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The Effects of Timing and Type of Judge's Instructions and Jurors' Beliefs on Verdicts and Sentence in a Child Sexual Assault Trial

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The Effects of Timing and Type of Judge's Instructions and Jurors' Beliefs on
Verdicts and Sentence in a Child Sexual Assault Trial
(TITLE)

BY

Dawn R. (Campbell) Goldstein

THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
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IN THE GRADUATE SCHOOL, EASTERN ILLINOIS UNIVERSITY
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Running Head: EFFECTS OF JURORS' BELIEFS AND JUDGE'S INSTRUCTIONS
ON VERDICTS AND SENTENCE

The Effects of Timing and Type of Judge's
Instructions and Jurors' Beliefs on Verdicts
and Sentence in a Child Sexual Assault Trial

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Abstract

In order to investigate the effect of judge's instructions and juror beliefs, eighty-three undergraduate males enrolled in psychology classes at Eastern Illinois University participated in a simulated sexual abuse trial. Participants either heard standard instructions in which the judge instructed jurors to decide guilt or innocence based on evidence alone or standard instructions plus information regarding children's limitations as witnesses. Instructions occurred either after testimony or before and after testimony. Certainty of guilt was unrelated to either the timing or type of instructions. However with regard to sentence, there was a significant interaction between timing of instructions and type of instructions ($p < .05$). Prior beliefs regarding the suggestibility of child witnesses was unrelated to certainty of verdict and sentence.

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The Effects of Timing and Type of Judge's
Instructions and Jurors' Beliefs on Verdicts
and Sentence in a Child Sexual Assault Trial
Child Witness Credibility

The American Humane Association states that as reporting of child sexual abuse to legal authorities becomes more common, an increased number of children are being asked to be witnesses in the courtroom (Bottoms & Goodman 1994; Ceci & Bruck, 1993). Lipvosky et al. (1992) researched child witnesses in criminal court cases. Their results imply that:

adult sexual behaviors toward children, even when enacted by parents, are currently being labeled as crimes and are being handled within the criminal courts. This may reflect a trend toward taking crimes against children seriously and handling them in a fashion similar to that used when the victim is an adult. (p. 646)

Since the public debate in child abuse has been carried to the court room, it is imperative not only to understand how child witnesses affect juror's decision making, but equally as important are how other aspects of the trial (i.e. juror characteristics and judge's instructions) influence jury decision making.

Ceci and Bruck (1993) examine current research findings

regarding children's ability to be credible and competent witnesses. They state that extreme ideas which are often highlighted by the media regarding children's testimony, such as, children never lie about sexual abuse or children are incompetent due to their inability to distinguish reality from fantasy, are not supported by current research (Ceci & Bruck, 1993). Children appear to be able to remember and retrieve large amounts of information especially items personally relevant to them. Nonetheless it appears that at times some children lie, however it is not all the time or necessarily due to any specific motivational factor, such as, personal gain or avoiding embarrassment (Ceci & Bruck, 1993).

Research also shows that adults who have access to children can transform children's memories (Haugaard, 1993; Haugaard, Reppucci, Laird & Nauful, 1991). This can have devastating effects when their memories are admitted into the legal system. Consequently since some children's memories are suggestible and their memories of sex abuse are allowed in court, Ceci and Bruck state that one issue which needs to be addressed is if jurors should be required to hear cautionary statements regarding children's "special reliability risks (p. 433)." It is unknown how or if cautionary statements will affect juror's decision making. Ceci and Bruck state that the courts must decide whether

cautioning jurors regarding children's suggestibility will be useful in suppressing jurors' excitement for young child's credibility, or whether it will magnify jurors preexisting cynicism of children's abilities.

Juror's Instructions

Much research has shown that jurors' understanding of the instructions given to them is inadequate (Severance & Loftus, 1982; Reifman, Gusick, & Ellsworth, 1992; Tanford, 1991; Smith, 1991-a; Luginbuhl, 1992). For example, Reifman et al. (1992) who asked jurors to answer questions regarding instructions which they had heard as jurors and Charrow and Charrow (1979) who asked potential jurors to paraphrase instructions both found that actual jurors comprehend less than half of the instructions presented to them during the trial. Though the effects which jury instructions have on juror decision making and the effects of the complexity of jury instructions remains controversial, some research shows the potential devastating effects which an inadequate understanding of these instructions can have. Severance and Loftus' (1982) research found that legally inept jurors, who saw a trial which was ambiguous to guilt or innocence of the defendant, more often chose to convict than to acquit. The greater the juror's understanding of the instructions, the less likely he or she was to convict. Severance and Loftus predict that when jurors clearly understand the instructions

regarding the law, this knowledge will "enhance a just determination of guilty or not guilty by sharpening the relevant decision criterion that jurors are supposed to apply to the facts" (p. 195). Hochmuth and Wilson (1997) found that when jurors who did not understand instructions were eliminated from their analysis, the type of instructions given to the jury had an effect on the jurors' certainty of guilt. However, when all participants were included in the study, including those with an inadequate understanding of instructions, there was no effect of type of instructions on verdicts.

Luginbuhl (1992) presented research based on an actual capital trial in which jurors were asked to decide the fate, death or life, for a man convicted of murder. When jurors lacked an understanding regarding the instructions given to them, they were more likely to impose death. However those who had a better understanding chose life in prison due to mitigating circumstances of the crime. In addition, Wiener, Pritchard, and Weston (1995) found that jurors who misunderstood jury instructions were most likely to impose the death sentence, whereas those who had a greater understanding of jury instructions, imposed the death sentence the least. While there is evidence that jurors' understanding of instructions (or lack of understanding) can influence jurors to make such important decisions, it is of

utmost importance that we understand how these instructions affect jurors' decisions when they are understood.

Several reasons for jurors' lack of understanding have been proposed. One being the complexity of the legal language in which the instructions are delivered (Charrow & Charrow, 1979; Elwork, Sales, & Alfini, 1977). Both Charrow and Charrow (1979) and Elwork, Sales, and Alfini (1979) found that by rewriting instructions in simpler forms (i.e. using easier to understand vocabulary versus legal jargon, changing sentence structure to avoid multiple negatives, and using active voice rather than passive voice) increased jurors understanding of the instructions. However, Wiener et al. (1995) found jurors who were instructed using revised instructions (i.e. instructions that were simpler to understand) gained no greater improvement on comprehension than did those who were instructed with the original instructions. It is possible that even though the instructions were revised to be simpler to understand, they could still be incomprehensible for the average juror. Thus, conceivably, these revised instructions could still need more revision to insure adequate comprehension. Tanford (1990) summarizes research by Elwork, Sales, and Alfini (1977); Severance and Loftus (1982); and Borgida and Park (1988) stating that this research suggests that instructions are effective in reminding jurors of what they

already know, however instructions do not enhance jurors understanding of laws which are new, difficult to understand, or which go against the juror's beliefs about the law.

Another proposed reason for jurors' lack of understanding of instructions is the time at which the instructions are given to the jurors, i.e. before the evidence is presented or after the evidence is presented. Research indicates that the timing of instructions influences the effectiveness or understanding of these instructions. Traditionally jurors have been instructed primarily after testimony, however recommendations have been made that giving instructions before testimony or before and after testimony is more effective. Tanford (1991) recommends that jurors be instructed both at the beginning and at the end of testimony to increase understanding. Kassin and Wrightsman (1979) found that when jurors who were instructed before testimony were asked to give a verdict during the trial, these jurors presumed the defendant as innocent more throughout the trial, and these preinstructed jurors found the defendant innocent more at the end of the trial. However, when the jurors were not instructed or were instructed after testimony they presumed the defendant guilty more throughout the trial and found the defendant guilty more at the end of the trial. Though Smith (1991-b)

found no difference in the verdicts of those who were given pretrial instructions compared to those given instructions only after the evidence, before and after the evidence, and those who were given no instructions, she found that jurors who heard instructions before testimony and after testimony were better able to apply the law to cases (They were more accurate in distinguishing the type of verdict according to definitions by the law, for example whether to accuse of first degree murder versus second degree murder as defined by the law.), and they were more likely to defer making a verdict until the end of the trial. When jurors were preinstructed, they were not impaired on any measures studied (ability to recall evidence, to understand the law, and to make verdict decisions).

Bourgeois et al. (1995) results demonstrate that timing of instructions can have an effect on verdicts, however it is mediated by the complexity of the evidence. In one study, Bourgeois et al. found that when jurors were preinstructed with substantive instructions in a civil case which favored the plaintiff, preinstructed jurors or pre and post instructed jurors gave higher damage awards than did jurors who were instructed only after the evidence was presented or who were not instructed. In a second study where the evidence favored the defense, the effect of preinstructions differed depending on the complexity of the

case. When the evidence was low in technicality, jurors' verdicts favored the defense. However, when evidence was high in technicality, jurors favored the plaintiff.

Based on these two studies, Bourgeois et al. conclude that when evidence is moderately technical, that is harder to understand, substantive preinstructions can lead the jurors to engage in a "proplaintiff confirmatory bias." That is, the jurors search for evidence to support the claims made by the plaintiff. However, when evidence is low in technicality, that is to say easier to understand, substantive preinstructions aid jurors in decision making. In other words, Bourgeois et al. suggest that preinstructions provide a cognitive framework which assists the juror in deciding a proper verdict. This appears to be true only if the evidence presented in the trial is comprehensible.

ForsterLee, Horowitz, and Bourgeois (1993) research showed that when jurors were asked to identify trial facts versus lures, preinstructed jurors correctly identified more trial facts and correctly rejected more lures compared to those who were instructed after the evidence. In addition, when jurors were asked what information they used to arrive at their decision, preinstructed jurors reported more information associated directly with the trial and less information which was not related to the trial or

information which was incorrect as compared to postinstructed jurors. Preinstructed jurors also stated fewer personal opinions about the case when asked what information lead them to arrive at their decision. In other words, preinstructed jurors based their decision more on accurate trial facts compared to postinstructed jurors. Preinstructed jurors, also, differentiated compensation awarded to the plaintiff which was congruent with the testimony presented in the case, whereas postinstructed jurors had difficulty distinguishing plaintiffs when assigning compensation. In fact, in the study by ForsterLee et al., postinstructed jurors awarded the least injured a little more than they awarded the most severely injured. Like Bourgeois et al., ForsterLee et al. results imply that substantive preinstructions in a civil case produce a "relevant and cohesive schema" or framework which allows jurors to focus on relevant evidence presented and disregard irrelevant evidence and their own personal opinions. In addition, this framework guided jurors in deciding compensatory damages.

Some research on timing of instructions suggests that when evidence presented in a civil trial supports the plaintiffs' claims, preinstructed jurors give higher awards to the plaintiff (ForsterLee, Horowitz & Bourgeois, 1993; Bourgeois, Horowitz, ForsterLee & Grahe, 1995). It appears

that the preinstructions produce a cognitive framework which allows jurors to concentrate on relevant evidence and disregard irrelevant material and their own opinions. Thus it would seem conceivable that preinstructed jurors in child abuse cases may look more favorably toward the child who states that abuse occurred, thus giving a harsher sentence to the defendant. However, it is unknown how jurors would react if the instructions included cautionary statements regarding the limitations of child witnesses. It is not known if cautionary instructions will produce a cognitive framework which would guide jurors to being more critical of children's testimony.

Little research has been conducted on how cautionary instructions regarding children's limitations as witnesses affects verdicts and sentencing in child abuse cases. Hochmuth (1996) examined gender, authoritarianism, and type of instructions in juror decision making. Jurors either heard standard instructions or standard instructions with cautionary information regarding children's abilities as witnesses. No significant results were produced. In a re-analysis of Hochmuth's (1996) data, Hochmuth and Wilson (1997) eliminated jurors who did not have an adequate understanding of the instructions. Hochmuth and Wilson (1997) found that when cautionary statements regarding children's limitations as witnesses were included in the

instructions jurors' ratings of the defendant's guilt significantly decreased when the when the male jurors were high in authoritarianism. When cautionary instructions were given to male jurors who were low in authoritarianism, ratings of the defendant's guilt increased. Female jurors who were high in authoritarianism were more likely to rate the defendant as less guilty after receiving cautionary instructions than women who were low in authoritarianism and heard the same instructions. This research not only shows the importance of studying authoritarianism when examining how cautionary instructions affects juror decision making, but it also shows that male jurors differ from female jurors when deciding verdicts.

Overall research supports that there are benefits for jurors hearing instructions both before and after testimony, such as, jurors presume innocent more throughout the trial and are better able to apply the law to cases when hearing preinstructions (Tanford, 1991; Smith, 1991, Elwork, Sales & Alfini, 1977). One way which courts can allow children to testify, knowing that children may be suggestible, is to provide cautionary statements to the jurors regarding children's limitations as witnesses. However, little it is known how cautionary statements in the judge's instructions in child abuse cases will effect jurors' decision making. Goodman (1984) states that jury instructions on children's

suggestibility and cognitive abilities are likely to affect juries decisions, but provide no empirical support.

Juror Characteristics

Juror characteristics have been studied for decades (Penrod, 1990). Much research has been dedicated to finding general characteristic of jurors which are likely to make the juror more or less conviction prone. For example, Penrod (1990) studied four different types of criminal and civil cases (murder, armed robbery, rape, and negligence) evaluating predictors of jury decision making in the cases. This research showed that there were no predictors which accounted for the jury's verdict in all types of cases, However, it appeared that some juror characteristics were related to verdicts in specific types of cases. Penrod recommended that the importance of specific juror characteristics should be studied by examining the characteristic with regards to what type of case (i.e. robbery, rape, child abuse, etc.) is at trial. In Patterson's (1986) review of previous research on juror and defendant characteristics, he found that with the exception of authoritarianism there is not adequate evidence to show that specific defendant or juror characteristics (i.e. age, locus of control, moral characteristics, etc,) consistently effect all types of court cases. Patterson like Penrod acknowledges the need to study juror and defendant

characteristics using a case specific approach.

Authoritarianism

Some research has shown that authoritarianism is positively correlated with harsher sentencing (Walker, Rowe, & Quinsey, 1993). In Patterson's (1986) review of defendant and juror characteristics, he found authoritarianism to be the only characteristic which consistently affects jurors' decisions. Garcia and Griffitt (1978) found that high authoritarians were more punitive in a case where the defendant was accused of incest. Thus, it seems important to look at the effects of authoritarianism when studying child abuse. Hochmuth and Wilson (1997) found that when jurors were given instructions which contained information about children's limitations as witnesses, jurors' ratings of the defendant's guilt differed among those who were low versus those who were high in authoritarianism. Ratings of guilt significantly increased for the male jurors who were low in authoritarianism, whereas, ratings of guilt significantly decreased when the male jurors were high in authoritarianism. This interaction occurred only when jurors had received the cautionary instructions.

Jurors' belief about child truth telling and accuracy

Ceci and Bruck (1993) acknowledge that drastic views of children's ability to be credible and competent witness, such as, children are incapable of lying or that children

are not able to distinguish fantasy from reality, are not true. It is not known how or if jurors' beliefs regarding children's ability to tell the truth and be accurate affect their decision making in child abuse cases. It would seem plausible that jurors who have beliefs that children are incapable of lying would take a more pro-witness stance thus would tend to prosecute more often and more harshly. It would also seem rational that jurors who believe that children are extremely suggestible and are not accurate in their statements would be more hesitant to believe the child witnesses, thus, convicting less and giving milder sentences. In addition it is not known how judge's instructions may affect the beliefs held by the jurors about child witnesses competency.

The current study is designed to explore how the timing of and the type of judges' instructions and how the jurors' beliefs about the believability of children affects jurors' verdicts and sentences.

Hypotheses

Presented below are the hypotheses that were tested in the current research project in which authoritarianism and jurors' understanding of instructions were controlled for. As previously discussed, authoritarianism (Walker, Rowe, & Quinsey, 1993; Garcia & Griffitt, 1978; Hochmuth & Wilson, 1997) and jurors' understanding of instructions (Loftus,

1982; Hochmuth & Wilson, 1997; Luginbuhl, 1992; Wiener, Pritchard & Weston, 1995) have been shown to at times effect verdicts, thus, they were controlled for in the current study. It should be noted that the present study examined only male jurors as Hochmuth and Wilson (1997) showed that male and female jurors differ in deciding verdicts.

Verdict

1. Jurors who believe children are truthful and accurate will be more certain of a guilty verdict than jurors who believe children are not truthful and accurate.

2. Jurors who hear standard instructions plus cautionary instructions regarding children's limitations will be less certain of a guilty verdict than jurors who hear only standard instructions.

3. Jurors who hear instructions before and after testimony will be less certain of a guilty verdict than those who hear instructions only after testimony only when they hear the standard instructions with cautionary instructions regarding children's limitations as witnesses.

4. Jurors who do not believe children are truthful and accurate, and who hear the standard instructions with cautionary instructions regarding children's limitations as

witnesses presented before and after testimony will be the least certain of a guilty verdict.

5. Jurors' who believe children are truthful and accurate and who hear the standard instructions alone only after testimony will be the most certain of a guilty verdict.

Sentence

6. Jurors who believe children are truthful and accurate will give longer sentences than jurors who believe children are not truthful and accurate.

7. Jurors who hear standard instructions plus cautionary instructions regarding children's limitations as witnesses will give shorter sentences than jurors who hear only standard instructions.

8. Jurors who hear instructions before and after testimony will give shorter sentences than those who hear instructions only after testimony only when they hear the standard instructions with cautionary instructions regarding children's limitations as witnesses.

9. Jurors who do not believe children are truthful and accurate, and who hear the standard instructions with

cautionary instructions regarding children's limitations as witnesses presented before and after testimony will give the shortest sentences.

10. Jurors' who believe children are truthful and accurate and who hear the standard instructions alone only after testimony will give the longest sentences.

Method

Participants

A total of 83 undergraduate males enrolled in psychology classes at Eastern Illinois University participated in the study. Hochmuth and Wilson's (1997) research showed that male jurors differed from female jurors in rating the defendants guilt depending on juror's level of authoritarianism. Since it is possible that female and male jurors' decision making is different, only males were included in the current study in order to reduce confounding factors. Four participants' data were discarded as their questionnaires were not completed accurately, leaving a total of 79 participants whose data were analyzed. Mean age of included participants was 19.6 years. All participants received credit for participation. All participants were treated in accordance with the "Ethical Principles of Psychologist and Code of Conduct" (American Psychological Association, 1992).

Materials

A simulated trial based on an actual child abuse case was created from excerpts from the Public Broadcast Service's (1992) documentary "Innocence Lost: The Verdict". The videotape was 20 minutes long excluding the instructions to the jury. The trial portion of the video was identical for all conditions with the exception of the type and timing

of instructions which were heard. (For a detailed account of the trial see Appendix K.)

Judge's instructions were included in the video of the trial. As the instructions were heard the video screen was blank with the exception of the words "JUDGE'S INSTRUCTIONS" presented on the screen. The judge's instructions were read by a man. Type of instructions had two separate conditions. In one set of instructions the judge instructed jurors to decide guilt or innocence using standard instructions which emphasize deciding verdict based on evidence alone (Standard Instructions). The other set of instructions instructed the jurors to decide guilt or innocence using standard instructions and also provided cautionary instructions regarding the limitations of child witnesses (Standard and Cautionary Instructions). Each participant heard only one set of instructions. Participants were randomly assigned to what type of instructions they heard. (See Appendix F and Appendix G for a transcript of these instructions.)

Timing of instructions had two separate conditions, before and after testimony or only after testimony. Each group of jurors was assigned to hear the instructions either only after the testimony or before and after testimony by witnesses. Participants were randomly assigned to a timing schedule.

The belief that children tell the truth and are

accurate was assessed by having three questions (questions 2, 6, and 7) regarding this issue embedded in between seven questions regarding development of children. The juror is to indicate their agreement with each statement on a 7 point Likert scale where 1 is very much agree and 7 is very much disagree. One of the items was reverse scored. To obtain the "Belief that Children Tell the Truth" value the three responses were summed. Minimum "Belief that Children Tell the Truth" value being 3 and maximum being 21. A low score indicates that the juror believes that children tell the truth and are accurate in their statements while a high score indicates that the juror believes that children often do not tell the truth and are inaccurate in their statements. Two separate groups were formed by completing a median split. Those participants with scores of 13 or less were grouped having the "Belief that children are truthful and accurate". Thirty-nine participants fell into this group. Those participants having a score of 14 or greater were labeled as having the "Belief that children are not truthful and accurate". Forty participants fell into this group. (See Appendix C for this questionnaire.) This questionnaire was given to participants twice, once before they saw the video trial and once after they decided a verdict. Only the score from the questionnaire answered before the trial was used in the present analysis. To

obtain the three questions used in the current study to assess jurors' beliefs regarding children's truth-telling and accuracy, a group of 32 participants from an undergraduate psychology class participated in a pre-test of a similar 10 item questionnaire which focused on children's abilities. This questionnaire was completed in the same manner as the questionnaire used in the present study. The pre-test questionnaire had three items focusing on children's physical development and seven items focusing on truth-telling/lying and accuracy. The two items which correlated highest with the statement "I believe that young children's (between the ages of 3 and 7) accusations in child abuse cases are always accurate." were chosen to be the items to be included in the questionnaire used in the present study along with the item specifically targeting children's accuracy in child abuse cases.

To assess juror's authoritarianism, Altemeyer's (1988) Right Wing Attitudes Scale was used. This scale is a 30 item scale which is scored on a 1 to 9 Likert scale. A 1 indicates very strongly disagree with the item, whereas, a 9 indicates very strongly agree with the item. The total score possibilities range from 30 to 270. The participant's total score was used as the authoritarianism score in the present study.

To assess the juror's verdict, jurors decided guilt or

innocence using a dichotomous scale. A value of -1 was assigned to a not guilty verdict, while a +1 was assigned to a guilty verdict. Then jurors rated on a 7-point scale the degree to which they were confident in their verdict (1 not at all sure to 7 absolutely certain of verdict). To obtain a numerical verdict value the guilty value (-1 or +1) was multiplied by the confidence value (1 to 7) resulting in ranges from -7 for a very certain not guilty verdict to +7 for a very certain guilty verdict. Next, those who felt the defendant was guilty stated a sentence in the form of how many years the defendant should receive in prison for the committed crime. Those who found the defendant not guilty were assigned a value of zero for this dependent variable. (See Appendix D for this form.)

To assess how well jurors understood and recalled the judge's instructions, jurors completed either a 6 item questionnaire (See Appendix H) for those who heard the standard instructions or a 10 item questionnaire (See Appendix I) for those who heard standard instructions with cautionary instructions. The 10 item questionnaire included the same questions as the 6 item questionnaire with 4 extra questions regarding the supplemental cautionary instructions intermixed among the 6 items pertaining to the standard instructions. The score assigned to this variable was the percentage which the participant answered correctly.

Design and Procedure

This research project represents a 2 (Type of Instructions) X 2 (Timing of Instructions) X 2 (Belief that children tell the truth) between subjects factorial design. The dependent variables being the certainty of guilt/innocence assigned to the defendant and the length of the sentence assigned to the defendant. The juror's understanding of the judge's instructions and the juror's authoritarianism are the covariates and were measured on continuous interval/ratio scales.

Participants completed this study in groups no larger than 10 participants. Each participant completed forms and questionnaires independently of others in the group. Prior to administration of questionnaires involved in the study, participants were given an informed consent form to read and sign. (See Appendix A for the Informed Consent Form.) Participants were assured that this form would not be linked with the additional questionnaires they would complete, thus allowing complete anonymity.

Next participants were asked to complete the questionnaire regarding childhood development which assessed in 3 questions the degree they believe that children always tell the truth and are accurate, a demographic data (age, year in school, major) form (See Appendix B for this form.), and Altemeyer's (1988) Right Wing Attitudes Scale to assess

authoritarianism.

Participants were then asked to watch an edited video depicting a court case in which a person is accused of child sexual abuse (PBS, 1992). Following review of the tape, they independently determined guilt and a sentence, if applicable. Next they were asked to complete a set of questionnaires including the repeat questionnaire which assessed the degree to which the juror believed children make true and accurate statements, and a questionnaire regarding understanding of the judge's instructions. After each participant completed the forms, he was debriefed and asked not to share any information regarding the study with others. Debriefing included an explanation of what sexual abuse is, its possible effects and local available resources to help those who are/have been victims of sexual abuse. (See appendix J for debriefing form.)

Results

Verdict

Overall 40% of the jurors found the defendant not guilty of child abuse and 60% found the defendant guilty.

An Analysis of Covariance (ANCOVA) of juror's verdict (degree of guilt) with type of instructions (basic or basic with suggestibility), timing of instructions (after only or before and after), and beliefs regarding children's truth and accuracy (belief that children are truthful and accurate or belief that children are untruthful and inaccurate) as the predictors was conducted with the juror's understanding of the instructions and degree of authoritarianism as covariates. Table 1 displays the statistical analyses. No significant main effects or interactions were noted, $p > .05$. Tables 2, 3, and 4 present the descriptive statistics (e.g. cell means). The hypotheses which predicted that verdict would change based on the time which jurors heard instructions, what type of instructions they heard, and the juror's prior belief about children's truth telling and accuracy were not confirmed.

Sentence

An Analysis of Covariance (ANCOVA) of juror's sentence with type of instructions (basic or basic with suggestibility), timing of instructions (after only or before and after), and beliefs regarding children's truth

and accuracy (belief that children are truthful and accurate or belief that children are untruthful and inaccurate) as the predictors was conducted. Table 5 displays the statistics for this ANCOVA.

There was no significant 3-way interaction ($p > .05$). Table 6 displays the descriptive statistics for the 3-way interaction. Thus, hypotheses 9 and 10 predicting how jurors' beliefs about how accurate children's statements are, how the timing of the instructions, and how the type of the instructions would interact were not confirmed.

There was a significant interaction between timing of instructions and type of instructions on sentence ($F = 4.36$, $p < .05$). Table 7 displays cell means and n for all of the 2-way interactions. Figure 1 displays the significant 2-way interaction between timing and type of instructions. Those participants who heard instructions before and after testimony gave significantly shorter sentences when the instructions included cautionary instructions regarding the accuracy of children's testimony (standard instruction mean = 18.06 years and standard plus cautionary mean = 12.50 years). Those participants who heard instructions after testimony gave significantly longer sentences when the instructions included cautionary instructions regarding the accuracy of children's testimony (standard instruction mean = 10.62 years and standard plus cautionary mean = 19.80

years). Participants who heard only standard instructions gave significantly longer sentences when the instructions were presented before and after testimony. Participants who heard standard plus cautionary instructions gave significantly longer sentences when the instructions were presented only after testimony. No significant main effect of jurors beliefs regarding children's truthfulness and accuracy on sentence was produced, ($p > .05$). Table 8 displays cell means and n for all main effects. Thus the prediction that jurors beliefs regarding children's truthfulness and accuracy alone would influence the jurors' sentence, was not confirmed.

Discussion

Ceci and Bruck (1993) posed the question of whether jurors should be required to hear cautionary instructions regarding children's limited abilities as witnesses of child abuse and what the effect of these instructions would be. The present study attempted to begin answering the question of how these cautionary instructions affect jurors' decision making, i.e., certainty of verdict and sentence. One would expect that those who do not believe children are truthful and accurate would be more likely to disregard children's accusations and their testimony regarding abuse, thus assigning less guilt to the defendant and giving shorter sentences. The present study found no support for the hypothesis that jurors' beliefs regarding children's truth-telling and accuracy prior to the trial would affect the sentence or the certainty of guilt they assigned to the defendant.

It is plausible that prior beliefs regarding children's truth telling and accuracy do not affect jurors' decision making in a sexual abuse trial. Conceivably the jurors' beliefs changed as a result of testimony and this change is unrelated to prior beliefs. Future research should examine if beliefs do change due to testimony or information presented during the instructions. In addition beliefs at the time of giving a verdict may more directly affect

jurors' decision making.

Another conceivable reason that these hypotheses were not supported is that the measure used to assess jurors' beliefs regarding children's truth-telling and accuracy is unsound. Jurors' beliefs regarding children's truth-telling and accuracy was measured using three separate questions relating to children's truth-telling, lying, and accuracy. These three questions correlated moderately with each other in a pre-test using a similar questionnaire. Since it is possible that other measures would yield an effect, future research should examine beliefs using other measures.

The majority of the sample in the present study (over 80%) did not hold extreme beliefs regarding children's truthfulness and accuracy. (When possible belief scores were separated into three categories, high [scores from 16 to 21], moderate [scores from 9 to 15], and low [scores from 3 to 8], moderate being those who did not hold extreme beliefs, over 80% were in the moderate group.) Thus it appears that most of the participants believed that at times children are truthful and accurate, but at times children lie and are inaccurate in their statements. Future research could compare extreme groups by excluding the participants who have moderate beliefs.

No consistent effect of timing and type of instructions on jury decision making was found. Contrary to

expectations, the present study found no significant effects of timing of instructions or type of instructions on the verdict (certainty of guilt assigned to the defendant). It was believed that when jurors heard that children did have limitations as witnesses, it would decrease the credibility of the child witnesses, thus reducing jurors enthusiasm to convict. Moreover, it was believed that if jurors heard these cautionary instructions before the trial it would forewarn the jurors to be critical of the evidence presented by the children, thus further reducing the likelihood of believing the children which would lead to less convictions. Hochmuth (1996) found no relationship between type of instructions and verdict. Hochmuth and Wilson (1997) eliminated those who did not appear to have attended to the instructions were eliminated. Hochmuth and Wilson's research which used a similar child abuse trial and the exact same instructions, found that verdict was affected by the type of instructions only when examined in conjunction with authoritarianism. When male jurors were low in authoritarianism, ratings of guilt significantly increased when the jurors heard the cautionary instructions. When male jurors were high in authoritarianism, jurors ratings of guilt significantly decreased when jurors heard the cautionary instructions. In the present study jurors understanding of instructions and authoritarianism were

controlled for by assigning them as covariates. It is possible that eliminating participants who do not understand the instructions is a more effective way of studying how jurors are affected by instructions than using understanding as a covered. In addition, Hochmuth and Wilson (1997) measured verdict using a 7-point Likert scale to measure certainty of guilt/certainty of innocence which may have been more effective than measuring the degree of certainty used in the present study.

A significant interaction effect of timing of instructions and type of instructions on sentence was produced. These results partially support the hypotheses that giving jurors information regarding children's limitations as witnesses influences juror decision making, by not giving the defendant a more lengthy sentence. However, this is true only when the instructions are presented before and after testimony. This follows the logic that if the jurors heard the cautions regarding the children's limitations as witnesses before they heard the children actually testify, they would be more critical of the children's testimony, thus, giving a shorter sentence to the defendant. However, when jurors heard the instructions only after testimony, length of sentence actually increased when cautionary instructions were given. It was uncertain how timing of instructions would affect the

jurors' response to standard instructions alone. Results indicate that jurors who heard the standard instructions before and after gave longer sentences than those who only heard the instructions after testimony. Research by ForsterLee, Horowitz, and Bourgeois (1993) and by Bourgeois, Horowitz, ForsterLee and Grahe (1995) suggests that when evidence presented in a civil trial supports the plaintiffs' claims, preinstructed jurors give higher awards to the plaintiff. These preinstructions contained standard civil instructions plus substantive instructions which inform the jurors regarding case-specific law, specifically liability and compensatory damages. Though the case viewed by the participants in the present study was not a civil trial nor did it intend to support the plaintiff, similar results were found, i.e. preinstructed jurors supported the accuser/plaintiff. Thus, preinstructed jurors who hear only the standard instructions may look more favorably toward the child who states that abuse occurred, consequently giving a harsher sentence to the defendant. Though it is unknown why this may have occurred, it is possible that something in the standard instructions implies to jurors that they should believe children's testimony and assume that it is truthful and accurate. And, those who were not pre-instructed may have been more critical of the children's testimony because having not heard these instructions prior to hearing the

testimony, thus giving shorter sentences.

Contrary to expectation, when instructions were given only after testimony, those who heard the standard instructions alone gave a shorter sentence than those who heard the standard instructions with the cautionary instructions. Given current research and logic these results are difficult to interpret. Further research should examine how jurors interpret instructions. It may be that the jurors did attend to the instructions, however since they heard them only once they interpreted them differently than those who heard the instructions before and after testimony.

This study had some additional limitations which may have affected the overall results. First when completing the three-way analyses, cell sizes were small (as low as 6 participants per cell). The low cell size reduced the power so that an interaction would have had to have been extremely strong in order to be significant which could possibly account for why no significant three-way interactions were produced. Secondly, though a recall questionnaire was completed for the instructions, this project may not have examined adequately how well jurors actually understood the instructions. For example, jurors may have been able to answer the question about reasonable doubt correctly by being able to recall exactly what the judge said. However,

it is possible that the jurors do not understand what "reasonable doubt" actually means. In addition, the jurors may have not attended and/or understood the actual testimony of those on the stand which may have affected the verdicts and sentencing. Another limitation to this study was that an ANCOVA was performed when the dependent variable (verdict) was actually bimodal. One of the premises for using an ANCOVA is that the dependent variable is normally distributed. The numerical verdict value was obtained by assigning a -1 to a guilty verdict and a +1 to an innocent verdict which was then multiplied by the confidence value (1 to 7). By using this system to obtain a numerical value for the "verdict" made it impossible for the verdict value to be a zero, thus it was not continuous. Of those who chose innocent (-1) as the verdict, 17 of the 32 participants gave a confidence rating of 5 or 6. Of those who chose guilty as the verdict, 36 of the 47 participants chose a confidence rating of 5 or 6. There were only 11 participants who chose a low confidence rating of 1, 2, or 3 despite what their verdict was. Thus, it can be seen that the dependent verdict variable truly was bi-modal, thus using an ANCOVA was a violation of its assumptions. Lastly, this trial was produced in a laboratory type setting thus it cannot be presumed that these findings will generalize to actual child abuse trials.

This study only begins to answer the question posed by Ceci and Bruck (1993) regarding how cautionary instructions regarding children's special limitations as witnesses affects jurors' decision making. It appears that instructions do have an effect though they are mediated by other factors, such as the timing of the instructions, and juror characteristics, such as, gender and authoritarianism (Hochmuth and Wilson, 1997).

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Appendix A

Juror Decision Making Consent Form

I understand that this study is an investigation of juror decision making in a sexual abuse trial. I understand that I will be asked to view portions of a man on trial for allegedly sexually abusing children. This video will include description of sexual assaults against children. Following the film, I will be asked my opinion about the defendant's guilt, and will also be asked to complete a variety of questionnaires including a questionnaire regarding my sexual experiences. It will take me approximately one and a half hours to complete this study. I will receive class credit for my participation.

I understand that my participation in this experiment will be anonymous, that is to say that my personal identity will not be attached to my questionnaires. The experimenter will ask me for my age, gender, and years of education. Again, I understand that my results will not be attached to my name.

I understand that some individuals may find this subject matter offensive or distressing. There are no known or anticipated negative consequences for most individuals as a result of participating in this study. However, some individuals may find this study particularly distressing.

If I choose to participate, I retain the right to

withdraw from the study at any time. If I do withdraw from the study, my data will be destroyed and I will receive experimental credit. Any questions I have regarding this study will be answered either before or after the study.

NAME

DATE

Appendix B
Personal Information

Age: _____ years old

Year in college: (check one)

_____ FRESHMAN

_____ SOPHOMORE

_____ JUNIOR

_____ SENIOR

_____ GRADUATE STUDENT

Major: _____

Appendix C

Please indicate your certainty regarding each about young children between the ages of 3 & 7 by circling the corresponding number. 1 indicates that you very much AGREE with the statement, and 7 indicates that you very much DISAGREE with the statement. Again, these statements are about children ages 3-7.

1.) I believe that young children are successfully potty trained (between the ages of 3 and 7 years.)

VERY MUCH AGREE VERY MUCH DISAGREE

1 2 3 4 5 6 7

2.) I believe that young children's (again, between the ages 3 and 7) accusations in child abuse cases are always accurate.

VERY MUCH AGREE VERY MUCH DISAGREE

1 2 3 4 5 6 7

3.) I believe that young children have learned to express themselves verbally.

VERY MUCH AGREE VERY MUCH DISAGREE

1 2 3 4 5 6 7

4.) Young children have developed mental capabilities to understand abstract concepts, such as, feelings.

VERY MUCH AGREE

VERY MUCH DISAGREE

1 2 3 4 5 6 7

5.) When newspaper articles are read to young children, the children are unable to comprehend most of what is read.

VERY MUCH AGREE

VERY MUCH DISAGREE

1 2 3 4 5 6 7

6.) In general, most young children do not understand that lying can result in personal gain, thus they usually tell the truth.

VERY MUCH AGREE

VERY MUCH DISAGREE

1 2 3 4 5 6 7

7.) In general young children often distort reality due to such things as, limited cognitive skills, limited memory, limited verbal skills, and limited attention span.

VERY MUCH AGREE

VERY MUCH DISAGREE

1 2 3 4 5 6 7

8.) Most young children are able to count to 15.

VERY MUCH AGREE

VERY MUCH DISAGREE

1

2

3

4

5

6

7

9.) Most young children are able to write their first name.

VERY MUCH AGREE

VERY MUCH DISAGREE

1

2

3

4

5

6

7

10.) Most young children are able to use compound and complex sentences.

VERY MUCH AGREE

VERY MUCH DISAGREE

1

2

3

4

5

6

7

Appendix D

As a juror, and in light of the law, I find the defendant:

(check one)

_____ Guilty

_____ Not Guilty

Using the following scale rate the confidence that you have that your verdict is accurate.

1	2	3	4	5	6	7
Not at all						Absolutely
certain						certain

SENTENCE: (For GUILTY verdicts ONLY!)

Given that the defendant, Bob, is 52 years old, what should the length of his sentence be?

Give the number of year that the defendant should actually serve in prison. This should range from 0 to 60 years.

_____ years

Appendix E

Right Wing Attitudes Scale

This is a part of an investigation of general public opinion concerning a variety of social issues. You will probably find that you agree with some of the statements, and **disagree** with others, to varying extents. Please indicate your reaction to each of the statements by blackening a bubble in the computer scoring sheet that corresponds to the way you feel about a statement.

Blacken the bubble labeled 1 if you very strongly disagree with the statement.

2 if you very strongly disagree with the statement.

3 if you moderately disagree with the statement.

4 if you slightly disagree with the statement.

If you feel exactly and precisely neutral about a statement, blacken the bubble labeled 5.

Blacken the bubble labeled 6 if you slightly agree with the statement.

7 if you moderately agree with

the statement.

8 if you strongly agree with the statement.

9 if you very strongly agree with the statement.

You may feel that you sometimes have different reactions to different parts of a statement. For example, you might very strongly disagree ("") with one idea in a statement, but slightly agree ("") with another idea in the same item. When this happens, please combine your reactions, and write down how you feel "on a balance",

1. The way things are going in this country, it's going to take a lot of "strong medicine" to straighten out the troublemakers, criminals, and perverts.
2. It is wonderful that young people today have greater freedom to protest against things that they don't like and to "do their own thing".
3. It is always better to trust the judgement of proper authorities in government and religion than to listen to the noisy-rabble-rousers in our society who are trying to create doubt in other people's minds.
4. People should pay less attention to the Bible and the

other old traditional forms of religious guidance and instead develop their own personal standards of what is moral and immoral.

5. It would be best for everyone if the proper authorities censored magazines and movies to keep the trashy materials away from the youth.

6. It may be considered to be old-fashioned by some, but having a decent, respectable appearance is still the mark of a gentleman and, especially a lady.

7. The sooner we get rid of the traditional family structure, where the father is the head of the family and the children are taught to obey automatically, the better. The old-fashioned way has a lot wrong with it.

8. There is nothing wrong with premarital sexual intercourse.

9. The facts on crime, sexual immorality, and the recent public disorders all show that we have to crack down harder on deviant groups and troublemakers if we are going to save our moral standards and preserve law and order.

10. There is nothing wrong or immoral with somebody's being homosexual.

11. It is important to protect fully the rights of radicals and deviants.

12. Obedience and respect for authority are the most important virtues children should learn.

13. Rules about being "well-mannered" and respectable are chains from the past which we should question very thoroughly before accepting.

14. Once our government leaders and authorities condemn the dangerous elements in our society it will be the duty of every patriotic citizen to help stomp out the rot that is poisoning our country from within.

15. "Free Speech" means that people should even be allowed to make speeches and write books urging the overthrow of the government.

16. Some of the worst people in our country nowadays are those who do not respect our flag, our leaders, and the normal way things are supposed to be done.

17. In these troubled times laws have to be enforced without mercy, especially when dealing with the agitators and revolutionaries who are stirring things up.

18. Atheists and others who have rebelled against the established religions are no doubt every bit as good and virtuous as those who attend church regularly.

19. Young people sometimes get rebellious ideas, but as they grow up they ought to get over them and settle down.

20. The self-righteous "forces of law and order" threaten freedom in our country a lot more than most of the groups they claim are "radical" and "godless".

21. The courts are right in being easy on drug users.

Punishment would not do any good in cases like these.

22. If a child starts becoming unconventional and disrespectful of authority, it is his parent's duty to get him back to the normal way.

23. In the final analysis the established authorities, like parents and our national leaders, generally turn out to be right about things, and all the protestors don't really know what they are talking about.

24. A lot of our rules regarding modesty and sexual behavior are just customs which are not necessarily any better or holier than those other people follow.

25. There is nothing wrong with nudist camps.

26. The real keys to the "good life" are obedience, discipline, and sticking to the straight and narrow.

27. It is best to treat dissenters with leniency and an open mind, since new ideas are the lifeblood of progressive change.

28. The biggest threat to our freedom comes from the communist and their kind, who are out to destroy religion, ridicule patriotism, corrupt the youth, and in general undermine our whole way of life.

29. Students in high school and university must be encouraged to challenge their parents' ways, confront established authorities, and in general criticize the customs and traditions of our society.

30. One reason we have so many troublemakers in our society nowadays is that parents and other authorities have forgotten that good old-fashioned physical punishment is still one of the best ways to make people behave properly.

Appendix F

Transcript of Judge's Instructions

Standard Version

In determining the question of fact presented in this case, you should be governed solely by the evidence introduced and admitted before you. While you have the right to use your knowledge as men and women in arriving at a decision as to the weight of the testimony and credibility of witnesses, your findings and decision must be based upon the evidence admitted into this trial. You cannot act upon the opinions and statements of counsel as to the guilt or innocence of the defendant, instead, you must consider all the evidence in connection with the law as given by the court, and therefrom reach a verdict. In doing so, you must, without favor or affection, bias, prejudice, or sympathy compare, weigh, and consider all the facts and circumstances shown by the evidence, with sole, fixed, and steadfast purpose of doing equal and exact justice between the State of Illinois and the defendant at the Bar.

In evaluating the testimony of the children, you should consider all of the factors surrounding the children's testimonies, including ages of the children and any evidence regarding the children's levels of cognitive development. Although, because of age and level of cognitive development, the children may perform differently as a witness than from

an adult, that does not mean that a child is any more or less credible as a witness than an adult. You should not trust or distrust the testimony of a child solely because he or she is a child.

Nothing I have said, or done at any time during this trial, is any insinuation as to what verdict I think that you should find. The verdict is the sole and exclusive duty and solemn responsibility of you, the jury, and neither the Court nor anyone else can help you in performing that duty.

Please keep all of these issues foremost in your mind when deciding on the innocence or guilt of the defendant. It is your duty as a juror to apply a verdict based on the evidence, and evidence alone. You must remember, a person is assumed innocent until proven guilty beyond a reasonable doubt.

Appendix G
Transcript of Judge's Instructions
Standard and Cautionary Version

In determining the question of fact presented in this case, you should be governed solely by the evidence introduced and admitted before you. While you have the right to use your knowledge as men and women in arriving at a decision as to the weight of the testimony and credibility of witnesses, your findings and decision must be based upon the evidence admitted into this trial. You cannot act upon the opinions and statements of counsel as to the guilt or innocence of the defendant, instead, you must consider all the evidence in connection with the law as given by the court, and therefrom reach a verdict. In doing so, you must, without favor or affection, bias, prejudice, or sympathy compare, weigh, and consider all the facts and circumstances shown by the evidence, with sole, fixed, and steadfast purpose of doing equal and exact justice between the State of Illinois and the defendant at the Bar.

In evaluating the testimony of the children, you should consider all of the factors surrounding the children's testimonies, including ages of the children and any evidence regarding the children's levels of cognitive development. Although, because of age and level of cognitive development,

the children may perform differently as a witness than from an adult, that does not mean that a child is any more or less credible as a witness than an adult. You should not trust or distrust the testimony of a child solely because he or she is a child.

Remember that questioning techniques of interviewers for children have also been found to be unreliable at times. Children are prone to suggestibility, and leading questions from someone perceived as an authority figure may cause a child to give unclear or untrue accounts of what happened, or did not happen, to them. Oftentimes, children simply do not understand the questions asked of them, but instead of saying that they do not understand, they will answer the question that they perceived to have been asked. You should also remember that the use of anatomically correct dolls has not been proven to be a credible form of questioning. This form of questioning has not been proven effective or reliable. Often, only perceptions of the interviewer him- or herself have been the crux of the decision that a child has or has not been sexually abused.

Nothing I have said, or done at any time during this trial, is any insinuation as to what verdict I think that you should find. The verdict is the sole and exclusive duty and solemn responsibility of you, the jury, and neither the Court nor anyone else can help you in performing that duty.

Please keep all of these issues foremost in your mind when deciding on the innocence or guilt of the defendant. It is your duty as a juror to apply a verdict based on the evidence, and evidence alone. You must remember, a person is assumed innocent until proven guilty beyond a reasonable doubt.

Appendix H

Instructions: This is a recall questionnaire designed to determine how well you remember the jury instructions given to you. Please answer all the questions below by circling the letter of the appropriate answer. Please do not make up any answers, and remember that all of the information needed to answer the questions below was in the auditory jury instructions given to you.

1. You have the right to use your knowledge as _____ and _____ in arriving at a decision.

- A) students, citizens B) men, women
- C) juror, appointees D) parents, children

2. In determining this case, you should act upon:

- A) the opinions and statements of counsel as to the guilt or innocence of the defendant
- B) the evidence presented by the prosecution
- C) the evidence presented by the defense
- D) all of the evidence

3. A defendant is assumed to be _____ until proven _____ beyond a reasonable doubt.

- A) guilty, innocent B) innocent, guilty
- C) credible, unreliable D) competent, incompetent

4. The verdict is the sole and exclusive duty and solemn responsibility of you, the jury, however, the Court may help you in performing this duty.

A) True

B) False

5. Nothing the judge said or did at any time during the trial is any insinuation as to what verdict the judge believes you should find.

A) True

B) False

6. In determining a verdict, you must act without favor or affection, bias, prejudice, or sympathy compare, weigh, and consider _____.

A) the evidence presented by the defense

B) the evidence presented by the plaintiff

C) the evidence presented to the Court

D) all the facts and circumstances shown by the evidence

Appendix I

Instructions: This is a recall questionnaire designed to determine how well you remember the jury instructions given to you. Please answer all the questions below by circling the letter of the appropriate answer. Please do not make up any answers, and remember that all of the information needed to answer the questions below was in the auditory jury instructions given to you.

1. You have the right to use your knowledge as _____ and _____ in arriving at a decision.

- A) students, citizens B) men, women
- C) juror, appointees D) parents, children

2. Questioning techniques of interviewers for children have been found to be _____ at times.

- A) unethical
- B) unreliable
- C) effective
- D) age inappropriate

3. In determining this case, you should act upon:

- A) the opinions and statements of counsel as to the guilt or innocence of the defendant
- B) the evidence presented by the prosecution

- C) the evidence presented by the defense
- D) all of the evidence

4. Because of age and level of cognitive development, the children may perform differently as a witness from an adult, thus a child should be considered less credible than an adult.

- A) True
- B) False

5. A defendant is assumed to be _____ until proven _____ beyond a reasonable doubt.

- A) guilty, innocent B) innocent, guilty
- C) credible, unreliable D) competent, incompetent

6. You should _____ the testimony of a child solely because he or she is a child.

- A) not trust or distrust
- B) be compassionate and understanding toward
- C) critically evaluate due to cognitive limitations
- D) not evaluate more or less harshly

7. The verdict is the sole and exclusive duty and solemn responsibility of you, the jury, however, the Court may help you in performing this duty.

- A) True
- B) False

8. Nothing the judge said or did at any time during the trial is any insinuation as to what verdict the judge believes you should find.

- A) True
- B) False

9. In determining a verdict, you must act without favor or affection, bias, prejudice, or sympathy compare, weigh, and consider _____.

- A) the evidence presented by the defense
- B) the evidence presented by the plaintiff
- C) the evidence presented to the Court
- D) all the facts and circumstances shown by the evidence

10. During examination, children are prone to _____ if examined by someone perceived as an authority figure.

- A) be more truthful
- B) suggestibility
- C) give the answers they believe the examiner wants to hear
- D) being more silent

Appendix J

Debriefing Questionnaire

You have just participated in a study to determine the effect of judge's instructions and juror characteristics on juror decision making in child sexual assault trials.

Please do not share your opinions of this study with classmates. Discussing this study with other students could bias their results if they, too, participate in this study.

All factors regarding participation in this study are anonymous.

Child sexual abuse is a criminal act and can be punished in through the legal system. Any form of abuse can be physically, emotionally and/or spiritually damaging. If you feel you would benefit from counseling as a result of some form of abuse, counseling is available for student's at the Counseling Center on campus. It is located at 1711 Seventh Street across from the University Union. The phone number is (217)581-3413.

Any questions or concerns regarding this study should be directed to Dawn Campbell, graduate student in clinical psychology program, or to Dr. Keith Wilson, thesis chairperson and professor in the Psychology Program at Eastern Illinois University.

Thank you for your participation in this study!!!!

Appendix K

Trial Information

Throughout the trial a male narrator would introduce and explain briefly who the witnesses were and what they were going to be testifying about. When the narrator spoke the screen remained blank.

If the jurors were assigned to a group which heard preinstructions, preinstructions were inserted into the video at the beginning before any testimony or before the narrator spoke.

The video began with the narrator explaining to the jurors that they were about to see a trial of a man, Bob Kelly, who had been accused of child sexual abuse. The narrator then introduced the prosecuting attorney who summarized the case. The narrator followed by stating that many people testified that no abuse had occurred and the only witnesses of the abuse were the children at the day care.

The first court witness, Casey Burch, was then presented. This witness was a former female day care worker who stated that she remembered "children being spanked and being held on too tightly - almost shaken - when trying to calm them down or to discipline them." She followed this testimony by stating that she had never seen any children sexually abused at the day care.

Former female day care worker, Brenda Parks, was then introduced. She was questioned about whether any children had ever told her that they were abused and about whether she had ever seen any evidence of abuse at the daycare. To both questions she responded that she had not.

Next Nancy Smith, Bob Kelly's wife's sister, was shown testifying. She was also a former day care worker. She was asked if she had ever been at the day care at nap time, to which she responded, "Sure." When asked if she had ever heard anything unusual at the day care during nap time, she stated, "A lot of snoring - that's about it"

Next a female neighbor was shown testifying. She stated that she had heard children screaming which broke her concentration. When she heard this screaming she would look outside to see if she could see what was causing the child to scream, but she never saw anything other than the children crying and screaming. Later when asked if she felt something wrong was going on she stated, that she never stated anything wrong was going on but the children crying caught her attention.

After the neighbor's testimony, the narrator introduced Officer Toppin stating that she was the officer who had interviewed many of the children, and that much of the trial had focused on the appropriateness of her interviewing techniques and the interviewing techniques of the children's

therapists.

Officer Toppin is then shown testifying about the first child who she had interviewed and the techniques she used while interviewing this child.

The narrator then states that one of the children's mothers testifies about the questioning of their child about possible sexual abuse by Bob Kelly. Some of the questioning was encouraged and directed by the children's therapists. The narrator then states that the defense argues that this questioning could have lead the children into making false allegations of abuse.

Next one of the children's mother testifies. While showing a court drawing of the mother, it was announced that the mother's testimony was abridged and read by an actor as the children and their parents were not allowed to be video taped. While the actor was reading the mother's lines and the lines of those questioning her several different court drawings were shown of the mother. This procedure was used for all parents testimony, as well as, all of the children's testimony. The first mothers testimony revolves around her questioning of her son, and how her son responded to her questioning. The mother was questioned by both the attorneys for the prosecution and the defense.

Next the mother of one of the boys who attended the day care testified. Her testimony focused on the homework which

the boy's therapist had assigned and how they completed the homework. She was examined first by both attorneys.

After the parents' testimony, the narrator announces that many of the allegations of sexual abuse came from the children's psychotherapy sessions. The narrator adds that the defense argued that the therapy sessions were a "witch hunt" for allegations of sexual abuse and that the children were lead into making allegations of sexual abuse.

Next the first psychologist was introduced. It was stated that he was a witness for the prosecution. He testified that little treatment was done for these children and that "everything was put under the heading of must be related to sex abuse no matter how far fetched theoretically or practically."

Next the only psychologist for the state testified regarding general interviewing of children who may have been abused. It was announced by the narrator that this psychologist testified only in general terms as he did not meet the children or read their therapy notes.

Next another psychologist for the prosecution was announced. He testifies about how the children were "interrogated" during the interviewing process.

The narrator then announces that the prosecution and defense presented conflicting testimony from physicians regarding the physical evidence of sexual abuse.

A doctor then testified about no physical evidence of sexual abuse to the one boy he examined. When cross examined the doctor stated that he did give a diagnosis of suspected child abuse. Later the doctor stated that he gave this diagnosis due to the history he was given.

A male voice then defines rape by North Carolina Law as a female attorney for the prosecution is shown. It was also stated that at this time the prosecution began to change its stance regarding what kind of sexual abuse occurred. The female attorney then states that Bob Kelly had not gone into violent acts of sexual abuse that would be physically noticed, but that he still raped the children as North Carolina's law classifies rape as penetration however slight.

Next it was announced that the children who were allegedly abuse would be testifying. They were examined by both the prosecution and the defense. The first child, Jamie, was a boy. It was announced that he was three at the time of the alleged abuse and five and a half at the trial. During his testimony he made statements, such as, "He stuck a knife in my butt." and "He sucked on it (his penis)." Jamie went on to say that Bob Kelly had stated that he would kill his mommy and daddy if he told.

A narrator then announced Ellen. It was stated that she was four and a half at the time of the alleged abuse and

seven and a half at the time of the trial. When she testified she made the following statements: "He put his penis in my private.", "He put a pencil in my private.", and "He said he'd kill my mommy and daddy and me if I told."

Next the narrator introduces Bridget. Her age was not stated, however her pictures looked as though she was in a similar age bracket as the other child witnesses. The narrator announced that she was being questioned about some of the statements she had made which did not become allegations. She testified that Bob Kelly had killed babies and that this occurred in outer space. When reminded about being taught in court school to tell the truth she stated that she was. When questioned again about whether the baby killing incidents occurred, she responded that they had.

The jurors then heard the instructions from the judge which differed depending on what condition they were assigned to.

Next the narrator announced that this concludes the evidence in the trial against Bob Kelly and that it was the jurors job to decide whether there was evidence beyond a reasonable doubt. They were then instructed to give a sentence if they found Bob Kelly guilty.

Table 1

Analysis of Covariance for Verdict

Source	<u>df</u>	<u>F</u>
<hr/>		
Covariates:		
Understanding	1	1.245
Authoritarianism	1	.011
Beliefs (A)	1	1.465
Timing (B)	1	.071
Type (C)	1	.007
A x B	1	.164
A x C	1	.384
B x C	1	.538
A x B x C	1	.790

Table 2

Cell Means and Sizes for 3-way with Verdict as DependentVariable

BELIEF THAT CHILDREN ARE TRUTHFUL AND ACCURATE

	Instructions	
	Standard	Standard & Cautionary
After	2.20 (15)	3.14 (7)
Before and After	2.11 (9)	3.25 (8)

BELIEF THAT CHILDREN ARE NOT TRUTHFUL AND ACCURATE

	Instructions	
	Standard	Standard & Cautionary
After	-.50 (6)	1.46 (13)
Before and After	2.56 (9)	.08 (12)

Note. Values enclosed in parentheses represent cell size.

Table 3

Cell Means and Sizes for 2-way with Verdict as DependentVariable

Type of instruction x timing of instruction

	Standard	Standard & Cautionary
After	1.43 (21)	2.05 (20)
Before and After	2.33 (18)	1.35 (20)

Jurors beliefs regarding children x timing of instructions

	Believe children truthful & accurate	Believe children not truthful or accurate
After	2.50 (22)	.84 (19)
Before and After	2.65 (17)	1.14 (21)

(Table Continues) Jurors beliefs regarding children x type of instructions

	Believe children truthful & accurate	Believe children not truthful or accurate
Standard	2.17 (24)	1.33 (15)
Standard & Cautionary	3.20 (15)	.80 (25)

Note. Values enclosed in parentheses represent cell size.

Table 4

Cell Means and Sizes for Main Effects with Verdict as
Dependent Variable

Timing of Instructions	
After	Before & After
1.73	1.82
(41)	(38)
Juror's beliefs regarding children	
Believe children are truthful & accurate	Believe children are not truthful and accurate
2.56	1.00
(39)	(40)
Type of instructions	
Standard	Standard & cautionary
1.85	1.70
(39)	(40)

Note. Values enclosed in parentheses represent cell size.

Table 5

Analysis of Covariance for Sentence

Source	df	F
Covariates:		
Understanding	1	.028
Authoritarianism	1	.330
Beliefs (A)	1	.773
Timing (B)	1	.011
Type (C)	1	.645
A x B	1	1.924
A x C	1	.142
B x C	1	4.357*
A x B x C	1	1.163

*p < .05

Table 6

Cell Means and Sizes for 3-way with Sentence as Dependent Variable

	Belief that children are truthful and accurate	
	Instructions	
	Standard	Standard & Cautionary
After	14.60 (15)	25.00 (7)
Before and After	13.89 (9)	14.75 (8)

	Belief that children are not truthful and accurate	
	Instructions	
	Standard	Standard & Cautionary
After	.67 (6)	17.00 (13)
Before and After	22.22 (9)	11.00 (12)

Note. Values enclosed in parentheses represent cell size.

Table 7

Cell Means and Sizes for 2-way with Sentence as Dependent Variable

*Type of instruction x timing of instruction

	Standard	Standard & Cautionary
After	10.62 (21)	19.80 (20)
Before and After	18.06 (18)	12.50 (20)

Jurors beliefs regarding children x timing of instructions

	Believe children truthful & accurate	Believe children not truthful or accurate
After	17.91 (22)	11.84 (19)
Before and After	14.29 (17)	15.81 (21)

(Table Continues)

	Jurors beliefs regarding children x type of instructions	
	Believe children truthful & accurate	Believe children not truthful or accurate
Standard	14.33 (24)	13.60 (15)
Standard & Cautionary	19.53 (15)	14.12 (25)

Note. Values enclosed in parentheses represent cell size.

* $p < .05$

Table 8

Cell Means and Sizes for Main Effects with Verdict as
Dependent Variable

Timing of Instructions	
After	Before & After
15.10	15.13
(41)	(38)
Juror's beliefs regarding children	
Believe children are truthful & accurate	Believe children are not truthful and accurate
16.33	13.93
(39)	(40)
Type of instructions	
Standard	Standard & cautionary
14.05	16.15
(39)	(40)

Note. Values enclosed in parentheses represent cell size.

Figure 1

Interaction between type and timing of instructions on sentence

