TESTING THE COURTS' ASSUMPTIONS ABOUT USING JUROR REHABILITATION IN A CHILD SEXUAL ABUSE CASE

A Thesis
by
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Abstract

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Biases in the courtroom come in a variety of forms which, in theory, would be revealed through the jury selection process. If biases arise, the court has a mechanism in place that is assumed to prevent bias from impacting the decision-making process. This mechanism is juror rehabilitation, and past research has suggested that reduction in biased attitudes from using this mechanism might not be strong enough to influence the verdict (Crocker & Kovera, 2009). The present study examined rehabilitative questioning in a case of delayed disclosure of familial child sexual abuse, where the defendant is at a jury trial for a charge of continuous sexual abuse of a child and used a 2 (between: biased, not biased) x 2 (between: rehabilitative questioning, standard questioning) x 2 (within: pre-biased attitudes score, post-biased attitudes score) mixed design to analyze these interests. Overall, I hypothesized that there would be a greater proportion of guilty verdicts for participants who received rehabilitative questioning instead of standard questioning, and a greater proportion of guilty verdicts for non-biased participants than biased participants. In addition, I expected

an interaction effect such that there would be a larger difference in guilty verdict rates between biased and non-biased jurors in the standard questioning condition compared to the rehabilitative questioning condition. Additionally, bias would not change when receiving standard questioning, but it would decrease when receiving rehabilitative questioning. This study found that overall, neither verdict nor change in biased perceptions were influenced by rehabilitative questioning, but that biased participants were likely to vote guilty more often than non-biased participants. Additionally, none of the explored variables were related to this change in biased perceptions and attitudes. There is limited research that examines how rehabilitative questioning might influence the decision-making process. This study adds to the literature to work towards applying scientific knowledge to jury selection practices.

Acknowledgments

I would like to acknowledge those who have helped me with my accomplishments. First my graduate mentor, Dr. Twila Wingrove, who has pushed me past my limits and shown me what I am capable of. Thank you for always believing in me, even if I didn't have faith in myself. You have helped me grow my confidence in my work and in myself, and for that, I am forever grateful. I would also like to acknowledge my committee members for being so flexible throughout the entirety of the process. Dr. Andrew Smith and Dr. Regan Breitenstein, thank you for your patience, guidance, and support throughout my graduate career. A special thank you goes to my undergraduate mentor and committee member, Dr. Allissa Call. You inspire me to be a better person, and without you, I would not be where I am today. Thank you for your constant support in and outside of academia. I would also like to thank the Office of Research Grant Committee, the Student and Faculty Excellence Fund Committee, and the Graduate Student Government Association Grant Committee for funding the entirety of this project. And finally, a large thank you goes to my fiancé, Brennin Clark, who has provided endless support which allowed me to follow my dreams and accomplish my goals.

Dedication

This study is dedicated to the victims and advocates of sexual assault, and especially to those who have been brave to speak up and spark the "Me Too" Movement. Your voices are heard.

Table of Contents

Table of Figures

Testing The Courts' Assumptions About Using Juror Rehabilitation in A Child Sexual Abuse Case

In today's world, biases have become a central topic of discussion. Many scholars are curious as to why certain biases exist, and what science can do about it. Biases are present when individuals hold prejudiced beliefs (Pannucci & Wilkins, 2010), often times towards a certain group of people. They are particularly a problem in the court system because according to the Sixth Amendment, "the accused shall enjoy the right to a speedy and public trial, by an impartial jury" (Bureau of Justice Assistance (BJA), 2019). Therefore, it should be a *fair* jury. Unfortunately, jurors who are biased, both implicitly and explicitly, may unknowingly allow those biases to affect their perception of the case, thereby influencing their verdict (Cramer et al., 2009; Jones et al., 2020).

This study was concerned particularly with the explicit and implicit biases that jurors hold toward child sexual abuse (CSA) cases. Social cognition is a social psychological framework that describes how people think about themselves and their social world (Bandura, 1986). It helps people select, interpret, remember, and use social information to make judgements and decisions about people and the world around them. Additionally, the elaboration likelihood model (ELM) (Petty & Cacioppo, 1986) suggests that there are two pathways to being persuaded: the central route and the peripheral route. According to this model (Petty & Cacioppo, 1986), the central route requires a willingness to process and think about whatever stimulus is in front of the individual, whereas the peripheral route of thinking occurs when attitudes are formed without extensive thought, but more from mental shortcuts, credibility, and appearance cues (e.g., cues that are associated with positive/negative outcomes). These theories have been applied in a variety of contexts within social

psychology but are especially important in legal psychology when considering how people make decisions as a juror in a case. For example, it is our hope that jurors use careful and considerate thought when making decisions (central route), yet perhaps when authoritative figures are involved, people might be quick to think and decide without processing the information (peripheral route) (Hafer et al., 1996). Knowing that *how* we think about the world impacts our decision-making process (Bandura, 1986; Hafer et al., 1996; Petty & Cacioppo, 1986), it is important to examine how the court might be able to buffer against these sometimes erroneous and inaccurate beliefs and attitudes that people carry that can in turn influence decisions.

Therefore, the overall aim of the study was to examine bias in CSA cases , and a method used in court, called juror rehabilitation, to reduce that bias to no longer influence the verdict. Though there is plenty of literature examining juror decision-making in CSA cases, there is very little research that examines whether juror rehabilitation might help jurors be more neutral in their decision making. This study hopes to add to the literature and provide an understanding of the effectiveness of court mechanisms used to reduce bias.

Using Jury Selection to Detect Juror Bias in Court

Voir Dire

There are multiple tactics that the court uses to find and reduce bias among potential jurors. One process is voir dire, which is the question-and-answer portion during the jury selection process. Voir dire is considered to be the "first line of defense" because it is the first mechanism introduced to the court to reduce bias by seeking to collect information from jurors. During voir dire, judges and/or attorneys evaluate potential jurors for any underlying biases they may be holding. This information allows attorneys to make an educated decision

when selecting or choosing not to select jurors, based on certain characteristics (Grosso & O'Brien, 2019) such as the potential jurors' beliefs, attitudes, habits, hobbies, legal experience, and criminal background, for any bias that may imply that the juror should be relieved from jury duty (Alschuler, 1989). By the end of this questioning, attorneys will have selected the jury (Alschuler, 1989).

Through this questioning process, attorneys may gather information by simply asking jurors if they personally know any of the parties involved, have heard any news about the case, or have any other experiences that might make them partial in the case (Broda-Bahm, 2016). In the circumstance that a potential juror reveals that they *do* know one of the parties involved or reveals any other experiences that might suggest biased beliefs, instead of immediately removing that juror from the bench, the juror may first go through rehabilitative questioning from an attorney or judge. Here, the juror would be reminded that it is important to base their verdict on the facts of the case and asked if they can set aside their knowledge and perceptions about that person for the sake of the case, only look at the facts presented, and base their decision on the law (Alschuler, 1989; Broda-Bahm, 2016; Kovera et al., 2003). The juror may ponder, but if they agree to evaluate the case and base their verdict strictly on the facts presented, and on the law, then the judge may consider them "rehabilitated" (Broda-Bahm, 2016), and they may continue to serve. Overall, both the attorney and judge may engage in rehabilitative questioning of the juror, but the judge is the one who makes the ultimate decision of whether that juror is considered rehabilitated.

Evidence of Bias in CSA Cases

Prosecution of CSA is challenging. Some of these challenges have to do with the potential for jurors to have attitudes or beliefs that interfere with their ability to be impartial.

Of cases that reach the legal system, only about 18% move forward for prosecution (Block & Williams, 2019). Of those cases, only about half are found guilty, with 36% of those resulting from a plea deal (Block & Williams, 2019), suggesting that jurors are hesitant to convict. Perhaps, the prosecution is unsure that the jury will convict, so instead they push for a plea deal. Additionally, attorneys are trained to pick jurors who may help their case rather than jurors who are truly impartial. So, when it comes to sexual abuse trials, factors like juror abuse history and their beliefs about children are used and encouraged for *both* attorneys to select which jurors will be best for their case (Cramer et al., 2009). For example, one study found that jurors who have been a victim of CSA have more empathy for the child, perceive the child as more credible, and found the defendant as guilty more often than those who have not been a victim of CSA (Jones et al., 2020). Therefore, the prosecution would want to seek out jurors with an abuse history, whereas the defense would want to exclude them. This strategy poses a problem because it veers away from the spirit of voir dire and completely undermines the Sixth Amendment right to an impartial jury. Furthermore, even if the attorneys did want to use abuse history as a selection factor, some jurors may never disclose their past abuse history, especially when asked during a public voir dire, making it nearly impossible to identify (Haegerich & Bottoms, 2000).

Moreover, many CSA cases involve a delay between when the abuse occurred and when the child disclosed. Research suggests that many adults are less likely to believe a delayed report compared to an immediate report (Bunting, 2014; McGuire & London, 2020; Ullman, 2007). Most cases are reported within the first year (Ullman, 2007). However, there are many reasons for why victims do not immediately disclose such as fear for themselves or their abuser facing negative consequences (McGuire & London, 2020) that are seemingly not

accounted for by jurors. Overall, cases with delayed reports have been found to be acquitted about half the time in both real trials (Connolly et al., 2009, 2010) and in mock trials (Pozzulo et al., 2010), which is just slightly more often than a timely report of a CSA case (Connolly et al., 2009, 2010). Acquittals have been found to be less likely the sooner the abuse is reported (Pozzulo et al., 2010; Read et al., 2006). These acquittal rates suggest that jurors might be biased toward the delay time in which the complainant brings the abuse to the attention of the court.

In addition, CSA cases often involve a relative as the perpetrator, and many adults are more willing to believe someone the victim hardly knows (51% voted guilty) than a relative (59% voted guilty) (Pozzulo et al., 2010). Further, judges are more likely to acquit accused family members under the assumption that someone else should have seen the abuse and so there should be a witness testifying to that fact (Connolly et al., 2010). This could also be because there is a longer delay in reports of family related abuse, versus nonfamily related abuse (Foynes et al., 2009). On the other hand, legal databases have found the defendant to be two to three times more likely to be convicted if they are a family connection rather than a community connection (Bunting, 2014; Read et al., 2006). This discrepancy between lab and database studies may suggest that there is a lack of ecological validity in some experimental studies (Pozzulo et al., 2010). However, the standout problem is that these biases have the possibility of influencing the jurors' perceptions of the case, while the facts do not actually stand as grounds for evidence of a false claim. Overall, the goal is to have an impartial jury. Therefore, if a juror holds strong fixed beliefs about certain aspects of a CSA case, like delayed disclosure or relationship to the alleged perpetrator, they may be a good candidate to be excluded from jury duty or targeted for rehabilitation.

Removing Biased Jurors

To remove a juror during voir dire, two mechanisms may be used by either the judge or attorneys, a challenge for cause or a peremptory challenge. Peremptory challenges are limited in number and can be used by attorneys without giving any reason as to why the potential juror should be removed (Kovera et al., 2003). These are often used for strategic purposes, where the attorney strikes jurors who they feel will be partial against their case. Challenges for cause are unlimited in number and are used to remove a juror who is showing apparent bias and prejudice, or refusing to follow due process, and these challenges must be approved by the judge (Kovera et al., 2003). Though these types of challenges are unlimited, they tend to be rarely granted by judges who prefer to use rehabilitative questioning to prevent the removal of jurors because the juror must be proven that they are in fact biased (Crocker & Kovera, 2009; Suggs & Sales, 1980). If jurors say they cannot set their biases aside and be impartial, they will be further questioned until they are rehabilitated, or a judge allows the use of a "for cause" exclusion. If the judge is satisfied that the juror is rehabilitated, then the attorney can use a preemptory challenge, if any remain. If the idea of juror rehabilitation is to exclude the need to remove a juror for cause, then it is imperative that juror rehabilitation is an effective mechanism to counteract bias. If it is effective, then any existing biases should not influence the jurors' perceptions of or decisions on the case. Overall, one of the purposes of rehabilitation is to prevent the usage of any of these challenges in effort to maintain an impartial jury without having to go through multiple jurors to fill the bench.

Problems with Juror Rehabilitation

Juror rehabilitation can come with many problems, one being the court assumes that individuals are truthfully able to acknowledge, gauge and ignore their biases, even after initially claiming to be partial. If a juror admits they are biased, once they say they can control it, the trial court can make the decision that their proclaimed bias is not enough to influence their verdict (Suggs & Sales, 1980). Further, according to reactance theory (Steindl et al., 2015), being reminded to set aside biases might make us think about our biases more and thus our biases are actually influencing our thinking and decision making. Perhaps this is why there are a limited number of peremptory challenges – because the court assumes that jurors can set aside their biases.

Another issue that arises concerning the ethics of juror rehabilitation is the authoritative position of the judge (Crocker & Kovera, 2009, Suggs & Sales, 1980), giving them the ability to manipulate and persuade a layperson. For example, a Florida judge performed rehabilitation on a potential juror extensively until a response stating that the juror would be impartial was given (Rimes v. State, 2008). The potential juror eventually agreed to set aside their proclaimed bias only after the judge brought them into the courtroom alone to ask them to set aside their biases. This exposes the possibility that a biased juror may *say* that they are setting aside their biases *only* because they have been pressured into doing so. It is suggested that jurors feel more pressure when undergoing rehabilitative questioning by a judge (Crocker & Kovera, 2009). This is a problem because it leaves the possibility that biased jurors will remain in service, thus violating the defendant's right to an impartial jury (Bureau of Justice Assistance (BJA), 2019).

It is also worth noting that juror rehabilitation has not always been an acceptable practice. In 1807, Chief Justice Marshall found that the law does *not* allow these strategies to be used in the system, as the court did not believe that jurors can set aside their prejudices (United States v. *Burr*, 1807). However, today, there are many cases where the court allows juror rehabilitation in their jurisdiction. Additionally, in 2000, the U.S. Court of Appeals found that it is up to the juror's own perception to decide if their biases will interact with their verdict, meaning if they say that they can set their biases aside, then they can in fact set them aside (Gall v. Parker, 2000). Essentially, juror rehabilitation is ruled by the court as an effective process to reduce juror bias in the courtroom, even though there is not much empirical evidence to support this notion.

Previous Research on Juror Rehabilitation

Juror rehabilitation has been tested in psychological research before, although the research is scarce. Crocker and Kovera (2009), took an approach to testing the effectiveness of juror rehabilitation for jurors who were biased against the plea of not guilty by reason of insanity in a murder case. After answering the Insanity Defense Attitudes-Revised (IDA-R) scale (Skeem et al., 2004), jurors were introduced to an actress who played a judge and engaged small groups of participants in voir dire questioning. During this mock voir dire, participants were given the opportunity to declare if they were biased towards the insanity defense by answering the question: "Is it ever appropriate to find a person Not Guilty by Reason of Insanity?" (Crocker & Kovera, 2009). This practice is similar to what occurs in an actual trial. Those who answered with "no" were coded as non-biased. Half of the participants were randomly selected for rehabilitation where they were told by the judge that she had concerns about their responses on the insanity defense questionnaire and reminded

the mock jurors of the definition of the insanity defense, mirroring the rehabilitation process. This was followed by the judge asking the mock jurors "whether they could put aside their personal feelings about the insanity defense and base their decisions on the law" (Crocker & Kovera, 2009, pg. 215). Participants then watched a video of the trial, and gave their individual verdict, as well as providing a confidence rating in their verdict.

Crocker and Kovera (2009) found juror rehabilitation to be successful in reducing bias on the IDA-R scale (Skeem et al., 2004), but not in changing the verdict. Mock jurors who said there was never a reason to find someone not guilty by reason of insanity were still more likely to vote guilty (Crocker & Kovera, 2009). Even though rehabilitation did not influence the verdict, it was found to impact mock jurors' confidence in their verdicts, in a way where mock jurors felt *less* confident after undergoing rehabilitative questioning. And this was true for both jurors who declared that they were biased and those who did not. The rehabilitation condition also induced more feelings of pressure from the judge to find the defendant not guilty by reason of insanity (Crocker & Kovera, 2009).

However, there were some positive effects of rehabilitative questioning as those in that condition had the highest reduction of juror bias against the insanity defense based on pre- and post-questionnaire scores (IDA-R). This reduction occurred for both those who said they were biased during voir dire and those who did not. Jurors in the rehabilitation condition were also less likely to "indicate that the defendant knew his actions were wrong," or that the defendant "appreciated the nature of his actions" (Crocker & Kovera, 2009). Overall, rehabilitation reduced bias perceptions, while also reducing confidence in verdict for all participants, regardless of their original bias rating. These findings could suggest that the

pressure felt from an authoritative figure might have been enough to reduce a mock jurors' biased perception towards the insanity defense, but it was not enough to impact their verdict.

Commonality of Delayed CSA Reporting and Familial Perpetrators

The topic of juror bias in CSA cases was raised in an earlier section of this paper, with a particular focus on two characteristics of cases that jurors might be inaccurately influenced by—delayed disclosure and perpetrator-victim relationship. These two aspects of CSA cases may be especially problematic because they are a common real-world feature of child sexual abuse, yet the research described earlier suggests that juries might be influenced by their presence.

For example, cases where the victim has delayed their report of abuse are not uncommon to reach the court system (Connolly et al., 2009, 2010; Hershkowitz et al., 2007; Pozzulo et al., 2010; Read et al., 2006). Research suggests that 64% of CSA victims will wait to disclose one or more years after the abuse has occurred (Ullman, 2007). Other research suggests that only about half of the time, children will disclose in a timelier manner, within one week to two years after the abuse starts (Hershkowitz et al., 2007). Timely reports, however, occur more often when the accused perpetrator is a stranger to the victim (Foynes et al., 2009), suggesting that it might take much longer to report sexual abuse as a child or adolescent if the victim knows the perpetrator. In terms of age at which the reporting of CSA may occur, reporting can happen earlier in childhood, as one study found that 44% will report their childhood sexual abuse before they turn 14 years old (Ullman, 2007). Another study suggested slightly later disclosures, with 90% disclosure of the illicit events between the ages 15-17 years old (McElvaney et al., 2020). Consistent with both of these studies, McGuire and London (2020) found about half of the time, reporting happens while the victim

is still a minor, as research suggests that a child will disclose their abuse before they are 18 years old. Overall, it is suggested that delay is common when it comes to CSA cases, and this factor could impact jurors' decisions in such cases. Putting all these studies together, it is reasonable to conclude that children are most likely to disclose that they have been sexually abused sometime during their teenage years.

There is a misconception that delayed disclosure is due to lack of memory or that it is evidence of a false claim. However, this is generally not the case (Weiss & Alexander, 2013). Those who delayed their report due to lack of memory only accounts for 6% of delayed report CSA cases (McGuire & London, 2020). A study done by McGuire and London (2020) on college students who were victims of CSA illustrated that 82% of those who did not disclose their abuse for an extended period of time because they did not understand that it was abuse. Another 29% of those individuals did not disclose because they did not want the abuser to get in trouble.

It is unfortunate that 18% of victims from a sample of college students reported keeping their abuse a secret because of a fear of getting themselves in trouble (McGuire & London, 2020). However, other researchers have reported that fear, such as fear of the repercussions of disclosing, is a factor in 54.4% of disclosures from the McElvaney et al. (2020) study. Further, some cultural backgrounds may not allow the victim to comfortably speak about their abuse, leading to a longer time before they can disclose their abuse to anyone (Somer & Szwarcberg, 2001). Conversely, McGuire and London (2020) found that the top reason for disclosing was because the individual had a close friend or someone that they had trusted to tell (McGuire & London, 2020), suggesting that the ability to voice one's story of abuse seems to largely impact their ability to disclose.

Past research suggests that psychological distress is an underlying factor in disclosure, whether the distress occurs before, during, or after disclosure (McElvaney et al., 2020; Somer & Szwarcberg, 2001). Overall, delayed disclosure of CSA can occur because of a variety of reasons such as fear of social rejection, mistrust in others, adoption of family values, such as obedience (Somer & Szwarcberg, 2001), misunderstanding that their interactions were abuse, fear that their abuser would get in trouble, but only rarely because of lack of memory for the experiences (McGuire & London, 2020). Although all these factors might influence a delay in disclosure, none of them signify that it is evidence of a false allegation (Weiss & Alexander, 2013). However, based on jury acquittal rates discussed earlier, perhaps biased jurors do not take these factors into account, which could possibly be reflected in their likelihood to not convict in these cases (Connolly et al., 2009, 2010). Overall, both jurors and judges are reluctant to believe the victim in cases of delayed disclosure (Connolly et al., 2009, 2010).

It is unfortunate that in many CSA cases, the perpetrator is often trusted by the victim. Yet there's a misconception that CSA is perpetrated by those outside of the family circle. Therefore, there's this belief that acquaintance sexual abuse happens more often than sexual abuse perpetrated by a family member. However, the opposite is true. One study found that in a college sample, of those who reported CSA, approximately 89% were abused by an offender whom they personally knew, compared to only about 11% abused by a stranger (Ullman, 2007). Of the perpetrators whom the victim knew, 38% were family members, and 28% were neighbors (Ullman, 2007). Further, McGuire and London (2020) found in a sample of 94 college students exposed to CSA, the perpetrator was a family friend around 37% of the time, and a family member was the perpetrator 29% of the time.

Moreover, other studies have found that about 26% to 40% of the time, the perpetrator was known through a community connection, such as a coach or family friend (Connolly et al., 2009, 2010), and that a family member was the perpetrator 32% to 36% of the time. In other words, a very common perpetrator in a case of CSA occurs, is likely to be someone who the child may trust and know well. Further, abuse by relatives is reported significantly later than abuse by acquaintances (Ullman, 2007). This might be due to a greater fear of social rejection and condemnation, as described earlier (McGuire & London, 2020).

The Present Study

Juror rehabilitation has been used during voir dire as a mechanism to encourage jurors to set aside any biases they may have so that they may continue to serve. Past research has suggested that this mechanism is in fact effective in reducing bias, regardless of whether or not a juror actually noted biased perceptions. However, there is evidence lacking to support the notion that juror rehabilitation influences decisions in the courtroom (Crocker & Kovera, 2009). For the present study, I was interested in testing whether juror rehabilitation can buffer against biased perceptions within CSA cases.

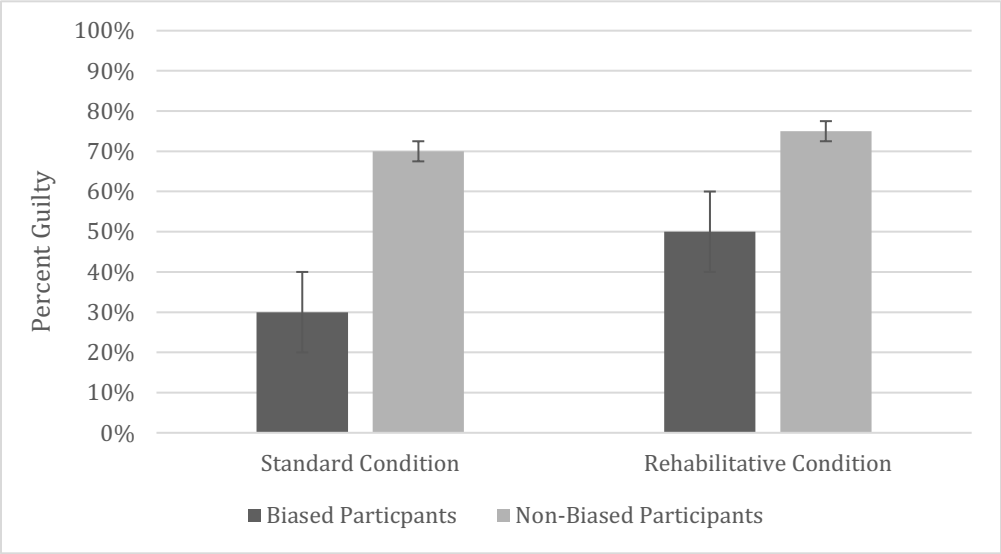
For this study, mock jurors first filled out a juror questionnaire where they were asked a variety of questions, including questions that directly asked about their biases towards a CSA case. Half of the participants received rehabilitative questioning, while the other did not. Then, participants were asked to read a short trial summary describing sexual abuse that had occurred seven years prior. For this study, participants read about a molestation. Finally, jurors provided a verdict, a post-bias score, and answered a variety of other questions concerning their perceptions of the case and court officials.

This study was focused on two outcomes: conviction ratings and changes in biased perceptions. The first set of hypotheses expanded on the conviction outcome. Juror rehabilitation was intended to reduce biases, which should, in turn, affect conviction rates. For this study, I defined bias as a hesitation to convict in CSA cases, due to the delay in the relationship and the victim-perpetrator relationship, as illustrated by the literature (Bunting, 2014; McGuire & London, 2020; Ullman, 2007). Therefore, a reduction in bias should increase conviction rates. Seeing that rehabilitation did not work to reduce biased perceptions enough to influence the verdict in Crocker and Kovera (2009), I might see that rehabilitation will not influence the verdicts at all. However, if the mechanics of rehabilitation operate as the court predicts, (H1) there would be more guilty verdicts in the rehabilitative condition than in the standard condition. Additionally, (H2) there would be a main effect for bias in that mock jurors who answered as biased to the yes/no question would provide more not-guilty verdicts. Further, (H3) there would be a larger difference in guilty verdicts among biased and non-biased jurors when they received standard questioning instead of rehabilitative questioning. These hypotheses are illustrated in Figure 1.

The second set of hypotheses focused on predicted change in biased perceptions (Figure 2). I hypothesized that (H4) there would be an interaction between change in bias scores and condition type, such that bias will significantly decrease in the rehabilitative condition but will not change in the standard condition.

Figure 1

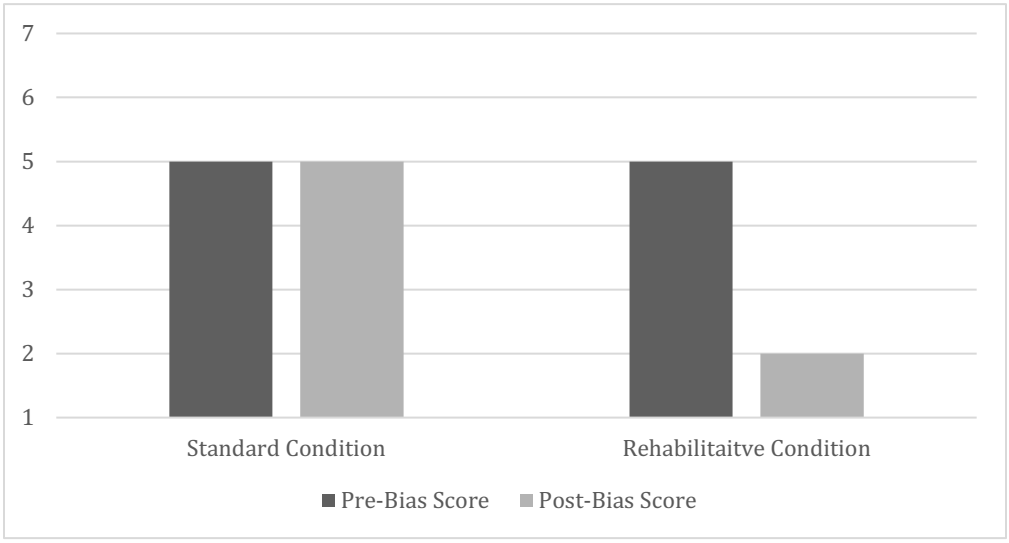
Percent Guilty Verdicts for Biased Participants in Standard and Rehabilitative Conditions



Note. This figure shows the prediction of more guilty verdicts for non-biased participants, more guilty verdicts in rehabilitative questioning, and a larger difference in guilty verdicts within standard questioning. The percentages are not intended as exact estimates.

Figure 2

Change in Bias Scores in Standard and Rehabilitative Conditions



Note. This figure represents the predicted change in pre- and post-bias perceptions between standard and rehabilitative questioning conditions. The means are not intended as exact estimates.

Method

Design

The experiment included a 2 (self-identified bias: biased vs. unbiased) x 2 (questioning type: rehabilitative questioning vs. standard questioning) between-subjects factorial design, with pre- and post-measures of biased attitudes serving as a within-subjects factor. Dependent variables measured included verdict and bias questionnaire scores. Additionally, exploratory variables were also measured, which are described below. (The study was determined to meet qualifications for exemption by the IRB (Appendix A)).

Participants

Participants were recruited from Prolific and compensated $2.94 for their participation in the study. Specifically, only 18 years or older, English-speaking, U.S. citizens were allowed to participate. Results of an a priori power analysis indicated that a sample of 787 participants would be required to detect a small interaction effect ($f = .10$) at 80% power for a two-way between-subjects analysis of variance (ANOVA). A sample of 128 would have been required to detect a medium effect ($f = .25$).

I collected a sample of 345. Participants who failed the pre-trial attention checks ($n = 15$) or who did not complete the study ($n = 6$) were not included in the analyses and were excluded from the dataset. Overall, 40 participants were excluded due to failing post-trial attention checks, and 28 were excluded for failing manipulation checks. In correspondence with Crocker and Kovera's (2009) methodology, an additional 10 participants were removed from analyses due to answering "no" to being able to set aside their biases on the rehabilitative question. This resulted with a 23.7% exclusion rate overall, leaving a total sample size of 258 participants. Results of a sensitivity analyses ($1-\beta = .80$,

α = .05) indicated that our total sample would be able to detect an interaction effect (f = .21) at 80% power for a two-way between-subjects ANOVA.

On average, participants were 32.8 years old (*SD* = 12.3), ranging from 18-79 years old. The sample was closely balanced between females (*n* = 122, 47.3%) and males (*n* = 126, 48.8%). An additional 10 participants identified as non-binary (*n* = 6, 2.3%), transgender (*n* = 2, 0.8%) or did not answer (*n* = 2, 0.8%). The sample consisted of majority White participants (*n* = 184, 71.3%), but also included African American (*n* = 26, 10.1%), Hispanic (*n* = 37, 14.3%), Asian/Pacific Islander (*n* = 28, 10.9%), and Native American (*n* = 4, 1.6%) participants (*n* = 2, 0.8% selected "Prefer not to answer"). About 5% (*n* = 13) of the participants selected more than one of the available options. Majority of the participants identified as single (71.3%), and over half of the participants obtained some level of a college degree (57.7%) and were employed (56.3%). The sample appeared to be mostly liberal leaning (0 = Liberal, 100 = Conservative) (*M* = 32.00, *SD* = 26.70), and almost half (42.2%) of the participants reported being a victim of some sort of crime. Only 26.7% of the sample had children, and 9.7% have previously served on a jury.

Procedure

Participants completed the study online using a Qualtrics survey. After filling out a consent form, participants were asked to answer a few questions about themselves. This survey was delivered in the format of a juror questionnaire (Appendix B), where participants answered questions about their backgrounds, including demographics and beliefs about child sexual abuse from an adapted form of the Child Sexual Abuse Misconceptions Questionnaire (CSAMQ; Cossins et al., 2009) which served as a measure of preexisting bias. The final

question was a single yes/no question that identified which participants self-reported as biased and not biased.

After participants completed the Juror Questionnaire, they underwent an attention check by first reading a summary of the trial and the instructions for the remainder of the study, then answering three questions about what they read with two chances to answer correctly. Participants who failed the attention checks twice were asked to leave the study, returned to Prolific, and were partially compensated with $1.00 for the work they completed. Participants who passed the attention checks were then randomly assigned to received rehabilitative questioning (n = 46.50%) or standard questioning (n = 53.5%). Then, participants read a short trial summary, where all participants learned about an alleged CSA case. Participants were then asked to provide their responses to the dependent measures below and a post-test of the CSAMQ. After, they filled out a manipulation and attention check questionnaire and were thanked for their participation. Additional resource information was available for those feeling any psychological distress as a result of the content of the study.

Materials

Juror Questionnaire

The full text of the juror questionnaire can be found in Appendix B. It includes the following measures:

Demographics. Participants were asked eight demographic questions about their age, race/ethnicity, relationship status[1], if they have children and how many, employment status, previous education, political orientation, and previous juror history. These questions also

[1] The option to select "married" was mistakenly forgotten on the survey and therefore the entire variable was dropped and not used in analyses.

included six media interest questions regarding their reading and crime-television-watching habits in order to add to the realism of the juror questionnaire.

Bias Measure. An adapted version of the CSAMQ was used to measure the extent of bias towards CSA cases. The adapted scale included a total of 19 questions from the original CSAMQ (Cossins et al., 2009). All questions were measured on a 7-point Likert scale (1 = strongly disagree to 7 = strongly agree). This scale was used to calculate the overall bias score, using questions such as, "when a victim delays in reporting sexual abuse, this is evidence of lying," and "a victim who returns to, or spends time with the alleged offender, is unlikely to have been abused." Item 13, "children ages 7 or 8 years are no more influenced by leading questions than adults," had contradicting correlations with the other scale items between the pre- and post-CSAMQ, and therefore was removed from analyses. Item 18, "there is no one set of symptoms or behaviors that indicates whether a victim has been sexually abused," was reverse scored. Overall, the CSAMQ showed reasonable internal consistency (pre-CSAMQ: $\alpha = .78$; post-CSAMQ: $\alpha = .81$).

Previous Sexual Assault History Question. One two-part question analyzed participants experience or history with sexual assault. First, participants were asked whether they themselves, someone they close to them, or someone they know has ever experienced sexual abuse or sexual assault. If the participant responded with yes (54.3%), they could select which option(s) of the three applied to them.

Juror Selection Question. One yes/no question was presented within the juror questionnaire that assigned participants into the biased/not biased conditions, following a similar format to that presented in Crocker and Kovera (2009). This question regarded jurors' attitudes towards a teenager complainant, a defendant who is a family member, and a delayed

disclosure of a CSA report, and whether the factors would affect their ability to serve fairly and impartially. It read as follows:

> "The trial you are about to read involves a teenager who claims that a family member abused her years ago, although she waited until recently to tell anyone. Would these facts give you pause when considering your verdict?"

A "yes" response on this question indicated that the mock juror believed they held preexisting bias towards the complainant, the defendant, or the delay in reporting time, and a "no" indicated they did not believe they held preexisting bias towards these aspects of the case. This question was included after running two pilot studies. The first study included three questions (listed in Appendix B) regarding each potential pro-defense bias that were of interest and that commonly arise in these types of sexual assault cases (i.e., bias towards a teenager, bias towards delay, bias towards a family member as a defendant). Results from the pilot study showed that 100% of the participants stated they were not biased. Because of this ceiling effect, the question was reworded, and an additional question was added (quoted above). Results from this pilot round showed 33.3% of participants answered as biased to the question with multiple biases stated. In addition, the combined question captured all the potential elements of pro-defense bias present in the case they were about to read.

Rehabilitative and Standard Questioning Manipulation

Two types of voir dire questioning were examined: standard and rehabilitative. In the standard condition, participants completed the juror selection questionnaire (refer to Appendix B), then received standard wording referring the mock juror to the next part of the study reading, "Thank you for completing the juror questionnaire. Please imagine you have now been selected for trial and continue," and directed to the trial summary. However,

participants in the rehabilitation condition completed the juror questionnaire, and then were directed to an electronic message alongside a photo of a judge that stated that the venirepersons' responses on their juror questionnaire suggested that there may have been some concerns about their bias towards CSA cases, and that the law would require them to base their decision on the facts presented in the case (Appendix C). The message concluded with the judge asking the participants if they could set aside their personal feelings about child sexual abuse and base their decision on the law. Those who declined to put their bias aside were excluded from the study (n = 10), as they would be during jury selection.

Trial Summary

The trial summary (Appendix D) described the ongoing assault of a girl, Sarah, that happened when the complainant was eight years old, and lasted two years. The age of the victim was chosen based on research examining common ages of child sexual abuse victims (Connolly et al., 2009, 2010; McGuire & London, 2020). This study used only a female complainant because most CSA victims are female (McGuire & London, 2020). Delay time started from when the abuse started. Therefore, she reported to the court as a 16-year-old, which made a delay of eight years in reporting time. The age of reporting is common, as past research suggests that 90% of CSA victims will report between the ages 15-17 (McElvaney et al., 2020). The vignette then explained that after the complainant disclosed her abuse to a close friend, she brought it to the attention of the police. The trial summary described the complainant's accusations that she was fondled, and her breasts and vaginal areas were touched multiple times by her uncle. The type of allegation and amount of exposure to abuse has also been supported in the literature (Connolly et al., 2009, 2010; Read et al., 2006). The case study was pilot tested twice to ensure no ceiling or floor effects were present. In the

pilot study, 59% of participants voted guilty and 41% voted not guilty, whereas in the second pilot study, 77.8% of participants voted guilty and 22.2% of the participants voted not guilty. Additionally, the trial summary also included brief post-trial jury instructions to the mock jurors and the charge that the mock jurors were asked to consider (Appendix E). Mock jurors were asked to evaluate if the defendant is guilty or not guilty of the charge: continuous sexual abuse of a child.

Legal Judgements

After reading the vignette, jurors provided their legal judgements (Appendix F). First, they decided their verdicts on a dichotomous scale. Then, they were asked to provide a rating of how guilty they perceived the defendant to be, and how confident they felt in their verdict on 5-point scales (1 = not guilty to 5 = guilty; 1 = not confident to 5 = confident) to measure if juror rehabilitation was effective enough to impact their verdict. Therefore, lower guilt ratings indicated an acquittal (refer to Appendix F).

Manipulation and Attention Checks

Prior to the trial summary, participants read brief instructions on what the trial would be about (179 words) and what they could and could not do while participating in the study, then underwent a pre-trial attention check (Appendix G). After participants read the trial summary and completed all post-trial questionnaires, they were evaluated with four multiple-choice questions (Appendix H). Participants who failed the post-trial manipulation and/or attention check were removed from analyses. These participants were still fully compensated.

Results

Manipulation Checks

Results from a chi-square test of association suggested that the manipulation was successful, X^2 (1, N = 282) = 194, $p < .001$, as only 10.4% of the participants in the

rehabilitative condition and 6.8% of the standard condition incorrectly identified the number of times they saw the judge and failed the manipulation check. Overall, 91.5% of the sample correctly remembered seeing the judge only once during just the post-trial instructions when they were in the standard condition, or twice during both the post-trial instructions and during the rehabilitative question when they were in the rehabilitative condition. The 24 participants who answered incorrectly were removed from the analyses.

In addition, an independent samples t-test suggested a significant difference between participants' answers on the self-select bias question regarding their pre-bias CSAMQ scores, $t(1, 256) = -6.16$, $p < .001$, $d = -1.02$ [-1.36—0.68]. Participants who self-selected as biased scored significantly higher ($M = 2.54$, $SD = .43$) on the pre-CSAMQ than those who answered as not biased ($M = 2.13$, $SD = .39$). Therefore, it is clear that participants who self-selected as biased were more biased towards CSA than those who did not self-select as biased.

Conviction Rates

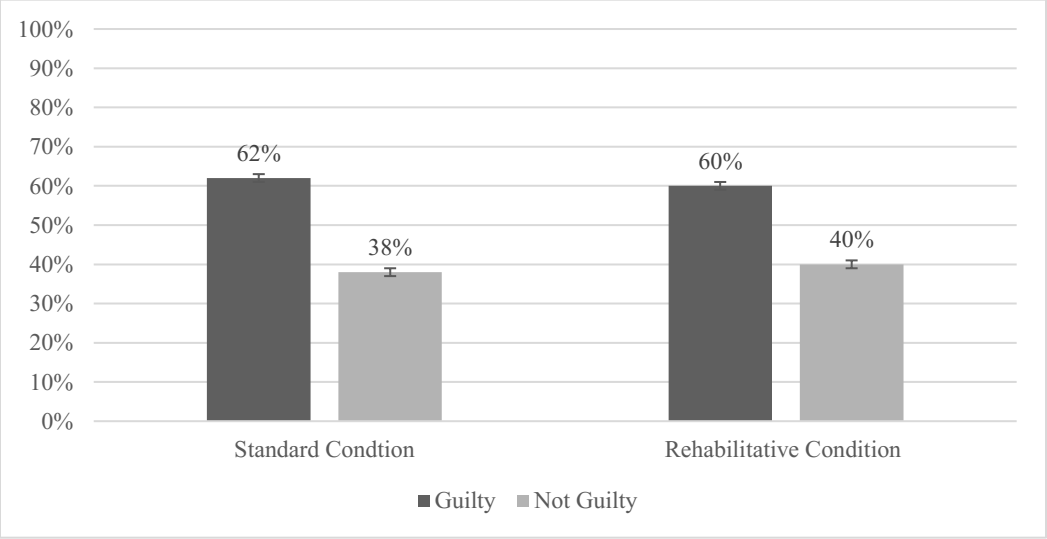
Before testing hypotheses, I e[x]amined the distribution of self-identified bias and verdicts. The majority of participants (82.9%) answered "no," indicating that they held no pre-existing bias. Most participants (61.2%) found the defendant guilty, but the distribution was even enough to allow for the manipulations to be successful (i.e., no ceiling effect).

The first set of hypotheses examined the impact of self-identified bias and the questioning received during voir dire, and how that might have predicted conviction rates. To test these, I conducted a 2 (biased, not biased) x 2 (rehabilitative questioning, standard questioning) between-subjects binomial logistic regression with verdict as the dependent variable, X^2 (3) = 19.3, $p < .001$. This model explained 6% (McFadden's R^2) of the variance

among overall verdicts. My first hypothesis predicted that those in rehabilitation would vote guilty more often than those who were not. However, the presence of rehabilitation did not influence the verdict, β = -.17, *p* = .57, OR = .85, 95% CI[.48 – 1.50] (Figure 3), (Rehabilitative Condition: 60.00% voted guilty; Standard Condition: 62.32%). Notably, there is a negative beta weight, which does provide evidence for more acquittals in the rehabilitative condition, though this is a small difference. Therefore, hypothesis one was not supported.

Figure 3

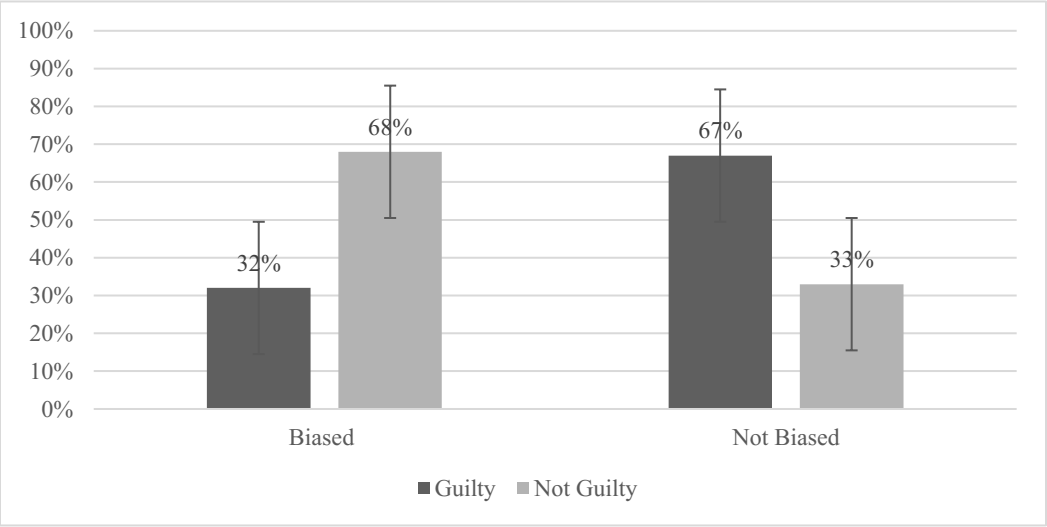
Conviction Rates Between Condition Types



However, the second hypothesis predicted that participants who self-identified as biased would vote the defendant as not guilty more often. There was support for the second hypothesis, as the conviction rate was 67.29% for those who said they were not biased and 31.82% for those who said they were biased, β = -1.56, *p* < .001, OR = 0.21, 95% CI[0.08 – 0.56] (Figure 4).

Figure 4

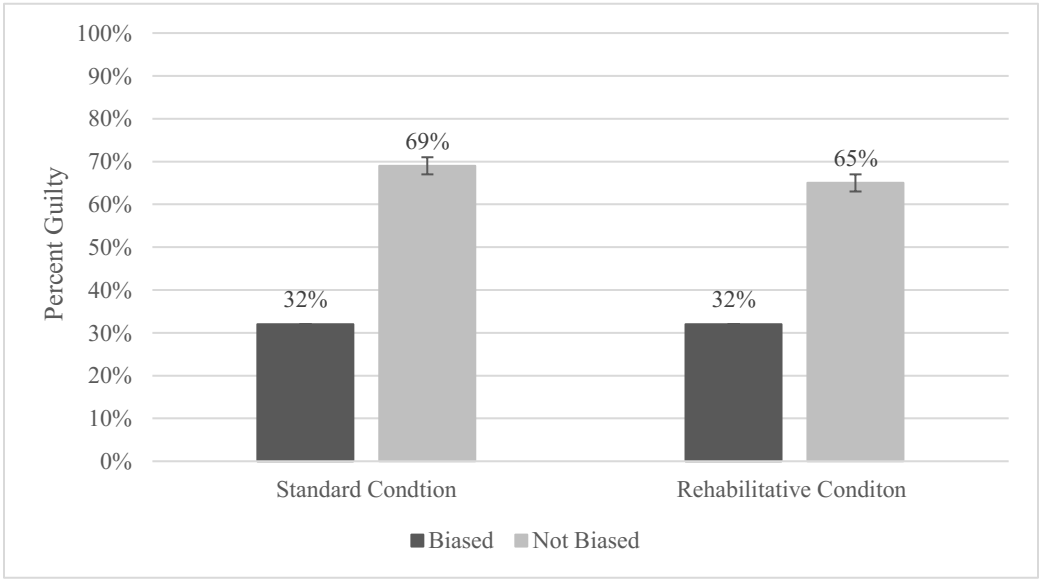
Conviction Rates Between Self-Identified Biased and Non-Biased Participants



The third hypothesis predicted an interaction between biased individuals and the questioning condition, such that there would be more of a difference for verdict between biased and non-biased participants when they did not receive rehabilitative questioning. The model did not provide support for the third hypothesis, $\beta = .15$, $p = .84$, OR = 1.16, 95% CI[.28 – 4.72] (Figure 5).

Figure 5

Conviction Rates Between Self-Identified Biased and Non-Biased Participants Among Condition Type

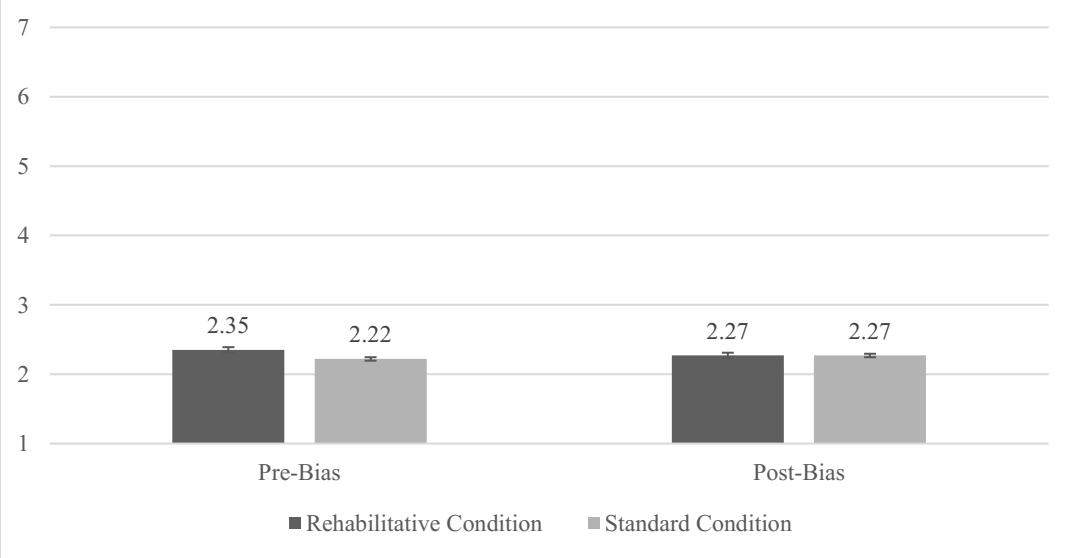


Biased Attitude Scores

The second set of analyses examined biased and non-biased participants within each condition and their changes in biased attitudes scores. To test this hypothesis, I conducted a 2 (between: rehabilitative questioning, standard questioning) x 2 (within: pre-biased score, post-biased score) x 2 (between: biased, not biased) mixed repeated measures ANOVA. My fourth hypothesis predicted an interaction between change in bias scores dependent on the questioning the participant received, where there would be a decrease for bias scores on the pre- to post-bias questionnaire in the rehabilitative condition but not in the standard condition. The overall findings suggested no interaction between bias scores and condition type, $F(1, 249) = .95$, $p = .33$, $\eta_p^2 = .004$ (Figure 6). Therefore, the fourth hypothesis predicting change in bias scores among each condition was not supported.

Figure 6

Change in Bias Scores Between Rehabilitative and Standard Conditions



However, there was a main effect for change in bias, such that bias significantly decreased, $F(1, 256) = 11.30$, $p < .001$, $\eta_p^2 = .043$, from the pre-scores on the CSAMQ

(M = 2.20, SD = 0.42) to the post-scores (M = 2.12 , SD = 0.47). As reported earlier, there was also a main effect for bias, $F(1, 256) = 40.67$, $p < .001$, $\eta_p^2 = .14$, people were able to correctly self-identify themselves as biased (M = 2.48, SD = .46) or not biased (M = 2.09, SD = .40). Though notably, these scores suggest an overall low perception of bias towards CSA cases. It is also worth noting that majority of the participants identified as not biased (82.9%) compared to those who admitted to biased attitudes (17.1%).

Exploratory Analyses

Perceptions of Guilt

While my hypotheses concerning the verdict were not supported, there may be more evidence when using a continuous variable. Therefore, I ran additional exploratory analyses using perceptions of guilt as a dependent variable, where the perceptions of guilt answers are more widely distributed (M = 3.50, SD = 1.22). The overall model of a one-way ANOVA suggested similar patterns of findings, $F(1, 254) = 8.37$, $p < .001$. There was a main effect for bias, $F(1, 254) = 23.26$, $p < .001$, $\eta_p^2 = .06$, where participants who self-identified as biased perceived the defendant as less guilty (M = 2.82, SD = 1.19) than those identified as not biased (M = 3.64, SD = 1.18). No relationship was found on perceptions of guilt between question type conditions, $F(1, 251) = 5.42e\text{-}8$, $p = 1.00$, $\eta_p^2 = .00$, and no interaction was detected, $F(1, 251) = 1.34$, $p = .25$, $\eta_p^2 = .01$.

Perceptions of Pressure from the Judge

The present study's main research question was not concerned with perceptions of the judge. However, in addition to evaluating the impact of rehabilitation on verdicts and bias scores, Crocker and Kovera (2009) also examined whether rehabilitation impacted feelings of pressure from the judge. To test whether the pressure differed among the conditions in the

present study, I ran an independent samples t-test to compare each condition related to these factors. There was no statistical difference on feelings of pressure from the judge, $t(1, 256) = 1.86$, $p = .06$, $d = .23$, 95% CI [-.02 - .48], between questioning conditions (rehabilitative condition: $M = 1.70$, $SD = 1.11$; standard condition: $M = 1.46$, $SD = .93$). Though notably, these differences were approaching significance with a small to medium effect size. Additionally, 70.2% of the participants reported feeling no pressure from the judge at all ($M = 1.57$, $SD = 1.02$). Due to this non-normal distribution, I created a dichotomous variable for pressure – those who felt pressure and those who did not. I then tested if feeling pressure versus feeling no pressure was related to the condition participants were in using a chi-square test. Results suggested that there was no relationship, $X^2 (1) = 2.85$, $p = .09$, OR = .63, 95% CI [.34 – 1.08], between feeling pressure from the judge and the condition the participants experienced. Because pressure did not differ between conditions, I did not report pressure in relation to verdict.

Potential Explanation for Change in Bias Scores

Given that our predicted variable, rehabilitative questioning, was not impactful, even on the more continuous variable of perceptions of guilt, and participants did not feel pressure overall from the judge, I explored whether a different variable might predict the change in scores regrading biased perceptions by looking at previous sexual assault history. Experience with sexual assault or sexual abuse is often used in courts as an indicator of bias (Alschuler, 1989), perhaps due to the empathy that they feel for the victim (Quas et al., 2002), or lack thereof. First, I analyzed the makeup of participants who reported having an experience or knowing someone who had an experience with sexual assault. Overall, 54.3% of that sample responded as 'yes.' Of those that responded with 'yes,' 45.7% reported experiencing sexual

assault themselves, 70.7% reported having someone close to them who has experienced sexual assault, and 65.7% reporting knowing someone who has experienced sexual assault. However, a correlation using change score for biased perceptions suggests that overall, exposure to a sexual assault experience is not related to the change in bias score, $r = .03$, $p = .68$. Neither was being a victim of sexual assault, $r = -.01$, $p = .95$, knowing a victim, $r = .001$, $p = .99$, nor being close to a victim, $r = .06$, $p = .49$, were related to the change in biased perceptions and attitudes.

Discussion

The purpose of this study was to look at juror rehabilitation as a mechanism to reduce pro-defense biases that are common among CSA cases in mock jurors. Specifically, in this study, jurors read about a case of CSA with a family member as the perpetrator, where the victim delayed reporting several years and reported as a teenager. Two main effects were noted. First, not surprisingly, participants who identified as letting pro-defense attitudes impact their decision-making rendered fewer guilty verdicts and scored higher on the bias measure than those who said they would not let any attitudes impact them. Secondly, biased perceptions showed a significant decrease throughout the course of the study that was unexplained by the hypothesized variables. Most importantly, the overall findings of the study suggest that experiencing rehabilitative questioning is not predictive of the verdict, nor did it aid in the decrease in biased perceptions and attitudes.

With regard to the first finding, biased participants were still more likely to not convict the defendant, regardless of if they experienced rehabilitative questioning or not. This indicates that participants who self-identified that pro-defense attitudes would influence their decision-making process were truly voting pro-defense. Therefore, the present study

provided evidence that participants were able to correctly identify themselves as biased or not. Additional support for accurate sorting was found when examining the relationship between self-identified bias and measured bias—participants who self-identified as biased had higher scores on the scaled measure of bias. This kind of information has implications for court settings during voir dire (Alschuler, 1989). Challenges for cause are used to remove a juror who has presented biased perceptions, yet these are rarely granted because it must be proven that the juror is biased and that these perceptions will influence due process. Perhaps knowing that jurors can truthfully gauge their own bias may make it easier for challenges for cause to be granted, increasing the likelihood of an impartial jury.

The decrease in biased perceptions was not explained by sexual assault history. However, this change in bias could have arisen from social desirability (Bellizzi & Bristol, 2005; Karakostas & Zizzo, 2016), where the participant would be answering in a way that they believed would please the researcher. In the case of the present study, it would be socially desirable for participants to respond in a way that suggested a decrease in biased perceptions. It's possible that after they heard the judge's warnings about neutrality and read the case, they felt they should answer the bias questions to indicate fewer preconceived ideas.

Another explanation for the change in biased perceptions could be due to the design of the study. The change in bias was measured used a within-subjects design. Within-subjects designs offer both pros and cons. Though these designs allow for smaller samples sizes with more power, within-subjects designs can be weakened due to the carry-over and practice effects that can occur when completing the same task more than once. Here, all participants saw the same pre- and post- test within a short period of time. Therefore, it is likely that due to the short period of time taken to complete the study, participants' responses in the post-

bias measure were influenced by the recognition of the questions from taking the pre-bias measure. However, this slight change in biased perceptions was expected through using this design.

Notably, although a change in bias was statistically supported, there might not have been a big enough change to make a difference in court, given that the mean difference was about one-tenth of a point. Additionally, the effect size and mean differences are quite small. Therefore, I do not want to put too much emphasis on this change in bias.

This brings me to the most important question regarding the impact of rehabilitation. This study's finding that rehabilitative questioning does not impact conviction rates is partially consistent with Crocker and Kovera (2009), where the authors found rehabilitative questioning did *not* influence the binary verdict but *was* predictive of both the continuous guilt measure and a change in bias. Here, there was not support for either. If rehabilitation works as the court intends it to, then conviction rates should have differed between the rehabilitative and standard conditions, and change in biased perceptions and attitudes, in regard to rehabilitative questioning. Rehabilitation was hypothesized to reduce biased perceptions and alter verdict decisions for the self-identified biased participants. However, I found no such effect. Alternatively, Crocker and Kovera (2009) provided evidence that rehabilitation did influence these dependent variables, regardless of bias group membership. This was also not supported in this present study. There are a few explanations for why rehabilitative questioning did not work in the present study.

Juror rehabilitation occurs under the assumption that reminding jurors of the importance of the case will convince biased jurors to set aside their biases for the sake of the case, even after initially claiming partiality. However, biased participants appeared to not set

their biases aside. This might be because people in general are not good at ignoring their own biased perceptions. When the stakes are low, such as someone's life is not at risk of punishment or victimization, it may be easier for participants to rely on their biases and ignore instructions from the simulated judge. It could be that participants in this study were not invested sufficiently to really be motivated to set aside their biases.

Additionally, rehabilitation did not appear to have a relationship with the exploratory variables. Crocker and Kovera (2009) found that participants reported feeling more pressure when undergoing rehabilitative questioning. An alternate explanation for why rehabilitative questioning did not work in the present study is because there was a large number of participants who reported feeling no pressure from the simulated judge. Crocker and Kovera (2009) argued that this felt pressure drove the verdict changes found in their study. The authors there ran the study in-person with both an actor playing a judge, and with a video of a judge, which might have increased the realism of the rehabilitation. This study was conducted online, which creates more distance from the "judge." While I hoped that using a photo of a judge would be sufficient to trigger that sense of pressure, I was not successful. In the present study, there were minimal feelings of pressure indicated throughout the sample, as majority of the participants reported feeling no pressure at all.

Overall, past research has found juror rehabilitation to not influence the verdict (Crocker & Kovera, 2009; Salerno et al., 2021). However, there have been contradicting findings regarding changes in bias. Crocker and Kovera (2009) found rehabilitation to decrease measured biased perceptions. Yet the other research (Salerno et al., 2021) has found rehabilitative questioning to be unsuccessful in influencing measured bias, but successful in reducing perceptions of self-identified biased, where people think they are less biased. The

present study was consistent with the notion that rehabilitative questioning does not work to reduce bias, let alone let that change in biased perceptions influence the verdict. Though more research should be conducted, this study adds to the prior research by Crocker and Kovera (2009) and Salerno et al. (2021) to suggest that perhaps rehabilitative questioning does not work in the way that the court assumes it to (Crocker & Kovera, 2009; Salerno, et al., 2021), and the court may need to refrain from using this tactic.

Limitations

The main limitations to this study are concerned with the applicability to the court room. The study took place in an online setting, which does not reflect the environment of a court room. In addition to the environment, the timing and content of the case and court process do not resemble that of what would happen in court. Though I attempted to maintain ecological validity by utilizing juror questionnaires, juror instructions, and charges, there are many aspects of a trial that are missing from the present study, such as pressure from attorneys and peers, the lengthy and verbal arguments of attorneys, and the overall feeling of being in a court room, to name a few. Some of these design choices may have led to the lack of relationships among the variables that has been supported in past research. Perhaps an audio or video recording of a trial may have provided for a stronger manipulation effect, and therefore, I might have replicated similar results found in other juror rehabilitative research.

There were other limitations which stemmed from the inconsistencies between the present study and Crocker and Kovera (2009). First, among my sample, there was a large difference in those who identified as biased/not biased. Perhaps, this may have affected my results. The present study only had 17% of the participants who self-identified as biased, which would have created too small of a sample size to confidently interpret any results.

Having said that, people are unlikely to reveal themselves as biased out of fear of looking bad in front of their constituents (Bellizzi & Bristol, 2005). Therefore, this large difference between self-identified biased and non-biased participants may resemble what would occur in a real court case.

It could also be that this study design could not properly account for bias in two different directions. The measure of bias in this study was a pro-defense one. Efforts were made to design the case such that it triggered pro-defense bias (e.g., delayed disclosure, reporting during teenage years), but the measures did not allow me to carefully pick apart and account for the directionality of the bias among individual participants. Crocker and Kovera (2009) used a bias which allowed for singular directionality.

Future Directions

There is a limited amount of the research conducted in the U.S concerning bias against delayed disclosure. Further, insufficient research has been completed concerning juror rehabilitation, with only two known experimental studies published (Crocker & Kovera, 2009; Salerno et al., 2021). Therefore, this study contributes to our limited understanding of the efficacy of juror rehabilitation. What is known about juror rehabilitation is that each jurisdiction is unique in their court processes (Cramer et al., 2009). Consequently, this study operationalized rehabilitation in a way that might not be relevant in all court settings. Perhaps an archival analysis or observational studies may be able to answer additional questions about the process of juror rehabilitation. However, this method of data collection comes with its own set of limitations, such as being unable to detect a change in biased perceptions. However, this methodology may allow future research to detect the types of biases present and how those biases are potentially influencing the verdict.

Additionally, future studies may want to address the different kinds of biases that present themselves in court and how to prevent those from influencing the decision-making process. The present study did not collect both pro-prosecution and pro-defense biased participants. Therefore, comparing these two perceptions might merit for future directions. Seeing that rehabilitative questioning has not been supported by past research (Crocker & Kovera, 2009; Salerno et al., 2021) or the present study, future research may want to begin to test for other agents in the court process that may be responsible for managing biased attitudes and perceptions.

Implications and Conclusion

Overall, this study adds to the psychological research concerning both delayed reports of CSA and juror rehabilitation. According to the Sixth Amendment, the jury should be impartial (Bureau of Justice Assistance [BJA], 2019). Notably humans are not perfect, so bias in the court room, whether it is implicit or explicit, is inevitable. The present study and past literature suggest that juror rehabilitation is not flawless (Crocker & Kovera, 2009; Salerno et al., 2021). Perhaps, rehabilitative questioning did not work due to participants not being able to separate their own biased perceptions from their decision. It also could be that the manipulation in the present study was not strong enough to detect any effects. However, regardless of the rehabilitative question, there was a difference in the way that biased and non-biased jurors perceived and convicted the defendant, so it is important that the court has mechanisms to aid against these biases that are ultimately going to arise. There are other tools available to the court, such as expert testimony, jury instructions, and other methods (Cramer et al., 2009), which may be more useful. On a final note, asking a juror to set aside

their biases did not work to reduce bias, which could be evidence that the courts should refrain from using this tactic.

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Appendix A

To: Hannah Castrogiovanni
Psychology
CAMPUS EMAIL

From: IRB Administration
Date: 9/27/2021
RE: Notice of Exempt Research Determination
Agrants #:
Grant Title:

STUDY #: 22-0023
STUDY TITLE: Juror Rehabilitation

Exemption Category: 2.Survey, interview, public observation

NOTE: This project, like all exempt and non-exempt research with human subjects at Appalachian State University, is subject to other requirements, laws, regulations, policies, and guidelines of Appalachian State University and the state of North Carolina. As of August 26, 2021 and until further notice, this includes additional requirements for protections against COVID-19. Please go here for the additional requirements that you must fulfill.

This study involves no more than minimal risks and meets the exemption category or categories cited above. In accordance with the 2018 federal regulations regarding research with human subjects [45 CFR 46] and University policy and procedures, the research activities described in the study materials are exempt from IRB review.

What an exempt determination means for your project:

1. The Office of Research Protections staff have determined that your project constitutes research with human subjects, but that your research is exempt from the federal regulations governing human subjects research, per 45 CFR 46.104.
2. Because this research is exempt from federal regulations, the recruitment and consent processes are also exempt from Intuitional Review Board (IRB) review. This means that the procedures you described and the materials you provided were not reviewed by the IRB, further review of these materials are not necessary, and that you can change the consent procedures without submitting a modification.
3. **You still need to get consent from adult subjects and, if your study involves children, you need to get assent and parental permission.** At the very least, your consent, assent, and parental permission processes should explain to research subjects: (a) the purpose, procedures, risks, and benefits of the research; (b) if compensation is available; (c) that the research is voluntary and there is no penalty or loss of benefits for not participating or discontinuing participation; and (d) how

to contact the Principal Investigator (and the Faculty Advisor if the PI is a student). You can also use exempt research consent template, which accounts for all of these suggested elements of consent: https://researchprotections.appstate.edu/human-subjects-irb/irb-forms. **Please note that if your consent form states that the study was "approved by the IRB" this should be removed. You can replace it with a sentence that says that the study was determined to be exempt from review by IRB Administration. In addition, be sure that the number you have listed for the IRB is 828-262-2692**

4. **Special procedures and populations for which specific consent language is suggested.** Research involving children, research that uses the SONA database for recruitment, research with students at Appalachian State University, or research that uses MTurk for recruitment should use the specific language outlined by The Office of Research Protections on our website.
5. **Study changes that require you to submit a modification request**: most changes to your research will not require review by the Office of Research Protections. However, the following changes require further review by our office:

    - the addition of an external funding source;
    - the addition of a potential for a conflict of interest;
    - a change in location of the research (i.e., country, school system, off site location);
    - change in contact information for the Principal Investigator,
    - the addition of non-Appalachian State University faculty, staff, or students to the research team, or
    - **Changes to study procedures.** If you change your study procedures, you may need to submit a modification for further review. Changes to procedures that may require a modification are outlined in our SOP on exempt research, a link to which you can find below. Before submitting a modification to change procedures, we suggest contacting our office at irb@appstate.edu or (828) 262-2692 to confirm whether a modification is required.

Investigator Responsibilities: All individuals engaged in research with human participants are responsible for compliance with University policies and procedures, and IRB determinations. The Principal Investigator (PI), or Faculty Advisor if the PI is a student, is ultimately responsible for ensuring the protection of research participants; conducting sound ethical research that complies with federal regulations, University policy and procedures; and maintaining study records. The PI should review the IRB's list of PI responsibilities.

To Close the Study: When research procedures with human participants are completed, please send the Request for Closure of IRB Review form to irb@appstate.edu.

If you have any questions, please email IRB@appstate.edu or contact the Director of Research Protections at (828) 262-2692.

Best wishes with your research.

Important Links for Exempt Research:

Note: If the link does not work, please copy and paste into your browser, or visit https://researchprotections.appstate.edu/human-subjects.

1. Standard Operating Procedure for exempt research (#9): https://researchprotections.appstate.edu/sites/researchprotections.appstate.edu/files/sop_9_approved_1.21.2019.pdf

2. PI responsibilities: https://researchprotections.appstate.edu/sites/researchprotections.appstate.edu/files/PI%20Responsibilities.pdf

3. IRB forms: http://researchprotections.appstate.edu/human-subjects/irb-forms

Appendix B

Juror Questionnaire

You are about the begin the study. Please imagine that you have been called for jury duty and are about to go through the jury selection process. We ask that you are truthful and honest with each of your responses. Remember to read thoroughly.

Please make sure that you have accurately responded to all questions before pressing 'next' as you will not be allowed to go back and change your answers.

Please complete the following questionnaire to assist the Court and counsel in selecting a jury to serve in the case of United States v. Harken. The purpose of these questions is not to ask unnecessarily about personal matters. It is simply to determine whether a perspective juror can decide the case fairly and impartially. This questionnaire will not be made public.

DEMOGRAPHICS

1) What is your age?_____

2) What is your gender?
- Male
- Female
- Non-binary
- Transgender
- Prefer not to say

3) What is your race/ethnicity?
- White, Non-Hispanic
- African American
- Hispanic
- Asian/Pacific Islander
- Native American
- Prefer not to answer

4) What is your relationship status?
- Single, never married
- Divorced/Separated
- Widow/Widower
- Prefer not to answer

5) (a) Do you have any children?
- Yes
- No
- Prefer not to answer

(b) If yes, what is the age and sex of each child (separate each child with a semicolon):

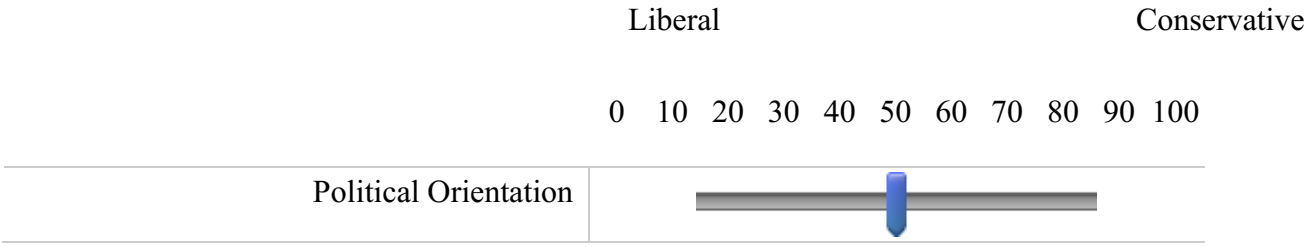
_____

6) What is your employment status?
- Employed
- Unemployed (e.g., caretaker, laid off, disabled, unable to work, retired)
- Primarily a Student
- Other
- Prefer not to say

7) What was your highest level of education?
- Some High School
- High School Degree
- Some college
- College Degree (Associates or Bachelor's)
- Graduate Degree

(b) What is or was your area of study or chosen career field?
- Behavioral Sciences
- Business
- Education
- Fine and Applied Arts
- Health Sciences
- Mathematical/Computer Sciences
- Natural Sciences
- Other

8) What is your political orientation?



9) Have you ever been the victim of a crime?
- Yes
- No

10) Have you ever served on a jury before?
- o Yes
- o No

MEDIA INTERESTS

11) What newspapers and magazines do you read regularly?

_____

12) What television news shows do you watch regularly?

_____

13) Have you read any crime genre books in the last six months?
- o Yes
- o No

14) Do you consider yourself a true crime fan?
- o Yes
- o No

15) Have you watched any crime-related TV or movies in the last six months?
- o Yes
- o No

16) Do you follow crime stories or criminal cases in the news?
- o Yes
- o No

If yes, what cases or stories have you followed recently?

_____

_____

The case you are being considered for involves a teenage girl claiming that she was abused several years ago by her uncle. The following questions are meant to measure your attitudes about these types of cases.

PERCEPTIONS OF CHILD VICTIMS

	Strongly disagree			**Neither agree nor disagree**			**Strongly agree**
1. An abused victim will typically cry for help and try to escape.	1	2	3	4	5	6	7
2. The perpetrator of child sexual abuse is normally a stranger to that victim.	1	2	3	4	5	6	7
3. When a victim delays in reporting sexual abuse, this is evidence of lying.	1	2	3	4	5	6	7
4. All victims of sexual assault respond in the same way to sexual abuse.	1	2	3	4	5	6	7

5. Child victim sometimes make false claims of sexual abuse to get back at an adult.	1	2	3	4	5	6	7
6. A victim of sexual abuse will avoid the abuser.	1	2	3	4	5	6	7
7. A victim who shows no signs of distress has not been abused.	1	2	3	4	5	6	7
8. Inconsistencies in a victim's report of sexual abuse indicate that the report is false.	1	2	3	4	5	6	7
9. A victim who returns to, or spends time with the alleged offender, is unlikely to have been abused.	1	2	3	4	5	6	7
10. Few child sex abuse cases are based on physical evidence.	1	2	3	4	5	6	7
11. Victims who are abused display strong emotional reactions.	1	2	3	4	5	6	7
12. Victims sometimes make up stories about being sexually abused when they actually have not.	1	2	3	4	5	6	7
13. Children ages 7 or 8 years are no more influenced by leading questions than adults.	1	2	3	4	5	6	7
14. It would be wrong to convict someone of a crime if the only eye-witness was a 7 or 8-year old.	1	2	3	4	5	6	7
15. Children ages 7 or 8 years are no more or less able than adults to distinguish imagined from experienced events.	1	2	3	4	5	6	7
16. Children ages 7 or 8 years can be easily manipulated to give false reports of sexual abuse.	1	2	3	4	5	6	7
17. The memories of children ages 7 or 8 years for emotionally traumatic events are not as accurate as adults.	1	2	3	4	5	6	7

18. There is no one set of symptoms or behavior that indicates whether a victim has been sexually abused.	1	2	3	4	5	6	7

19) Have you, or any family member or close friend, ever been a victim or perpetrator in a criminal case (whether or not the case has been reported to the police)?

- Yes
- No

20) Have you, someone close to you, or someone you know, ever experienced sexual abuse or sexual assault?

- Yes
- No

If you answered yes to the previous question…

- I have experienced sexual assault
- Someone close to me has experienced sexual assault
- Someone I know has experienced sexual assault

21) The trial you are about to read about involves a teenager who claims that a family member abused her years ago, although she waited until recently to tell anyone. Would these facts give you pause when considering your verdict?

- Yes
- No

Thank you for completing the juror questionnaire. Please imagine you have now been selected for trial and continue.

The following questions were used in the pilot study:
1) Will the fact that the person making a claim of abuse is a teenager affect your ability to serve fairly and impartially?

- Yes
- No

2) Will the fact that the defendant is a family member of the complainant affect your ability to serve fairly and impartially?

- Yes
- No

23) Will the fact that the alleged abuse is being reported now, but allegedly took place several years ago affect your ability to serve fairly and impartially?

- Yes
- No

Appendix C

Rehabilitative Question

Message from District Judge Mark Schweizer:
Dear Jurors,
Based on your pattern of responses on your questionnaire, you have responded as holding strong attitudes about child sexual abuse cases. Bear in mind that it is your duty to set your attitudes aside and rely only on the facts presented to help you make your decision. Not only is this your duty, but it is the law. Please indicate now if you feel you are unable to set your attitudes aside and only base your decision on the facts of the case.

Can you put aside any personal beliefs you have about a sexual abuse case and base your decision solely on the law and on the facts presented in court?

- Yes
- No

Please imagine you have now been selected for trial and continue.

Appendix D

Trial Summary

Overview of the Case

This is a criminal trial for the alleged sexual abuse of the complainant Ms. Sarah Crawford by the defendant, Mr. Gerald Harken. It is alleged that Ms. Crawford was sexually abused by her uncle, Mr. Harken, beginning in June of 2014 when she was 8 years old, lasting for two years until she was 10 years old in July of 2016. Sarah is now 16-years old. Recently, Sarah brought her complaint to the police in August of 2020. Mr. Harken was charged with Continuous Sexual Abuse of a Child, a Class 2 Felony. Mr. Harken has pled not guilty to the sexual offense charge. The defense will argue that Ms. Crawford fabricated the allegations.

Prosecution's Case

Direct Examination. Ms. Sarah Crawford testified that when she was six years old, her uncle, named as the defendant Mr. Gerald Harken, began spending more time with her. He would buy her toys, took her out to lunch, and constantly told her how much of a beautiful woman she was growing into. The month of Sarah's 8th birthday, her uncle placed his hand on her thigh in the car, telling her that it was his way of telling her he loved her. Sarah testified that this behavior quickly graduated into her uncle touching her many times inappropriately and molesting and touching her breasts and vaginal area both under and over her clothing whenever he took her out on their weekly outings. These behaviors only stopped when Sarah's family moved away for her father's job. She explained how the defendant, Mr. Harken, told her that this was their special time and that no one could know about what happens in their car rides. Sarah explained how she now feels naïve and regrets not telling anyone until now. She explained that she felt comfortable enough to tell her friend one night at a sleepover, and her friend convinced her to tell the police.

Cross Examination. Ms. Crawford confirmed that she continued going out with her uncle every week, even after feeling uncomfortable by their car rides, claiming that she did not exactly understand that it was wrong. She also confirmed that she realized that it was wrong years prior to telling her friend and filing her report. When asked why she waited so long to report the abuse, she replied vaguely stating that she was embarrassed and didn't think anyone would believe her.

Defense's Case

Direct Examination. Mr. Gerald Harken testified that he did take Sarah out on the weekends, but that he also did that with his other nieces and nephews, so she wasn't the only child in the family that he spent his time with. He claimed that he never once touched Ms. Crawford inappropriately and is confused as to where these stories come from. He completely denied any sexual interaction with his niece, Ms. Sarah Crawford.

Cross Examination. Mr. Harken confirmed that he would complement Sarah and call her beautiful. He also confirmed that he took Sarah out more often than he did her cousins, explaining that she lived closer than her other cousins.

Closing Arguments

Prosecution. The prosecution reminded the jury of the testimony from Ms. Sarah Crawford that Mr. Gerald Harken put Ms. Crawford through, which will carry on with her for years to come. They argued that by sexually molesting Sarah, he had taken an innocence from her that she will never get back, and that he is solely responsible for her abuse. The

prosecution explained that convicting Mr. Harken may be the start to a long journey of healing for their client, but that she can heal in peace knowing that her abuser no longer has the opportunity to take advantage of her ever again. The lawyer concluded by explaining how these behaviors and actions are under no circumstance considered to be accidental contact and that Mr. Harken took advantage of Ms. Crawford for his own sexual gratification.

Defense. The defense reviewed the testimony from Mr. Gerald Harken explaining how he was a caring and thoughtful uncle who took all of his nieces and nephews out. The defense argued that Mr. Harken played no part in the psychological distress Ms. Crawford may be experiencing now as a 16-year-old girl, and that these accusations have been completely fabricated. Mr. Harken has only ever wanted to be a great uncle to Ms. Crawford and wants to get her the help that she needs, but that this is not the proper route of healing. The defense argued that convicting Mr. Harken of these alleged crimes would be a miscarriage of justice.

Appendix E

Instructions to Jurors

Judge Mark Schweizer provided the jurors with the following instructions:

Members of the jury, now it is time for me to instruct you about the law you must follow in deciding this case. You have two main duties as a juror. The first one is to decide what the facts are from the evidence that you have read. Deciding what the facts are is your job, not mine, and nothing I have said or done during this trial was meant to influence your decision about the facts in any way. Your second job is to take the law that I give you, apply it to the facts, and decide if the government has proven the defendant guilty beyond a reasonable doubt. Do your jobs fairly. Do not let any attitudes, sympathy, or prejudice that you may feel for or against either side influence your decision in any way.

The law presumes that the defendant is innocent. This presumption of innocence stays with the defendant unless the government presents evidence in court that overcomes the presumption of innocence and convinces you beyond a reasonable doubt that the defendant is guilty. Proof "beyond a reasonable doubt" does not mean proof that amounts to absolute certainty, or beyond all possible doubt. Doubts that are merely imaginary, or that arise from nothing more than speculative possibilities, or that are based only on sympathy, prejudice, or guessing are not "reasonable" doubts.

Charge: Continuous Sexual Abuse of a Child

The charge you are being asked to consider is continuous sexual abuse of a child, which is a Class 2 felony. A person is guilty of continuous sexual abuse of a child if the jury believes the defendant, over a period of three months or more in duration, engages in three or more acts in violation with a child who is under fourteen years of age. To convict a person of continuous sexual abuse of a child, the trier of fact shall unanimously agree that the requisite number of acts occurred. The trier of fact does not need to agree on which acts constitute the requisite number.

Appendix F

Legal Perceptions

I find the defendant…

- Guilty
- Not Guilty

Answer the following questions:

	Not at All	A little	Somewhat	A lot	Extremely
How guilty do you perceive the defendant to be?					
How confident do you feel in your verdict?					
How credible did you perceive the alleged victim?					
How pressured did you feel from the judge?					
How much did the judge's reminder to base your decision on the facts presented in the case influence your decision?					
How believable did you perceive the victim?					
How believable did you perceive the defendant?					

Would you be less likely to believe a delayed report of CSA or an immediate report CSA?

Delayed Report: Reported 2 or more years after the alleged incident

Immediate Report: Reported less than 2 years after the alleged incident

- I would not believe a delayed report.
- I would be less likely to believe a delayed report.
- I find both a delayed report and an immediate report of CSA equally believable.
- I would be less likely to believe an Immediate report.
- I would not believe an Immediate report.

Appendix G

Pre-Trial Attention Check

[Participants will be given two chances to answer these questions correctly. If they fail the second time, they will be excluded from participation and not compensated.]

Please imagine yourself assuming the role of a juror who has been empaneled for the trial you will read about. This trial concerns the complainant Ms. Sarah Crawford, and the defendant, Mr. Gerald Harken. After reading through a summary of the trial, you will be asked to answer questions about it. You will not be able to change your responses or re-read the trial summary once you move on to the next page, so make sure you read the trial summary carefully enough that you will be able to answer questions about it. Please feel **free to take notes** as you read it. You may exit the survey at any time, but if you do not complete it, you may not be paid for your participation.

Before reading the trial summary we want to make sure that you are paying attention. The next questions are about the paragraph above. If you do not answer these questions correctly you will be directed out of the study and you will receive partial payment for the work that you've done so far.

1) Who is this trial about?
    - Ms. Crawford and Mr. Harken
    - Ms. Smith and Mr. Jenkins
    - Ms. Reynolds and Mr. Gifford

2) Are you allowed to take notes?
    - Yes
    - No

3) Can you go back and re-read the trial summary?
    - Yes
    - No

Appendix H

Post-Trial Manipulation/Attention Check

1) What is the name of the complainant (alleged victim)?
    - Josephine Harsens
    - Sarah Crawford
    - Ellie Harken
    - Susan Crinkle
2) How long did the victim wait to report the abuse?
    - Immediately after
    - Some years later
    - More than 10 years after
3) What was the defendant's relationship to the complainant?
    - He was her coach
    - He was her stepfather
    - He was a neighbor
    - He was her uncle
4) Did you hear from the judge once or twice?
    - Once
    - Twice

Vita

Hannah D. Castrogiovanni was born in Oak Lawn, IL, to Cara R. and Martin P. Castrogiovanni. Hannah graduated from Douglas High School in 2016 in Douglas, Wyoming. In August 2016, she began her undergraduate career in South Dakota at Black Hills State University, where she earned her Associates of Science degree within her first year. Then, in 2019, Hannah graduated with a Bachelor of Science degree in psychology and a minor in sociology. Throughout her undergraduate career, Hannah was involved in various research labs, and worked her way to becoming the manager of her Students of Law and Psychology Lab and paved the way for future students within the lab. After earning her bachelor's degree, Hannah took a year off from education, but continued to manage the research lab and presented research at a national conference, under the mentorship of Dr. Alissa Call.

Soon after, Hannah enrolled in Appalachian State University's Experimental Psychology Master of Arts program during the heart of the pandemic in 2020 and is now expected to graduate in May 2022. During her time at Appalachian State University, she presented her research at multiple national conferences, received internal research grants, and is in the process of writing a manuscript for publication with her mentors Dr. Twila Wingrove and Dr. Alissa Call. Aside from her academic accomplishments, Hannah also successfully co-owned a business during her time in graduate school, which works with populations with low socioeconomic status and provides them with skills and guidance that will aid them on a journey towards self-sufficiency. Hannah hopes to bring the skills she learned at her time at Appalachian State University to answer questions that will provide more guidance for special populations in her community.