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## Factors that Influence Mock Jurors' Perceptions of Child Credibility

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### ABSTRACT

Child sexual abuse (CSA) remains a significant societal problem; however, few CSA cases are actually brought to trial. The cases that do proceed to trial typically involve little evidence, therefore, it is imperative that legal professionals become more aware of possible factors that may contribute to jurors' perceptions of child complainants and in turn influence their case decisions. The goal of this study was to investigate the influence of jury instructions, child complainant age, child's level of sexual knowledge, and preexisting beliefs about CSA on mock jurors' child credibility ratings. Participants ( $N = 388$ ) evaluated a mock CSA trial transcript and answered questions related to the child's credibility. Results indicated that child credibility was dependent on mock jurors' knowledge about CSA, which in turn, differed by mock juror gender. Pre-evidence jury instructions also influenced mock jurors' CSA misconception endorsements. Child sexual knowledge level did not influence credibility, nor did it interact with child age. Our study suggests that specialized pre-evidence jury instructions may educate legal fact finders about alleged CSA victims and in turn may enhance their views of children in this specific legal context.

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In 2017, approximately 4.3 million children were referred to the U.S. child welfare system for child maltreatment investigations, and about 17% of those children ended up being classified as victims of maltreatment (U.S. Department of Health & Human Services, 2019). About 10% of these victims experienced sexual abuse, which is over 50,000 children. Few of these cases lead to criminal conviction. In a meta-analysis of studies concerned with the prosecution of child abuse cases, Cross et al. (2003) reported that out of 100 child abuse referrals for prosecution, 68 would be charged, 52 would be carried forward to trial, nine of the cases would actually go to trial (with the remaining cases accepting a guilty plea), and only six of these tried cases would result in a conviction of the defendant.

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It is important to consider what contributes to the small number of cases carried forward to trial. One possible explanation is that there is a low bar for the decision to refer CSA cases for prosecution. Given the seriousness of the allegation, the thinking might be that the case should not be cut short at the outset, but rather have another review before being halted. Another possibility could be that these cases frequently lack additional evidence to corroborate the child complainant's allegations. Prosecutors may not take the case to trial due to the sheer ambiguity of the evidence typically associated with CSA cases, raising concerns that the jury will not convict. The liberation hypothesis (Devine et al., 2009; Kalven & Zeisel, 1966) states that jurors are often "liberated" from the constraints of presented evidence when the strength of evidence for a case is weak and/or does not clearly favor the prosecution or defense. Given these case circumstances, jurors are allowed to rely on their preexisting knowledge, beliefs, and attitudes to render legal decisions. Following this logic, cases involving CSA may lead jurors to rely on their intuitions and personal biases to evaluate the credibility of the child witness and render a verdict decision, rather than engaging in an effortful evaluation of the case. Because so few CSA cases are brought to trial and those cases that do come to trial involve little evidence (Brewer et al., 1997; Ernberg & Landström, 2016; Lewis et al., 2014; Schafran, 2015), it is imperative that legal professionals become more aware of possible factors that may contribute to jurors' perceptions of child complainant's credibility and in turn influence their case decisions.

The present study has two aims. First, we sought to investigate a common explanation for why younger child victims are perceived as more credible, namely the sexual naiveté hypothesis (see, Nightingale, 1993). Second, we sought to examine the role of CSA misconceptions on perceptions of credibility, and whether judicial instructions might be an effective intervention to reduce them. We were also interested in assessing whether the effects of mock juror gender (i.e., women hold more pro-prosecution and pro-victim attitudes than men) would hold true in our study as this effect is relatively stable in the existing CSA literature (e.g., Quas et al., 2002; Bottoms et al., 2007; Cossins, 2008; Cossins et al., 2009; Golding et al., 2007; Goodman-Delahunty et al., 2010; Redlich et al., 2002). Importantly, due to the extant literature emphasizing the influential power of child credibility on verdict decision (e.g., Bottoms et al., 2007; Bottoms & Goodman, 1994; McCauley & Parker, 2001), we decided to focus our investigation on the factors that impact mock jurors' ratings of child complainant credibility.

### **The sexual naiveté hypothesis**

Researchers have reported opposing findings for the effect of child age on mock jurors' case-related decisions. In non-CSA child witness cases, researchers have reported a positive correlation between child witness age and

perceived credibility (Bottoms et al., 2007; Leippe & Romanczyk, 1989; Sheahan et al., 2017), which has been tied to adults' understanding that children's cognitive abilities improve with age, making them better witnesses. However, research in the context of child sexual abuse cases has shown the opposite pattern, with younger complainants being perceived as more credible (Goodman et al., 1989; Leippe & Romanczyk, 1989; Nightingale, 1993; Sheahan et al., 2017). For example, Nightingale (1993) reported an inverse relationship between child age and credibility attributions where views of the child's credibility decreased as child age increased. One consistent hypothesis for this inverse relationship has hinged on the idea that mock jurors' credibility judgments are driven by beliefs that pre-pubescent children are sexually naive (i.e., lacking knowledge about sexual intercourse, masturbation, etc.) and therefore are less likely to fabricate allegations than older children (i.e., > 12 years) and adolescents (Bottoms & Goodman, 1994; Duggan et al., 1989; Gabora et al., 1993; Myers et al., 1999; Nightingale, 1993).

In other words, a young child is assumed to be incapable of producing or fabricating a detailed sexual encounter unless the child was in fact sexually victimized. In contrast, an older child or adolescent is expected to already have some sexual knowledge, which opens the door to the possibility that the witness could be lying about the allegation. Relatedly, pubescent minors are also developing a sex drive, which opens the possibility that they might be attributed to have some responsibility for a sexual experience with an adult.

Duggan et al. (1989) conducted one of the only direct tests of the role of sexual knowledge on credibility judgments by manipulating child age (5-, 9-, and 13-years-old) and measuring perceptions of sexual responsibility and credibility. In this study, mock jurors convicted the defendant of CSA most often when the child was 9-years-old and least often when the child was 13-years-old. The authors' explanation for these findings was that mock jurors attributed greater sexual responsibility and blame to the 13-year-old whereas the 5-year-old was viewed as more susceptible to suggestions and external influences resulting in an unreliable allegation.

While many researchers have suggested a link between sexual naiveté, which decreases with age, and credibility judgments, none have independently manipulated these two factors to evaluate whether they differentially predict child complainant credibility judgments. If the reason that young children (i.e., prepubescent) are perceived to be more credible is because they are sexually naïve and would only be expected to gain sexual knowledge from inappropriate experiences, then we should expect to see that young children *without* sexual knowledge should be seen as less credible than young children *with* sexual knowledge. Taking this point further, since younger children are generally perceived to be more credible in the first place, then we might expect to see an interaction whereby the younger complainant with a high level of sexual knowledge is perceived as more

credible than all other combinations. In contrast, it is difficult to predict how level of sexual knowledge might impact credibility of an older complainant. Jurors will expect a 15-year-old complainant to have high sexual knowledge, but may react differently to a 15-year-old with low sexual knowledge, considering them either to be lying or to be socially delayed, which may alter judgments of their credibility.

### ***Mock jurors' preexisting knowledge about CSA***

In CSA trials, jurors may have preexisting attitudes about the characteristics of CSA offenses (e.g., CSA typically being a violent physical crime), children's reactions to CSA (e.g., engaging in sexualized behaviors), and children's reliability in CSA cases (e.g., susceptibility to suggestion; Cossins, 2008). Various studies report that mock jurors endorse a number of CSA misconceptions. For instance, Kovera and Borgida (1997), Morison and Greene (1992), and Quas et al. (2005) all found that over 50% of laypeople and jurors endorsed the common CSA misconception that "children are easily manipulated into giving false reports of sexual abuse" (as cited in Cossins, 2008, p. 156). This misconception may be supported by additional fallacies jurors bring with them to trial, for instance, "children who retract their reports have fabricated their allegations" (Quas et al., 2005; Morison & Greene, 1992), "children cannot remember events of an incident well enough for their testimony to be reliable in court" (Quas et al., 2005), and that "a physical examination by a doctor will reveal evidence of sexual abuse" (Morison & Greene, 1992; Quas et al., 2005; as cited in Cossins, 2008, p. 156).

Jurors who strongly endorse CSA misconceptions may base their case-related decisions on a preexisting mental representation or stereotype of a "typical" CSA victim. Consequently, if a child complainant does not conform to the juror's preexisting mental representation of a CSA victim, the juror may completely disregard the complainant's testimony (Cossins et al., 2009; Goodman-Delahunty et al., 2010; Myers, 1998). In addition, greater endorsements of CSA misconceptions have been negatively associated with judgments of child credibility (Gabora et al., 1993) as well as conviction rates (Goodman-Delahunty et al., 2010, 2011). Further, men have been found to endorse CSA misconceptions to a greater extent than women (Cossins, 2008; Cossins et al., 2009; Gabora et al., 1993; Goodman-Delahunty et al., 2010). In light of recent research on the influences of CSA misconceptions on jurors' perceptions of child complainants' credibility, some researchers have readjusted their focus to investigating the efficacy of trial interventions (i.e., jury instructions and expert witness testimony) for reducing CSA misconception endorsement (Gabora et al., 1993; Goodman-Delahunty et al., 2010, 2011).

### ***Trial interventions for CSA cases***

Studies using the mock juror experimental paradigm, utilizing both university student and community member samples, have reported a reduction in mock jurors' endorsements of CSA misconceptions, enhanced ratings of the child complainant's credibility, higher quantitative ratings of defendant guilt, and increased frequency in conviction rates as a result of educative trial interventions (Crowley et al., 1994; Gabora et al., 1993; Goodman-Delahunty et al., 2010, 2011; Kovera et al., 1994). These trial interventions aim to educate jurors by providing specialized knowledge about CSA cases. One potential avenue for disseminating this information is through expert witness testimony. Expert witness testimony has been considerably accepted and used to counter jurors' misconceptions about a variety of criminal offenses, including CSA (Crowley et al., 1994; Goodman-Delahunty et al., 2010, 2011).

Trial interventions such as specialized jury instructions have also been found to increase the quality of jurors' legal decision making (Wegener et al., 2000). One crucial advantage that jury instructions have in comparison to expert witness testimony is that jury instructions are cost effective and typically scripted, requiring less preparation and unruly clerical work for courtroom professionals. In their study, Goodman-Delahunty et al. (2010) examined the efficacy of jury instructions versus expert testimony and observed that jury instructions were just as effective as expert testimony in reducing CSA misconceptions.

The timing of jury instruction presentation has also been found to impact mock jurors' legal judgments (Dann & Hans, 2004; ForsterLee & Horowitz, 2003; Kassin & Wrightsman, 1979). Some researchers have found that manipulating the presentation timing of jury instructions specifically in a simulated CSA case increased child credibility ratings and reduced mock jurors' CSA misconception endorsements when presented pre-evidence compared to just before deliberations (Goodman-Delahunty et al., 2010, 2011). In addition, Goodman-Delahunty et al. (2011) reported an increase in child credibility perceptions as a result of pre-evidence instructions.

Interestingly, investigations of jury instructions related to CSA knowledge have not been conducted in the United States. Therefore, we believe the impact of jury instructions on laypeople's attitudes about CSA should be further investigated in the context of the American judicial system. In the United States, jury instructions are typically presented to jurors during the trial summation just before the jury is excused to deliberate. However, given the empirical evidence suggesting that jurors who receive instructions before the evidence is presented render more accurate legal judgments (Cush & Delahunty, 2006; Goodman-Delahunty et al., 2010, 2011; Kassin & Wrightsman, 1979), we chose to expose participants to these instructions either at the beginning of the trial or

not at all. Based on the existing literature, we expected mock jurors to report more favorable views of the child's credibility and lower CSA endorsements when jury instructions were presented versus absent.

### ***The present study***

A substantial amount of information on extralegal factors influencing mock jurors' perceptions of child complainant credibility in CSA trials has been published, but no studies to date have directly investigated the effects of child complainants' sexual knowledge as a construct independent from child age on mock jurors' perceptions of child credibility. Moreover, jury instructions have not been adequately investigated in the United States as an alternative to expert testimony for disseminating specialized knowledge about child sexual abuse.

Six hypotheses were tested in the present study. Our primary variable of interest focused on judgments of the child's credibility. Specifically, we predicted (1) child sexual knowledge level and age would interact to suggest the younger child complainant with high sexual knowledge would be perceived as most credible compared to all other age and sexual knowledge level combinations. In addition, we predicted the following: (2) that those exposed to the educative jury instructions would endorse higher child credibility than those who did not; (3) that those who endorsed high levels of CSA misconceptions would report lower credibility; and (4) that women, who tend to be more pro-victim, would give higher credibility ratings compared to men. In addition to these primary hypotheses, we also tested two hypotheses specific to CSA misconception scores. Specifically, we explored that (5) those exposed to the educative jury instructions would hold fewer CSA misconceptions, and (6) women would hold fewer CSA misconceptions.

## **Method**

### ***Design***

The study was a 3 (child complainant's age: 5 years, 15 years, "a minor") x 2 (child complainant's sexual knowledge: low, high) x 2 (jury instructions: present, absent) between-subjects factorial design. We decided to incorporate a "minor" age condition in order to assess the effects of sexual knowledge level on mock jurors' child credibility ratings when child age was not defined. Participants' knowledge of CSA and participant gender were also measured. The dependent variable was perceptions of the child complainant's credibility.



## **Participants**

We initially recruited a total of 629 participants, however 135 of these individuals did not complete the study materials and were excluded from subsequent data analyses. We also excluded 106 participants who did not answer manipulation check items correctly leaving a total sample of 388 mock juror participants (58%,  $n = 226$  females). The majority of participants were Caucasian (67%,  $n = 259$ ), followed by Asian (19%,  $n = 75$ ), African American (7%,  $n = 26$ ), Hispanic/Latino (4%,  $n = 16$ ), American Indian (1%,  $n = 4$ ), and Other (2%,  $n = 7$ ). Participants ( $M_{age} = 35.82$ ,  $SD = 12.91$  years, ages ranging from 18 years to 74 years) were recruited through Amazon Mechanical Turk (Mturk) and were paid \$0.50 for their participation. Almost half of our sample had a college degree (47%,  $n = 183$ ) and the majority had never served on a jury panel (85%,  $n = 328$ ). The majority of participants identified themselves as heterosexual (89%,  $n = 344$ ). Participants reported having a “moderately liberal” (25%,  $n = 96$ ) political standing, and stated that they were “not religious” (38%,  $n = 147$ ).

## **Materials and measures**

### ***Trial transcript***

The trial transcripts were created after reviewing multiple CSA case summaries using LexisNexis Academic. The CSA accusation was described as a single incident allegedly committed by a community doctor practicing at the female child complainant’s summer camp. The doctor allegedly massaged the child’s back without her permission, undressed himself, and invited the child to touch his genitalia. The transcript included excerpts of the child complainant’s father’s testimony and cross-examination, a statement about the child’s interview provided by an expert witness (i.e., a clinical psychologist assigned to conduct a forensic interview with the child complainant), and the female child complainant’s testimony and cross-examination.

The child complainant’s age was stated multiple times throughout the trial transcript (or not at all for the “minor” control condition). The child complainant’s level of sexual knowledge was embedded within the clinical psychologist’s testimony. In the low sexual knowledge condition, the child complainant was described as having knowledge of male and female genital differences as well as knowledge of “where babies come from.” In the high sexual knowledge condition, the expert explained that the child complainant recognized male and female genitalia differences, knew “where babies come from” (i.e., identical to the low knowledge condition), and demonstrated some knowledge of masturbation, oral sex, and sexual intercourse during the forensic interview.



The jury instructions condition was manipulated into two levels: *present* or *absent*. Jury instructions were not presented to mock jurors assigned to the *absent* condition. Mock jurors assigned to the *present* condition reviewed the jury instructions prior to reading through the trial transcript. These instructions were disseminated by the judge and included specialized information about CSA complainants based on extant literature (see, Cossins, 2008 for a review). The information contained in the jury instructions stated that children and adults may report their memories in various ways, explained proper investigative interviewing strategies (e.g., using open-ended questions and refraining from suggestive, leading questions), and addressed CSA misconceptions (e.g., inconsistencies are indicative of lying or fabrication, CSA can be detected via medical evidence, specific behaviors are diagnostic of CSA having occurred). The jury instructions used in this study are found in the Supplemental Materials (Appendix A).

### **Dependent measures**

Perceptions of the female child complainant's credibility as a witness were assessed via six items pertaining to the child's consistency, competence, reliability, believability, trustworthiness, and credibility, measured using a 7-point scale (1 = *very little*, 7 = *very much*). All six items were correlated at the  $p < .01$  level; therefore, we averaged these items together to obtain total *child credibility* scores, Cronbach's  $\alpha = .95$ . In the present study, mock jurors rated the child complainant as moderately credible overall ( $M = 5.50$ ,  $SD = 1.16$ ).

### **CSA misconceptions questionnaire**

Mock jurors' CSA knowledge was assessed using the Child Sexual Abuse Misconceptions Questionnaire (CSAMQ; Cossins et al., 2009). The 26-item CSAMQ was developed to assess mock jurors' endorsements of CSA misconception statements in three broad domains: a) children's reactions to sexual abuse; b) characteristics about the child sexual abuse offense or offender; and c) children's susceptibility to suggestion and ability to provide reliable testimony. Mock jurors rated their agreement to each statement on a 7-point Likert scale (1 = *strongly disagree*, 7 = *strongly agree*). Since we did not consider specific a priori hypotheses for the CSAMQ subscales, we instead chose to use mock jurors' overall CSAMQ scores for analytical purposes. Mock jurors' scores on the CSAMQ were calculated by summing across all 26-item ratings. Total scores ranged from 58 to 135, where higher scores indicated stronger endorsement of CSA misconceptions. In the present study, mock jurors moderately endorsed CSA misconceptions ( $M = 87.47$ ,  $SD = 13.17$ ). The CSAMQ had adequate internal consistency (Cronbach's  $\alpha = .66$ ), comparable to past research ( $\alpha = .76$ ; Cossins et al., 2009;  $\alpha = .83$ ; Goodman-Delahunty et al., 2010).

### **Manipulation checks**

To test the sexual knowledge manipulation, we asked participants to indicate how much knowledge Cindy (i.e., the child complainant) had about “sexual intercourse and reproduction” on a scale from 1 (*very little*) to 7 (*very much*). The manipulation was successful; those in the low sexual knowledge condition had lower scores ( $M = 3.58, SD = 1.38$ ) than those in the high sexual knowledge condition ( $M = 4.29, SD = 1.26$ ),  $t(386) = 5.30, p < .001$ . Similarly, we asked participants to enter the age of the child, and those in the 5-year-old child condition indicated a lower age ( $M = 5.50, SD = 4.36$ ) compared to those in the 15-year-old child condition ( $M = 15.10, SD = 2.76$ ),  $t(257) = 20.66, p < .001$ . Participants assigned to the “minor” child condition ( $M = 11.23, SD = 5.07$ ) perceived the child to be in-between the 5-year-old condition,  $t(250) = 9.64, p < .001$ , and the 15-year-old condition,  $t(227) = 7.22, p < .001$ . To test the jury instruction manipulation, we asked participants to respond “yes” or “no” to the question of whether “the judge spoke to the jury in the story.” Participants who responded incorrectly to this manipulation check item were removed ( $n = 106$ ). Based on these analyses, we are confident that the majority of the sample sufficiently attended to the trial materials. However, given the fact that not all manipulation checks were worded in such a way that we could identify a clear correct answer (i.e., scaled rather than multiple choice), we chose not to exclude individual participants based on their answers to the sexual knowledge and age questions.

### **Procedure**

After providing their consent, participants accessed the online study materials by clicking on a Qualtrics survey web link. Participants reviewed pre-evidence jury instructions and then were asked to read one of twelve randomly assigned trial transcripts. Each trial transcript was approximately six pages long. Next, each participant was asked to complete a brief manipulation check survey and then to assume the role of a juror and answer questions about the child complainant’s credibility. Participants also completed a demographic survey and the Child Sexual Abuse Misconceptions Questionnaire (CSAMQ; Cossins et al., 2009). Participants spent no longer than 30 minutes to complete all study materials. All participants were paid \$0.50 within one week of having completed the study.

## **Results**

### **Preliminary analyses**

Prior to examining the effects of the experimental manipulations on the dependent variables, we assessed the descriptive statistics and associations between all of our measures (see, [Table 1](#)).

### Child Credibility ratings

To examine mock jurors' views of the child complainant's credibility, we ran a 3 (child age) x 2 (sexual knowledge level) x 2 (jury instruction presentation) x 2 (participant gender) factorial analysis of covariance (ANCOVA) with CSAMQ scores entered as a covariate. As per our first hypothesis, we predicted an interaction between child age and sexual knowledge level, which was not supported,  $F(2, 362) = 1.63, p = .197, \eta_p^2 = .01$ . We did not make a specific prediction about a main effect for sexual knowledge level, and we did not find one,  $F(1, 362) = .68, p = .409, \eta_p^2 = .002$ . A look at the means for each group illustrates that credibility levels for each age group were quite similar regardless of which sexual knowledge condition they were in – 5-year-old ( $M = 5.62, SD = 1.21, 95\% CI = [5.35, 5.89]$  in the low sexual knowledge condition compared to  $M = 5.71, SD = .94, 95\% CI = [5.48, 5.95]$  in the high sexual knowledge condition) and 15-year-old ( $M = 5.38, SD = 1.32, 95\% CI = [5.05, 5.71]$  in the low sexual knowledge condition versus  $M = 5.21, SD = 1.26, 95\% CI = [4.87, 5.55]$  in the high sexual knowledge condition).

Further, we did not make specific predictions about child age, however, a main effect of child complainant age was significant,  $F(2, 362) = 3.45, p = .033, \eta_p^2 = .02$ . Not surprisingly, the 5-year-old child was viewed as most credible ( $M = 5.66, SD = 1.10, 95\% CI = [5.48, 5.84]$ ), followed by the child portrayed as a “minor” ( $M = 5.52, SD = 1.06, 95\% CI = [5.33, 5.71]$ ), and finally the 15-year-old ( $M = 5.30, SD = 1.29, 95\% CI = [5.06, 5.53]$ ). This pattern is consistent with the literature.

We did not observe a main effect of jury instruction presentation on child credibility views, which did not support our second hypothesis,  $F(1, 362) = 1.24, p = .266, \eta_p^2 = .003$ . However, our third hypothesis was fully supported; CSAMQ scores were significantly associated with child credibility ratings,  $F(1, 362) = 41.70, p < .001, \eta_p^2 = .10$ . As expected, child credibility attributions were negatively associated with erroneous beliefs about CSA cases and victims,  $r = -.36, p < .001$ .

Our fourth hypothesis predicted a significant gender difference in credibility ratings; this hypothesis was not supported. Although women mock jurors were observed to view the child complainant as more credible ( $M = 5.65, SD =$

**Table 1.** Univariate and bivariate statistics for child credibility, CSAMQ scores, and participant gender.

Item	1	2	<i>M</i>	<i>SD</i>
1. Child Credibility	-		5.50	1.16
2. CSAMQ	-.36*	-	87.47	13.17
3. Participant Gender	.15*	-.32*		

Note. Child credibility scores ranged from 1 (*very little*) to 7 (*very much*). CSAMQ total scores ranged from 58 to 135, where higher scores indicated greater endorsement in CSA misconceptions. Females coded as 1, males coded as 0. *M* = mean; *SD* = standard deviation; CSAMQ = Child Sexual Abuse Misconceptions Questionnaire.

\*  $p < .01$

1.51, 95% CI = [5.50, 5.80]) than men ( $M = 5.29$ ,  $SD = 1.14$ , 95% CI = [5.12, 5.47]), this difference was not statistically significant,  $F(1, 362) = .60$ ,  $p = .440$ ,  $\eta_p^2 = .002$ .

### **Countering CSA misconceptions**

Because our hypotheses regarding CSA misconceptions were focused on jury instruction presentation and mock juror gender, we ran a simpler 2 (jury instruction presentation) x 2 (participant gender) ANOVA. Our fifth hypothesis was supported; jury instruction presentation significantly influenced mock jurors' knowledge about CSA victims,  $F(1, 383) = 8.88$ ,  $p = .003$ ,  $\eta_p^2 = .02$ . Mock jurors endorsed CSA misconceptions to a lesser degree when jury instructions were presented ( $M = 85.45$ ,  $SD = 13.64$ , 95% CI = [83.30, 87.60]) compared to those who did not view the pre-evidence jury instructions ( $M = 88.85$ ,  $SD = 12.69$ , 95% CI = [87.20, 90.50]). Our sixth hypothesis was also supported; we observed CSA misconception endorsement to significantly differ by mock juror gender,  $F(1, 383) = 45.89$ ,  $p < .001$ ,  $\eta_p^2 = .12$ . As expected, men ( $M = 92.42$ ,  $SD = 13.49$ , 95% CI = [90.32, 94.52]) were more inclined to endorse erroneous beliefs about CSA cases and victims than women ( $M = 83.94$ ,  $SD = 11.76$ , 95% CI = [82.40, 85.48]).

### **Discussion**

The present study is the first to examine the sexual naiveté hypothesis by independently probing the effects of child age and sexual knowledge level on mock jurors' perceptions of child credibility in a hypothetical CSA case. We did not find evidence to support the sexual naiveté hypothesis in this study. However, we did find evidence to suggest that greater endorsements in CSA misconceptions are linked to a lesser view of the child complainant's credibility in the eyes of mock jurors. We also found that specialized jury instructions about CSA disseminated prior to the commencement of the trial decreased erroneous beliefs about CSA complainants. Further, we replicated gender differences regarding CSA misconceptions but not for mock jurors' views of child credibility.

Originally, we expected to observe an interaction between child complainant age and child sexual knowledge level in such a way where the younger child complainant with high sexual knowledge would be perceived as most credible. However, we found no evidence to suggest that an interaction involving child age and sexual knowledge level uniquely impacts mock jurors' views of the child complainant's credibility in a CSA case. Instead, we found the well-replicated main effect for child age such that younger children were viewed as more credible than older children, regardless of sexual knowledge

level. Thus, our study findings do not corroborate the sexual naiveté hypothesis (Bottoms & Goodman, 1994; Nightingale, 1993), but do support the notion that jurors seem to trust younger child witnesses more than older ones.

It is possible that mock jurors may not have been able to separate these two variables from one another because of their beliefs that knowledge about sexual activities increases as a function of age, wherein an incongruence between these variables is virtually implausible. Future researchers should consider additional experimental designs to better facilitate an investigation of the child's sexual knowledge level on jurors' perceptions and case decisions.

Alternatively, this lack of substantiation may suggest that sexual naiveté does not explain the negative correlation between age and credibility observed in CSA cases. In fact, the younger child was judged as more credible than the older child in both the high and low sexual knowledge conditions, which suggests that there may be an alternative explanation for the fact that younger child complainants are granted increased credibility. Perhaps sexual knowledge level is just one piece of the puzzle when it comes to judging a child's credibility in court and the believability of the complainant's testimony. For example, Myers et al. (1999) found that actual jurors declared honesty and consistency to be the two most important factors for determining alleged CSA victim credibility. Or it might merely be that younger children are seen as more vulnerable, and this perceived vulnerability lowers people's thresholds for deeming them credible or believable.

Mock jurors' endorsements of common CSA misconceptions were negatively related to their ratings of the child's credibility and represented the strongest predictor of child credibility in the present study. This finding has been replicated in other studies (Gabora et al., 1993; Goodman-Delahunty et al., 2010, 2011) where a reduction in participants' CSA misconceptions resulted in more favorable views of the CSA victim. Our observation stresses the importance of assessing jurors' preexisting beliefs and attitudes for CSA cases during voir dire prior to the case proceeding to trial. More importantly, our results suggest it would be beneficial to utilize some form of a trial intervention for these specific cases to reduce the influence of misinformation and misconceptions about CSA victims on jurors' decision-making. Future studies should be conducted to better assess the quality of trial interventions (e.g., jury instructions, expert testimony) in CSA cases with regards to enhancing child credibility.

We also expected to observe lesser CSA misconception endorsement and higher child credibility ratings when pre-evidence jury instructions were presented to mock jurors. Our findings partially supported this original prediction. Mock jurors endorsed CSA misconceptions to a lesser degree when jury instructions were presented, but jury instructions did not directly impact their views of the child complainant's credibility. Nevertheless, the presentation of jury instructions may have worked indirectly to increase child

credibility ratings by first reducing endorsements of child sexual abuse misconceptions. This suggests that pre-evidence jury instructions may be an essential trial intervention in countering misconceptions pertaining to CSA victims and enhancing their credibility in the courtroom. Importantly, this indirect effect was not tested in the present study but should be investigated further as a future direction for researchers interested in juror decision-making for CSA trials.

Finally, we predicted women mock jurors would reflect more pro-victim attitudes (e.g., lower CSAMQ scores and greater child credibility ratings) compared to men. This prediction was partially supported; women endorsed fewer CSA misconceptions compared to men, yet no significant differences for mock juror gender were observed with regard to ratings of the child complainant's credibility. This difference in endorsements of CSA misconceptions between male and female participants is consistent with the extant literature (e.g., Cossins, 2008; Cossins et al., 2009; Gabora et al., 1993; Goodman-Delahunty et al., 2010), but it is surprising not to find child credibility ratings to differ between perceiver gender. Perhaps the alleged victim-perpetrator relationship plays a role in determining perceptions of child complainant credibility in CSA cases. For example, in their systematic review of perceiver gender and victim gender effects on child credibility, Voogt and Klettke (2017) found the majority (75%) of studies reporting significant perceiver gender effects revealed females to rate the child complainant as more credible than males. However, the majority (6 out of 7 studies) of the non-significant gender effects emerged from cases where the alleged perpetrator was not a biological parent but had some other relationship with the alleged victim (e.g., a family friend). Recall that in the present study, the alleged CSA scenario involved a summer camp doctor and female child camper. Therefore, it may be the case that female mock jurors view the child as more credible compared with male mock jurors when the alleged perpetrator is the child complainant's biological parent. Yet when the scenario does not involve familial abuse, male and female mock jurors' views become more aligned. Future studies should explore these perceiver gender effects further by experimentally manipulating the context of the case (i.e., a familial case compared to a non-familial case).

### ***Strengths and limitations***

One major strength to the present study is the fact that we are the first to parse out the individual components of the sexual naiveté hypothesis – sexual knowledge level and child age. Further, we presented an intensive and elaborate case summary created after reviewing multiple CSA case summaries using LexisNexis Academic and with testimony and cross-examination of the child complainant's father, a statement about the child's interview provided by an expert witness (i.e., a clinical psychologist assigned to conduct a forensic

interview with the child complainant), and the female child complainant's testimony and cross-examination. The structure and elements of our case summary is typical of those used in CSA studies (e.g., Bottoms & Goodman, 1994; Gabora et al., 1993).

Several limitations to the present study were identified regarding the design of the experiment, external validity and generalizability, and measurement concerns. First, we manipulated the child complainant's level of sexual knowledge through the clinical psychologist's testimony only and not through the testimony presented by the child complainant. The presentation of this manipulation may not have been sufficiently salient to influence mock jurors' perceptions of the child's credibility. Although the manipulation check was successful, the mean difference between the two conditions was less than one point on a seven-point scale.

Second, we only surveyed mock jurors' endorsements in CSA misconceptions after they reviewed the study materials and did not directly investigate the efficacy of a trial intervention (i.e., jury instructions) in reducing these preexisting erroneous beliefs and attitudes by first measuring their baseline. Without baseline data, we cannot firmly conclude that participants in the two jury instruction conditions did not have preexisting differences in misconceptions about child sexual abuse. However, we did randomly assign participants to these two conditions, so it is unlikely that they had large group differences on this variable.

Finally, this study investigated individual mock jurors' decisions instead of decisions rendered after jury deliberation; therefore, these results cannot necessarily generalize to actual CSA case trials. However, it is important to note that by recruiting a national sample instead of relying on undergraduate participants, the results of this study are more representative of the perceptions and prejudice held by jury-eligible individuals and may be more typical of actual jurors' decisions.

## **Conclusion**

In conclusion, the present study highlights some of the factors that shape mock jurors' views of child sexual abuse victims. While it appears that children's sexual naiveté is a commonly accepted argument for the negative relationship between child age and credibility perceptions of CSA victims, our study was the first to directly test the hypothesis. Our results suggest that this argument may not be adequate as we did not find support for the sexual naiveté hypothesis (Bottoms & Goodman, 1994; Nightingale, 1993), yet, our findings acknowledge the impact of mock jurors' beliefs and attitudes as a foundation for child credibility perceptions. Importantly, findings from the present study suggest that pre-evidence jury instructions written specifically for CSA trials may help to dismantle erroneous stereotypes of alleged CSA



victims and in turn enhance views of a child complainant's credibility. In other words, it appears that knowledge is powerful for setting the stage for a fair trial. Our aim is for child advocacy centers and attorneys alike to utilize this information when preparing to take a case to trial. Lastly, we urge future researchers to further explore the impact of trial interventions, such as pre-evidence jury instructions, in cases involving child sexual abuse allegations.

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## Data Availability Statement

The data that support the findings of this study are available from the corresponding author, AAC, upon reasonable request.

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