly interesting, given that inconsistency sometimes marks children's true disclosures of abuse (Pipe et al., in press).

Type of Abuse

Unfortunately, sexual abuse is not the only form of child maltreatment. In fact, as we noted earlier, it accounts for only about 10% of all child abuse reports in the United States. Other forms of abuse are far more common, including neglect (the most common form of child maltreatment), physical abuse, and psychological or emotional abuse. Yet, they receive far less attention in many domains of research, including this one. Of all trials involving child testimony, sexual abuse cases are the most common, but physical
abuse cases are the second most common, and the third is domestic abuse cases (Goodman et al., 1999).

We know of only two vignette studies, and no mock-jury studies, investigating adults' reactions to other forms of child abuse. Muller, Caldwell, and Hunter (1993) asked undergraduates to read vignettes describing an interaction between a parent and an 8-year-old child that resulted in the parent harming the child. Men were more likely than women to blame the child for the abuse, illustrating that gender differences generalize to perceptions of other forms of abuse. Thus, although gender differences might be partly explained by attitudes related to sexuality and CSA (Bottoms, 1993), they might also be explained by more generalized attitudes about children and abuse that have not yet been investigated.

In another study, Dukes and Kean (1989) examined participants' perceptions of cases of child psychological abuse, physical abuse, and neglect. The degree to which the victim provoked the abuse and the nature of the abuse were varied. Whereas physical abuse was perceived as equally severe for both very young (3-year-old) and older (10-year-old) victims, psychological abuse was perceived as more severe for the older victim, and neglect was perceived as more severe for the younger victim. In cases involving psychological and physical abuse, but not neglect, the child was considered to be more at fault when he or she directly "provoked" the abuse (see also Broussard & Wagner, 1988). In addition, the abuse was seen as less severe when the older child directly "provoked" the abuse compared with when the younger child did so.

COURTROOM AND TRIAL FACTORS

Courtroom Accommodations (Testimony Medium)

In some circumstances, courts allow special accommodations for child witnesses, including preparation (training) of children for the courtroom experience and allowing children's in-court testimony to be replaced by testimony given via closed-circuit television (CCTV), videotaped pretrial forensic interviews, or a hearsay witness (which might be less likely now in the wake of Crawford v. Washington, 2004). On the one hand, it is argued that such accommodations are needed to protect children, because testifying in court is a stressful and traumatic experience (for discussion, see Bottoms, Repucci, Nyse-Carris, & Tweed, 2002; Goodman et al., 1991, this volume). On the other hand, however, courts assume that face-to-face confrontation compels witnesses to tell the truth and promotes accurate fact-finding by jurors who will have nonverbal cues to use to assess witness credibility (Coy v. Iowa, 1988; Maryland v. Craig, 1990). Less expensive innovations (e.g., preparation of the child for testifying, the presence of a supportive adult) are preferred by prosecutors and used more often than innovations such as videotaped depositions, CCTV testimony, and barriers that separate the child from the defendant's view, which prosecutors fear will hurt rather than help their case in the eyes of the jury (Goodman et al., 1999). Are their intuitions correct? Although research addressing this
stic abuse cases (Good-
es, investigating adults' Hunter (1993) asked ween a parent and an Men were more likely ider differences gener differences might be ms, 1993), they might d abuse that have not 'pants' perceptions of The degree to which aried. Whereas physi-3-year-old) and older severe for the older r victim. In cases inld was considered to see also Broussard & then the older child id so.

question has been reviewed in depth by Kovera and Borgida (1996) and McAuliff and Kovera (2002), our chapter would be incomplete without a brief summary of this literature. In general, findings from this work are somewhat mixed (e.g., Davies & Noon, 1993; Ross et al., 1994) but seem to be converging to indicate that although children's actual accuracy might sometimes increase when they testify via alternative modes like CCTV, prosecutors might be right: special accommodations sometimes negatively influence jurors' perceptions of children's competence.

For example, in the first published study addressing this issue (Swim et al., 1993), undergraduate mock jurors viewed a videotaped trial simulation based on an actual trial in which an 8-year-old girl claimed to have been sexually abused by her stepfather. The child testified in court or via videotape. Many effects of testimony medium were only marginally significant and inconsistent, with some suggesting that the videotaped testimony produced more guilty verdicts, whereas other analyses suggested the opposite. The generalizability of these results is limited by the fact that both conditions were delivered via videotape to the participant jurors. That is, participants watched a videotape of a child testifying in court or a videotape of a videotape of a child's testimony. The same problem is inherent in studies by Eaton, Ball, and O'Callaghan (2001) and Lindsay, Ross, Lea, and Carr (1995).

In a study that is more generalizable given its elaborately conducted mock-trial methodology, Goodman et al. (1998) explored the accuracy and perceived credibility of child testimony by first having 5- to 6-year-old and 8- to 9-year-old children participate in a play session with a male confederate, and then, about 2 weeks later, testify about the play session in an actual courthouse in front of a community-member mock jury. Compared with children who testified live in court, children who testified via CCTV were viewed by jurors as less credible, despite the fact that they were actually more accurate. A similar study by Orcutt, Goodman, and Tobey (2001) included conditions in which children were asked to lie about their experiences. Jurors were no more likely to detect children's deceit when testimony was delivered in open court versus via CCTV, but jurors were less likely to convict when testimony was delivered via CCTV versus live in the courtroom. Furthermore, children who testified via CCTV were perceived to be less accurate, less attractive and intelligent, less honest, and more likely to have made up their story than children who testified in the courtroom.

Several studies have addressed another procedural innovation meant to reduce the need for children to testify in court: a special hearsay exception for child witnesses, which allows witnesses to testify regarding what the child said to them about abuse allegations. Some of these studies have shown that hearsay testimony is believed. For example, in a study by Golding, Sanchez, and Sego (1997; see also Golding, Alexander, & Stewart, 1999; Warren, Nunez, Keeney, Buck, & Smith, 2002), undergraduate mock jurors considered a written trial summary in which a 6- or 14-year-old girl accused her uncle of sexual abuse. The victim either did or did not testify, and, in addition, hearsay testimony was or was not given. Jurors were more likely to believe the victim's claims when there was a hearsay witness, regardless of whether the victim testified.
In contrast, other studies have shown that hearsay testimony might not be as believable as testimony from the child him- or herself. Redlich et al. (2002; see also Ross, Lindsay, & Marsil, 1999) compared two forms of hearsay: the videotape of an actual CSA victim’s forensic interview versus the testimony of a police officer who repeated what the child said during the forensic interview. There was no direct effect of testimony format on undergraduate jurors’ perceptions of defendant guilt or victim credibility, but participants in the videotape condition were more likely than participants who heard the police officer to believe that the child had fully disclosed. This, in turn, led to increased perceptions of child credibility and increased ratings of defendant guilt.

Attorney Tactics

Defense and prosecuting attorneys play an important role in determining how cases are presented. Can attorneys shape jurors’ reactions to cases? Consider the jury that is exposed to prosecutors who are adept at creating a very compelling empathic atmosphere toward a child, or to defense attorneys who ask jurors to place themselves in the shoes of a defendant, as trial lawyers have instinctively done for years (Archer, Foushee, Davis, & Ademan, 1979; Belli, 1956; Hamlin, 1985). Haegerich and Bottoms (2000) investigated the impact of attorney-induced empathy on jurors’ verdicts in a case involving a teenager being tried as an adult for murdering her father. The child defendant (whose gender was varied) claimed she had acted in self-defense because the father had tried to sexually abuse her. Empathy for the victim/defendant was manipulated in the case transcript via the defense attorney’s opening and closing statements to the jury. In an empathy-prime condition, the attorney asked jurors to take the perspective of the child defendant and think of how they would be thinking and feeling if they were her. Compared with jurors who received no such instructions, jurors primed with empathy were more lenient in guilt judgments, considered the defendant to be less responsible for the murder, and were more likely to accept the defendant’s claim of CSA as a mitigating factor in the killing. Compared with men, women mock jurors were more lenient toward the child defendant overall and were more affected by the empathy induction. (Similarly, compared with men jurors, women jurors are less likely to find battered women who kill their abusive husbands to be responsible and guilty for the crime [Schuller & Hastings, 1996; Schuller, Smith, & Olson, 1994].) Thus, through opening and closing arguments, attorneys can successfully induce juror empathy for a teenaged child victim of sexual assault and, in turn, influence verdicts.

OTHER EVIDENTIARY AND CASE FACTORS

We began our chapter by noting that jury research generally finds that the strength of legal evidence presented in a case trumps all other factors in influencing jurors’ verdicts (Devine et al., 2001). Because legal evidence is usually lacking in CSA cases, however, we have focused on the impact of other factors on juror decisions. Even so, some sexual
abuse cases do involve hard evidence, and it is important to understand the impact of various forms of such legal evidence on decisions.

Corroborating Medical Evidence

Bradshaw and Marks (1990) analyzed archival data from 360 actual prosecution files for CSA cases. Of the factors studied, the presence of medical evidence was the strongest predictor of case outcomes, nearly doubling the likelihood of prosecution and conviction (perpetrator confession was also an important predictor). Golding et al. (2000) experimentally investigated the impact of the presence or absence of DNA evidence on case judgments. Undergraduate mock jurors read a case summary in which a 6-year-old girl accused her neighbor of forcing her to have sexual intercourse with him. DNA evidence increased both jurors' positive perceptions of the child's credibility and the likelihood of conviction. We know of no other studies investigating the impact of this factor.

Corroborating Eyewitness Testimony

For much of the twentieth century in many countries, corroboration was often required before a child could testify in sexual assault cases. Despite relaxation of this requirement, attorneys might still be hesitant to bring cases to trial when there is little physical evidence, when there are no corroborating witnesses, or when those corroborating witnesses are other children. In fact, Brewer et al. (1997) found that the strongest predictor of prosecutorial decisions in a sample of actual cases was the number of child victims involved: Multiple victim cases were more likely to be pursued by prosecutors than cases involving only one victim. Furthermore, Myers et al. (1999) found that actual jurors in child abuse cases frequently cited corroboration as important in their decision making.

Although corroboration augments pro-prosecution judgments in cases involving adult witnesses (e.g., Leippe, 1985), only a few studies have considered corroboration in cases involving child witnesses. Bottoms and Goodman (1994, Experiment 3; see also Nightingale, 1993) provided jurors with the actual videotaped testimony of either one or two boys testifying about sexual abuse by a teacher. Corroboration of a 9-year-old victim's testimony by a 14-year-old's independent testimony led to increased credibility for the 9-year-old, but the corroboration did not affect guilt judgments. This was especially true when the defendant was portrayed favorably, as an upstanding citizen with no prior record. When the defendant was portrayed unfavorably (having had similar complaints made against him), however, the child was perceived as very credible, regardless of corroboration. The authors concluded that although corroboration from another child witness could positively affect a child's perceived credibility, it does not guarantee a conviction in a sexual assault case. They cautioned, however, that the 14-year-old corroborating witness in their case was generally less credible than the younger victim, perhaps because of his age. Had he been more credible himself, verdicts might also have been influenced by the corroboration. In fact, Duggan et al. (1989) found that corroborated testimony resulted in more guilty verdicts and higher ratings of a child victim's
memory abilities. In their study, guilty verdicts were rendered most often when corroboration was provided by a 9-year-old in comparison with an adult witness.

Defendant Criminal History

Under some circumstances, information about a defendant's past criminal acts may be admitted at trial (Federal Rules of Evidence 404b; Kaplan, 1985). In cases involving adult witnesses, such information causes jurors to be more conviction prone (Clary & Shaffer, 1985; Kalven & Zeisel, 1966) and discredits much of a defendant's testimony (Shaffer, 1985), especially when past crimes are similar to the crime in question (Sealy & Cornish, 1973). Negative character testimony is especially biasing if other forms of evidence are lacking or unconvincing (Kaplan, 1985), as is often true in CSA cases. Logically, prosecutors in CSA cases should seek to admit defendants' past records of similar crimes, which jurors might take as evidence of enduring sexual preference. In fact, Goodman et al. (1999) found that prosecutors believe that evidence of a defendant's previous sexual acts increases guilty verdicts. Testing this assumption in a mock-trial study, Bottoms and Goodman (1994, Experiment 3) found that an unfavorable defendant characterization including such past acts was damaging to the defense, positively influencing jurors' perceptions of the victims and increasing the likelihood of guilty verdicts. The authors pointed out that disclosure of even unfounded past acts or other negative character details might be damaging to a defendant for a number of reasons. Once past acts are revealed, negative information about a defendant is more likely to be expected, becomes more salient, and therefore is more likely to be believed (Hamilton & Fallot, 1974). Negative information might also influence judgments by coloring all other evidence in a case (Penrod & Cutler, 1987) and by increasing the likelihood that jurors will infer that the defendant committed the crime in question because it is consistent with his past behavior and might indicate a stable "child molesting disposition" (Kelley, 1967; McArthur, 1972).

Expert Testimony

Experts can testify in CSA trials about a variety of topics (see Kovera & Borgida, 1996, for a review). Research on this issue has typically focused on expert testimony presented as part of the prosecution's case (i.e., in support of the child victim). For example, Gaboara et al. (1993; see also Crowley et al., 1994) investigated the impact of expert testimony about general psychological issues relating to CSA, such as delayed reporting. The expert discussed these issues with or without making specific reference to the case in question. Both expert conditions led mock jurors to become less accepting of misconceptions regarding CSA than mock jurors who heard no expert testimony. In addition, mock jurors presented with expert testimony referring to the actual case rendered more guilty verdicts than those who heard this testimony without such reference.

Kovera et al. (1994) also studied the influence of expert testimony on judgments. Specifically, an expert testified that she believed a child witness was credible based on
acts may be involving (Clary & 
P.(1995) with respect to her forms of 
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ne CSA cases. 

esses much more than the mere presence of past acts or 

(e.g., the child looked down, fidgeted) or 

(e.g., the child made eye contact, sat still). In addition, the juror 

the syndromal testimony discussed above, or testimony in which 

the expert linked psychological research with trial evidence (i.e., the hypothetical 

Finally, in both expert conditions the expert explained that a CSA victim’s fear, 
guilt, and lack of knowledge about sexuality often cause the child to appear confused 

and hesitant when describing sexual abuse. Thus, a less prepared child’s behavior in the 
courtroom was congruent with the expert’s description of typical CSA victims’ behavior. Results showed that jurors were more likely to make pro-prosecution judgments in the 
hypothetical condition when the child was less prepared than when he or she was 
more prepared. Kovera and Borgida argued that in the hypothetical condition, jurors 
used the concrete link in the expert’s testimony to understand the child’s less-prepared 
courtroom behavior. Conversely, jurors were more likely to make pro-prosecution judg-
ments in the syndromal condition when the child was more prepared than when he or 
she was less prepared. Jurors appeared to use this testimony to bolster the testimony of 
the child who was seen as more credible from the start.

With regard to the impact of defense experts in CSA cases, there has been only 
minimal research. For example, Stewart et al. (2000) examined expert testimony in re-
pressed memory CSA cases using experts for both the plaintiff and defense. Unlike in 

earlier studies (Griffith, Libkuman, & Poole, 1998; Sugarman & Boney-McCoy, 1997; 
see also Buck & Warren, in preparation), the experts in the study by Stewart et al. re-
ceived direct examination and cross-examination. In Experiment 1, there were two ex-

pei conditions involving repressed memories of CSA. In one condition, experts for the 
plaintiff and defense testified about general memory processes and repression. In the 
other condition, these experts described the memory techniques used by the plaintiff’s 
psychotherapist. Neither expert condition influenced decisions for the plaintiff, al-
though when the expert described general memory processes (as opposed to memory 
techniques), the plaintiff was believed more. The lack of expert influence led to a sec-
ond experiment (using only the plaintiff and defense experts describing memory tech-
techniques), in which the impact of each expert was examined after the direct examination 
and cross-examination of each witness. Results generally supported Stewart and col-
leagues’ prediction that although each expert had an influence on jurors during direct 
examination, the influence of each was canceled out during their respective cross-

examinations.
Method of Child Interviewing

Finally, the way in which a child is questioned, either in court or during pretrial interviews, might affect how credible jurors perceive their testimony to be. In a study by Castelli et al. (in press) using a written case summary, a 4- or 7-year-old child accused a teacher of sexual abuse. When the child (especially the 4-year-old) was interviewed in a highly suggestive rather than a less suggestive manner, mock jurors were less likely to convict the defendant and less likely to perceive the child as credible. Similar findings were revealed in a study by Tubb et al. (1999). Undergraduate mock jurors read a trial transcript based on a real case in which a 9-year-old boy was sexually abused by his uncle. The child was depicted as being questioned in one of three ways: suggestively (e.g., “Has anybody touched you on your private parts?”), directly (e.g., “Where were you at?”), or in an open-ended manner (“Start at the beginning and tell me what happened.”). Mock jurors were less likely to convict defendants when the child had been questioned in a suggestive manner as opposed to a direct or open-ended approach. Suggestive interviewing also led to lower perceived child accuracy, confidence, credibility, honesty, knowledge, persuasiveness, competence, and intelligence.

Finally, Bottoms, Quas, and Davis (in press) reported preliminary findings from a study by Bottoms, Rudnicki, and Nyse-Carris (2004) indicating that socially supportive interviewing techniques, which promote children’s accuracy and lower their suggestibility (e.g., Davis & Bottoms, 2002), have the potential to disadvantage child witnesses in terms of their perceived credibility. Undergraduates watched videotaped portions of a mock forensic interview in which 7- to 8-year-old children were interviewed in either a warm, supportive manner, or a more neutral (even cold) manner. Participants rated children interviewed in a nonsupportive manner as accurate more often than children interviewed in a supportive manner, even though children were actually more accurate in the supportive than in the nonsupportive condition. Replication is clearly needed, but this initial research provides an important step toward understanding how interview style can affect the perceptions that adults form when evaluating children’s testimony.

METHODOLOGICAL CONSIDERATIONS

In the laboratory, one must always sacrifice some realism for experimental control. As a result, jury studies cannot fully duplicate an actual trial or the experience of serving on a real jury (Diamond, 1997; Weiten & Diamond, 1979). In many of the studies we reviewed, the mock jurors were not representative of community members who would actually serve as jurors, they were not exposed to live witnesses or as much testimony as they would be in an actual trial, they knew their judgments would not have a direct impact on a defendant’s life, and they rendered individual verdicts without deliberating about the case as a group. To increase the generalizability of results in this field of research, researchers should try to address such concerns as much as possible and strive for increased ecological validity and mundane realism in their methods.
Even so, differences in actual and laboratory conditions are not cause for dismissing experimental findings. First, consider the criticism that although many studies we reviewed used community samples or diverse undergraduate samples, others used college freshmen, a group that is usually young and of relatively high SES, and who therefore might not make judgments similar to community members. In fact, however, a recent meta-analysis by Bornstein (1999) revealed few differences in the mock-trial judgments of undergraduates and community members across many types of cases (see also Cutler, Penrod, & Dexter, 1990; Lind & Walker, 1979). Similar results were revealed by the three studies we know of that compared undergraduates and community members' reactions to CSA. Specifically, Crowley et al. (1994) examined differences in the reactions of Australian undergraduate and community mock jurors to a videotaped simulation of an incest trial. They found no differences between undergraduate and community mock jurors in verdict preference, beliefs about the child's memory capacity, and beliefs about the child's ability to resist suggestion. In an unpublished dissertation by Isquith (1988) replicating the Duggan et al. (1989) studies, although some judgments differed, undergraduates and community members rendered similar verdicts. Finally, Bottoms, Wiley, and Stevenson (2005) found few differences between undergraduate and community member mock jurors' reactions to written CSA case summaries (those used in the Bottoms, 1993, studies). Thus, evidence thus far points to few key differences between community and undergraduate samples.

Second, the realism of materials is also a methodological concern of importance. Although a few studies employed videotapes of actual child victim testimony (Bottoms & Goodman, 1994; Bottoms, Nysse-Carris, Harris, & Tyda, 2003) or elaborate videotaped trial simulations (Goodman et al., 1998; Orcutt et al., 2001), jurors usually simply read a written transcript. Although no one could argue that the more realistic the method, the more generalizable the product, research thus far reveals few differences between mock jurors' decisions in studies using written materials versus more elaborate videotaped testimony (Scheiner, 1988; see also Goodman et al., 1984, 1987, for comparisons of materials in a non-sexual-abuse child witness case). Also, using videotaped trial stimuli to examine the effects of some variables such as victim age or defendant race could have costly trade-offs. That is, actors of various ages or races could differ in aspects other than those attributes (e.g., attractiveness). Using written trial summaries or trial transcripts allows for the experimental control necessary to draw cause-and-effect conclusions about such variables, before moving on to more elaborately staged (and therefore very expensive and time-consuming) research to pursue promising patterns of results.

Finally, another methodological issue of importance is that in many studies we reviewed, mock jurors did not deliberate before reaching a verdict, as would a real jury. Group discussion could cause jurors' extralegal biases to be publicly identified and attenuated (Shaw & Skolnick, 1995), or, through a process of attitude polarization (e.g., Moscovici & Zavalloni, 1969; Myers & Bishop, 1970), deliberation might actually strengthen these biases. Even so, research suggests that jury verdicts are often representative of the individual jurors' verdicts prior to deliberation, with deliberation only bringing forth what most jurors favor before discussion (Haegerich & Bottoms, 2004; Kalven & Ziesel, 1966; Sandy & Dillehay, 1995).
PRACTICAL APPLICATIONS OF THE RESEARCH

Should the results of the literature we have reviewed be applied in our legal system? Yes. As noted by Goodman, Levine, and Melton (1992), "Psychology bears a social responsibility to provide the best available evidence on important questions of legal policy whenever it can do so (APA, 1991, Principal F). It should proceed with caution, but it should not be disabled by a requirement for perfect evidence" (p. 249). When we can be reasonably sure of a finding, after examining the study's methods and perhaps after finding converging evidence, researchers have a duty to bring it to the attention of professionals "in the trenches": social workers, attorneys, judges, legislators, the public, and others (Grisso & Melton, 1987; Reppucci, 1985). We feel that we have partly attended to this duty by writing this chapter, which we hope will reach a number of professionals who could benefit from the research.

But to what end? What are the specific implications of this literature for policy and law? Attorneys and professionals from trial consulting firms express interest in research on juror individual differences, because they would like to use the findings during voir dire to identify the "best" jurors for their side in particular cases. The advisability of using the work we have reviewed for what is known as scientific or strategic jury selection is debatable (Davis & Sobus, 2004; Strier, 1999). Aside from ethical dilemmas associated with the unequal availability of jury selection services to all parties in cases due to cost, there are other problems: research reveals trends across a large number of experimental participants, rather than differences that can be pinpointed to one particular prospective juror. Consider the robust finding that women are more likely than men to be pro-prosecution in CSA cases. A significant difference in an experiment could reflect the fact that, say, 60% of women compared with only 40% of men voted pro-prosecution. Practically, then, there is no guarantee that any one particular woman will vote pro-prosecution. Therefore, picking a juror based solely on gender, which is of course not even legal (Batson v. Kentucky, 1986), might only produce "practical gains" after a large number of trials.

Perhaps we paint too bleak a picture. Obviously, the research teaches us that the odds of any woman being pro-prosecution are better than the odds of any man being pro-prosecution. Also, consider research investigating the link between attitudes and judgments. To the extent that research comes closer to identifying attitudes that can be measured and shown to predict the behavior of jurors, and to the extent that trial attorneys can use these same attitude measures during voir dire, more accurate predictability might become a reality. For example, some psychologists have advocated screening jurors in rape cases based on pretrial biases such as an inability to empathize with victims (Deitz et al., 1982). Similarly, information from the line of research we have reviewed might be useful during voir dire in identifying individual prospective jurors holding biases that might jeopardize impartial jury composition in CSA cases. Importantly, we refer here to jurors who might be particularly biased against believing defendants as well as those who might be biased against believing child witnesses. Benefits of ensuring fairer juries by the exclusion of or education of biased jurors include the protection
of children from revictimization by unconvicted perpetrators, as well as the protection of innocent defendants from unjust conviction.

This literature has other important implications. For example, the discovery of factors that influence case judgments could indicate the need for education of jurors or judges through expert testimony, or modification of jury instructions to include warnings about the potential influence of individual biases. Jurors might be educated about their own biases and cautioned against approaching trial evidence from a biased perspective. Jurors might be warned, for example, that teenage victims are sometimes considered responsible for sexual abuse because of perceived sexual maturity, but that this should not affect their judgments. That is, a juror should determine if sexual contact occurred, not whether consent was granted, because children are considered legally incapable of giving consent to sexual activity. In fact, Isquith et al. (1993, Experiment 1) examined the impact of such judicial instructions. Mock jurors read a vignette describing the sexual abuse of a 13-year-old girl. When jurors were instructed that children of that age legally cannot provide consent and that any sexual contact is the responsibility of the adult, jurors were significantly more likely to convict than if they were not given these instructions. These results were not replicated in a second study using a videotaped trial simulation of the same case even though perceptions of the child’s responsibility were related to verdicts when jurors were not given these instructions.

Understanding the factors that lead to tendencies in juror judgments and perceptions can help investigators, prosecutors, and defense attorneys think in a more informed manner about the evidence needed to build a case that will appeal to a jury. For example, if months or years have passed between when a child is abused and the time he or she testifies in court, the child might not appear visibly upset when recounting the story of her abuse. Knowing from research that this might lead some jurors to doubt the child’s credibility in the absence of remedying expert testimony (Kovar et al., 1997), a prosecutor could obtain an expert witness to instruct jurors about children’s expected emotional reactions and how people’s assessments of credibility are influenced by emotional displays. As another example, if unfavorable information about a defendant’s past activities will be admitted in a case, research (Bottoms & Goodman, 1994) suggests that the defense attorney might want to prepare an argument or obtain an expert to warn jurors that such evidence can influence jurors’ assessments of a defendant’s credibility. We could describe many other practical implications of the studies we have reviewed, but instead, we hope these examples illustrate how legal professionals themselves can find practical benefits in the research, benefits that will help ensure fair trials and justice for all parties involved in child sexual abuse cases.

CONCLUSIONS AND FUTURE DIRECTIONS

We have summarized a large body of research addressing many factors that influence jurors’ perceptions of children’s credibility in CSA cases. For many of the factors we reviewed, more research is needed, and we have noted some specific areas of need. But
many other influential factors are likely to exist and should be the focus of future research in this growing subfield within the larger field of psychology and law. We believe it would be interesting, for example, to determine how CSA case decisions are affected by (a) the relationship between victims and perpetrators (e.g., trusted family members versus strangers), (b) contextual factors such as whether incest allegations arise during custody disputes between parents, (c) jurors’ beliefs about children’s suggestibility or cognitive abilities (especially if there is expert testimony about these factors), (d) defense tactics including the use of research findings to shape his or her presentation of case facts or choice of expert witnesses, and (e) defendant factors such as intellectual disability or mental illness. We also hope researchers will conduct research on perceptions of other forms of child maltreatment such as physical abuse and neglect and that researchers will investigate not only jurors’ reactions to these cases, but also the reactions of other adults, such as social service professionals and police officers. These are just a few of our own thoughts—but there are myriad possibilities. For researchers who wish to conduct research in this field, we offer our own observation that partnerships with legal professionals provide an invaluable source of excellent ideas for studies of practical and theoretical importance.

In conclusion, understanding how people perceive child victims and make decisions in child sexual abuse cases is important if courtrooms are to be places of fairness and justice. Researchers have discovered a great deal about factors that influence jurors’ perceptions and judgments, and the future trajectory of this line of research appears quite promising. Continued attention to conducting scientifically sound research with ecologically valid techniques will ensure that future research on these issues will yield generalizable results of importance to law and policy.

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