PERCEPTIONS OF CHILD-WITNESSES IN SEXUAL ABUSE TRIALS

by

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A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy,
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This research was designed to clarify several issues in the child-witness literature. It has been suggested that jurors in a sexual abuse trial assume young children to be sexually naive and unable to fabricate their testimony. It has also been suggested that younger children are judged more credible than older children in sexual abuse trials because they are considered more honest. These suggestions were examined in three experiments involving mock-jurors reading and responding to a sexual abuse trial. In each of these experiments both Sexual Knowledge and Witness Age were manipulated in a 3x3 design. The Sexual Knowledge manipulation addressed the sexual naivete of the child-witness in three ways: A Control condition did not address the issue, a Neutral condition addressed it in an unelaborated statement that the child had sexual knowledge, while the Strong condition demonstrated her knowledge through cross-examination about a previous instance of sexual abuse. Witness Age was describe in the trial as either 6, 9 or 12 years. In the first experiment, subjects read a typical trial scenario in which the child testified against her alleged attacker. The Sexual
Knowledge manipulation proved effective in that both child-witness credibility and defendant conviction rate decreased from the Control to the Neutral to the Strong conditions. This effect was mediated by judgements of the child's honesty and not of her ability as a witness. In the second experiment, the trial involved the child-witness testifying about the sexual abuse of an unconscious hospital roommate. While she provided the only eyewitness testimony, she herself was not the victim of the abuse. Sexual-Knowledge was effective in reducing child-witness credibility and defendant conviction rate, but only in the Neutral condition. This effect appeared mediated by judgements of both the honesty and ability of the child. The third experiment involved a trial scenario in which the child-witness of interest merely corroborated the testimony of the victim and provided the only source of facial identification of the suspect. No Sexual-Knowledge effect was found. No Witness-Age effects were found in any of the three experiments.
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He had the utmost respect for ordinary children, with their purity and vulnerability, and under no circumstances would he have interfered with the innocence of a child, if there was the least risk of a row. But how his heart beat when, among the innocent throng, he espied a demon child, 'enfant charmante et fourbe', dim eyes, bright lips (Nabokov, 1955\1989, pp. 19-20)

Terrible experiences pose the riddle whether the person who has them is not terrible (Nietzsche, 1886\1966, section 89, p. 82)

Introduction

The role and status of children in society has varied through history. In studying the changes in how adults interacted with and spoke of children, we can learn about what Ariès (1962) calls "the idea of childhood". The aspect I will deal with concerns attitudes toward children's sexuality and how this influences perceptions of children as witnesses. With the increasing presence of children in courtrooms, often in the context of sexual abuse charges (Melton, 1993; Glaser & Frosh, 1993), the way in which children are perceived in sexual contexts is of great importance. What is most striking to writers in the area of children's history is the lack of information available in comparison with other elements of society (Ariès, 1962; deMause, 1988). Some suggest that the actual importance of
children to adults in the past was much less than it is today (Tucker, 1988; Tuchman, 1978).

While some would like to regard child sexual abuse as a relatively recent phenomenon produced by modern social changes (Janus, 1981), others clearly demonstrated its prevalence throughout history (de Young, 1982; deMause, 1988). In fact, though quite serious today, child molestation increases in severity and frequency the further back in history one looks (deMause, 1988).

There appears to be plenty of evidence showing that what would now be called the sexual abuse of young boys was both very common and acceptable in ancient Greece (deMause, 1988), but there is much less evidence regarding the treatment of girls. Early Judaic custom punished sodomy with children over nine years of age with death by stoning, while similar copulation with younger children resulted only in a public whipping (Epstein, 1948). It was not considered a sexual act with the younger children. Young boys in ancient Greece depicted in sexual acts with men were not shown with the penis erect (Martial, 1968). There were common admonitions not to attempt to sexually arouse the boy because this would bring about a premature manhood. The children were seen, not as sexual, but as sex objects.

The rise of Christianity brought with it a new concept, that of childhood innocence. Clement of Alexandria expressed this through interpretation of Christ's advice "to become as little children". The advice was not to promote infantile
behaviour, but to encourage people to become as "uncontaminated as children, pure, without sexual knowledge" (deMause, 1988, p.47). Canon law set the minimum age of marriage, hence sexual activity, at 12 years. The notion of childhood innocence in sexual matters was upheld by various theologians who, contradictorily, confessed to wickedness committed in their own childhood. It was the prototype, the ideal, of the infant Christ upon which the idea of childhood became based.

The view during the 14th to 17th century was that it was the child's duty to prevent others from molesting him or her (deMause, 1988). This is perhaps best understood in the context of the witch trials occurring about this time. While ostensibly part of a movement to protect the welfare of children, witch-hunting proved to be the damnation of many children (Cohn, 1975). The Malleus Malificarum, used as a witch-hunting manual during the Inquisition, described children as young as six years of age as being capable of entering a pact with the devil through sexual intercourse. Rush (1980) cites many instances of such accusations being made against children, much as they were made against women. However, by the mid-seventeenth century some societies had begun to respond to sexual molestation of all children with capital punishment, complementing existing laws on sodomy with boys. Nevertheless, while concern about the sexual abuse of children was greater than it had been previously, children were still considered morally responsible for their sexual involvement with adults.
The campaign against the sexual abuse of children changed during the 18th century. The superstitious and irrational mindset of medieval religious culture developed into the superstitious and irrational psychiatric culture of the 18th and 19th centuries. This transition is symbolized by the public testing and refutation of the abilities of religious healers, only to be followed by pseudo-scientific healing such as the animal magnetism movement (Ellenberger, 1970). It was in this context that psychiatric rationales for controlling child sexuality developed. Children were now punished for touching their own genitals (deMause, 1988). Child sexual activity was seen as promoting, not evil, but rather the development of various ailments in later childhood and adulthood. The 19th century produced the obsession with child sexual behaviour entailing the use of restraining devices and genital surgery in order to prevent insanity and blindness. One American child psychologist is even said to have argued that when a two-year-old rubs his nose and cannot remain still, only circumcision works (deMause, 1988).

Foucault (1980) describes how overt and vulgar sexual behaviour and speech in the presence of young children was quite acceptable in all social classes up until only a few hundred years ago. Several writers argue that the distinction between child and adult was not made so clearly in the past as it is today (Ariès, 1962; Tucker, 1988; Tuchman, 1978; but see deMause, 1988). Thus, one can see the outline of an historical
development of childhood in which is found a secular notion of childhood innocence, devoid of original sin, but vulnerable to harmful external influence.

Just before the turn of the century Sigmund Freud made the suggestion, based on his work with his Viennese patients and his research in the police records of Paris, that much of the adult hysteria and neuroses one saw was the result of childhood sexual abuse (Ellenberger, 1970). While increased public concern about the treatment of children began in the mid-nineteenth century, this did not preclude Freud from receiving a strongly negative reaction from the very bourgeoisie he was both writing for and charging with child sexual abuse. His recantation of this argument and subsequent suggestion that it was childhood fantasy, not sexual abuse, that produced the neuroses he saw in his patients was met with approval. This approval, and not intellectual rethinking, has been argued to have been behind the revision (Masson, 1984). This fantasy theory, and its acceptance, was in part responsible for the heightening of suspicions about children's complaints of sexual abuse. During the late 19th century, when Freud formulated his views, children were regarded as undisciplined animals needing protection from themselves and others (Schultz, 1982).

In contemporary undergraduate child psychology textbooks child sexuality generally appears not to exist. Some authors acknowledge that sexual exploration and self-gratification are natural tendencies in young children which are not to be
rigorously restricted (Craig, 1986). Most others, however, talk about child sexuality only in terms of a quick review of Freud’s theory of psychosexual development (Hall, Perlmutter & Lamb, 1982; Mussen, Conger, Kagan, & Huston, 1986; Santrock & Bartlett, 1986), or restrict talk about sexual behaviour to that of monkeys (LaBarba, 1981).

Perhaps it is only as we look further back into the past that society appears homogeneous. The present view of children is not easily summarized by one simple descriptive. Some authors consider the natural state of childhood, innocence, to be temporarily, and pathologically, corrupted by the media (Postman, 1992). Others argue that childhood is only artificially asexual in western society (Constantine & Martinson, 1981; Currier, 1981; Jackson, 1982) and that children are naturally curious about and capable of the full gamut of sexual behaviour. At present, there appears to be little academic consensus on child sexuality. No more can be expected of the lay-public.

The Child in Court

Until recently, children have not been permitted to testify in courts of law (Ceci, Toglia, & Ross, 1987; Spencer & Flin, 1993). Early Canon Law set puberty as the earliest age at which one could participate in court (Collins & Bond, 1953) and 14 years of age appears to be the minimum for most of the Middle Ages (Ceci et al., 1987).

One of the earliest and most commonly cited instances of
children serving as witnesses is that of the Salem witch trials of 1692. Several young girls (5-12 years of age) accused a slave woman of performing witchcraft to produce a number of physical symptoms from which they suffered. The belief in witchcraft at the time made this a reasonable possibility to the people of Salem, Massachusetts, and, in order to protect themselves from similar accusations, they themselves made accusations against others. To justify the allowance for children's testimony the elders cited a case in England in 1593, in which children's hysterical behaviour was allowed as evidence (Seth, 1967). This was the first time in American jurisprudence that young children had been allowed to testify. The involvement of adults encouraged the children to further embellish their accounts to include flying on broomsticks and transforming into black cats. Eventually twenty-one people were convicted of witchcraft, twenty of whom were sentenced to death. The traditional interpretation made of the Salem trials has been that children are highly susceptible to fantasizing and to suggestion, and are unaware of the consequences of their accusations. This view persists even though there is evidence that the physical symptoms reported by the children (and later the adults) as well as the hallucinations they experienced were the effects of an agricultural fungus thought to have contaminated crops that year (Caporael, 1976; Matossian, 1982). This event has been the historical example given by legal professionals and lay people to justify cultural beliefs about the mind of the child.
In English law, the incompetence of children to participate in the courtroom has largely been framed by the concept of the oath since the eighteenth century (Spencer & Flin, 1993). A great deal of discretionary power lay in the hands of the judges, and many children, though not able to demonstrate competency to understand the oath, were nevertheless permitted to give unsworn testimony. In the 1930s, the practice of not accepting testimony from children under six years of age, and in preference not before eight, developed and lasted about thirty years (Spencer & Flin, 1993). Early Common Law in the United States had similarly set the limit at seven years of age (Wigmore, 1940\1961).

After the beginning of the twentieth century, the criteria for competency to testify shifted to that of demonstrated mental capacity, sufficient memory, communication skills, and understanding of an obligation to speak the truth, all left largely to discretion of the judge (Spencer & Flin, 1993). It was at this time that some of the most strenuous objections to the testimony of children were made. Baginsky (cited in Whipple, 1911), a psychologist, considered children to be "the most dangerous of all witnesses" (p.308). Varendonck (1911) asked, "When are we going to give up, in all civilized nations, listening to children in courts of law?", and stated that "children cannot observe and ... their suggestibility is inexhaustible" (p.27). However, other opinions were expressed: A German judge, Gross, in 1910, claimed that a healthy half grown
boy is the best possible witness for simple events (in Whipple, 1911). Wigmore (1940\1961), while acknowledging the preferability of corroborating evidence, argued strongly for the admission of children's testimony in court. He felt that the court could then decide on its value and use or ignore it accordingly.

The opinions of judges and psychologists were supported by contemporary research showing the poor quality of children's testimony. However, this early research on the actual abilities of children in recall and description of events made little or no attempt to include adult comparison groups (Goodman, 1984). The latest wave of attention to children's testimony has prompted both newer, better research and subsequent changes in law (Goodman & Bottoms, 1993; Sullivan, 1992). The competency requirement has been abolished from criminal, but not civil, proceeding in English law since 1992 (Spencer & Flin, 1993), in Canadian law since 1987 (Sullivan, 1992) and is largely on its way out in the United States (Goodman, 1984). While young children's testimony may not have required corroborating evidence for about as long as the oath was not required of them, neither could a conviction be based solely on it (Spencer & Flin, 1993). This changed in England after 1988, although in practice only removing the corroborating requirements for children over five years of age. Thus, the legal status of the child witness in court has generally improved over the last few hundred years. Despite concerns over issues like suggestibility and weak memory,
children's testimony has been both encouraged and accommodated in twentieth century courtrooms.

The Child Sexual Abuse Victim in Court

In spite of the debate over the issue of children's testimony, children did not participate as witnesses testifying about their own sexual victimization until very recently. The previous successive waves of concern about child abuse had been over the issue of physical abuse, such as beatings and slave labour (de Young, 1982; deMause, 1988). The attention given to Freud's refutation of his original hypothesis of a high prevalence of child sexual abuse greatly delayed reforms of society in this regard. Positing deep unconscious desires in children to engage in sexual intercourse with their parents, Freud changed society's conception of the child's sexual naiveté.

There were laws reflecting society's abhorrence of child sexual abuse allowing for capital punishment as early as the 17th century. However, the perception that this kind of abuse was extremely rare endured until about twenty or thirty years ago (Perry & Wrightsman, 1991). Incest was declared a crime only in this century (Mrazek, 1981). Where sexual activity between child and adult occurred and could not be denied, conviction of the adult did not necessarily follow. Thanks to the legacy of Freud, adults accused of such acts could claim that the child (usually female) was the seductress (Glaser & Frosh, 1993). The cultural view of the child as responsible for the victimization and the
reaction given to claims of victimization prevented many children from disclosing it, thereby reinforcing the apparent infrequency of such abuse.

Ironically, it is Freud’s own attempt to describe child sexuality that sparked nearly a century of study of something long denied (Glaser & Frosh, 1993). Reactions for and against Freud were part of the ‘third wave’ of feminism in which the child’s case was once again taken up. It is only since the 1960s that there was a re-examination of the magnitude of the problem of child sexual abuse (Perry & Wrightsman, 1991). Initially, incidence estimates of sexual abuse as low as one in 6,000 children were common (Mrazek, Lynch, & Bentovim, 1983). Increased publicity is said to be responsible for a 90 percent increase in reported cases between 1984 and 1985, and a further 111 percent increase the following year (Markowe, 1988). West (1985) found 46 percent of a sample of 600 women surveyed reporting some form of sexual abuse as children. Out of a sample of 930 women, Russell (1983) found that 38 percent reported having had experienced sexual abuse involving physical contact when they were children. Other estimates run from 10 to 40 percent, with incest being the most common type (Burgess et al., 1978; Finkelhor, 1979; Sarafino, 1979). Defendants’ claims of false sexual abuse accusations appear to be largely unfounded, as Conte and Berliner (1981) point out, due to a high rate of later admission by offenders.

The increasing tendency to prosecute crimes against
children (Goodman, 1984) has prompted many actual or proposed changes to how such trials are run. Testimony from young children does not necessarily require verbal expression in many courts, allowing for the use of anatomical dolls to show what occurred (Boat & Everson, 1993; Skinner & Berry, 1993). Improved interview techniques (Yuille et al. 1993), expert testimony (Crowley, O’Callaghan, & Ball, 1994), and visual shields protecting the child from seeing the alleged abuser while testifying (Ross et al., 1994), have all been proposed to make it, not only easier, but possible for the child to testify in court.

Berliner and Barbieri (1984) cite four reasons why it is difficult to prosecute cases of child sexual abuse: 1) The continued skepticism about molestation reports; 2) The belief by many lay and professional people that sexual abuse is caused by mental disorder, and that the mental-health system, not the criminal-justice system, should deal with it; 3) Concern over pointless traumatization of the child in court when the case is weak (as it usually is); and 4) Fears about the inability of the child to perform as a witness. While it is difficult even for adult complainants of sexual assault to overcome the burden-of-proof problems involved in prosecuting, the child is often at a still greater disadvantage in dealing with the demands of prosecution and cross-examination. Concern over these difficulties has produced an awareness of how little is really known about children’s testimony.
The Child's Capacity to Testify

All testimony, by adults and children alike, can be questioned on the grounds of the truthfulness of the witness and on the grounds of the ability of the witness. While the notion of "original sin" in western culture held everyone prone to dishonesty from birth on, ability was seen as a developmental issue. Although adults are also liable to deficiencies in their ability to provide meaningful and useful testimony, children have been seen as so deficient as to disqualify them from even taking part in the legal process. The ability of witnesses to provide meaningful testimony revolves around two issues: Their cognitive ability to recall and recount accurately what they observe, and their ability to resist following erroneous suggestions made by others. Both cognitive inability and suggestibility early in development have been seen as so pronounced that children have been regarded as barely human in the eyes of the courts. Though very early work on these issues was argued to show the extreme incoherence of what children say and can be made to say, it was methodologically flawed (Goodman, 1984).

Recently, successful attempts have been made at getting a clearer understanding of children's actual abilities. Saywitz (1987) found that children under 10 years of age do provide less complete recall of information presented to them in story form than do older children. However, their performance improves greatly with recognition cues. They did find that 8- to 9-year-olds, relative to both older and younger children, tend to add
'extra' information, including false information when recalling a story. Little difference was found between the ages of 11 and 16 years. A clear increase in amount of spontaneously recalled information from 3 years to adult age has been demonstrated (Goodman, Aman, & Hirschman, 1987; King & Yuille, 1987; Marin et al., 1979). In contrast, Ceci et al. (1987) found recognition memory for drawings to be very similar for 3- to 12-year-old children (84% vs 95% accuracy, respectively). Five-year-olds were nearly as accurate as college students in their answers to yes/no questions regarding a staged argument two weeks earlier (71% vs 74%, respectively; Marin et al., 1979).

Over and above concerns about children's memory, suggestibility may be the most widespread concern when they testify in court (King & Yuille, 1987). Ceci et al. (1987, Experiment 1) presented 3- to 12-year-old children with a story and made biasing suggestions to half. Though few age differences in recall were found in the control situation, the suggestions severely affected the 3-year-olds and only slightly the 12-year-olds. Attempting to reduce the effect of compliance with an authority (the adult), they replicated the experiment with a 7-year-old trained to provide the biasing suggestion (Ceci et al., 1987, Experiment 2). Though the apparent suggestibility of the 3-year-olds was reduced, significant effects of the suggestions were still reported.

These and other studies (see Ceci et al., 1987; Goodman & Bottoms, 1993) have generally revised our notions of children's
capabilities. Though young children perform worse than older children and adults in some areas, much of their recall is equal to that of their elders. Children are more susceptible to being misled by leading questions, but interview techniques may be adapted to yield more reliable testimony from children (Goodman & Bottoms, 1993).

Perceptions of Child Witnesses

Introduction

The last twenty years have provided advances in our knowledge about children's testimony, as well as an increase in the prevalence of children providing testimony in court (Goodman, 1984). Although a fair amount of attention has been given to the question of exactly how accurate children are in recalling past events and adhering to reality in their reports (Ceci, Toglia, & Ross, 1987), much less has concerned itself with how such reports are perceived by the adults who would have to evaluate them in a courtroom situation. The large body of research on perceptions of adult eyewitnesses has demonstrated how credibility judgements can be erroneously influenced by attractiveness (Kerr, 1978), speech style (Lind & O'Barr, 1980), confidence (Miller & Burgoon, 1982; Loftus & Doyle, 1992) and memory for irrelevant details (Wells & Leippe, 1981).

Several surveys have found that people view children as much less competent than adults as witnesses (Leippe, Brigham, Cousins & Romanczyk, 1989; Ross, Dunning, Toglia & Ceci, 1990;
Yarmey & Jones, 1983). Yarmey and Jones (1983), for example, found that only 6% of experts, 47% of students and 30% of the general citizenry believed an eight-year-old would reply accurately to questions by the police.


What may differentiate studies finding children rated more credible than adults from those finding them rated less credible than adults is the capacity in which the child witness is testifying, either as victim-witness or as eyewitness (Goodman, Bottoms, Herscovici & Shaver, 1989). When serving as an eyewitness to the actions of third parties, the credibility of the child will be largely a product of his or her perceived
ability to understand and remember. The child’s knowledge regarding the type of behaviour observed would be an important part of his or her ability to encode and recall specific events. In the event that a child had witnessed a fight between two adults, where one of the fighters ended up killing the other, the child’s cognitive ability would be crucial. Being able to testify about who started the fight, what it was about, and whether the killing was self-defence would required some ability to understand the situation. Some maturity and presence of mind would also be required in order to pay attention to and remember details of the fighters’ behaviour. Testifying about serious traffic accidents also requires the ability to understand what should and what should not happen on the road. Knowledge of and experience with fights, automobile traffic and other events helps the witness make sense of events.

In contrast, the credibility of the victim-witness is more a product of perceived honesty. While the child must still encode and recall specific events, here the possibility of intent to fabricate outweighs mental ability concerns. A child experiencing sexual abuse will have to testify about the specific behaviours or actions the abuser directed toward him or her. Unlike in a fight between two adults or in a traffic accident, the issue is not one of WHERE to lay the blame. If the sexual exchange occurred, then the blame automatically falls on the adult. The only defense to a charge of sexual abuse is not to claim that it was the child’s fault; one must show that the
sexual abuse did not occur. The relative importance of ability and honesty in the assessment of a witness, whether child or adult, depends on the situation about which the witness is testifying.

While research examining the perception of eyewitness testimony finds that mock-jurors overestimate the accuracy of adult eyewitnesses (Brigham & Bothwell, 1983; Lindsay, Wells, & Rumpel, 1981; Loftus & Doyle, 1992), the opposite occurs with children as eyewitnesses (Ross, Miller, & Moran, 1987). When a child is reporting on events which he or she has witnessed, mock jurors tend to underestimate his or her ability to accurately recall events and to distinguish reality from fantasy. Subjects asked to evaluate videotaped testimony by children regarding events they had witnessed are unable to distinguish accurate from inaccurate testimony (Goodman et al., 1989; Leippe et al., 1992; Wells, Turtle, & Luus, 1989). Subjects have been shown to make a positive relationship between children’s ages and their accuracy in reporting the events of a prior medical visit, when in actuality an inverse relationship held (Goodman et al., 1989). The reports of young children concerning a child abduction video they had viewed were objectively scored and judged as accurate as those of older children and of adults (Wells et al., 1989). When subjects observed videotaped testimony by 5- and 9-year-olds, as well as by adults, regarding events which had transpired in a previous lab session, subjects were again not sensitive to the accuracy of child or adult witnesses (Leippe et al., 1992).
Subjects' ratings were most influenced by the confidence shown by the children and adults, with children still being rated poorer than adults.

Research on the Child as Eyewitness

One of the first studies undertaking a comparison of mock-jurors' evaluations of child witnesses with those of adult witnesses (Goodman, Golding & Haith, 1984) found that students given short trial descriptions to read favoured older witnesses. The witness to a fatal automobile accident was rated less credible when described as 6 years of age than when described as 10 years of age, and less credible when 10 than 30 years of age ($p < .05$). Although a trend for increased guilt ratings of the defendant with the 30-year-old witness was reported, it did not reach significance. Similar findings were reported for a replication using a videotaped trial simulation with non-student jurors. The trend for guilt ratings was again found, as was the credibility difference between the 6- and 30-year-old ($p < .05$; the 10-year-old's ratings being in between but not significantly different). This pattern was found both before and after twelve-member juries deliberated (Goodman et al., 1984). They argued that the lack of age effects on guilt ratings was due to jurors increasing their reliance on other witnesses when the children testified. They demonstrated this by showing that correlations between witness credibility and defendant guilt ratings were significant only for the non-primary witnesses when the 6- and
10-year-olds testified, but only significant for the 30-year-old in the adult witness condition.

Goodman et al. (1987) found children to be judged less credible than adults across a variety of conditions. For both student and non-student populations, using written descriptions or videotape simulations of either murder or vehicular homicide trials, six-year-old witnesses were judged less credible than adult witnesses. Guilt ratings increased (albeit insignificantly) with age of witness. Goodman et al. (1987) again argued that the lack of effect of witness age on verdicts reflects the tendency of subjects to rely more heavily on other incriminating evidence when they doubt the word of a child.

Leippe et al. (1992) also found that students favoured adult witness testimony over that of children. They had children (aged 5-6 and 9-10 years) and adults participate in an eventful laboratory session after which they were videotaped answering questions regarding what they had experienced (Experiment 1). Students viewing the videotapes of either highly accurate or inaccurate children or adults produced a pattern of reactions which again devalued the testimony of the children relative to the adults. These reactions appear to have been related more to subjects' ratings of the narrative quality ($F(2,15) = 3.26, p = .067$) and consistency ($F(2,15) = 5.85, p < .02$) of the testimony than to its accuracy. Subjects thus differentiated child- and adult-witnesses based on their perception of less fragmentation and of less contradiction regarding factual and temporal details.
in the testimony. The ratings subjects made of narrative quality and consistency were independent of the actual accuracy of the testimony.

In their second experiment, they failed to replicate the age-credibility relationship. A final experiment was conducted with child and adult witnesses shown temporarily together and with non-student subjects, couples married between 5 and 18 years. Here again 5-6 year-olds were predicted by subjects to yield poorer eyewitness performance than were adults, even when the testimony of each could be directly compared (Leippe et al., 1992, Experiment 3). Subjects with children were significantly more accurate in differentiating accurate and inaccurate testimony by children than were those couples without children. This difference was not found for the testimony of adult witnesses. Sex of witness was reported to have produced no important effects.

Other studies, while replicating the finding of increased credibility ratings with increased age of the witness, also demonstrate limits on this effect. Comparing the reactions of students to a robbery-murder case involving the fatal shooting of a grocer, in which the only witness was either the victim's 6- or 10-year-old grandson or 30-year-old son, Leippe and Romanczyk (1987, Experiment 1) found the adult rated as more credible than the 6-year-old. The 10-year-old was rated in between the other two but closer to the adult than to the 6-year-old. Again, a non-significant tendency was found for guilt ratings to increase
with age of witness. When the evidence was varied from weak to strong a clearer pattern was found. An adult witness in a strong case yielded many more guilty verdicts than either 6- or 10-year-old witnesses, neither of which differed from a no-witness control condition. Leippe and Romanczyk (1987) suggest that age-of-witness effects may only occur in otherwise strong cases. A second experiment by Leippe and Romanczyk (1987, Experiment 2) examined age of witness and consistency of testimony. They found no main effects of age on credibility, but it did interact with consistency. Consistent and inconsistent 10- and 30-year-olds did not differ, whereas the consistent 6-year-old was rated the highest of all witnesses and the inconsistent 6-year-old was rated lower than all other witnesses.

Another series of studies by Leippe and Romanczyk (1989) looked at students’ reactions to an eyewitness in a trial where the defendant was accused of mugging and fatally stabbing another man. The witness was judged less credible when 6 years old than when 30 years old, and fewer guilty verdicts were rendered when the witness was described as either 6 or 10 years old than when 30 years old (Leippe and Romanczyk, 1989, Experiment 2), in an otherwise strong case. Their third study replicated the Leippe and Romanczyk (1987) finding that the 6-year-old’s credibility was adversely affected by apparent inconsistency, while that of 10-year-olds and 30-year-olds were not affected. Since they had presented the eyewitness testimony in narrative form in their second study, they attempted to replicate the findings with
testimony presented in transcript form (Leippe and Romanczyk, 1989, Experiment 4). Narrated testimony, presented in third person voice, could be argued to be less realistic than testimony presented as a transcript of the actual words and phrases used by the witnesses. However, with the testimony in this form, the 6-year-old was judged more credible than the 30-year-old. Finally, in order to verify the opposing pattern of ratings for narrative and transcript eyewitness testimony, they included both forms in a single study. The relative credibility of 6- and 30-year-olds was again reversed from transcript to narrative form, replicating the findings of their third and fourth experiments (Leippe and Romanczyk, 1989, Experiment 5).

Nigro et al. (1989) had students read a twelve-page description of a fatal car-pedestrian accident, in which 3 witnesses provided circumstantial evidence, an eyewitness claimed the defendant had run a red light, and defendant testimony argued that the light was green. The eyewitness was viewed as more credible when presented as 8 years of age than when 25 years of age, before and after 6-person juries deliberated for 45 minutes. The effect of a powerless versus a powerful speech style (hesitations, interjections, qualifiers) was greater for the child than for the adult witness, bringing credibility ratings of child and adult somewhat closer together. Guilt ratings for the defendant were highest for the child-witness with a powerful speech style and lowest for the child-witness with a powerless speech style; those for the adult were in between showing little
difference between them. This effect remained significant even after deliberation. This study, combined with those of Leippe and Romanczyk (1987, 1989), clearly demonstrates that the perceived inferiority of children's eyewitness testimony relative to that of adults is mediated by several important factors.

Not all published studies report age-of-witness effects on credibility or guilt. In a series of studies examining the effects of witness age on credibility in a drug possession trial, Ross and his colleagues have reported mixed findings (Ross et al., 1987, 1989). The videotaped scenario involved a woman being charged with possession of 12,000 dollars' worth of cocaine but claiming that her ex-boyfriend had brought it to the apartment without her being aware of it. While the ex-boyfriend, now convicted of drug dealing, testified that he did in fact bring the cocaine into the apartment with him, an eyewitness claims to have seen him enter the apartment without it. Ross et al. (1987) found no effect of age of eyewitness (either 8, 30 or 74 years of age) on witness credibility or on verdict. Most measures reported by Ross et al. (1989, 1990), on the other hand, show strong age effects, with the 8-year-old being rated highest, the 30-year-old rated lowest, and the 74-year-old in between these two. These findings are reported as being very consistent from videotaped trial format to written trial format.

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1 The child was rated higher than the 30-year-old on confidence, forcefulness, consistency, intelligence, trustworthiness, and accuracy, but not different in terms of manipulation by defense or prosecution, credibility, objectivity, nor influence on decision.
Another experiment reporting no differences in subjects' assessments of witnesses of differing ages is found in Wells et al. (1989). They had 42 witnesses observe a child abduction video and later videotaped these witnesses while they were questioned and cross-examined regarding what transpired during the abduction. The witnesses were made up of 14 adults, 14 twelve-year-olds and 14 eight-year-olds. Each of 294 university students acting as mock-jurors rated one of the 42 witnesses' testimony. Wells et al. (1989) report no significant effects of age-of-witness for any of the ratings subjects made of the witnesses (perceived accuracy, belief and confidence separately for both direct questioning and cross-examination). Eight-year-old, 12-year-old and adult witnesses did not vary in the accuracy of their testimony to direct questioning. Where they did differ was in response to more hostile, cross-examination questions, with the 8-year-olds being much less accurate than the other two age-groups. When subjects were asked to assess the testimony of witnesses from the three age-groups, they failed to note actual inaccuracies in the testimony of eight-year-olds under cross-examination, rating them on par with the twelve-year-olds and the adults. In using 14 different witnesses for each age group they controlled for the problem of reactions to specific children and adults.

While these studies of subjects' perceptions of eyewitnesses do suggest that children are perceived as poorer objective witnesses than adults, the findings are not entirely
consistent. Guilt ratings yield significant or near significant increases with age in most of the studies. Verdict differences due to differences in witness age occur in two of the three studies measuring them (Leippe & Romanczyk, 1987, 1989), with one condition, described below, under which the child witness produced greater guilt (Leippe & Romanczyk, 1989, Experiments 3 & 4). Of the four studies eliciting non dichotomous guilt ratings, two reported non-significant increases in guilt with increased witness age (Goodman et al., 1987; Leippe & Romanczyk, 1987), a third reported significant increases (Goodman et al., 1984), while the fourth reported a significant increase which interacted strongly with speech style (Nigro et al., 1989). Credibility is nearly always lower for children than adults, while differences between children of different ages appear in only three studies (Goodman et al., 1984; Goodman et al., 1987; Leippe & Romanczyk, 1987). However, the pattern of credibility ratings, like guilt ratings are subject to reversal by factors such as inconsistency (Leippe & Romanczyk, 1987, 1989) and speech style (Nigro et al., 1989).

Ross et al. (1987) have cautioned against conceiving of credibility as a unidimensional construct, arguing that it is multidimensional and hence should be gauged using multiple measures. Nigro et al. (1989) complement this suggestion with their appeal that researchers go beyond the main effects model of reactions to eyewitnesses.

A closer examination of these studies might clarify their
findings by highlighting other important trial factors. Though Yarmey & Jones (1983) report no significant differences between student and non-student populations, it may be of interest to look at the populations sampled in the studies reviewed. The most commonly reported population from which mock jurors were sampled is that of university students, with one study reporting a mixed student and non-student population. The conclusion that can be drawn from the two studies varying population across experiments (Goodman et al., 1984; Leippe et al., 1992), is that age effects on credibility are consistently attenuated with non-students (Goodman et al., 1984) and married couples (Leippe et al., 1992b). Whereas credibility ratings increased significantly from 6- to 10- to 30-year-old witnesses when students were sampled, in both studies only the 6- to 30-year-old difference was significant when the other populations were used. Previous research on perceptions of adult testimony has found comparable results for student and non-student populations (Cutler, Penrod, & Dexter, 1990).

The type of events about which the witness is portrayed to be testifying also varies across studies, and this may be an important variable in people's perceptions of the value of children's testimony. Unfortunately, there has been no systematic attempt to study this. Two studies used answers to questions regarding lab events witnesses experienced (Leippe et al. 1992a, 1992b), with children rated less credible than adults in both. No clear pattern could be discerned with other event
types, which included vehicular deaths, fatal muggings, and one drug possession case.

The mode of testimony presentation appears to be a variable, across the studies reviewed, about which more can be said. Both child-adult differences and age-of-child differences in credibility are found for narrative presentation of the trial (Goodman et al., 1984; Goodman et al., 1987; Leippe & Romanczyk, 1987). The use of videotaped versus written trial materials also appears to be somewhat important. Goodman et al. (1984, 1987) found similar patterns across both types of material, but with the 6- to 10- to 30-year-old difference in credibility found for written material reduced to a 6- to 30-year-old difference for videotaped material. Leippe & Romanczyk (1989) report having found that written narratives of a stabbing/mugging trial yielded more guilty verdicts with a 30-year-old than a 6- or 10-year-old witness, while written transcripts of the trial yielded more guilty verdicts with a 6- than 30-year-old witness. The authors argue that this was evidence that narratives allow subjects' judgements to be guided by their negative stereotypes regarding children. The transcript depiction of the trial provided a realistic portrayal of children's testimony. Since this depiction of the child's testimony was better than the subjects' stereotype would have led them to expect, they deemed the child highly credible (Leippe & Romanczyk, 1989). This seems related to the finding of Leippe and Romanczyk (1987, Experiment 2, described above) that, within a narrative of the trial, the
consistency of transcripted testimony moderated the effects of age of witness. Higher credibility ratings for the consistent child than adult and the reverse for the inconsistent witnesses suggests that expectations of inconsistency in children led to a highly positive reaction when the child was actually very consistent.

While this is a very important finding and suggestion, it doesn’t explain why videotaped testimony (albeit of a fatal automobile accident trial) still yielded lower credibility ratings the younger the witness. That there are gaps in understanding of such important variables across studies is not surprising given the small amount of research that has actually been done in this area.

Looking at the gender of the witness does not provide any insight into the findings. To date, it has not been examined for children’s eyewitness testimony. Nearly all eyewitness research presents the mock jurors with a boy and man as the comparison, with the only study using females finding increased credibility with increased age, in both written and videotaped format (Goodman et al., 1987). Other studies fail to describe the gender of the witnesses presented (Leippe et al., 1992a; Goodman et al., 1984).

Another variable of interest is the strength of the trial evidence presented. Leippe & Romanczyk’s (1987) experimental manipulation of this variable led them to conclude that larger age-of-witness effects occur the stronger the evidence overall.
Unplanned differences in the Goodman et al. (1987) studies (guilt ratings of 41% - 73%) also appear to support this suggestion.

Deliberation has been reported to both remove age-of-witness effects (Goodman et al., 1987) and not to affect them (Nigro et al., 1989), leaving little to be concluded about its effect.

The last remaining variable to have been proposed to moderate age-of-witness effects is the speech style of the witness (Nigro et al., 1989). An 8-year-old witness led to lower credibility ratings and guilt-of-defendant ratings than a 25-year-old when testimony was presented in powerless form, that is, containing pauses, qualifying hedges and intensifiers. This pattern reversed when testimony was presented in powerful form, lacking these elements. Thus, again, an unexpectedly confident and straightforward child may dramatically overcome any prior biases mock jurors have against child witnesses.

While the trial variables discussed suggest several important ways in which the general devaluation of children's testimony may be strongly moderated, the paucity of research leaves these as suggestions awaiting replication and further examination. The next section will review the even more sparse research on the perception of children testifying as involved victim-witnesses rather than third party eyewitnesses to events.
Research on the Child as Victim-witness

Turning to the few studies examining subjects' reactions to witnesses testifying as victims in the trial (Bottoms & Goodman, 1994; Duggan, Aubrey, Doherty, Isquith, Levine & Scheiner, 1989; Gabora et al., 1993; Goodman et al., 1989; Key, Warren & Ross, 1996; Isquith et al., 1993; Nightingale, 1993; Schmidt & Brigham, 1996), a more consistent pattern is found. In an attempt at closely studying a simulation of victimization, Goodman et al. (1989, Experiment 1) videotaped young children (from 3 to 6 years old) receiving an inoculation at a medical clinic and later videotaped a formal questioning and cross-examination of five of the children in a moot courtroom at a law school nearly one year later. Student subjects were given a one-page description of a civil suit in which a nurse was accused of seriously injuring a child by giving him or her an unauthorized shot. Then, under the instructions that they were about to view part of the actual trial, they were shown the videotape of the child being questioned and attempting to pick out the nurse who had treated him or her at the clinic from a line-up. Mock-jurors were unable to distinguish accurate from inaccurate testimony by the children. Whereas actual accuracy was inversely related to age of witness ($r = -.26$, not significant, $N = 5$), the correlation between age and perceived credibility was positive ($r = .32$, $p < .001$). In addition, although the performance of the
children was quite good, overall credibility ratings were low.²

The second experiment by Goodman et al. (1989) had subjects reading a scenario describing an alleged sexual assault case. The case involved a student claiming that she was sexually assaulted by her 28-year-old male teacher in his office after school, having lured her there under the guise of wanting to discuss her class grades. The defendant's position was that the student had been given the idea from her mother's suggestive questioning and that the student was motivated by revenge over poor grades. The victim was described as being either 6, 14 or 22 years of age. Subjects' reactions to the case varied with the age of the complainant, such that the 6-year-old was judged more credible than the 22-year-old, with the 14-year-old in between but not significantly different from either. Defendant guilt was judged to be greater when the complainant was 6 than when she was either 14 or 22 years of age. A problem with this type of trial manipulation is that sexual abuse of children and that of adults are different types of crimes. The seriousness and likelihood of these crimes may differ in the minds of the jurors considering them. It is also likely that the plausibility of the defense position, that the complainant was motivated by revenge over poor grades, would be affected by the age of the complainant. It is less believable that a 6-year-old could be so concerned about

² One child, judged to be "very uncredible" (p.10) by subjects, in fact provided excellent testimony, correctly identifying the nurse and getting 70% of questions correct one-year after the fact.
grades than it is for a 22-year-old.

A larger and more complex study of mock-jurors canvassed from the general population by means of a list of voters (Duggan et al., 1989), also examined reactions to a child sexual abuse case. The basic trial scenario is described as involving "a child's allegation that she had been touched illicitly while sitting on the lap of an adult male who was telling her a ghost story in the woods behind her home" (Duggan et al., 1989, p.77). The trial was presented in the form of a video produced with professional actors, in which three variables were manipulated: child victim-witness age (5, 9 or 13 years), corroboration (none, by a 9-year-old, by an adult), and defendant (step-father, neighbour). Juries were formed, with 3 males and 3 females in each, and were allowed to deliberate for 45 minutes. The results show a similar pattern for individual juror responses before and after deliberation. Duggan et al. (1989) report corroboration was the only important variable in group verdicts, with more guilty verdicts when there was corroboration than when none. Individual verdicts also showed the effect of corroboration, as well as an age effect such that the 9-year-old elicited more guilty votes (81%) than the 13-year-old (65%), with the 5-year-old in between (75%) but not significantly different from the others. No effects of defendant type or sex of subject were observed.

While a set of studies by Isquith et al. (1993) did look at age and sex of victim-witness (Study 1, Experiment 3), it
reports mainly on the perceptions of the female child’s responsibility for her molestation. In the first set of studies it is reported briefly that older children (13 years) are rated less believable than younger children (5 and 9 years), and that no effects of sex of child were found on believability. Isquith et al. (1993, Study 2) examined mock-jurors’ judgements of responsibility of a 13-year-old girl for her involvement in illicit touching of her genitals by a 38-year-old neighbour in the woods. The trial was presented in the form of a one-page summary. Jurors’ perceptions were subjected to a principal components factor analysis with a Varimax rotation. The first factor, described as involving credibility and guilt issues, accounted for 41% of the variance. A second factor, reflecting judgement of responsibility, accounted for an additional 12% of the variance. Although not a legal issue with children under 14 years of age, it appears that sexual assault victims over 12 years old are already burdened with the weight of perceived legal responsibility.

The trial of the next study (Gabora et al., 1993) differed from those of other studies insofar as incest is different from non-incestuous child molestation. Gabora et al. (1993) had students watch a videotape of a sexual abuse trial, in which the victim-witness was either 13 or 17 years old and in which general, specific, or no expert testimony was presented. A non-significant decrease in credibility and convictions with age was found for individual pre-deliberation ratings, which became
significant after deliberations ($p < .05$). The juries showed a trend to vote guilty more often for the 13- than the 17-year-old. Female subjects gave more convictions than did males ($p < .05$). Expert testimony that provided general background on child sexual abuse had no effect, except when the implications of this background for the specific case at hand were explicitly stated ($p < .05$). When asked to rate the witness's sexual knowledge, the 17-year-old was judged significantly more knowledgeable. The assumption that these effects are due to aged-based credibility judgements and not to the subjective probability of abuse occurring to children of different ages has not been addressed in this literature.

A study by Nightingale (1993) looked at the effects of age-of-witness as well as corroboration and type of trial on judgements regarding written trial summaries. While credibility ratings were not obtained, verdicts yielded a significant interaction of age and corroboration ($p < .05$; Experiment 1). Both 6- and 12-year-olds benefitted from the presence of corroborating testimony ($p < .001$ and $p < .005$, respectively), while 9-year-olds did not. These effects were found for both types of trial: A criminal trial involving sexual abuse and a civil trial involving injury due to negligent driving. Ratings of blame of the victim-witness differed in that corroboration decreased blame ($p < .05$), and the 12-year-old was given more blame than either the 6- or 9-year-olds ($p < .05$), across both trial types.
The second experiment of Nightingale (1993) used the same sexual abuse case as the first experiment, but varied age in one year increments from 6 through 14 years. A logistic regression yielded an effect of decreasing guilty verdicts with age ($p = .05$). This effect vanished when credibility judgements were entered into the regression, suggesting that the age effect on verdicts was due to differential credibility assessment of the witnesses. Blame was once again found to increase with age-of-witness ($p < .05$).

A series of studies, found in Bottoms and Goodman (1994), has examined the issue of the sexual knowledge of children testifying about sexual abuse. In the first experiment, they provided students with one-page scenarios in which a female student (6, 14, or 22 years of age) claimed to have been sexually assaulted by her teacher. Credibility decreased with the age of the witness, but only the 6- versus 22-year-old comparison was significant ($p < .05$). Guilt of defendant ratings were lower for the older two witnesses than for the 6-year-old witness. An analysis of subjects’ comments showed more negative and more positive comments about the sexual naivété of the witness when she was 6-years-old than when either 14- or 22-years-old ($p < .001$). Subjects made more positive comments regarding the honesty of the witness when she was 6-years-old and more positive comments regarding the cognitive ability of the witness when she was 6- or 14-years-old; however, none of these differences were significant.
The second experiment was similar to the first except that it varied the gender of the victim-witness and the ages were 6, 10, and 14 years (Bottoms & Goodman, 1994). As in the first experiment, women were more pro-conviction in their ratings than men \((p < .001)\). No effects due to gender of witness were found. This experiment found no effects of age of witness for either credibility or guilt judgements.

The third experiment involved the presentation of videotaped testimony from two actually abused boys, aged 11 and 14 years. However, the 14-year-old’s testimony was weak and had originally only been corroboration for that of the 11-year-old, preventing age of witness differences from being meaningfully analyzed. Estimates of the age at which a child would have the ability to fabricate the abuse ranged between 5 and 18 years (the average was 11.7), and were not significantly different for male and female students (12.3 and 11.0 years, respectively). Subjects’ ratings of the two witnesses favoured the older witness on judgements of truthfulness \((p < .05)\), ability to distinguish fact from fantasy \((p < .05)\), likelihood of having fabricated the abuse charges \((p < .01)\), and likelihood of having been influenced by suggestive questioning \((p < .001)\). The older child was also rated more attractive and more intelligent \((ps < .001)\). However, since the Witness-Age manipulation was confounded with the structure and role of the testimony, little can be concluded from the Witness-Age effects found in Bottoms and Goodman’s (1994) third study.
Schmidt and Brigham (1996) examined the effects of child-witness age in the context of manipulating speech style and prosecution interrogation style. They found no differences in conviction rate between 5-, 10- and 15-year-old witnesses in a sexual abuse trial simulation, either in pre-deliberation individual ratings or in post-deliberation jury verdicts. Powerful and powerless child-witness speech styles failed to produce differences in conviction rate. The prosecution's use of leading or non-leading questions also failed to affect conviction rate. An interaction between Witness-Age and speech style was found for a credibility measure based on the factor analysis of 13 different ratings of the child-witness. The general pattern of differences found was that the 15-year-old witness loses credibility when using a powerless speech style, such as qualifications and hesitations (Schmidt & Brigham, 1996, Study 1).

A second study by Schmidt and Brigham (1996) attempted to assess elements of general credibility judgements of the child-witness. Eighteen items assessing the child-witness were entered into a factor analysis, producing five factors accounting for 64 percent of the variance. Witness-age effects were revealed in a MANOVA of the factor scores. Younger children were seen as more powerful/happy ($F(2,194) = 14.9, p < .001$) and more attractive ($F(2,194) = 59.7, p < .001$). The interaction reported for their first study was replicated in the second study. Path analysis showed that Witness-Age was significantly related to factor
scores of truthfulness, attractiveness, accuracy and the factor
described as powerful/happy\(^3\).

One final study to be discussed is not typical of sexual
abuse research involving child-witnesses (Key et al., 1996).
Subjects in this study read a trial summary of a sexual abuse
case in which the victim-witness was an adult testifying about
abuse that had occurred in her childhood. The age at which this
abuse was said to have occurred was manipulated (either 3-, 8- or
13-years-old) as well as whether or not the delay in reporting
the abuse was attributed to repressed memories. Repressed memory
claims significantly reduced rate of conviction from 67 to 58
percent \(\chi^2(1,453) = 4.6, p < .03\), while there was no effect of
Witness-Age. Ratings of the believability of the witness showed
a significant Witness-Age effect \(F(2,447) = 6.3, p < .002\), such
that she was more believable when describing abuse that had
occurred when she was eight years of age than when either three
or thirteen years of age. Perceptions of differences between the
believability of children of different ages claiming sexual abuse
occur when the actual testimony is given by an adult. This
suggests that the child’s experience and memory of the event is
considered to change as the child gets older. This experience is
not seen to be retrospectively adjusted as the child matures into
an adult. It is also possible that subjects responded to the
testimony as if it were given by a child, and that the fact an

\(^3\) Note that the path analysis involved correlations
with the witness-age variable, which had only three
levels.
adult was providing the testimony was not salient enough in the trial summary.

The research on perceptions of child sexual abuse testimony has all been published within the last few years. Still, the pattern of results at this stage appears to show consistently greater credibility of the younger than the older witness. Many of the factors mentioned as possible moderators of any age of witness effect for eyewitness ratings would, no doubt, be important here. While most of the subjects in previous studies were students, one study examined the effect of witness age using a non-student population (Duggan et al., 1989). In this study the witness age effect was not linear. Increasing witness age from 5 to 13 years did decrease the conviction rate; however, the intermediate age, 9 years, produced the highest rate of conviction. Trial type has not been considered important in this specific literature; however, the pattern for sexual victimization appears to hold for other types of victimization (Nightingale, 1993). Most studies employ written trial descriptions, yet the few experiments presenting subjects with videotaped testimony also present an inverse relationship between age and credibility (Bottoms & Goodman, 1994; Gabora et al., 1993). In contrast to the eyewitness research, in these studies overall case strength has not been varied a great deal, neither within nor across studies. The overall guilt ratings for all studies, determined by either conviction rate or averaged degree of guilt ratings, is over 50 percent.
In two of the three studies allowing subjects to deliberate (Duggan et al., 1989; Gabora et al., 1993), the inverse relationship between age and credibility remained or strengthened afterwards. The other study did not assess post-deliberation perceptions of credibility (Schmidt & Brigham, 1996). The presence of expert testimony helped the case for the child victim-witness, as already described above (Gabora et al., 1993).

The final important factor examined in this research is that of corroboration. Bottoms and Goodman (1994), while not actually manipulating witness age, found that an 11-year-old’s case was strengthened with a 14-year-old corroborating victim-witness. Corroboration interacted with age in both Nightingale’s (1993) and Duggan et al.’s (1989) studies. Nightingale (1993) found that its presence increased convictions for both a 6- and 12-year-old witness, but did not do so for the 9-year-old, with no age of witness main effects. Duggan et al.’s (1989) findings were similar, in that corroboration helped the child victim-witness for both individual and post-deliberation jury responses. They also found that a 9-year-old corroborating witness was much more helpful than was an adult. The interaction with witness age was due to an insignificant decrease in credibility with no corroboration for the 6- and 9-year-olds and a very large decrease in the 12-year-old’s credibility when no corroboration was present (Duggan et al., 1989).

Thus, while important variables, such as consistency and
speech style, have not been examined in these studies, a consistent pattern has been demonstrated. The inverse relationship between witness age and credibility appears to be quite stable relative to the direct relationship found for the child eyewitness research.

**Persuading the Jury**

The task of legal witnesses is to present their experience and memory of the events about which they are testifying. The task of the judge and jury is not only to attempt to put all the testimony together logically, but also to assess the veracity of the testimony. While they must reflect on many issues, such as the relevance of the testimony to the charges brought before the court, a central issue under consideration of both judge and jury is the face value of the testimony. A fairly established domain of research developed under the rubric of source characteristics in persuasion has attempted to deal with this issue. The tendency for mock jurors to rely heavily on eyewitness confidence (Lindsay, Wells, & Rumpel, 1981; Wells, Lindsay & Tousignant, 1980) and on eyewitness memory for trivial details (Freedman, unpublished data; Wells & Leippe, 1981), suggests that non-pertinent matters do influence belief in the courtroom.

Many characteristics of the source of information affect how this source will be perceived. The multidimensional nature of credibility has only recently been considered in the psycho-legal literature (Goodman et al., 1989; Ross et al., 1987).
Notions about what influences people are as old as western thought. Aristotle (1954) considered persuasion to be based on logos (rational argument), pathos (emotional appeal), and ethos (personal character). According to Aristotle, the importance of character in persuasion increased in ambiguous situations, leading him to consider it the most important basis for persuasion. Since most trials are quite ambiguous situations, this notion seems especially pertinent in today's legal context.

Though researchers have attempted to produce a taxonomy of source characteristics, a consensus in terminology has not been reached (O'Keefe, 1990; Trenholm, 1989). While all appear to agree on the primacy of credibility in persuasion, other factors are given different importance by different researchers. Some suggest that attractiveness and power are the most important (McGuire, 1985), while others prefer the breakdown of liking, similarity, and attractiveness (O'Keefe, 1990). While liking appears to operate independently of credibility, effects of similarity and attractiveness are mediated through changes in liking or credibility (O'Keefe, 1990).

The concept of credibility itself is not without confusion. While modern conceptions of credibility involve the notions of competence and trustworthiness (Hovland, Janis, & Kelley, 1953; O'Keefe, 1990; Petty & Cacioppo, 1986), other elements of credibility have been identified. Factor-analytic

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4 These include dynamism, composure, sociability, extroversion, idealism, and similarity.
and functional approaches to explaining credibility appear to generally support the importance of competence and trustworthiness (Infante, Parker, Clarke, Wilson, & Nathu, 1983).

One factor affecting the competence aspect of credibility involves the speech style of the information source (McCroskey & Mehrley, 1969; Miller & Hewgill, 1964; Sereno & Hawkins, 1967). With increasing numbers of pauses, superfluous repetitions, and pronunciation difficulties, people are judged of lower overall competence. This suggests that the finding by Nigro et al. (1989) of pattern of changes in witnesses' credibility ratings due to speech style were due to differences in the perception of the child and adult witness's competence as witnesses and not to differences in trustworthiness. A second quality of speech style is the pace at which the source speaks. However, the effects of adult speech rate are not clear. Miller, Maruyama, Beaber and Valone (1976) replicated their finding that increased speech rate led to increased perceptions of knowledgeability. Others found no effects of speech rate on competence or trustworthiness for adults (Gundersen & Hopper, 1976; Woodall & Burgoon, 1983), even when unintentional covariates of speech rate were controlled for by using mechanically altered speech rates (Hausknecht & Moore, 1986).

Whether the position of the speaker confirms or disconfirms the expectations of the receiver also affects perceptions of credibility. Walster, Aronson and Abrahams (1966) had subjects rate messages arguing either for or against greater
powers for prosecutors. Ratings of higher competence and trustworthiness were found when the speaker was described as a convicted criminal arguing for greater powers than the reverse. Ratings were higher when he was described as a prosecuting lawyer arguing against greater powers than the reverse. The tendency to explain unexpected behaviours or opinions as being due to external factors (such as the actual quality of the argument being made) has been described in the basic attribution literature (Jones et al., 1987).

Some researchers have attempted to examine the factors that mediate credibility effects. One of the most important factors influencing the effect of source credibility is the extent of personal involvement the receiver of the message has with the issue under consideration. Studies have shown that as the receiver's involvement increases, the effects of source credibility decrease (Johnson & Scileppi, 1969; Petty, Cacioppo, & Goldman, 1981; Rhine & Severance, 1970). The receiver of a message about which he or she is uninterested will be willing to be guided by the apparent credibility of the source — what Chaiken (1987) has described as the use of credibility as an heuristic. The highly involved receiver will not be as affected by credibility differences, and will focus on the message arguments themselves.

In some instances, low credibility sources have been shown to be more effective than high credibility sources (Bock & Saine, 1975; Dholakia, 1987; Sternthal et al., 1978). While
counterattitudinal messages (those opposed by the receiver) favour highly credible sources, proattitudinal messages favour low credibility sources (Harmon & Coney, 1982; Sternthal et al., 1978). O'Keefe (1990) suggests that this effect may be due to the receiver "helping out" the low credibility source by thinking extensively about supporting arguments. These effects will only occur when receiver involvement is low and when the communicator is identified before the message (Johnson & Scileppi, 1969; Petty, Cacioppo, & Goldman, 1981; Rhine & Severance, 1970; Sternthal et al., 1978). Thus we see that persuasion based on credibility is due to at least two factors, perceived ability and honesty, and that its effects are highly situation-specific. Again, as Nigro et al. (1989) argue, it is time to go beyond the main effects model of witness credibility. Schmidt and Brigham (1996) appear to have heeded this advice and have separately assessed credibility subcomponents produced by factor analysis. While both truthfulness and accuracy measures were shown to be inversely related to Witness-Age, their relative importance was not assessed.

While perceptions of the competence and trustworthiness of the witness may form the basis of credibility judgements, not all information that contributes to these perceptions is the same. Information that persuades people to accept certain positions regarding others can be processed in two ways. When people have sufficient time or resources or are sufficiently motivated, they appear to take a Central or Systematic approach to processing
persuasive information (Chaiken, 1987; Petty & Cacioppo, 1986). Here, information is considered logically and thoroughly before decisions are made.

In contrast, when time, mental resources or motivation are lacking, people take more Peripheral or Heuristic approaches to process information. Shortcuts and cues to aid decision making are often used. For instance, when subjects are faced with the task of assessing the trustworthiness of a witness they may be unwilling or unable to logically and carefully consider all the relevant information. Using the heuristic that "nice people don't lie", a subject could use his or her emotional reaction to the witness as a guide to decision making; whether or not the witness is likable may determine the subject's perception of the trustworthiness, hence credibility, of the witness.

Source characteristics, such as attractiveness and likableness, operate through the associations they have. Peripheral cues or heuristic rules, such as "nice people don't lie" or "attractive people are intelligent", can be seen as a system of bias or prejudice. Inferences of trustworthiness or competence can be made quickly using such mental shortcuts, usually at the expense of accuracy. They operate through the curtailment of thought. Once a relevant cue or heuristic is recalled, then no further effort to elaborate on or further examine the issue will be made.
Sexual Innocence and the Child Witness

Goodman et al. (1989) have argued that the pattern of increased credibility with increased eyewitness age and decreased credibility with increased victim-witness age is due to differences in the relative importance of the two main elements of credibility: The ability of the child to testify and her honesty. On the one hand, children are seen as much less cognitively developed than adults, which leads them to be judged less capable of remembering details as well as differentiating reality and fantasy. In eyewitness testimony the ability to remember and describe what actually happened is the issue first and foremost in the subject’s mind as he or she is assessing the witness. On the other hand, when the witness is reporting on his or her own victimization, a second factor becomes important. While an adult (or older adolescent) may be judged capable of remembering what transpired, he or she is also an interested party and may be perceived as possibly having fabricated the victimization or details thereof. A child witness, it is argued, is judged to be a more credible victim-witness due to his or her childhood innocence or honesty (Goodman et al., 1989).

Part of what makes the child implicitly credible in a sexual abuse trial is the perceived unlikelihood that the child could have developed a sexual abuse scenario without it actually having happened. The notion that child witnesses are trusted more than adult witnesses because they are perceived to be less likely to fabricate their victimization claims is supported by a
recent review of the legal literature. Reid (1993) has examined a particular approach taken by defendants in child sexual abuse trials to discredit the testimony of the victim-witness. The above research suggesting that mock jurors deem sexual abuse testimony by a young child to be highly credible is paralleled by assertions in legal trials that juries unfairly accept as truthful almost any testimony by a child which is sexual in nature (Steinmetz, 1989). Reid (1993) has labelled this approach the "sexual innocence inference theory" (p. 829). Defendants have argued that because jurors assume a child witness to be sexually innocent, they will automatically infer that explicit knowledge of sexual behaviour and terminology can only have been learned through the defendant’s supposed molestation of the child. To the extent that judges and courts believe that jurors make such inferences, they also permit the defense to attempt to point out other possible sources of sexual knowledge by the child.

Defendants in sexual assault trials have been quite effectively barred from questioning adult victim-witnesses about past sexual behaviour by various "rape shield" statutes (see Reid, 1993, note 5). The rape shield statutes were instituted in order to prevent the traumatic exposure in court of past sexual behaviour of a victim-witness. This type of information was typically requested in order to support the defence that the complainant had actually consented to the sexual assault in question or to make inferences of bad character and a propensity
to lie. While consent is not an issue in child sexual abuse trials, the inference by jurors of bad character on the part of the victim-witness has effectively been prevented by judges' interpretation of the implicit application of rape shield statutes to child as well as adult witnesses (Reid 1993). Rape shield statutes have failed to prevent the questioning of child-witnesses about past sexual behaviour where judges have accepted the persuasiveness of the sexual innocence inference theory (Reid, 1993; Steinmetz, 1989). Defendants would like to prove to the jury that any sexual knowledge on the part of the child victim-witness may have other sources, thus opening the possibility for the jury to at least consider possible fabrication of the abuse by the complainant. This has been the most often used basis for bringing a child's sexual history into court and the basis for several statutory limitations on the rape shield laws (Steinmetz, 1989).

While evidence of past sexual behaviour (including prior sexual molestation by adults other than the defendant) may be quite an effective rebuttal of the sexual innocence inference, its probative value must outweigh its possibility of confusing the jury or prejudicing it against the child (Reid, 1993). Rigorous cross-examination of a child-witness about her sexual knowledge and possible sexual experiences may be damaging for the child. Outside of the courtroom, any adult engaging in such sexual conversation with a child is risking charges of sexual abuse. Added to the sexual issues, the very confrontational
nature of cross-examination may be quite traumatic for the child.

Another possibility is that the cross-examination of the child as to her sexual experiences may suggest to the jury that they consider the child similar to a sexually active adult. The nature of the mental experience and intent may not be the same as that of an adult engaged in the same behaviours. The possibility exists that the jury may make incorrect inferences about the child’s character should sexual cross-examination be given free rein. These issues must be considered when deciding whether or not to allow the presentation of evidence of sexual experience. Reid (1993) argues for its admission in court only when other approaches are not possible. Such approaches include: The presentation of evidence of sexual knowledge through sex education training in school, by parents, or law enforcement; presentation of evidence of exposure to sexually graphic literature or films; or the agreement by prosecution and defense in front of the jury that the child can be assumed to have had sexual knowledge before the alleged molestation occurred.

Summary

On the basis of the literature reviewed, I argue that the most important elements influencing judgements of a witness’s credibility are ability and honesty. At issue in a juror’s mind is the extent to which the witness is knowledgeable and competent enough to provide factual information pertinent to the case being heard. In addition, the juror must assess the likelihood that
the witness may be, for some reason, misrepresenting this information.

It has been put forward that the age of the witness differentially affects jurors' judgements in eyewitness and victim-witness contexts because of the two-fold nature of credibility. Depending on the type of testimony being given, one or the other element of credibility becomes dominant. When a child is describing sexual abuse that she claims the defendant in the trial has inflicted upon her, the issue is largely one of honesty. The child is describing direct experience and sensations and the juror's concerns are whether or not these experiences actually occurred and whether or not there is some motive to fabricate the charges against the defendant. When the child is providing eyewitness testimony, simply describing the behaviour of other, unfamiliar persons, the issue of honesty is typically not relevant to any great extent. In this situation, the ability of the child to perceive, comprehend and later recall these events is the primary element of witness credibility. The differential weighting of honesty and ability as dominant concerns has been the explanation for the research findings regarding age-of-witness effects. The presumption of children as innocent and adults as more devious is regarded as the basis for the greater credibility given younger witnesses claiming sexual abuse. The assumption of extreme cognitive impairment on the part of children relative to adults is argued to explain the finding that lesser credibility is given younger witnesses in
The recent legal concerns over the sexual innocence inference theory (Reid, 1993), have brought a new problem to the forefront. The theory suggests that, where not shown otherwise, jurors will assume a child describing sexual abuse could not have been able to provide the description unless the acts in question actually occurred. Defendants in some cases have argued that they should be allowed to demonstrate previous sexual knowledge, by whatever means, in the child.

The issue of sexual knowledge is complex in that it can be seen as relating to both elements of credibility. On the one hand, greater sexual knowledge would enable the child to more fully understand and remember details of the sexual abuse. On the other hand, however, greater sexual knowledge, if gained through experience of some kind, would put the child in the same condition as adult rape victims with less than chaste personal histories. The rape shield laws were implemented in order to prevent a woman's sexual history from being used to infer immorality and bad character. In this way, any child not meeting the juror's idea of childhood purity and innocence would be subject to the same characterological inferences. Even though judged a capable witness, one is not believed.

What appears lacking in the research area is, first, a demonstration that people do make the inference of sexual innocence in children, and second, a bridge between the eyewitness and victim-witness research. Three studies were
designed to test the sexual innocence inference theory and to examine the effects of two different methods of countering such an inference in court.

Common to all three studies are two experimental manipulations. The first variable manipulated was the age of the child-witness. The primary interest here was in replicating the Witness-Age effects reported in previous research. The second variable manipulated was the sexual knowledge of the child-witness. If, as Reid (1993) suggests, the child-witness is assumed to be sexually naive, then presenting information to mock-jurors about the child-witness's sexual knowledge should disabuse them of this assumption. Conversely, if mock-jurors do not assume the child-witness to be sexually naive, then presenting information that suggests she is sexually knowledgable should not affect how they assess her. The primary focus of this second variable was to test Reid's (1993) Sexual Innocence Inference Theory. A secondary focus was on whether or not different ways of presenting information of the child's sexual knowledge would be equally effective.

Beyond an interest in the main effects of the Witness-Age and Sexual-Knowledge variables was the expectation that these variables would interact. If mock-jurors did presume the child-witness sexually innocent, then the presentation of evidence of her sexual knowledge would decrease her credibility as a witness. However, this would be less likely to occur when the child-witness was older, since mock-jurors would be less likely to
infer sexual innocence in an adolescent than in a pre-adolescent child. If the effect of sexual knowledge presentation did not vary with the age of the child-witness in question, then it would be possible that mock-jurors were making non-probative inferences about the child (such as bad character).

As a further test of the basis for any effects of the Sexual-Knowledge and Witness-Age variables, both variables were manipulated over three separate trials. The trials differed in the capacity with which the child-witness testified, varying from victim-witness to eyewitness. The first study presented a child-witness testifying about her sexual victimization. Here, decreased credibility caused by sexual knowledge presentation could be mediated by the refutation of sexual innocence or by the inference of bad character.

The second study moved one step away from a victim-witness situation toward an eye-witness situation. The child-witness testified about the sexual victimization of another child by an adult acquaintance. Inferences of sexual knowledge or of bad character were both possible in this study as in the first study; however, it was speculated that testifying about the sexual abuse of another child and not herself would make inferences of bad character less likely.

The third study presented mock-jurors with a child-witness testifying about the sexual victimization of another child by an adult, both of whom were strangers to her and who were physically distant from her. Testifying as a corroborating witness, her
primary contribution to the trial was in identifying the attacker. Here, inferences of sexual knowledge were irrelevant; at most they should have made her a more capable eyewitness. Decreased credibility of the child-witness caused by sexual knowledge presentation could only be due to non-probative inferences of bad character. Since the child-witness was testifying as an eyewitness the effect of the Witness-Age variable in the third study was expected to be the reverse of that of the first two studies. This was the first test of the Witness-Age effect in a trial where the child testified as an eyewitness, but where the crime under consideration was sexual in nature.

Finally, the nature of the Witness-Age and Sexual-Knowledge effects was explored by having subjects make more specific assessments of the child-witness. The relative importance of the honesty and ability of the child as witness has been used to understand the mixed pattern of results found in the research on child-witness testimony. These three studies represented an attempt to explore the influence of perceptions of the child-witness's honesty and ability. In the first two studies, as sexual abuse cases where the case rested on the child's word against the defendant, the relative importance of honesty should be greater. Any Witness-Age or Sexual-Knowledge effects should be mediated by perceptions of the child-witness's honesty and not her ability. In the third study, where the child-witness was providing corroboration and eyewitness
identification, her ability and not her honesty should mediate Witness-Age and Sexual-Knowledge effects.

In summary, this research was directed toward examining the possibility that adults assessing the credibility of a child-witness infer sexual naiveté on the part of the child-witness. In addition, if the courts and the judges that administer them are to effectively deal with inferences such as these, they would be facilitated by some body of experimental evidence addressing this possibility. This research attempts to document these inferences and to test different ways of dealing with them in court following Reid (1993). These studies are the first to address these issues and are an important starting point in understanding how perceptions of children’s sexuality affect the way adults judge them in the courtroom. Documenting inferences of sexual innocence and ways of refuting them is important if the right of the defendant to confront witnesses is to be balanced with the right of the child-witness to be spared unnecessary trauma in the courtroom.
Study 1

Introduction

The first study was designed to test several hypotheses in the context of a typical child sexual abuse trial. In the trial used in this study there were no eyewitnesses to the crime and the evidence consisted largely of the child’s word against that of the defendant. Two characteristics of the trial were manipulated to form a 3 x 3 design: Witness-Age and Sexual-Knowledge. The effects of these variables on subjects’ perceptions of the witnesses testifying in the trial were examined. As well, attempts were made to explore the bases of the effects of these variables.

In the trial, the child-witness was described as either 6, 9, or 12 years of age. This formed the three levels of the Witness-Age variable. The Sexual-Knowledge variable also had three levels: Control, Neutral and Strong. In the Control condition no mention of the child-witness’s sexual knowledge or experiences was made. In addition to the Control condition, in the Neutral condition, following Reid’s (1993) suggestion, the child was described by the Prosecution as sexually knowledgeable, in a neutral manner without relating how she acquired this knowledge. The third level of the sexual knowledge variable, the Strong condition, was the approach actually used by some defense lawyers in specific trials (see Reid, 1993): The provision of explicit evidence that the child-witness had been previously sexually abused by someone other than the defendant.
One of the main purposes of this study was to attempt to replicate the Witness-Age effects reported in previous research on sexual abuse trials (Bottoms & Goodman, 1994; Goodman et al., 1989; Nightingale, 1993). The child-witness was predicted to be rated more credible and the rate of conviction of the defendant greater as the age of the child-witness decreased. However, the existence of anomalous findings (Duggan et al., 1989; Isquith et al., 1993; Key et al., 1996), where the Witness-Age effect was non-linear, suggested the possibility that the 9-year-old be rated more credible than either the 6- or the 12-year-old. It was this possibility, as well as the method of Witness-Age manipulation, which determined the three child-witness ages to be used in this research. Since only the described age of the child-witness would vary, and not her actual testimony, the child-witness age range used had to be as narrow as possible. The age range chosen best meet these requirements and best represented the ranges used in previous research.

The primary purpose of the Sexual-Knowledge variable was to test Reid’s (1993) hypothesis that adults' perceptions of child-witnesses in sexual abuse trials were mediated by inferences about the sexual knowledge of the child-witnesses. If mock-jurors in this study were assuming the child-witness to be sexually naive, then ratings of her credibility and the rate of conviction of the defendant were predicted to decrease from the Control condition to the Strong Sexual-Knowledge condition. This finding might vindicate the defendants and defense lawyers
wishing to aggressively cross-examine the child-witness regarding her sexual knowledge and history (Reid, 1993). The prediction for the Neutral condition was that it would follow the Strong condition, with the possibility of having a somewhat weaker effect. This would demonstrate that subjects were inferring sexual innocence in the child-witness, but that a non-traumatic manner of refuting this inference was as effective, or nearly as effective, as the approach in the Strong condition.

If the effect of the Strong Sexual-Knowledge presentation was to decrease child-witness credibility and the rate of conviction of the defendant, while no corresponding effect of the Neutral Sexual-Knowledge presentation was observed, then two possibilities would exist. The first possibility was that the Neutral condition was not effective in convincing the subjects of the child-witness's sexual knowledge; A manipulation check variable was included to examine this possibility. The second possibility was that the effect of the Strong Sexual-Knowledge presentation was not to refute inferences of sexual innocence, but rather to encourage the inference of bad character in the child-witness.

The secondary purpose of the Sexual-Knowledge variable was to elucidate the Witness-Age effect. If the Witness-Age effect were replicated, and it was found that this effect interacted with that of the Sexual-Knowledge variable, then one possible basis for the Witness-Age effect would be suggested. It was predicted that the above-mentioned effect of Sexual-Knowledge on
rate of conviction and on child-witness credibility would be evident with the 6-year-old child-witness, less so with the 9-year-old, and absent with the 12-year-old. Subjects were asked to estimate the average age at which children in general became sufficiently knowledgable about sexual matters to be able to imagine a series of events like those described in the trial. This variable was included as a means of verifying that subjects did, in fact, perceive the 12-year-old as somewhat sexually knowledgable. Simple main effects of Sexual-Knowledge across the levels of the Witness-Age variable would further suggest that Sexual-Knowledge was being used to infer bad character and not merely to refute inferences of sexual innocence.

A series of dependant variables were included in the study to be used to explore the effects of Sexual-Knowledge and Witness-Age statistically. Subjects were asked to rate the credibility of the witnesses. They were also asked to rate the child-witness on more specific measures of honesty and ability as a witness. If including either honesty or ability ratings as a covariate in the analyses of the main effects of Sexual-Knowledge and Witness-Age had the effect of reducing these main effects, then a case could be made for the basis of these main effects. If partialling out the variance associated with honesty ratings reduced or removed the Sexual-Knowledge main effect, then it could be argued that the effect of the Sexual-Knowledge manipulation was to suggest dishonesty. Conversely, if partialling out the variance associated with ability ratings
reduced the Sexual-Knowledge main effect, then it could be argued that perceptions of the child-witness's ability were the basis for this main effect.

The purpose of partialling out the honesty and ability ratings of the child-witness from Witness-Age effects was to examine explicitly the suggestion that, in sexual abuse trials, these effects were due to the perception that younger children were more honest than older children (Goodman et al., 1989). Though younger children are also suggested to be perceived as less capable witnesses, this perception is suggested to play a minor role in sexual abuse trials; it is suggested to exert its influence when the child-witness is testifying as an eyewitness.

Subjects were asked to rate the intelligence of the child-witness in order to examine the effect of the Witness-Age manipulation. Witness-Age could have been manipulated in either of two ways. The first approach would involve stating her age and changing the wording of her responses to match the speech style of either 6-, 9- or 12-year-olds. However, this approach would risk the possibility that the different wording used might change the content and understandability of the testimony for the subjects. The other approach would involve simply stating the child-witness’s age and holding the wording of the testimony constant. This approach risks the possibility that the youngest child will appear to speak very lucidly for her stated age, while the older child will appear somewhat infantile. It was decided to hold testimony constant and use the second approach. This
study was directed at understanding the kinds of inferences adults make regarding a child-witness based strictly on the child-witness' age. Ratings of the child-witness's intelligence were included as a measure of the distortion due to holding the actual wording of the testimony constant.

It was considered possible that subjects would perceive the sexual abuse of children of different ages to be different in terms of the seriousness of the abuse. It was also considered possible that the Strong Sexual-Knowledge condition, describing the sexual abuse of a previously abused child, would be perceived as a less serious case of abuse than that in the Control condition. As a precaution against the possibility that these perception might mediate any effect of Witness-Age or Sexual-Knowledge on other variables subjects were asked to rate the seriousness of the abuse described.

Several other measures of subjects' attitudes and personal experience were included either as further precautions against other confounds, or as exploratory measures to be used as the basis for other research beyond the scope of this thesis.

In summary, this study was designed as an attempt to replicate previous reports that child-witnesses testifying about their experiences of sexual abuse are deemed less credible as they increase in age. In addition, this study attempted to assess the effect of including information about the sexual history of the child-witness on ratings of her credibility as a witness and on the rate of conviction of her alleged attacker.
Finally, this study was a first attempt at exploring the basis of effects due to changing the age of the child-witness in question and those due to presenting sexual history information about the child in the trial. The relative involvement of perceptions of honesty and ability as a witness were assessed.

Method

Subjects.

Two hundred and seven Introductory Psychology students at the University of Toronto served as subjects. The students were part of a subject pool to fulfil course requirements, and had responded to a notice for subjects in an experiment on "Juror Decision Making in Sexual Abuse Trials". Subjects ranged from 17 to 48 years of age, with a mean of 21.9 years, and 78 percent were female.

Materials.

The sexual abuse trial was presented in written form. The trial was about 5600 words long and contained the testimony and cross-examination of four witnesses: The child and her mother for the prosecution; and the defendant and an eyewitness for the defense. The child claimed to have missed her bus ride home after school and to have been lured into the office of her teacher, the defendant, where he forced her to perform fellatio on him. Her mother, testifying for the prosecution, reported that upon arriving at the school she noticed that her daughter appeared upset and that after repeated questioning heard the
child’s accusation against the defendant. The third witness, a teacher testifying for the defense, reported seeing nothing out of the ordinary about the defendant as he walked by her office after the abuse was alleged to have occurred. The final witness, the defendant, claimed that the child sought revenge in order to protect herself from punishment for unruly class behaviour. He argued that he had threatened to report her behaviour to her parents. The case was designed to be ambiguous with the goal of an even split of guilty and not-guilty verdicts rendered.

Two variables were manipulated between conditions to produce a $3 \times 3$ design. The first variable manipulated was the age of the child complainant, described as either 6, 9, or 12 years. The second variable involved the presentation of information regarding the sexual knowledge of the child, either as the control, neutral or strong condition. No mention of sexual knowledge was made in the control condition. The neutral condition, following from Reid’s (1993) suggestion, involved a statement by the prosecution that the prosecution and defense agreed the child had sufficient sexual knowledge to fabricate the charges. The strong condition refuted the possibility of the

Before the Defense begins its questions the Crown would like to make one point clear. The Defense and the Crown have discussed one particular issue with the Judge of this court. In order to prevent an unnecessarily prolonged interrogation of the complainant, Samantha Green, the Crown has agreed to concede one point. The Crown agrees with the Defense on the issue of the complainant’s sexual knowledge. There is sufficient evidence suggesting that Samantha had the sexual knowledge to describe the events in her testimony before the actual
child's sexual naiveté with an interrogation of the child by the defense regarding a similar incident of sexual abuse she had experienced at 4 years of age. The entire transcript of the sexual abuse trial is available in Appendix A, with the Neutral and Strong sexual knowledge material in square brackets.

**Procedure.**

Subjects signed up for the experiment and chose a day and time slot in which they would be available to participate. Subjects participated individually or in groups of two or three. At the beginning of the experimental session, subjects were greeted by the experimenter and invited to sit down. Any immediate questions they had were answered. Subjects were then given an opportunity to read and sign the consent form (see Appendix B). All subjects agreed to participate in the experiment. Once they had completed reading the consent form, they were again given the opportunity to ask questions. Subjects were then given a copy of the trial (see Appendix A) with an attached questionnaire regarding their opinions regarding the trial (see Appendix C). Subjects were randomly assigned to the experimental conditions. If two or three subjects were being run at the same time, they were asked not to discuss the trial with each other. The experimenter then told the subjects to take their time and that he would return in about 30 minutes to answer any questions they had. The experimenter remained outside the room to ensure that the data from subjects not following these encounter in the office of Mr. Williams.
instructions would not be included in the analyses. When the experimenter returned, subjects were given additional time if they required it. After all subjects had completed the trial and subsequent questionnaire, they were given a copy of the debriefing material (see Appendix D) and asked to read it carefully. As part of their course requirement they were required to correctly answer a question about the debriefing material. After subjects finished reading the debriefing material and correctly answered the question, requiring identification of the two independent variables, they were told the experiment was over and again asked if they had any questions regarding anything about the experiment. Once all the questions were answered, the subjects were asked to fill in their names and student numbers on the subject pool form and then thanked for their participation in the experiment.

Results

Manipulation Check.

Subjects were asked to rate the likelihood that the child-witness had the sexual knowledge to be able to make up or imagine the events she described in her testimony\(^6\). A Sexual-Knowledge by Witness-Age ANOVA on their responses showed they were sensitive to the Sexual-Knowledge manipulation, \(F(2,198) = 9.3, p < .0005\). Greater likelihood of Sexual-Knowledge in the child-witness was perceived in the Strong condition than in the Neutral

\(^6\) Question 10 on the questionnaire.
condition; both of which were rated more likely than the child-witness in the Control condition to have Sexual-Knowledge (means, 2.2, 2.6 and 3.2, respectively; note that the question is reverse scaled). The TUKEY post-hoc comparisons showed that the Control condition differed significantly from each of the other two conditions. Neither the Witness-Age effect, $F(2,198) = 0.57, p = .567$, nor the interaction effect, $F(4,198) = 0.934, p = .445$, reached significance.

**Verdict.**

The overall level of convictions in this study was 42%. Subjects' verdicts regarding the defendant's guilt were analyzed by means of the SAS CATMOD procedure, which allows dichotomous variables to be submitted to an ANOVA type of analysis (SAS, 1990a). The verdict variable was submitted to a 3 x 3 (Sexual-Knowledge by Witness-Age) analysis. An effect of Sexual-Knowledge was found, $X^2 = 5.8, p = .056^7$, where contrasts of Maximum-Likelihood estimates showed that the only significant difference lay between the Control and Strong Sexual Knowledge conditions, $X^2 = 5.7, p = .017$. Table 1 shows the percentage of subjects in each of the Sexual-Knowledge conditions who chose a verdict of Guilty. The presentation of Sexual-Knowledge reduced

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7. The $p$-value reported reflects a two-tailed test. Since the Sexual-Knowledge effect found was predicted, a one-tailed test (yielding $p=.028$) could have been justified. However, the more conservative two-tailed approach will be used throughout this thesis. This Sexual-Knowledge trend, just outside of the conventional level of significance, is considered in this light.
the rate of conviction from that of the Control condition. No significant differences were found for either Witness-Age ($X^2 = 0.2, p = .92$) or the Knowledge by Age interaction ($X^2 = 2.2, p = .70$).

**Table 1.** Percentage of Subjects Choosing a Verdict of Guilty

<table>
<thead>
<tr>
<th>Sexual Knowledge Presentation</th>
<th>Control</th>
<th>Neutral</th>
<th>Strong</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>52</td>
<td>41</td>
<td>32</td>
</tr>
</tbody>
</table>

While the Sexual-Knowledge by Witness-Age interaction was not significant, the verdicts were generally in the pattern predicted, as shown in Table 2. Neutral or Strong Sexual-Knowledge Presentation appears to have decreased the proportion of Guilty verdicts from the Control level more when the witness was younger than when she was older. Statistically examining the Witness-Age effect within the Control Sexual-Knowledge condition, a replication of previous research, failed to produce a significant effect, $X^2 = 1.39, p = .498$. 
Table 2. Percentage of Subjects Choosing a Verdict of Guilty

<table>
<thead>
<tr>
<th>Witness Age</th>
<th>Control</th>
<th>Neutral</th>
<th>Strong</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>52</td>
<td>39</td>
<td>30</td>
</tr>
<tr>
<td>9 years</td>
<td>61</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>12 years</td>
<td>43</td>
<td>48</td>
<td>30</td>
</tr>
</tbody>
</table>

Attempted CATMOD analyses including as a third independent variable either Subjects' Sex or Subjects' Experience-with-Children proved impossible since some parameters were not estimable.

Verdict was combined with verdict confidence ratings to produce a Guilt-Confidence variable ranging from 1 to 9. Ratings of "Completely-sure-guilty" and "Completely-sure-not-guilty" formed the endpoints of the nine-point variable. Low values on this Guilt-Confidence variable represented highly confident "Not Guilty" verdicts, while high values represented highly confident "Guilty" verdicts. Values near the midpoint represented verdicts of low confidence. The midpoint, "5" on the nine point scale, represented verdict confidence ratings of "Not-at-all-sure", for both "Guilty" and "Not Guilty" verdicts.

In order to subject the Guilt-Confidence scores to the

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8 Experience-with-Children was a dichotomous variable created to differentiate those subjects who had either younger siblings or children of their own from those subjects having neither.
ANOVA procedure the cells were balanced by dropping subjects. The last subject run in eight of the nine cells of the Sexual-Knowledge by Witness-Age design was dropped from analysis to match the cell with missing data\(^9\). An effect of Sexual-Knowledge was found, \(F(2,189) = 5.4, p = .005\). Tukey post-hoc analyses revealed that the Guilt-Confidence in the Strong condition was significantly lower than in both the Control and Neutral conditions (\(p < .05\), see Table 3). No effect of Witness-Age (\(F(2,189) = 0.02, p = .98\)) nor of the Knowledge by Witness-Age interaction (\(F(4,189) = 0.62, p = .65\)) was found for Guilt-Confidence.

**Table 3.** Guilt-Confidence Ratings

<table>
<thead>
<tr>
<th>Sexual Knowledge Presentation</th>
<th>Control</th>
<th>Neutral</th>
<th>Strong</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5.6</td>
<td>4.9</td>
<td>4.1</td>
</tr>
</tbody>
</table>

In order to explore the basis of subjects' judgements of Guilt-Confidence a series of ANCOVAs were performed. It was assumed that those covariates which would reduce the Sexual-Knowledge effect when entered into the 3 x 3 ANOVA would be more involved in subjects' decisions regarding Guilt-Confidence than

\(^9\) The following subjects were dropped from the analysis: 199, 201, 202, 204-208.
those covariates which had no effect. In this way, the following analyses were intended to see which variables may mediate the Sexual-Knowledge effect found. Each covariate was included in a separate ANCOVA to examine its individual effect on the Sexual-Knowledge effect. Since it was expected that some of the variables entered as covariates would be correlated, entering them individually was intended to more clearly demonstrate their involvement or lack of involvement in the Sexual-Knowledge effect. Some of the variables emerged as significant covariates, yet did not reduce the significance of the Sexual-Knowledge main effect.

The first analysis involved adding the manipulation check variable as a covariate to the ANOVA. The covariate effect was significant, $F(1,188) = 121.4, p < .0005$. The effect of this covariate was to remove the Sexual-Knowledge main effect ($p = .41$), thus ensuring that subjects' subjective perceptions of Sexual-Knowledge were in fact behind the effect of the Sexual-Knowledge variable on Guilt-Confidence.

To ensure that peripheral elements in the trial scenario were not involved in judgments of guilt, variables related to these elements were also separately entered as covariates in the ANCOVA. Ratings of the two secondary witnesses providing circumstantial evidence$^{10}$, as well as ratings of the

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10 Ratings of testimony of the child's mother, $F(1,188) = 9.3, p = .003$, and that of the defendant's colleague, $F(1,188) = 7.7, p = .006$, were significant covariates.
intelligence of the child-witness\textsuperscript{11}, all failed to remove the Sexual-Knowledge effect. Entering ratings of the seriousness of the abuse described in the trial into the ANCOVA also failed to produce a significant covariate effect\textsuperscript{12}.

Turning to the effects of covariates which were expected to mediate the Sexual-Knowledge effect found, it does appear that some specific judgements regarding the child-witness underlie subjects' judgements regarding the guilt of the defendant. Subjects' ratings of the child-witness's ability to understand and remember what she saw had no effect as a covariate\textsuperscript{13}, while their ratings of the child-witness's credibility\textsuperscript{14} did eliminate the Sexual-Knowledge effect. Two other ratings, the likelihood that the child-witness was making up her testimony\textsuperscript{15} and the likelihood that she misunderstood what she saw\textsuperscript{16}, were significant as covariates and each effectively removed the Sexual-Knowledge effect when entered as covariates.

Finally, several variables which might have mediated the results but which were not directly related to the hypotheses of

\begin{align*}
\text{\textsuperscript{11}} \quad \text{Question 9 in the questionnaire; } F(1,188) = 1.3, \ p = .25. \\
\text{\textsuperscript{12}} \quad F(1,188) = 0.09, \ p = .762 \\
\text{\textsuperscript{13}} \quad \text{Question 7b in the questionnaire; } F(1,53) = 43.5, \ p < .0005. \\
\text{\textsuperscript{14}} \quad \text{Question 7c in the questionnaire; } F(1,53) = 153.4, \ p < .0005. \\
\text{\textsuperscript{15}} \quad \text{Question 10b in the questionnaire; } F(1,52) = 90.3, \ p < .0005. \\
\text{\textsuperscript{16}} \quad \text{Question 10c in the questionnaire; } F(1,53) = 21.8, \ p < .0005.
\end{align*}
the experiment were examined. Ratings of the likelihood that a man would be sexually attracted to a child the age of the child-witness\textsuperscript{17} proved to be a significant covariate ($F(1,53) = 6.7$, $p = .01$), and reduced the Sexual-Knowledge effect somewhat ($p = .07$). There was no effect of the number of adults or children subjects knew who had been sexually abused\textsuperscript{18}. The covariates both failed to reach significance and failed to reduce the Sexual-Knowledge effect.

**Sentencing.**

The next variable examined was the subjects’ judgements regarding the sentencing of the defendant. Subjects who had rendered a verdict of Guilty were asked to decide on an appropriate sentence, while those having rendered a Not Guilty verdict were asked to decide on an appropriate sentence if the charges against the defendant had been correct. The Sexual-Knowledge by Witness-Age 2-way ANOVA was carried out once subjects had been dropped in order to balance the cells\textsuperscript{19}. Neither the interaction nor either of the main effects were significant (see Appendix E for significance levels). Examining the Sexual-Knowledge by Witness-Age ANOVA separately for subjects who rendered verdicts of "Guilty" and "Not Guilty" also failed to

\textsuperscript{17} Question 11b in the questionnaire.

\textsuperscript{18} Questions 20 and 21 in the questionnaire; $F(1,187) = 0.1$, $p = .74$ and $F(1,187) = 2.6$, $p = .11$, respectively.

\textsuperscript{19} The following subjects were not included in the analysis: Numbers 199, 200, 202, 204, 205, 206, 207, and 208.
yield any significant results (significance levels are also available in Appendix E).

**Witness Ratings.**

The ratings of the credibility of the child-witness's testimony was subjected to the Sexual-Knowledge by Witness-Age ANOVA, but did not replicate previous research findings of Witness-Age effects. Sexual-Knowledge produced a significant effect ($F(2,198) = 4.6, p = .01$), such that trust decreased from the Control to the Neutral to the Strong condition (means = 3.3, 3.0 and 2.7, respectively). When subjects' ratings of their confidence in the ability of the child-witness to understand and remember what she had seen were entered as a covariate, the covariate was significantly related to trust of the child-witness, $F(1,62) = 80.2, p < .0005$. However, this covariate did not remove the Sexual-Knowledge effect. When subjects' ratings of their confidence in the honesty of the child-witness to tell the truth were entered as a covariate, the covariate was again significantly related to trust of the child-witness, $F(1,62) = 262.1, p < .0005$. In this case, entering the covariate

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20 Question 4 on the questionnaire (Appendix $\$$).

21 Question 7b on the questionnaire.

22 The ANCOVA used a reduced sample size because the questions regarding judgements of the child-witness's ability and honesty were added to the questionnaire after some subjects had already been run in the experiment.

23 Question 7c on the questionnaire.
did remove the Sexual-Knowledge effect ($p = .51$). Secondary questions toward the end of the questionnaire again examining the ability and honesty of the child-witness\textsuperscript{24}, each proved to be significant covariates (honesty, $F(1,62) = 74.7$, $p < .0005$; ability, $F(1,62) = 15.6$, $p < .0005$) and both removed the Sexual-Knowledge effect ($p > .10$).

Entering as a covariate subjects’ ratings of the seriousness of the abuse described in the trial did not produce a significant covariate effect, $F(1,197) = 0.001$, $p = .973$, and the Sexual-Knowledge effect was not reduced by its inclusion.

Subjects’ responses to the four questions regarding the ability and honesty of the child-witness were entered in a VARIMAX factor analysis in order to attempt to produce an aggregate measure of ability and honesty. A two-factor solution was forced; however, one factor produced an acceptable eigenvalue (2.6), but the other factor did not (0.72).

Ratings related to the defendant were subjected to the Sexual-Knowledge by Witness-Age ANOVA. Subjects’ judgements of the likelihood of a man being attracted to a child the age of the child-witness were entered into a Sexual-Knowledge by Witness-Age ANOVA\textsuperscript{25}. No significant effects were found ($p > .40$). Subjects’ ratings of the credibility of the defendant’s testimony mirrored that for the child-witness, with a significant Sexual-Knowledge effect, $F(2,198) = 7.1$, $p = .001$. Trust increased with

\textsuperscript{24} Questions 10b and 10c on the questionnaire.

\textsuperscript{25} Question 11b on the questionnaire.
increasing strength of Sexual-Knowledge, from the Control (2.7) to the Neutral (2.8) to the Strong condition (3.4), with only the latter differing significantly from the other two. Entering the ratings of likelihood of attraction to a child the age of the witness (see above) as a covariate in the 2-way ANOVA showed the covariate to be significantly related to ratings of the defendant. The effect of this covariate was to remove the Sexual-Knowledge effect ($p < .10$).

Ratings of the child-witness's mother (a witness for the prosecution) showed no significant effects when subjected to the Sexual-Knowledge by Witness-Age ANOVA ($p > .13$). Similarly, an ANOVA on the ratings of the prosecution's witness, a teacher like the defendant, showed no significant effects ($p > .12$).

**Other Exploratory Variables.**

Subjects were asked to rate the seriousness of the kind of abuse described in the trial\textsuperscript{26}. It was considered possible that the sexual abuse of a previously abused child, or of an older child, would be seen as less serious. The Sexual-Knowledge by Witness-Age ANOVA on the responses to this question produced a Sexual-Knowledge effect, $F(2,198) = 4.4, p = .01$, such that the rating in Neutral condition (4.7) was lower than those of the Control (4.8) and Strong (4.9) conditions. Note that these scores are based on a five point scale where 5.0 is labelled "Extremely". As a measure of the plausibility of the charges,

\textsuperscript{26} Question 11 on the questionnaire.
ratings of the likelihood that a man would be sexually attracted to a child the age of the complainant\textsuperscript{27} were also subjected to the 2-way ANOVA, but no significant effects were found.

No significant effects of Sexual-Knowledge nor Witness-Age were found for subjects’ estimates of the prevalence of sexual abuse of girls or of boys. Opinions regarding the age at which a person can consent to sexual intercourse and the age at which a person should be legally responsible for breaking the law were also analyzed; neither of these variables produced any significant effects. Subjects’ estimates of the average age at which a person has the sexual knowledge to imagine events like those described in the trial\textsuperscript{28} did produce a Witness-Age effect, $F(2,189) = 22.5, \ p < .0005$. When subjects had read about a twelve-year-old witness, they estimated the average age to be 12.0 years. Reading about a nine-year-old witness reduced the estimate to 11.1 years, while a six-year-old witness reduced the estimate further to 9.2 years.

As a descriptive variable, the age at which subjects estimated the average child to have the kind of sexual knowledge to be able to imagine sexual events like those in the trial was compared with the age of child-witness in the Witness-Age condition to which they were assigned. The proportion of subjects whose estimates were lower than the actual child-witness’s age was 13 percent in the 6-year-old condition, 17

\textsuperscript{27} Question 11b on the questionnaire.

\textsuperscript{28} Question 16 on the questionnaire.
percent in the 9-year-old condition, and 43 percent in the 12-year-old condition.

Discussion.

Guilt Ratings: Child-Witness Age

The Witness-Age manipulation did not affect measures of the guilt of the defendant. The failure to find an effect of Witness-Age on verdicts contrasts with previous research. However, this divergence is not as marked as it first appears. First of all, only two studies found Witness-Age effects between children less than twelve years of age (Duggan et al., 1989; Nightingale, 1993), the age range used in this study. Further convergence is found when only the data from the Control Sexual-Knowledge condition is considered. It is within this condition that the design of previous research is replicated. Looking at the pattern of verdicts for the Control subjects (Table 2 in the Results section) shows that the pattern of verdicts resembles that found by Duggan et al. (1989). They found that a nine-year-old witness produced more Guilty verdicts than a thirteen-year-old, with the verdicts for a five-year-old falling in between. It is possible that the nine-year-old has the combination of perceived honesty due to her youth and perceived ability due to her maturity that makes her the most credible child-witness in the eyes of mock-jurors. However, this pattern did not reach significance in this experiment as it had in Duggan et al. (1989).
All the previous research reviewed in the introduction, in which the child-witness's credibility was measured, has found at least some pattern of increased credibility with decreased age. This was not the case in this study. It is possible that the Witness-Age manipulation itself was less salient than that in previous research. Some used videotaped testimony of children (e.g., Gabora et al., 1993), while others used shorter written presentations in which the age information formed a large part of all information available (e.g., Bottoms & Goodman, 1994; Nightingale, 1993).

Attempts were made in this study to ensure that subjects were at least aware of the child-witness's age. Wording in some of the questions was specifically tied to her age, forcing subjects to focus on it while completing the questionnaire. The simple manipulation of child-witness age used was chosen over more involved manipulations in order to keep trial scenario content unchanged across conditions. More salient, and possibly more realistic, Witness-Age manipulations could have been made by rewriting the child's testimony in age-specific vernacular. However, in rewriting the testimony in the level of syntax appropriate to 6-, 9- and 12-year-olds might have occasioned important changes in the meaning conveyed to subjects reading the trial scenario. Ideally, both forms of Witness-Age manipulation should be employed as replications of each other. From the comparison of subjects' estimates of the age of development of sexual knowledge with their Witness-Age condition it can be seen
that most subjects did perceive the child-witness in the trial scenario as being younger than this average child. This would have ensured the possibility of most subjects inferring that the child-witness was sexually innocent.

The lack of significance of intelligence ratings of the child-witness as a covariate ensures that any differential perceptions of intelligence due to reading trial transcripts with different-aged children speaking the exact same words did not unduly affect the results.

Guilt Ratings: Sexual Knowledge

The results of this study generally support Reid’s (1993) suggestion that inferences of sexual naiveté are being made about child-witnesses testifying about sexual abuse. The Sexual-Knowledge manipulation appears to have been successful in producing an increase in perceptions of Sexual-Knowledge from Control to Neutral to Strong presentations. The most important variable, from the perspective of application to the legal system, is verdict. A weak effect of Sexual-Knowledge on Verdict showed that the direct relationship between the manipulation and perception of Sexual-Knowledge carried over to subjects’ actual judgements of guilt. The Strong condition suggests that delving into a child-witness’s past sexual history can produce a measurable effect on trial outcome. The Neutral Sexual-Knowledge presentation did reduce the number of subjects willing to render a Guilty verdict, although this difference failed to reach
significance.

That the reduction due to the Neutral Sexual-Knowledge presentation was half as large as that due to the Strong presentation suggests two possibilities. One is that the Strong condition was simply more salient than the Neutral condition and that subjects were more convinced to assume the child-witness sexually knowledgable by the Strong than by the Neutral Sexual-Knowledge presentation. The other possibility is that the Strong condition reduced the rate of conviction due to its refutation of the inference of sexual naiveté as well as its suggestion of bad character in the child-witness. Since the pattern of decreases in rate of conviction from Control to Neutral to Strong conditions follows the pattern of perceived sexual knowledge in the manipulation check variable, it appears that the first possibility correct.

The finding of a decrease in rate of conviction due to either Neutral or Strong conditions suggests that the Sexual Innocence Inference Theory of Reid (1993) may be correct. Providing evidence that the child-witness had the knowledge to fabricate her testimony does reduce the rate of conviction. The fact that only the decrease in rate of conviction due to the Strong condition was significant may support proponents of the position allowing the child-witness’s sexual history to be scrutinised in court. From this study, one cannot determine whether subjects’ use of this sexual history is only directed at more strongly refuting the assumption of the child-witness’s
sexual innocence or also at imputing bad character to her.

While it does not directly mimic the dichotomous response required in court, researchers often use a guilt-confidence measure instead of verdict (for example, Nigro et al., 1989). Sometimes this type of measure is used in conjunction with verdict responses (for example, Bottoms & Goodman, 1994). Its popularity as a measure stems less from external validity than from its sensitivity to Witness-Age manipulations. The Sexual-Knowledge effect found for Verdicts was repeated in the analysis of Guilt-Confidence, suggesting that it may serve as an acceptable analogue for Verdict.

A non-binary measure of Guilt allows analyses to be performed which are not possible with simple Guilty/Not-Guilty data. The results of the ANCOVAs on the Guilt-Confidence variable allow a detailed examination of possible factors responsible for the Sexual-Knowledge effect found. The fact that entering the manipulation check variable as a covariate removed the Sexual-Knowledge effect supports the assertion that subjects' awareness of the child-witness's Sexual-Knowledge was behind the effect.

The trial was largely a matter of the child's (the complainant's) word against that of the defendant, so it is not surprising that ratings of the child and of the defendant tend to mirror each other. Therefore, it is also not surprising that each of these variables, when partialled out, was capable of removing the Sexual-Knowledge effect. Further evidence of this
is found when the ratings of the other witnesses are partialled out of the Sexual-Knowledge by Witness-Age ANOVA. As covariates, each was significantly related to Guilt-Confidence since they do provide information relevant to the case against the defendant. However, neither of these variables removed the Sexual-Knowledge effect. This effect is specific to the confrontation between complainant and defendant, and not based on a broader perception of prosecution and defense. This argument is further supported by the lack of any significant effects in the ANOVAs of ratings of either of the two peripheral witnesses.

**Guilt Ratings: Honesty and Ability**

The literature on trials involving child-witnesses suggests that differences in perceived honesty and ability may lie behind the effects of Witness-Age; however, the ability to make some empirically-based statement to this effect is needed. Each of the variables based on ratings of the child-witness's ability and honesty as a witness proved to be a significant covariate in the Sexual-Knowledge by Witness-Age ANCOVA. This is not surprising since both the ability and honesty of a sexual abuse victim can be argued to be relevant to her testimony. The finding that partialling out the ability variable did not remove the Sexual-Knowledge effect, while doing so with the honesty variable did remove the effect, allows a strong argument for the basis of subjects' judgements of Guilt to be made. The effect of Sexual-Knowledge presentation appears to increase the relevance
of perceptions that the child-witness is dishonest rather than to increase the relevance of perceptions of the child-witness's ability as a witness. This is not to say that subjects use the Sexual-Knowledge information in a non-probative manner. The child with Sexual-Knowledge may be seen as more likely to lie simply because she is more strongly judged to be capable of doing so. This is the basic premise of the Sexual Innocence Inference Theory (Reid, 1993). Once again, it is still possible that the greater relevance of honesty than ability is due to inferences of bad character on the part of the child-witness.

The differential effect of perceived honesty and ability on the Sexual-Knowledge effect appeared to be weaker when these issues were tapped in later questions in the questionnaire. Asking more whether subjects thought that the child-witness had either made up or had misunderstood the events about which she testified produced the same effects. Both ability and honesty ratings, when partialled out, reduced the Sexual-Knowledge effect; however, it still remained marginally significant when ability was partialled out. These two questions occurred after the manipulation check in the questionnaire; it is possible that the increased salience of the Sexual-Knowledge issue after explicitly acknowledging it may have affected the responses. It is also possible that the reworded questions were different enough to merit different responses. While the earlier questions had asked about the child-witness's ability and honesty, the later questions had asked about the likelihood that she had made
up her testimony and the likelihood that she misunderstood what she saw. Since the subjects' perceptions of the honesty and ability of the child-witness formed a crucial variable in this study, multiple measures ensured that they think carefully about their responses to each of these. Since the responses to the two sets of questions were nearly parallel, it is most parsimonious to interpret these effects as indicating simple differentiation between the honesty and ability of the child-witness, as was originally intended.

The failure to find any effects of the manipulations on sentencing judgements is not a serious problem, since real jurors are not responsible for sentencing convicted defendants. The value of mock-jurors' sentencing decisions is that it can be seen as an indirect assessment of responsibility. Where jurors arrive at a 'Guilty' Verdict, they may render judgements of differential complainant responsibility through differential sentencing patterns.

Witness Ratings

The ANOVA and subsequent ANCOVAs showed a pattern for child-witness credibility which was similar to that for Guilt-Confidence. The Sexual-Knowledge effect was linear, with the Strong condition being twice as far from the Control as the Neutral condition. The basis for the Sexual-Knowledge effect appears to be the perception of the child-witness's honesty rather than her ability as a witness. This appears to hold the
Sexual-Knowledge effect on both credibility and on Guilt-Confidence. This finding is important as not all previous research has been able to produce significant effects on both Verdict and credibility measures.

The peculiar finding that ratings of the seriousness of the type of sexual abuse described were affected by Sexual-Knowledge deserves some discussion. Contrary to arguments that evidence of prior sexual behaviour devalues the victim of sexual assault in the eyes of the juror (Brownmiller, 1975; Griffin, 1986), no reduction in seriousness ratings were found for the Strong Sexual-Knowledge condition (nor did the seriousness ratings as covariate reduce the Sexual-Knowledge effect on Guilt-Confidence). However, the Neutral Sexual-Knowledge condition did reduce the perceived seriousness of the abuse. It is not clear why a simple statement about the level of Sexual-Knowledge of the child-witness should make sexually abusing her less serious.

The results of analyses of ratings of the defendant do not add much to the findings for ratings of the child-witness. The one finding of interest is that the Sexual-Knowledge effect on defendant credibility was removed after partialling out the ratings of the likelihood of a man being attracted to a child the age of the complainant. Perhaps the innocent child in the Control condition is perceived to be more sexually attractive to a potential pedophile than the child described as sexually knowledgable.
Summary

In summary, it appears that Sexual-Knowledge presentation does reduce both child-witness credibility judgements and conviction rate. Reid's (1993) Sexual Innocence Inference Theory appears to have been supported. Although his suggestion that defense claims of the need to refute the inference of sexual naiveté in the child-witness can be met with a neutral statement asserting the existence of her sexual knowledge, the effect of such a neutral statement appears weaker than a stronger refutation. The weight of the added effectiveness of such a strong refutation, such as the cross-examination of the child-witness regarding previous sexual experiences, must be balanced against the weight of judicial concern for the welfare of the child-witness and for the prevention of unnecessary trauma to her.

The effect of Sexual-Knowledge appears to be largely mediated by perceptions of the honesty of the child-witness rather than perceptions of her ability as a witness. The present study does not allow for the discrimination of probative and non-probative inferences of dishonesty in the child-witness. Both the inference of bad character and the inference of sexual knowledge as the basis for perceptions of prevarication by the child-witness are possible. Since no effect of Witness-Age on Verdict or credibility was found, nothing can be said about differences in the way sexual naiveté is perceived in children of different ages. The use of separate honesty and ability ratings
also failed to explicate the Witness-Age effect found in previous research since this effect was not replicated in this study.
Study 2

Introduction

This study attempted to disentangle the confounding implicit in Goodman et al.'s (1989) division of the research on perceptions of child-witnesses on the basis of the role they play in the trial. Goodman et al. (1989) provided a useful explanation for why younger child-witnesses are perceived to be more credible in some studies and less so in other studies. When the child-witness testifies as a victim-witness reporting on her own experience of sexual abuse, the younger she is described to be the more credible she is judged to be. When testifying about events observed as an eyewitness, the older the child-witness the higher the ratings of credibility. However, the capacity in which the child-witness has testified in previous research, either as victim-witness or as eyewitness, has been confounded with the type of crime on trial. Almost all of the previous research on perceptions of child-witnesses testifying about their experience of abuse have focused on sexual abuse (Nightingale, 1993, the one exception, had the child-witness as the victim of a car accident). In contrast, none of the previous research where the child-witness testified in the capacity of an eyewitness focused on a sexual crime. It is possible that the different Witness-Age effect found in victim-witness and eyewitness trials may be due to the unexamined matter of the nature of the crime in question.

This study has attempted to examine subjects’ reactions to
a trial scenario which resembles the trial used in Study 1 as closely as possible, with the exception that the child-witness is testifying about the sexual abuse of another child. In the trial scenario itself (see the Materials section below for a description) the crime in question remains that of the sexual abuse of a female child by an adult male, as it was in Study 1. However, in order not to change too many variables from the trial scenario of Study 1, it was necessary to retain the function of the child-witness as the primary source of evidence against the defendant; the evidence still consisted of her word against his. In order to meet the requirement that the actual victim of the alleged sexual abuse not be available to testify, a trial scenario was constructed in which the victim was unconscious under medication and unaware that any sexual abuse had occurred.

With the exception of the modification to the trial scenario, this study was identical to Study 1. Witness-Age was once again manipulated to provide three levels: 6, 9 and 12 years. Three levels of the Sexual-Knowledge were provided: Control, Neutral and Strong. The Control condition once again made no reference to the issue of the child-witness's knowledge of sexuality. The Neutral condition contained the same statement by the prosecution that the child-witness did have sufficient knowledge before the alleged incident of sexual abuse to be able to fabricate her testimony. The Strong condition added to the base Control scenario a series of cross-examination questions through which it was revealed that the child-witness had been
sexually abused in the past.

Since the case for the prosecution and the counter-argument of the defense were the same in this study as in Study 1, it was expected that the results would conform to the predictions made for Study 1. While the child-witness’s testimony served as eyewitness evidence, it was predicted that subjects would respond to the child-witness the way they would have if she were the actual victim. The issues in contention were the same as in a strict victim-witness situation. The case revolved around weighing the child-witness’s testimony against that of the defendant. The defense position was to argue that the child-witness had the motivation to fabricate her testimony. An assessment of the child-witness’s credibility revolved around the issue of her honesty. Her ability as a witness was as relevant in the trial scenario of this study as it was in that of Study 1. Her ability to understand what was happening, to remember, and to later recall the events surrounding the alleged incident of sexual abuse was relevant to assessing her credibility. However, the defense argued that her honesty should be questioned and went about presenting evidence to support that position.

If reactions to the trial scenario used in this study were to conform strictly to the pattern suggested by Goodman et al.'s (1989) division of previous research into victim-witness and eyewitness situations, then the results of this study would be expected to be the reverse of those of Study 1. This is a
clarification rather than a criticism of Goodman et al. (1989). The predictions for this study, like that for Study 1, follow Goodman et al.'s argument that it is the relative weighting of the honesty and ability components of credibility that forms the basis of reactions to child-witnesses.

One of the main predictions for this study was that rate of conviction would increase as Witness-Age decreased from 12 to 9 to 6 years, in conformity with the pattern of results for previous victim-witness research. If the child-witness was assessed solely in her capacity as eyewitness, making ability and not honesty paramount, then the reverse pattern was predicted to occur.

The prediction for the Sexual-Knowledge variable was that both the Neutral and Strong conditions should have produced lower rates of conviction than the Control condition. This prediction was based on the assumption that such sexual knowledge information would be used to refute any inferences of sexual innocence. If this information was used by subjects solely to assess her ability as an eyewitness, then both Neutral and Strong conditions should have increased conviction rate.

Witness-Age and Sexual-Knowledge were once again predicted to interact such that the Sexual-Knowledge effect would be more attenuated the older the child-witness. This interaction was expected to occur whether subjects used the sexual knowledge information in the Neutral and Strong conditions to bolster their assessments of her ability or to refute their inferences of
sexual innocence.

Similarly, if the issue of the child-witness's honesty were dominant in subjects' ratings of her credibility, then these ratings were predicted to increase with decreased Witness-Age and to increase from Control to both Neutral and Strong Sexual-Knowledge conditions. Again, if witness ability were the dominant issue, as was the case in the trials of previous eyewitness research, then the reverse pattern of results was predicted. The interaction between Witness-Age and Sexual-Knowledge was again predicted to occur, such that the Sexual-Knowledge effect would be more attenuated the older the child-witness.

Explorations of the basis of any Witness-Age or Sexual-Knowledge effects were carried out using ANCOVAs. Partialling out subjects' separate ratings of the child-witness's honesty and ability, their relative impact on judgements regarding the child-witness's credibility and the defendant's guilt could be assessed. As in Study 1, two pairs of questions regarding honesty and ability were included in the questionnaire. If the effect of either Witness-Age or Sexual-Knowledge would be reduced by including honesty ratings as a covariate in the analysis of variance, then it could be argued that perceptions of the child-witness's honesty formed the basis for these effects. Similarly, including ability ratings as a covariate could be used to assess their involvement in Witness-Age and Sexual-Knowledge effects. If the trial in this study were assessed strictly as an
eyewitness situation, following the previous eyewitness research, only the ability ratings should be effective as a covariate in reducing these effects. In contrast, if the honesty of the child-witness was most important in assessing her credibility, as Goodman et al. (1989) have argued to be the case in previous victim-witness research, then only the honesty ratings as covariate should reduce the Witness-Age and Sexual-Knowledge effects.

A series of secondary responses to the trial were also asked of the subjects in order to account for other influences on their judgements regarding child-witness credibility and defendant guilt. Once again, the manipulation check was entered as a covariate in the analysis of variance for guilt and credibility to ensure that the effect of the Sexual-Knowledge manipulation was based on subjects' perceptions of the child-witness's sexual knowledge. Intelligence ratings of the child-witness were included in order to assess the impact of using identically worded testimony for the 6-, 9- and 12-year-old Witness-Age conditions. Though these ratings were expected to be affected by the Witness-Age manipulation, they were not predicted to be effective as covariates in reducing the Witness-Age or Sexual-Knowledge effects.

The seriousness of the kind of abuse described in the trial was also rated by subjects. This measure was intended to evaluate the possibility that differences produced by either Witness-Age or Sexual-Knowledge manipulations were due to
subjects devaluing the experience either of older or younger children or of children with a history of previous sexual abuse.

Since the testimony of all witnesses other than the child-witness and the defendant provided circumstantial evidence, subjects’ ratings of the credibility of these witnesses were expected to be peripheral to the effects of Witness-Age and Sexual-Knowledge. These ratings were analyzed as covariates in the analyses of variance in order to explore this assumption. Though they were expected to be significant as covariates, their inclusion in the ANCOVA was not predicted to reduce either Witness-Age or Sexual-Knowledge effects.

To evaluate the possibility that, in spite of random assignment of subjects to experimental conditions and large numbers of subjects included as participant in the study, subjects differed across conditions, relevant subject characteristics were recorded and entered as covariates.

In summary, the purpose of this study was to assess the effect of the age of a child-witness and the effect of presenting information about her sexual experience to mock-jurors in a sexual abuse trial. The study attempted to unconfound the manipulation in previous research of the capacity with which the child-witness testified, either as victim-witness or eyewitness, with the type of crime under consideration. In addition, the involvement of perceptions of the honesty and ability components of credibility in assessments of child-witnesses was explicitly tested in this study.
Method

Subjects.

One hundred and eighty two Introductory Psychology students at the University of Toronto served as subjects in this experiment. The students were part of a subject pool and had responded to a notice for subjects in an experiment on "Juror Decision Making in Sexual Abuse Trials". Subjects ranged from 18 to 43 years of age, with a mean of 22.0 years, and 70 percent were female. Two subjects failed to follow the instructions they were given and discussed the trial during the experiment. Their data were not included in any of the analyses.

Materials.

The sexual abuse trial used in this experiment was presented in written form and resembled the trial in the first study in structure. The trial was about 4900 words long and contained the testimony and cross-examination of five witnesses: The child and her mother, as well as an eyewitness, for the prosecution; and the defendant and an eyewitness for the defense. The child claimed to have witnessed an orderly sexually abuse another child in a hospital room at night. The other child was described as having been under heavy sedation, feverish and recovering from an operation. The child-witness's mother, testifying for the prosecution, reported that her daughter appeared upset the next day during hospital visiting hours. After hearing about what her child had seen, they went to report
the orderly's behaviour to the head nurse. The head nurse then testified about the defendant's general character and his behaviour on the evening in question. She also described details of the room in which the alleged abuse occurred. The fourth witness, a nurse, for the defense, testified regarding the defendant's behaviour and how other events of the evening fit in with the chronology of the alleged abuse. Finally, the defendant testified, arguing that he knew the child-witness was awake and watching him, and that he had simply given the unconscious child a sponge bath, following his instructions from the nurse. His unsubstantiated position was that the child had imagined seeing the abuse because she had watched television before going to bed. Like the trial in the first study, the case was designed to be ambiguous with the goal of a fifty percent conviction rate overall.

The variables manipulated were the same two as those in Study 1, producing a 3 x 3 design. The first variable manipulated was the age of the child-witness, described as either 6, 9, or 12 years. The second variable involved the presentation of information regarding the sexual knowledge of the child, either as the control, neutral or strong condition. No mention of sexual knowledge was made in the Control condition. The Neutral condition involved a statement by the prosecution that the prosecution and defense were agreed on the presence of sufficient sexual knowledge on the part of the child to fabricate her testimony. The Strong condition refuted the possibility of
the child's sexual naiveté with an interrogation of the child by the defense regarding an incident of sexual abuse which she herself had experienced at 4 years of age. This incident was similar to the abuse she claimed to have observed the defendant inflict on her roommate in the hospital. The sexual abuse on which the charges were based as well as the previous sexual abused attributed to the child-witness in the Strong Sexual-Knowledge condition involved forced fellatio and closely resembled that described in the trial scenario of Study 1. The entire transcript of the sexual abuse trial is available in Appendix F, with the Neutral and Strong Sexual-Knowledge material in square brackets.

Procedure.

The procedure for Study 2 was identical to that for Study 1. Subjects signed up for the experiment and chose a day and time slot in which they would be available to participate. Subjects participated individually or in groups of two or three. At the beginning of the experimental session, subjects were greeted by the experimenter and invited to sit down. Any immediate questions they had were answered. Subjects were then given an opportunity to read and sign the consent form (see Appendix G). Any questions were once again answered once they had completed reading the consent form. Subjects were then given a copy of the trial (see Appendix F) with an attached questionnaire regarding their opinions about the trial (see Appendix H). Experimental
conditions were randomly assigned to the subjects. If two or three subjects were being run at the same time, they were asked not to discuss the trial with each other. The experimenter then told the subjects to take their time and that he would return in about 30 minutes to answer any questions they had. When the experimenter returned, subjects were given additional time if they required it. After all subjects had completed the trial and subsequent questionnaire, they were given a copy of the debriefing material (see Appendix I) and asked to read it carefully, as there would be a test question on it afterward. After subjects finished and correctly answered the question, requiring identification of the two independent variables, they were told the experiment was over and again asked if they had any questions regarding anything about the experiment. Once all the questions were answered, the subjects were asked to fill in their names and student numbers on the subject pool form and then thanked for their participation in the experiment.

Results

Manipulation Check.

Subjects were again asked to rate the likelihood that the child-witness had the sexual knowledge to be able to make up or imagine the events she described in her testimony\(^{29}\). A Sexual-Knowledge by Witness-Age ANOVA on their responses showed they were sensitive to the Sexual-Knowledge manipulation, \(F(2,171) = \) \hspace{2cm}

\(^{29}\) Question 12 on the questionnaire.
6.0, \( p = .003 \). However, the Neutral condition produced ratings of greater likelihood of Sexual-Knowledge than either the Control or Strong conditions (means, 2.5 vs. 3.3 and 3.1, respectively; note that the question is reverse scaled). Tukey post-hoc comparisons showed the Control and Strong conditions did not differ significantly.

Unlike in Study 1, in this study the Witness-Age variable did significantly affect ratings of likelihood of sexual knowledge in the child-witness, \( F(1,171) = 3.2, p = .04 \). Perceptions of sexual knowledge showed a monotonic, linear increase with increased age of the child-witness (means for the 6-, 9- and 12-year-olds were: 3.3, 3.0 and 2.7, respectively; note that the question is reverse scaled). Only the two extremes differed significantly (\( p < .05 \)). The Sexual-Knowledge by Witness-Age interaction was not significant.

**Verdict.**

The overall conviction rate in this study was 55%. Subjects’ verdicts were submitted to a 3 x 3 (Sexual-Knowledge by Witness-Age) SAS CATMOD analysis (SAS, 1990a). A significant effect of Sexual-Knowledge was found, \( X^2 = 10.7, p = .005 \), where contrasts of Maximum-Likelihood estimates showed that the only significant difference lay between the Control and Neutral Sexual Knowledge conditions, \( X^2 = 10.6, p = .001 \). A near significant difference was found between the Neutral and the Strong Sexual-Knowledge conditions, \( X^2 = 3.4, p = .06 \). Table 1 shows the
percentage of subjects in each of the Sexual-Knowledge conditions who chose a verdict of Guilty. No significant differences were found for either Witness-Age ($X^2 = 0.2, p = .91$) or the Knowledge by Age interaction ($X^2 = 5.3, p = .25$).

Table 1. Percentage of Subjects Choosing a Verdict of Guilty

<table>
<thead>
<tr>
<th>Sexual Knowledge Presentation</th>
<th>Control</th>
<th>Neutral</th>
<th>Strong</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>69</td>
<td>40</td>
<td>57</td>
</tr>
</tbody>
</table>

While the Sexual-Knowledge by Witness-Age interaction was not significant, it is again interesting to look at the pattern of convictions (see Table 2). The Control conditions showed increased convictions with decreased age of the child-witness, replicating the effect of previous research; however, a separate analysis found this trend not to reach significance, $X^2 = 1.69, p = .430$. Sexual-Knowledge Presentation appears to have had little effect when the child-witness was twelve years of age, while it had a marked effect when she was six years of age.
Table 2. Percentage of Subjects Choosing a Verdict of Guilty

<table>
<thead>
<tr>
<th>Witness Age</th>
<th>Control</th>
<th>Neutral</th>
<th>Strong</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>80</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>9 years</td>
<td>67</td>
<td>30</td>
<td>70</td>
</tr>
<tr>
<td>12 years</td>
<td>62</td>
<td>50</td>
<td>50</td>
</tr>
</tbody>
</table>

Verdict was again combined with verdict confidence ratings to produce a Guilt-Confidence variable which ranged from 1 to 9. Ratings of "Completely-sure-guilty" and "Completely-sure-not-guilty" formed the endpoints of the nine-point variable. Low values on this Guilt-Confidence variable represented highly confident "Not Guilty" verdicts, while high values represented highly confident "Guilty" verdicts. Values near the midpoint represented verdicts of low confidence. The midpoint, "5" on the nine point scale, represented verdict confidence ratings of "Not-at-all-sure", for both "guilty" and "not-guilty" verdicts.

To produce the balanced design required for the ANOVA procedure, subjects were again dropped until all cells of the 3x3 design were of equal number. The Sexual-Knowledge main effect was found to be significant, \( F(2,162) = 4.2, p = .02 \). Only the Control and Neutral conditions were significantly

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30 The following subjects were dropped from the analysis: 164, 173-175, 177, 178, 180-182.
different \( (p < .05, \text{see Table 3}) \). Neither the Witness-Age main effect, \( F(2,162) = 0.1, p = .90 \), nor the Sexual-Knowledge by Witness-Age interaction, \( F(4,162) = 1.2, p = .35 \), were significant.

**Table 3. Guilt-Confidence Ratings**

<table>
<thead>
<tr>
<th>Sexual Knowledge Presentation</th>
<th>Control</th>
<th>Neutral</th>
<th>Strong</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6.4</td>
<td>4.8</td>
<td>5.5</td>
</tr>
</tbody>
</table>

A series of ANCOVAs were performed in order to explore the basis of the significant Sexual-Knowledge effect found. Once again, the manipulation check variable was entered as a covariate in the 3 x 3 ANOVA (Sexual-Knowledge by Witness-Age). The covariate effect was significant, \( F(1,161) = 95.1, p < .0005 \), and removed the Sexual-Knowledge effect \( (p = .47) \). The effect once again appeared mediated by subjects' perceptions of the child-witness's Sexual-Knowledge.

As expected, the effect of entering peripheral variables as covariates in the ANCOVA failed to remove the Sexual-Knowledge effect. Though ratings of the testimony of the child's mother (a Prosecution witness), \( F(1,161) = 47.3, p < .0005 \), and that of the defendant's colleague (a Defense witness), \( F(1,161) = 6.6, p = .01 \), were significant covariates, neither reduced the Sexual-
Knowledge effect to non-significant levels. Ratings of the intelligence of the child-witness did not produce a significant covariate effect in the ANCOVA, $F(1,161) = 2.6$, $p = .11$, nor did it reduce the Sexual-Knowledge effect. Subjects' ratings of the seriousness of the sexual abuse described in the trial scenario failed to reach significance as a covariate, $F(1,161) = 0.81$, $p = .369$.

Looking at more specific ratings of the child-witness once again allows us to get a sharper image of what might underlie the effect of Sexual-Knowledge on Verdict-Confidence. A significant covariate effect was found for ratings of the ability of the child-witness to testify$^{31}$, $F(1,161) = 247.7$, $p < .0005$; entering this covariate removed the Sexual-Knowledge effect. The ratings of the honesty of the child-witness$^{32}$ were also significant as a covariate, $F(1,161) = 185.2$, $p < .0005$, and also removed the Sexual-Knowledge effect.

Two reworded questions found later in the questionnaire, which once again asked for ratings of the ability and honesty of the child-witness, did show different relationships with the Sexual-Knowledge variable. Ratings of both the likelihood that the child-witness was making up her testimony$^{33}$ and that she had misunderstood what she saw$^{34}$ proved to be significant

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$^{31}$ Question 8 in the questionnaire.

$^{32}$ Question 9 in the questionnaire.

$^{33}$ Question 13 in the questionnaire.

$^{34}$ Question 14 in the questionnaire.
covariates \( F(1,161) = 232.4, p < .0005 \) and \( F(1,161) = 284.8, p < .0005 \), respectively); however, only the perception of her making up her testimony affected the Sexual-Knowledge effect, reducing it to a marginal effect \( (p = .09) \).

Partialling out the variance associated with the number of people subjects knew who had been sexually abused\(^{35}\) did not remove the Sexual-Knowledge effect, nor was the covariate effect significant, \( F(1,161) = 0.1, p = .71 \).

**Sentencing.**

Subjects' ratings of how severe a sentence they would give the defendant if he were guilty were subjected to a 3 x 3 ANOVA (Sexual-Knowledge by Witness-Age). No significant effects were found. Separately analyzing the 3 x 3 ANOVA for subjects having rendered "Guilty" and "Not Guilty" verdicts also failed to yield any significant results (see Appendix E for all significance levels).

**Witness Ratings.**

The ratings of the credibility of the child-witness's testimony\(^{36}\) were subjected to the Sexual-Knowledge by Witness-Age ANOVA, and again did not show Witness-Age effects. Sexual-Knowledge produced a significant effect, \( F(2,171) = 4.7, p = .03 \), such that the Neutral condition produced less trust in the

\(^{35}\) Question 24 on the questionnaire.

\(^{36}\) Question 4 on the questionnaire.
testimony of the child-witness than either the Control or Strong conditions (means, 3.1 vs. 3.7 and 3.5, respectively).

Once again, ratings of the seriousness of the sexual abuse failed to reach significance as a covariate in the 3 x 3 analysis of variance, $F(1,170) = 2.8, p = .097$.

Separately entering the honesty and ability ratings of the child-witness as covariates in the ANCOVA showed no differentiation. Both the honesty covariate, $F(1,170) = 222.1, p < .0005$, and the ability covariate, $F(1,170) = 272.0, p < .0005$, removed the Sexual-Knowledge effect ($p$s $>.72$). Similar results were found for the supplemental honesty and ability ratings.

Attempts to produce a two-factor solution to a VARIMAX factor analysis using the four questions regarding the ability and honesty of the child-witness were again unsuccessful. One factor yielded an acceptable eigenvalue (3.1) while the other did not (0.42). Once again, responses to the four questions regarding the child-witness's testimony failed to produce clear honesty and ability factors.

Credibility ratings of the defendant subjected to an ANOVA yielded a significant Sexual-Knowledge effect, $F(2,171) = 4.3, p = .015$. Only the Control and Neutral conditions differed significantly (means, 2.3 and 2.9, respectively), while the mean for the Strong condition fell in between these (2.5). The Witness-Age variable showed a trend, $F(2,171) = 2.5, p = .09$, with no significant post-hoc cell differences. Means for the 6-, 9- and 12-year-old conditions were 2.4, 2.4 and 2.8.
Ratings of the child-witness's mother (a prosecution witness) showed no significant effects when subjected to the Sexual-Knowledge by Witness-Age ANOVA ($p > .23$). The ratings of the prosecution's secondary witness, a nurse, also showed no significant effects ($p > .40$).

**Other Exploratory Variables.**

Subjects were asked to rate the seriousness of the kind of abuse described in the trial. The Sexual-Knowledge by Witness-Age ANOVA on the responses to this question produced a Sexual-Knowledge effect, $F(2,171) = 3.4, p = .04$. Seriousness was rated highest in the Control condition (4.8), lower in the Neutral condition (4.7) and lowest in the Strong Sexual-Knowledge condition (4.5); post-hocs found only the two extremes significantly different ($p < .05$).

Estimates of the age at which a person becomes knowledgable enough to be able to imagine sexual events like those described in the trial, did produce a Witness-Age effect, $F(2,162) = 3.5, p < .03$. When subjects had read about a twelve-year-old witness, they estimated the average age to be 11.5 years. Reading about a nine-year-old witness reduced the estimate to 11.1 years, while a six-year-old witness reduced the estimate to 11.1 years, while a six-year-old witness reduced the estimate to 11.1 years.

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37 Question 15 in the questionnaire. Subjects 180 and 181 were excluded from analysis in order to balance cells.

38 Question 20 in the questionnaire. The following subjects were dropped in order to balance the ANOVA: Numbers 164, 173, 175, 176, 178-182.
estimate further to 10.3 years. Only the two extreme values were significantly different \((p < .05)\).

Once more, as a descriptive variable, the age at which subjects estimated the average child to have the kind of sexual knowledge to be able to imagine sexual events was compared with the age of child-witness in the Witness-Age condition to which they were assigned. The proportion of subjects whose estimates were lower than the actual child-witness’s age was 85 percent in the 6-year-old condition, 100 percent in the 9-year-old condition, and 100 percent in the 12-year-old condition.

Discussion.

**Guilt Ratings: Child-Witness Age**

The Witness-Age variable did not produce significant effects on verdicts, yet in examining the results of the Sexual-Knowledge by Witness-Age analysis it is possible to speculate on the basis for the anomalous Sexual-Knowledge pattern. The pattern across the three Witness-Age groups in the Control Sexual-Knowledge condition replicates the findings of previous research. All things being equal, subjects are more likely to convict in a sexual abuse case the lower the child-witness’s age. It is apparent also that both Neutral and Strong Sexual-Knowledge manipulations reduced the conviction rate when six- or twelve-year-olds were on the stand. It is only in the dramatic reversal for the nine-year-old that the anomalous Sexual-Knowledge effect becomes apparent. In fact, the conviction rate is slightly
higher in the Strong condition than in the Control condition. While this does resolve the problem of the anomalous manipulation check pattern, it does point to subjects’ perceptions of the nine-year-old as the focus of the pattern. While not exactly replicating the results of Duggan et al. (1989), the finding once again suggests that, in the minds of mock jurors, a major developmental turning point occurs at nine years of age.

Guilt Ratings: Sexual Knowledge

The experiment was effective in demonstrating the strengths of the two manipulated variables. However, the pattern of results is more difficult to interpret than in the first experiment. Once again the Sexual-Knowledge manipulation was successful in producing differences on the manipulation check item. This effect was concentrated in the Neutral condition. The failure of the Strong condition to significantly affect the manipulation check variable, subjects’ estimates of the child-witness’s sexual knowledge, is difficult to explain, especially in light of the large effect of the Neutral condition. The relevance of the information in both the Neutral and Strong conditions to the Defense position in this study is the same as it was in the first study. The only major difference in the series of events described in the trial scenario of the first study and that of the second was that the child-witness herself was not the victim of the sexual abuse in question in the scenario of the second study. In any case, the manipulation
check queried the subjects’ estimates of the amount of Sexual-Knowledge the child-witness had prior to the events described in the trial; this should not have been affected by the different trial scenario.

If the Strong Sexual-Knowledge presentation did not increase the apparent knowledge of the child-witness above the level of the Control condition, then two possibilities must be considered. The first possibility is that subjects actually didn’t see previous sexual abuse as reducing the child’s sexual naïveté. Possibly because the child-witness is not described as being sexually abused, in the case in question, her previous sexual abuse is not deemed important. As Reid (1993) has pointed out, its relevance to and efficacy in refuting inferences of sexual naïveté has formed the basis of several defense counsel requests to bring this information to the attention of the jury. The Neutral presentation of Sexual-Knowledge tells subjects point blank that the child-witness had this knowledge, but leaves it up to them to imagine the source and the extent of this knowledge. It is a more direct statement of the child-witness’s sexual knowledge than is the Strong presentation. However, the Strong presentation is more graphic and, as suggested by Reid (1993), the preferred approach of the defense lawyer. If such a Strong Sexual-Knowledge presentation not only raises concerns for the welfare of the child-witness during cross-examination, but also fails to consistently influence jurors, then its probative value must be seriously questioned.
A second possible explanation for why the Sexual-Knowledge manipulation did not affect the manipulation check variable is that the question itself was not interpreted as intended. Since the manipulation check asks subjects about the likelihood that she had 'the knowledge to be able to make up or imagine the events she described', the issue of her credibility itself is indirectly raised in the question. Subjects may have answered the question in terms of both her actual knowledge and the likelihood that she misused this knowledge. As is seen in the pattern of responses to questions regarding issues like verdict and witness credibility, the failure of the Strong Sexual-Knowledge condition to affect the manipulation check is not isolated. This possibility calls into question the meaning of the significant effect found in the first experiment as well.

In addition to the Sexual-Knowledge effect was an effect of Witness-Age on the Sexual-Knowledge manipulation check. It was expected that subjects would assume decreased sexual naiveté with increased age of the child-witness. This finding is not surprising. This pattern was present in the first study as well, though not statistically significant.

The direct assessment of subjects' perceptions of culpability in the trial, the verdicts they chose, mirrored the manipulation check in terms of the effect of the Sexual-Knowledge variable. Barring the possibility that the manipulation check responses were influenced by subjects' perceptions of Child-Witness credibility (as discussed above), it could be argued that
decisions of guilt and innocence were based directly upon the issue of sexual naiveté. The finding that Verdict responses mimic responses to the manipulation check replicates the pattern found in the results of the first study. While the trial scenarios in both Study 1 and Study 2 were constructed to focus on the issue of sexual naiveté, actual trials where this is largely the case are not uncommon (Reid, 1993). Although the reason for the failure of the Strong Sexual-Knowledge condition to influence subjects' assessment of the level of sexual knowledge the child-witness possessed is not clear, the evidence suggests that these assessments are strongly related to subjects’ decisions regarding the verdict and witness credibility.

The results for the Guilt-Confidence variable simply follow those of the verdict variable. The non-binary nature of the Guilt-Confidence variable again allows for a deeper investigation of the basis for the pattern of results. The series of ANCOVAs performed on Guilt-Confidence show that it is the conflict between the credibility of the defendant and the complainant that lies behind the Sexual-Knowledge effect. As covariates, the ratings of neither of the secondary witnesses were successful in removing the Sexual-Knowledge effect on Guilt-Confidence. As the case was intended to set up a conflict between subjects’ trust in the testimony of the defendant and that of the complainant, this suggests that the Sexual-Knowledge effect did not act globally on a Defense versus Prosecution level.
Guilt Ratings: Honesty and Ability

Entering the ratings of the ability and honesty of the child-witness as covariates in the 3x3 ANOVA did remove the Sexual-Knowledge effect on Guilt-Confidence. This may be due to the importance of both witness ability and honesty in subjects' decisions regarding the guilt of the defendant. The lack of differentiation suggests that, for the trial scenario used in this experiment, both ability and honesty were affected by the Sexual-Knowledge manipulation. Direction of effects cannot be inferred due to the correlative nature of the relationship between Guilt-Confidence and witness ratings. It does appear likely that perceptions of both the ability and honesty of the child-witness mediate the effect of Sexual-Knowledge on subjects' decisions regarding defendant guilt.

The secondary questions regarding the honesty and ability of the child-witness did show some differentiation. Although responses to these two questions may have been tainted by the responses to the earlier questions in the questionnaire, they do suggest the possibility of specification of the basis for the Sexual-Knowledge effect. Witness ability may be based on considerations of the likelihood that the witness had misunderstood the events she described, or of the likelihood of memory failure or susceptibility to suggestive questioning by parents. However, responses to the more pointed question of whether the child-witness misunderstood the details of her testimony did not mediate the effect of Sexual-Knowledge on
Guilt-Confidence. Responses to the direct question of whether the child-witness was "making up" her testimony, when partialled out, did successfully reduce the Sexual-Knowledge effect. This suggests that, given the choice between ratings of misunderstanding and of making up the testimony, those of the latter appear to mediate effect of Sexual-Knowledge on Guilt-Confidence.

The reason for the mixed pattern of results when the various ratings of the child-witness's honesty and ability are entered as covariates in the Guilt-Confidence analysis is not clear. It is quite possible that subjects made more specific readings of the questions asking for these ratings. From this position one would have to argue that more extensive and more fine-grained ratings of the various elements contributing to the credibility of the child-witness should have been employed in these studies. However, on the basis of the previous research on child-witness credibility (for example, Bottoms & Goodman, 1994; Goodman et al., 1989) and more general theories of credibility (Hovland et al., 1953), honesty and ability appear to be the major elements involved. The consistent failure (over both Studies One and Two) of the factor analysis of responses to the four honesty and ability questions to produce two factors argues against the simple dichotomy of general honesty and general ability.

The analysis of subjects' sentencing decisions did not produce any strong effects. As an application to actual practice
in the courts this is not a serious finding, since jurors are not required to make such decisions. However, as a secondary measure of punitiveness, sentencing decisions can be used to indirectly assess differences in the perceived guilt of the defendant. In the event that the overall conviction rate is very high and no variation due to the effect of the independent variables is apparent, sentencing can be used as a secondary measure of subjects' confidence in their verdicts.

**Witness Ratings**

Child-witness credibility ratings resemble the pattern of results for Guilt ratings. The fact that the Neutral Sexual-Knowledge condition did significantly reduce ratings of the child-witness suggests that subjects were making some inferences of sexual innocence. A simple statement that she had the Sexual-Knowledge to be able to make up her testimony made subjects less trusting of the child-witness's testimony. However, the presentation of Strong evidence of this knowledge (i.e., prior sexual abuse) failed to influence these credibility ratings and thus poses a problem.

The finding that evidence of prior sexual abuse had no effect in this study contrasts with the finding in Study 1, where Strong evidence of Sexual-Knowledge had a larger effect than did Neutral evidence. Since both Study 1 and Study 2 involved a trial scenario in which the case was the defendant's word against that of the child complainant, honesty and character of the
witnesses were paramount in making a decision regarding culpability. The fact that in the Study 2 the child-witness herself was not the person experiencing the sexual abuse appears to have been crucial in determining how subjects reacted to the presentation of evidence of the child-witness’s sexual history.

It appears that what taints the credibility of a child testifying about sexual abuse is not just the exposure of the child to sexual behaviour or sexual abuse, but the direct experience of sexual abuse. A child who has been exposed to sexual behaviour was not necessarily perceived as having been corrupted by the experience. That is, she does not lose credibility beyond that said to refute her sexual naiveté. However, the fact that the child-witness described as having been previously abused was rated no less credible than a child lacking such previous abuse suggests that subjects were reacting against the influence of this information. The Strong Sexual-Knowledge condition also refuted the possibility of the child-witness’s sexual naiveté. Even if subjects had perceived that her sexual history was irrelevant to her moral character, they should have rated her testimony on par with that in the Neutral condition.

The value of knowing the child-witness’s sexual history in terms of assessing her ability to fabricate her testimony was denied by subjects in this study. It appears that this information may not refute inferences of sexual innocence as certain defense advocates have argued (Reid, 1993). The alternative explanation follows more directly from the failure of
this information to affect the manipulation check variable. It is possible that subjects simply did not believe it when the child-witness testified that she had been sexually abused in the past. However, taking into account subjects' ratings of the seriousness of the sexual abuse makes this alternative appear less likely.

Ratings of the seriousness of the kind of sexual abuse described in the trial also show the effect of the Sexual-Knowledge manipulation. However, the pattern of differences here does not follow that of Guilt and Credibility ratings. Once the child was described as previously abused, the seriousness of the crime was diminished. The Neutral Sexual-Knowledge presentation here failed to change ratings from those in the Control condition. These results provide another interesting demonstration of the importance of the issue of Sexual-Knowledge presentation in child sexual abuse trials. When asked to rate the seriousness of the kind of sexual abuse described, subjects seemed unable to do so independently of the Sexual-Knowledge of the child. Paralleling the findings for perceptions of adult rape victims (Amir, 1971; Brownmiller, 1975; Connell & Wilson, 1974; Griffin, 1986), the abuse was deemed most serious when the child could be assumed to be most sexually innocent. The pattern of results for seriousness ratings suggests that the failure to change ratings of the sexual knowledge and of the credibility of the child-witness is related to some form of devaluation of sexual abuse itself.
Though seriousness ratings may help to partially explain the anomalous Sexual-Knowledge effects, they also pose other problems. In Study 1 perceptions of the seriousness of the abuse were also affected by the Sexual-Knowledge manipulation. However, in Study 1 it was the Neutral condition, and not the Strong condition, which produced a devaluation of the abuse described. The seriousness variable did not mediate the Sexual-Knowledge effect on guilt or credibility judgements since its inclusion as a covariate in the ANCOVA did not change the results.

A final measure related to the perception of the child-witness was subjects’ estimates of the average age at which a child attains the level of knowledge to be able to imagine events like those in the trial. Here a main effect of Witness-Age was found. The subjects involved in this study appear to have a malleable idea of the average child’s Sexual-Knowledge. Subjects were strongly influenced by the age of the child in the trial they had read. Other researchers have found main effects of Witness-Age, suggesting that strong prototypes of what children are like generally may influence mock jurors’ decisions regarding the actual case under consideration. The lack of clear main effects of Witness-Age in this study may be due to the weakness of the Witness-Age manipulation used in these studies. Witness-Age did appear to affect subjects’ perceptions of children in general, but this effect may not have been large enough to affect Verdict and credibility judgements.
A problem appears to lie in the data comparing estimates of children in general with the child-witness in the Witness-Age condition to which subjects were assigned. Nearly all subjects estimated the average age of the development of sexual knowledge to be less than the child-witness in the trial scenario they read. Only 15 percent in the 6-year-old condition estimated this age to be higher. It is possible that inferences of sexual innocence were not being made by subjects in this study. However, these estimates were of the average age of the development of sexual knowledge and subjects may still have considered the child-witness in the trial scenario to be sexually innocent until shown contrary evidence. Nevertheless, this finding does suggest that either subjects in Study 2 may have differed from those in Study 1, or that the trial scenario itself somehow changed the way subjects thought about children.

In marked contrast to Study 1 was the descriptive data mentioned regarding the comparison of subjects' estimates of the average age of children developing sexual knowledge with that of the child-witness in their respective Witness-Age conditions. While Study 1 showed that it was at least possible that most subjects might have assumed the child-witness in their Witness-Age condition to be sexually naive, in this study this was much less possible. Nearly all subjects estimated that the average child developed sexual knowledge at an age less than that of the child-witness about whom they read in the trial transcript. This finding cautions against the acceptance at face value of the
results for the manipulation check variable. It is possible that the manipulation check variable was measuring something other than perceptions of the level of the child-witness’s knowledge of sexuality.

The responses to questions regarding the credibility of the defendant generally mirrored those regarding that of the child-witness. The same anomalous Sexual-Knowledge effect was found, with only Neutral and Control conditions differing. However, the effect of the Strong Sexual-Knowledge presentation was to increase defendant credibility nearly as much as did the Neutral presentation. The effects of Sexual-Knowledge or Witness-Age were expected to revolve around the credibility of the child-witness (hence, indirectly, around that of the defendant). The secondary witnesses provide minor corroborating evidence for either the defence or the prosecution. They were peripheral to the issues involved in the trial and this lack of relevance was seen in ratings of their testimony.

Summary

In summary, the results of this study generally support the hypothesis that Sexual-Knowledge presentation would follow the Sexual Innocence Inference Theory through the reduction of perceptions of guilt and of child-witness credibility. The failure of evidence of prior sexual abuse of the child-witness to affect these variables poses problems in the interpretation of this effect. There was some evidence that the Sexual-Knowledge
effect found was mediated by perceptions of the likelihood that the child-witness had made up her testimony and not by perceptions of her ability as a witness. This study was not designed to be able to resolve the basis of subjects' use of Sexual-Knowledge information, since both probative and non-probative uses were possible. The third study was designed to differentiate these. Sexual-Knowledge does appear to affect subjects' perceptions of crucial variables in the sexual abuse case even when the child-witness herself was not the victim. However, the finding that most subjects estimated children in general to develop sexual knowledge at a younger age than that of the child-witness about whom they read suggests that, at some level, inferences of sexual innocence were not as likely for this group of subjects. Once again, the Witness-Age manipulation failed to affect guilt and credibility judgements, leaving unanswered the questions regarding the basis of Witness-Age effects found in previous research.
Study 3

Introduction

The purpose of the third study was to further explore the distinction between trials in which a child-witness testified as a victim-witness and those in which she testified as an eyewitness. This study involved having subjects act as mock-jurors in a sexual abuse trial where the crucial child-witness was testifying as an eyewitness and not as the victim. While the trial scenario of Study 2 involved the testimony of a child-witness testifying about the sexual abuse of another child, in effect, as an eyewitness, she was an emotionally involved character in the series of events surrounding the alleged abuse. The issue of her motivation to fabricate the charges against the defendant was still as relevant as it was in the trial scenario of Study 1.

This third study was designed to further remove the child-witness emotionally from the events surrounding the alleged sexual abuse. In order to construct such a situation, the trial scenario had to differ more from that of Study 1 than did the scenario of Study 2. The child who was the victim of the alleged abuse was described as unable to identify her assailant (she will be identified henceforth as 'the victim'). The only eyewitness who was capable of identifying the suspect of the attack was another child at some physical distance away (she will be identified henceforth as the child-witness; see the Materials section for a more detailed description of the trial scenario).
The child-witness for whom Sexual-Knowledge and Witness-Age were manipulated served the purposes of corroborating the victim’s claim of sexual abuse and of providing eyewitness identification of the attacker. Here, any presentation of information suggesting Sexual-Knowledge on the part of the child-witness should have been only slightly relevant, and only as possible evidence of ability to notice and understand the abusive behaviour in question. Since the trial scenario was constructed so as to leave little doubt that the victim had actually been sexually abused, the issue of the child-witness having fabricated her testimony was made as irrelevant as possible. She merely provided independent testimony about the attack by one stranger (the defendant) on another stranger (the victim).

Since the capacity in which the child-witness testified in the trial was similar to that of the child-witnesses in the eyewitness research reviewed earlier, the predictions follow from the findings of that literature. Goodman et al.’s (1989) review of the child-witness literature has suggested that it is in trial simulations where the child-witness testifies as victim-witness that an inverse relationship between child-witness credibility and Witness-Age. In trial simulations where the child-witness is a third party to the events in question, an eyewitness, a direct relationship is observed between child-witness credibility and Witness-Age. This study was designed to attempt to replicate this direct relationship in an eyewitness context, but in an eyewitness context in which the crime in question was sexual.
abuse.

Manipulating Witness-Age and Sexual-Knowledge in an eyewitness context allowed several untested situations to be examined. First of all, as a bridge between the research where children testified as victim-witnesses and that where they testified as eyewitnesses, this study attempts to unconfound the type of trial and the role of the child-witness in the trial. It was considered possible that the reason Witness-Age manipulations in victim-witness and eyewitness research yielded different patterns of results was subjects' reactions to a child discussing sexual matters in court. This study, in conjunction with Studies 1 and 2, was an attempt to examine the distinction between victim-witness and eyewitness trials while holding type of crime constant.

While the issue of the ability of the child-witness was paramount in the trial scenario of this study, the issue of her sexual innocence was also relevant. Serving as the only eyewitness who could identify the attacker, the child-witness's ability to perceive, remember and later describe the man she observed was crucial. The relevance of her honesty to the trial was minor in relation to that of her ability. No attempt was made during the trial to argue that she had the motivation to fabricate her testimony. The cross-examination focused on casting doubt on her identification of the attacker. From the suggestion that eyewitness ability is perceived to increase as Witness-Age increases (Goodman et al., 1989), the Witness-Age
manipulation in this study was predicted to produce increases in ratings of the child-witness's credibility and in the rate of conviction.

This study was also intended to examine the use to which subjects put Sexual-Knowledge information provided in sexual abuse trials. The finding that the Sexual-Knowledge effect in Studies 1 and 2 was mediated by perceptions of the honesty of the child-witness could be explained by arguing that Sexual-Knowledge information allowed subjects to refute inferences of sexual innocence. It was also possible that such information allowed judgements of bad character to be made. This third study attempted to directly test these two possibilities. If judgements of bad character were being made, then Sexual-Knowledge presentation in the Neutral and Strong conditions should have reduced child-witness credibility and rate of conviction from the level of the Control condition. Some level of knowledge about sexuality would have made the child-witness more likely to attend to and understand the actions of the attacker on the victim. If the information presented in the Neutral and Strong conditions was being used to infer sexual knowledge, then these conditions should have increased the credibility of the child-witness and increased the rate of conviction. In contrast to situation in which bad character was being inferred, this situation should have shown that partialling out the ability ratings in the ANCOVA would reduce the Sexual-Knowledge effect, and not partialling out the honesty ratings.
In summary, the purpose of this final study was to attempt to replicate the finding of a direct relationship between the age of a child-witness and mock-jurors' perceptions of her credibility when she served as an eyewitness, except that in this study the crime about which she testified was sexual abuse. The study attempted to examine the effect of presenting information about the child-witness's sexual history to the mock-jurors, but in a context for which the two opposing explanations for the Sexual-Knowledge effects in the previous two studies would lead to opposite predictions. In addition, the relative involvement of perceptions of honesty and ability in assessments of the child-witness was examined in this study.

Method

Subjects.

One hundred and ninety-one Introductory Psychology students at the University of Toronto served as subjects in this experiment. The students were part of a subject pool and had responded to a notice for subjects in an experiment on "Juror Decision Making in Sexual Abuse Trials". Subjects ranged from 16 to 60 years of age, with the average age being 21.2 years, and 84 percent were female.

Materials.

The sexual abuse trial used in this experiment was presented in written form and resembled the trial in the first
two studies in structure. The trial was about 5200 words long and contained the testimony and cross-examination of six witnesses: The child-victim and her mother, a child-eyewitness, as well as the investigating police officer for the prosecution; and the defendant and an eyewitness for the defense. The child-victim claimed to have been walking through a neighbourhood park when she was grabbed from behind and dragged into a wooded area, where she was sexually abused. She also testified that she had been completely unable to see the attacker as she had been blindfolded and tied up during the attack. The child’s mother then testified that her daughter had come home later than expected and upon arriving home immediately told her mother what had happened to her in the park. The next witness to testify was another child who had been playing quietly in the park, but hidden from view. This child-witness claimed to have seen the attack and some of the sexual abuse occur. She claimed to have seen the attacker’s face and had identified the defendant in the trial as the attacker. The investigating police officer then testified regarding the arrest of the defendant and described the evidence found at the crime-scene which implicated him. The defense called an eyewitness who suggested that the defendant was not near the crime-scene at the time of the attack. She also claimed to have seen several other men in the area of the park at the time of the attack who resembled the description given by the child witnessing the attack. Finally, the defendant was called and testified that he had been in the general area of the park
the day of the attack, but that he had been there some time before the attack. He also claimed to have noticed a suspicious man seated at a bench when he had passed by the park. The trial was designed to present a moderately strong case against the defendant, with the goal of a fifty percent conviction rate.

The two variables manipulated in this study were the same as in the first two studies, producing a 3 x 3 design. The first variable manipulated was the age of the child-witness (the child-eyewitness), described as either 6, 9, or 12 years. The second variable involved the presentation of information regarding the sexual knowledge of the child, either as the control, neutral or strong condition. No mention of sexual knowledge was made in the control condition. The neutral condition involved a statement by the prosecution that the prosecution and defense were agreed on the presence of sufficient sexual knowledge on the part of the child to understand the kind of abuse she claims to have witnessed. The strong condition refuted the possibility of the child’s sexual naiveté with an interrogation of the child by the defense regarding a similar incident of sexual abuse she had experienced at 4 years of age. This trial diverged from the previous two trial scenarios used in that it was not argued that the child-witness had fabricated her testimony. Since she was acting as an independent corroborating witness there was little doubt that the abuse had occurred. The identification of the attacker was the only issue in question in the trial. The entire transcript of the sexual abuse trial is available in Appendix J,
with the Neutral and Strong Sexual Knowledge material in square brackets.

Procedure.

The procedure for Study 3 was identical to that for the previous two studies. Subjects signed up for the experiment and chose a day and time slot in which they would be available to participate. Subjects participated individually or in groups of two or three. At the beginning of the experimental session, subjects were greeted by the experimenter and invited to sit down. Any immediate questions they had were answered. Subjects were then given an opportunity to read and sign the consent form (see Appendix K). Any questions were once again answered once they had completed reading the consent form. Subjects were then given a copy of the trial (see Appendix J) with an attached questionnaire regarding their opinions about the trial (see Appendix L). Experimental conditions were randomly assigned to the subjects. If two or three subjects were being run at the same time, they were asked not to discuss the trial with each other. The experimenter then told the subjects to take their time and that he would return in about 30 minutes to answer any questions they had. When the experimenter returned, subjects were given additional time if they required it. After all subjects had completed the trial and subsequent questionnaire, they were given a copy of the debriefing material (see Appendix M) and asked to read it carefully, as there would be a test
question on it afterward. After subjects finished and correctly answered the question, requiring identification of the two independent variables, they were told the experiment was over and again asked if they had any questions regarding anything about the experiment. Once all the questions were answered, the subjects were asked to fill in their names and student numbers on the subject pool form and then thanked for their participation in the experiment.

Results

Manipulation Check.

Subjects were again asked to rate the likelihood that the child-witness had the sexual knowledge to be able to make up or imagine the events she described in her testimony. A Sexual-Knowledge by Witness-Age ANOVA\(^{39}\) revealed a significant effect of Sexual-Knowledge, \(F(2,171) = 14.7, p < .0005\). The means for the Control, Neutral and Strong conditions were 3.8, 3.6 and 2.7, respectively. Tukey post-hoc analyses found that in the Strong condition the child-witness was rated significantly more likely to have Sexual-Knowledge than either the Control or Neutral conditions \((p < .05)\).

\(^{39}\) The following subjects were excluded in order to balance the design: Numbers 176-178, and 185-192.
Verdict.

The overall conviction rate in this study was 34%. Subjects' verdicts were submitted to a 3 x 3 (Sexual-Knowledge by Witness-Age) SAS CATMOD analysis (SAS, 1990a). No significant effects were found for either Sexual-Knowledge ($X^2 = 0.4, p = .81$), Witness-Age ($X^2 = 0.3, p = .85$), or the interaction ($X^2 = 6.1, p = .19$). As can be seen from Table 1, the rate of conviction with a 6-year-old witness appears to have increased somewhat with evidence of Sexual-Knowledge. The 12-year-old witness appears to have produced a high rate of conviction which dropped to below that for the 6- and 9-year-olds with the addition of Sexual-Knowledge information. There appears to be a strong trend toward increased rate of conviction with increased Witness-Age in the Control condition; however, separate Chi-squared analysis of these data failed to confirm the effect as significant, $X^2 = 3.19, p = .203$.

<table>
<thead>
<tr>
<th>Witness Age</th>
<th>Sexual Knowledge Presentation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Control</td>
</tr>
<tr>
<td>6 years</td>
<td>30</td>
</tr>
<tr>
<td>9 years</td>
<td>29</td>
</tr>
<tr>
<td>12 years</td>
<td>52</td>
</tr>
</tbody>
</table>

Verdict was again combined with verdict confidence ratings
to produce a nine-point Guilt-Confidence variable (with the lower endpoint formed by the anchor "completely-sure-not-guilty" and the upper endpoint by the anchor "completely-sure-guilty"). The midpoint on the new nine-point Guilt-Confidence scale represented the verdict-confidence response alternative of 'Not-at-all-sure', regardless of the verdict chosen.

To produce the balanced design required for the ANOVA procedure, subjects were again dropped until all cells of the 3x3 design were of equal number\textsuperscript{40}. Neither of the Sexual-Knowledge and Witness-Age main effects, nor their interaction attained significance (\(ps > .35\)).

**Sentencing.**

Subjects' ratings of how severe a sentence they would give the defendant if they knew him to be guilty were subjected to a 3 x 3 ANOVA (Sexual-Knowledge by Witness-Age).\textsuperscript{41} No significant effects were found. Separately analyzing the 3 x 3 ANOVA for subjects having rendered "Guilty" and "Not Guilty" verdicts also failed to yield any significant results (see Appendix E for all significance levels).

\textsuperscript{40} The following subjects were excluded in order to balance the design: Numbers 176-178, and 185-191.

\textsuperscript{41} The following subjects were excluded from the analysis: Numbers 176, 177, 185, 187-190, and 192.
Witness Ratings.

The ratings of the credibility of the child-witness's testimony were subjected to the Sexual-Knowledge by Witness-Age ANOVA, but no significant effects were found ($p > .67$). Credibility ratings of the defendant subjected to the Sexual-Knowledge by Witness-Age ANOVA also yielded no significant effects ($p > .26$). No significant effects were found for the Sexual-Knowledge by Witness-Age ANOVA performed on the ratings of any of the other witnesses.

Other Exploratory Variables.

Subjects were asked to rate the seriousness of the kind of abuse described in the trial; however, neither the Sexual-Knowledge nor Witness-Age manipulations yielded any significant results ($p > .34$).

Estimates of the age at which a person becomes knowledgable enough to be able to imagine sexual events like those described in the trial, once again produced a Witness-Age effect, $F(2,171) = 5.1$, $p < .007$. When subjects had read about a twelve-year-old witness, they estimated the average age to be 11.6 years. Reading about a nine-year-old witness reduced the estimate to 10.7 years, while a six-year-old witness reduced the estimate further to 10.3 years. Only the two extremes differed significantly ($p = .05$). This main effect was qualified by an

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Question 4 on the questionnaire (Appendix $\S$). The following subjects were excluded from the analyses: Numbers 176, 177, 185-189, and 190-192.
interaction with Sexual-Knowledge, $F(2,171) = 3.5, p < .01$, as shown in Table 2. The interaction involves a crossover, where the pattern of increased age-estimates with increased Witness-Age manipulation is found for the Control and Neutral Sexual-Knowledge conditions while the reverse is found for the Strong Sexual-Knowledge condition. Tukey post-hoc analyses found the following cell means to differ significantly: For the Control condition, the 12-year-old differed from the 6- and 9-year-olds; for the Neutral condition the 6- and 12-year-olds differed; for the 12-year-old, the Strong condition differed from the Control and Neutral conditions.

Table 2. Estimates of the Average Age at which Children are Capable of Imagining Sexual Events like Those in the Trial.

<table>
<thead>
<tr>
<th>Sexual Knowledge Presentation</th>
<th>Control</th>
<th>Neutral</th>
<th>Strong</th>
</tr>
</thead>
<tbody>
<tr>
<td>Witness Age</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 years</td>
<td>9.9</td>
<td>9.8</td>
<td>11.2</td>
</tr>
<tr>
<td>9 years</td>
<td>10.3</td>
<td>10.9</td>
<td>11.1</td>
</tr>
<tr>
<td>12 years</td>
<td>12.2</td>
<td>12.2</td>
<td>10.4</td>
</tr>
</tbody>
</table>

Descriptive data regarding the comparison of subjects' age estimates and the actual age of the child-witness about which they read again show the marked difference of Study 2 from Study 1. Nearly all subjects estimated the average age of the development of knowledge sufficient to be able to imagine the
sexual events described in the trial scenario as being less than the age of the child-witness about which they read: 87 percent in the 6-year-old condition and 100 percent in both the 9- and 12-year-old conditions.

Discussion.

While this study was more exploratory than the others, the predictions made regarding the effect of the Sexual-Knowledge and Witness-Age variables were not supported. The sexual abuse scenario described in the trial was unusual. The fact that the victim of the attack had not been able to get a glimpse of the attacker may have deviated from the prototypical child-sexual abuse narrative. However, the events described were plausible and, in any case, no less unusual than those described in the scenario in Study 2. The events described in the trial were chosen for their ability to force the subjects to assess the child-witness solely in terms of her cognitive abilities, and not in terms of her sexual naiveté. It is possible that at some level subjects thought the series of events odd.

Turning to the specific results found in the analyses of the data, the manipulation check verified a linear increase in the perceived Sexual-Knowledge of the child-witness. The fact that the Neutral condition differed only slightly from the Control condition while the Strong condition had a very large effect suggests that the presentation of information about prior sexual abuse did more strongly convince mock-jurors of her
The weakness of the Neutral presentation in this study vindicates Defense lawyers wishing to delve into the sexual history of the child-witness in order to refute the inferences of her sexual innocence by jurors. However, this finding is in marked contrast to that of Study 2, where the Neutral presentation was much more effective than the Strong presentation.

The pattern of results across the Sexual-Knowledge conditions resembles that in Study 1 and not that in Study 2. Though the manipulation check was intended to have subjects rate the Sexual-Knowledge of the child-witness irrespective of which type of sexual abuse trial they read, the different trial scenarios do appear to have influenced subjects' responses. This once again raised the possibility that the manipulation check may have been assessing more than just an objective rating of the level of Sexual-Knowledge presented.

In spite of the large Sexual-Knowledge effect on the manipulation check responses, subjects' assessments of the guilt and credibility of the defendant and of the credibility of the other witnesses yielded no significant effects. Although the overall rate of convictions for this study was lower than those of the first two studies, all were in the moderate range. It seems unlikely that merely a restricted range of responses is responsible for the lack of significant effects in this study, especially in light of the fact that the predictions for the Sexual-Knowledge and Witness-Age variables were for increases in
conviction rate and child-witness credibility. If anything, a lower overall rate of conviction should have made significant results more apparent.

Part of the pattern predicted for the Sexual-Knowledge by Witness-Age analysis of verdicts appears to have been confirmed, at least as a trend. The rate of conviction did show a direct relationship with Witness-Age when only the Control Sexual-Knowledge condition was considered. This pattern most closely resembles the results found in previous studies of the perception of child-witnesses testifying as eyewitnesses in non-sexual abuse trials (Goodman et al., 1984; Goodman, Golding, et al., 1987; Isquith et al., 1993; Leippe et al., 1992, 1993; Leippe & Romanczyk, 1987, 1989).

The only significant results appeared in analyses of more peripheral data. The influence of the exemplar of the child-witness herself appeared to affect subjects' assessments of what other children were generally like. When presented with a younger child testifying about sexual matters, subjects lowered the average age at which they assumed children had such knowledge. This replicated the finding for the first two studies. However, the effect of Strong Sexual-Knowledge in this trial was to reverse that pattern. When the child-witness was presented as having been sexually abused herself, there was a statistically insignificant tendency for older child-witnesses to decrease subjects' estimates of the age at which children in general attain this level of knowledge. This item in the
questionnaire had originally been included in order to help explain a significant Witness-Age effect on Guilt or on child-witness credibility judgements. Since no such effects were found it cannot serve this purpose. All that can be concluded from the finding is that the subjects' perceptions of the age of development of sexual knowledge in children were not affected by changing the age of the child-witness about which they read.

This same divergence from the data for Study 1 appears in this study as did in Study 2. Nearly all subjects estimated the average age of the development of sexual knowledge to be less than that of the child-witness in the trial scenario they read. Only 13 percent in the 6-year-old condition estimated this age to be higher. It is again possible that inferences of sexual innocence were not being made by subjects in this study. In the context of the marked absence of significant results in this study, this pattern appears important. However, the significant effects in Study 2 occurred in the context of a similar pattern. Again it is possible that either the subjects themselves were somehow different from those of Study 1 or that the trial scenario influenced their thoughts regarding children in general.

In summary, this study did not add much to our knowledge about the effects of the Sexual-Knowledge and Witness-Age variables. All of the primary results were non-significant. Since the manipulation check verified the effect of the Sexual-Knowledge variable, it is possible that Sexual-Knowledge was not perceived to be relevant to decisions of Guilt and to judgements
of the credibility of the witnesses in this trial. It is also possible that the trial scenario itself was not believable to subjects. However, with no important effects reaching significance nothing definite can be concluded. The failure to produce a significant effect of Sexual-Knowledge also leaves unresolved the matter of defining more clearly the basis of effects found in the first two studies.
General Discussion

These studies were designed to clarify several issues in the child witness literature. First, in Reid's (1993) review of the legal literature he described how questions about the sexual innocence of child-witnesses have been raised in the courtroom. Defendants in sexual abuse trials are generally prohibited from cross-examining the child testifying against them for the purpose of showing bad character. Judges have been allowing such cross-examination of child-witnesses where the declared intent is to demonstrate that the child had the sexual knowledge necessary to fabricate the abuse claim. Defendants in these cases have argued that jurors are biased, in that they erroneously assume that all children are sexually naive and conclude that children could not have fabricated the sexual events they describe. Reid (1993) has argued that if such inferences of sexual innocence are being made, they could just as easily be refuted by a neutral statement from the Prosecution informing the jurors that the child possessed sexual knowledge before the alleged abuse occurred.

Other issues to which this research was addressed concerned more general questions about the nature of jurors' perceptions of child-witnesses. The notion of witness credibility as a unitary construct has been criticized by some researchers (Infante et al., 1983; Nigro et al., 1988). They argue that, as a concept, "credibility" is too general to accurately assess how jurors process information regarding witnesses. Goodman et al. (1989) have argued that both honesty
and the ability to testify are important determinants of the credibility of child-witnesses. Goodman and her colleagues have shown how the relative importance of honesty and ability vary according to the type of trial in which the child is testifying. Honesty is more important when a child is testifying that an adult sexually abused him or her. In trials where the child is testifying as an eyewitness to a crime such as robbery or murder, the foremost issue concerns the ability of the child to understand and remember events.

Following from questions regarding the honesty and ability of the child-witness in the eyes of the jury is the issue of perceptions of developmental changes in these qualities in children. Fairly consistent evidence has been published showing that mock-jurors do evaluate child-witnesses of different ages in different ways, depending on the circumstances. Where ability to testify is the dominant consideration, the younger a child is the lower his or her credibility will be. When the honesty of the witness is central to the case, the younger a child is the greater his or her credibility.

The Sexual Innocence Inference Theory

Reid's (1993) suggestion that sexual knowledge presentation would affect people's perceptions of child-witnesses was borne out. In the first and second studies the provision of information about the child-witness's prior sexual knowledge was probative in that her ability to fabricate her testimony was
crucial to interpreting the trial. In these two studies the finding that the sexual knowledge manipulation both reduced the rate of conviction and the credibility of the child-witness supports the claim that this information is crucial to understanding the trial. The fact that in both of these studies a neutral statement of the fact of the child-witness's prior sexual knowledge reduced rate of conviction and credibility more strongly supports Reid's own position on the issue. The discomfort to the child-witness of being cross-examined regarding her sexual history is not justifiable. The concerns of defendants that jurors presume the child-witness sexually innocent until proven otherwise can be addressed without revictimizing the child-witness in court. While the Neutral Sexual-Knowledge condition was not consistently effective in reducing rate of conviction (a non-significant reduction in Study 1), the increased effectiveness of the Strong condition must be weighed against the possible non-probative effects of the information in the Strong condition.

The strong sexual knowledge presentation, involving evidence of the child-witness's prior sexual abuse, produced more dramatic, if less consistent, effects. In the basic trial scenario of Study 1, the more common scenario of sexual abuse, the defendant was accused by the child-witness of having sexually abused her. The large reduction in rate of conviction and child-witness credibility due to the presentation of strong sexual knowledge, relative to that of the Neutral condition, suggests
that more is being inferred from this evidence than ability to fabricate. This reduction is reminiscent of the claims that discussing an adult rape-victim's sexual history in court will have a drastic effect on her credibility and on the defendant's likelihood of conviction (Amir, 1971; Brownmiller, 1975; Griffin, 1986). Inferences of bad moral character argued to be behind jurors' perceptions of adult rape-victims appear to be involved in their perceptions of child sexual abuse victims as well. To the defendants demanding to be allowed to present evidence about the sexual history of the child-witness, the argument can be made that this would be unnecessary for the purposes of refuting inferences of sexual innocence. Since allowing cross-examination of the child-witness about her sexual history is likely to be both disturbing and biasing, a neutral way of informing the jury of the child-witness's sexual knowledge would be preferable.

The inconsistency of the effect of strong sexual knowledge lies in its failure to appear in the second study. Direct generalization to actual sexual abuse trials may be weaker here than in Study 1, since the child-witness herself was not the target of the sexual abuse. However, the issues involved in the two trials were similar. The inference of sexual innocence on the part of the child-witness would also lead jurors to be more favourable to her testimony. The failure of the strong sexual knowledge condition to influence crucial variables in the trial can best be understood in terms of its failure to affect the manipulation check variable; subjects did not rate the child-
witness any more sexually knowledgable when they were told she was more knowledgable because of her prior sexual abuse. It does not appear to be a matter of reactance on the part of the subjects, but rather that they deemed it irrelevant. Since the child-witness herself was not alleged to have been sexually abused by the defendant, subjects may have been unable to accept the value of the information. This is a strange finding in that the neutral presentation of sexual knowledge did have a large effect on both rate of conviction and child-witness credibility.

The lack of an effect of the strong sexual knowledge condition, in conjunction with the significant effect of the neutral sexual knowledge condition, also poses the question of how subjects interpreted the ostensibly neutral information. Although this sexual knowledge manipulation was developed following Reid’s (1993) suggestions, it may not have been interpreted as neutral by the subjects. The vagueness of a statement implying sexual knowledge on the part of a child may draw the reader’s curiosity. This could lead to wild speculation about how the child acquired this knowledge and how sexually knowledgable she actually is. These speculations may induce greater inference of bad character than in the strong sexual knowledge condition. Of course, a thorough examination of any neutral statement used in an actual sexual abuse trial would have to be made. These concerns point to the importance of the wording of this statement.

The third study was intended to strengthen confidence that
any effects of sexual knowledge presentation in the first two studies were due to refutations of sexual innocence. The predictions were in the opposite direction for Study 3 since information suggesting that the child-witness was sexually knowledgable would make her appear a better eyewitness. Being an uninvolved observer of the sexual attack of another child, where she was corroborating the testimony of the other child, made bad character judgements unlikely. The failure of the Sexual-Knowledge manipulation to influence rate of conviction and child-witness credibility leaves the possibility that, in the first two studies, both the Strong and Neutral presentations of this knowledge acted at least in part on perceptions of the character of the child-witness. Since the Strong Sexual-Knowledge condition was more effective in reducing the rate of conviction than the Neutral condition (at least in Study 1), it is possible that this discrepancy was due to the additional inference of bad character in the Strong condition. While it does not seem likely that bad character was being inferred from the Strong Sexual-Knowledge presentation in Study 2, since this

43 Unless subjects were to make the inference that a sexually experienced child would be more likely to imagine the occurrence of sexual events. Though not intentionally fabricating charges of sexual abuse, she would have incorrectly convinced herself of the veracity of her account. In the case of Study 3, this is not likely to have occurred since the trial scenario was constructed so as to leave little doubt about the occurrence of the sexual abuse; the child-witness focused on in the study was merely corroborating the claims of the actual victim-witness.
condition did not differ from the Control condition, the study was not designed to test this possibility. Only Study 3 was designed to do so.

The fact that partialling out the variance associated with ratings of the child-witness’s honesty from the analyses of guilt and credibility judgements removed the sexual knowledge effect in both studies may be evidence of subjects making character judgements. However, since the manipulation check was affected by the sexual knowledge presentation, it is possible once again that subjects deemed the information irrelevant to their task of determining the truth of what transpired on the alleged sexual abuse scene. Another caveat must also be put forward: The trial scenario in the third study may itself have not been believable to the subjects. It is unfortunate that some measure of the believability of the trial scenario was not included in the questionnaire at the end of each trial scenario.

Nevertheless, it has been demonstrated in this research that a neutral statement that the child-witness in a sexual abuse trial is not sexually naive does influence rates of conviction. The relative rates of conviction across experimental conditions followed the responses to the manipulation check, suggesting that decisions regarding guilt were strongly related to subjects’ subjective assessments of the child-witness’s level of sexual knowledge.
Components of Credibility

There is some evidence in the results of the three studies that judgements of credibility are based on considerations of more specific elements of person perception. Goodman et al.’s (1989) argument that honesty and ability are independent elements in the perception of child-witnesses appears to have found some support. The three trial transcripts were put together with the intention of maximizing the relevance of the honesty or the ability of the child-witness to the case. Honesty was paramount in the first two studies, where the crux of the Defense’s argument was that the child had fabricated the charge of sexual abuse. In both these studies, partialling out the variance associated with ratings of the honesty of the child-witness removed the effect of the sexual knowledge manipulation. The finding that partialling out the ratings of the child-witness’s ability removed the sexual knowledge effect only in the second study shows the value of more fine-grained measures of credibility. In the first study, where she was victim and witness to the abuse, only perceptions of her honesty mediated the effect of sexual knowledge. In the second study, she was only reporting on abuse that she witnessed and though honesty still mediated the effect of sexual knowledge, ability as a witness also did so.

Unfortunately, the lack of significant effects of the manipulations in the third study did not allow for the next step in trial scenario variation to be examined. Since the third
study presented the child-witness as an uninvolved eyewitness, the effects of the manipulations on rate of conviction and child-witness credibility were expected to be mediated almost entirely by perceptions of ability.

Thus, although not all the manipulations were effective in changing subjects' perceptions of the trial in all studies, some evidence for the value of examining the subcomponents of the concept of credibility was shown. The greatest value expected from the inclusion of measures of these subcomponents was in their relationship to the effect of the witness age manipulation, which is discussed in the next section.

Child-Witness Age

The most disappointing finding in the three studies described above is the lack of effect of the manipulation of the child-witness's age. Previous research has shown that mock-jurors tend to believe older eyewitnesses more than younger ones and to believe younger victim-witnesses more than older ones. The argument by Goodman et al. (1989), that what differentiates the perceptions of eyewitnesses and victim-witnesses is the relative importance of honesty and ability, was one of the main reasons for doing the three studies reported on here. The lack of significant effects of the witness age manipulation on guilt or credibility leaves this notion without empirical support.

While the results do not replicate the witness age effects found in previous research, neither do they contradict them. The
direction of cell mean differences in all three studies followed that of the predictions. The Control condition of the Sexual-Knowledge variable provided the design replicating that of previous research on witness age effects. In the first two studies, which were more typical of the sexual abuse trials presented to mock-jurors in previous research, the rate of conviction generally increased with decreased child-witness age. In the third study, which was similar to the eyewitness research except that a sexual crime was being observed, increasing rate of conviction was found for increasing child-witness age. While these differences were not statistically significant they are in line with previous research. For example Bottoms and Goodman (1994) failed to find significant differences in rate of conviction for 6- and 14-year-olds but did find that the rate increased from 59 to 70 percent with decreasing age.

The only anomaly in the pattern of effects due to the witness age manipulation was that of Study 1 where the nine-year-old child produced the highest rate of conviction and highest credibility rating. This pattern replicated the findings of several studies in the victim-witness literature for verdicts. In contrast to the majority of victim-witness research where an inverse relationship was found between witness age and rate of conviction, the rate of conviction in the study by Duggan et al. (1989) was higher with a nine-year-old witness than with either 5- or 13-year-old witnesses. The child-witness credibility ratings in Study 1 very closely paralleled Verdicts, making the
pattern similar to that of Key et al. (1996), where an 8-year-old was rated more credible than either a 3- or 13-year-old. The explanation for the higher credibility ratings given children 8 or 9 years of age is that they are perceived to have the optimum amount of honesty and ability. However, no evidence of this pattern was found in the honesty and ability ratings employed here. Interestingly, the bias in favour of 8-year-olds in Key et al. (1996) occurred when the victim-witnesses were adults testifying about repressed memories of abuse that had occurred when they were either 3, 8 or 13 years of age. Even if the actual witness is an adult, the fact that the testimony refers to events experienced by children makes the childhood age an important mediator of credibility.

In Study 3 the pattern of responses also resembled the earlier research on perceptions of children as eyewitnesses. A non-significant increase in Guilt ratings with increased witness age was found in several of the studies (Goodman et al., 1984; 1987; Leippe & Romanczyk, 1987). The results of Study 3 demonstrate that the mixed pattern of witness age effects in the literature is due to perceptions of the differences between the child testifying as victim-witness and as eyewitness, rather than simply to the sexual content of the trial in which the child testified. All other things held constant, it appears there is suggestion that younger children testifying as third party eyewitnesses to sexual crimes are assessed by jurors much the way they would be if the crime were non-sexual.
The most consistent finding due to the witness age manipulation involved subjects' statements regarding children in general. In all three studies, the age at which subjects estimated children in general to be able to imagine the kind of events described in the trial was affected by the exemplar with which they had been provided. Decreasing the age of the child-witness decreased their estimates for children in general. Though subjects generally held that children developed sexual knowledge around the time of puberty, this belief was not so confirmed that they were not influenced by the children in the scenario. If part of the processing of information regarding child-witness credibility involves comparing him or her to a mental prototype, then the strength of this prototype would affect credibility judgements.

However, the pattern of data comparing subjects' expressions of this mental prototype with the child-witness in the trial about which they read does appear to relate to the general pattern of results for the three studies. The finding that nearly all the subjects in Studies 1 and 2 estimated the age of development of sexual knowledge as lower than the child-witness in their trial scenario might partially explain the unexpected findings of these studies. The lack of a Sexual-Knowledge effect in Study 3 may be due to no inference of sexual innocence being made by subjects and in need of refutation. However, though this may also be said of the Strong Sexual-Knowledge condition in Study 2, the Neutral condition did show a
significant effect. If less than five percent of subjects were inferring sexual innocence in the child-witness, then this effect would not have been expected. The manipulation check suggests that estimates of the level of sexual knowledge in the child-witness did vary. Subjects themselves may have differed between Study 1 and the other studies. It remains possible, though, that the effects of the Sexual-Knowledge manipulation on defendant guilt, child-witness credibility and on the manipulation check could reflect the inference of something other than the child’s knowledge, such as her character. Study 3 was designed to examine this possibility. Unfortunately, the paucity of significant effects in this study prevent conclusions about this possibility from being made.

Implications for the Child-Witness

The results of this thesis suggest that the issue of the child-witness’s sexual knowledge in sexual abuse trials is important. Reid’s (1993) Sexual Innocence Inference Theory appears to be correct. The findings appear to support the claim made by defendants in sexual abuse trials that the jury may be predisposed to accept the validity of sexually explicit testimony by children. Nevertheless, it is by no means suggested that defendants be given free rein in their cross-examination of the child-witness.

As suggested by Reid (1993), a neutral statement to the effect that the child-witness had sufficient sexual knowledge to
have been able to fabricate the allegations should be adequate to dispel the idea of the child-witness's sexual innocence. In trials where the issue of sexual innocence is raised, and where judges would be compelled to accept the possibility of such preconceptions by the jurors regarding the child-witness, it would be incumbent upon the Prosecution to accept the responsibility for making such a neutral statement. The effect of such a statement in this research was to reduce both child-witness credibility and rate of conviction, and it could be expected to do so in actual trials where sexual knowledge is an issue in the Defense position. From the point of view of the Prosecution, even if this neutral statement were to be as powerful in dispelling notions of sexual naiveté as would evidence of prior sexual abuse, the discomfort of cross-examination to the child would be minimized.

This thesis addressed the strong version of the witness age hypothesis, that not only are children perceived differently from adults on the witness stand, but that children of different ages are perceived differently from one another. Although the basic witness age differences found in previous research were replicated, the failure of these differences to attain statistical significance does not attest to the practical significance of this effect. While some researchers do find differences between how child-witnesses of different ages are perceived in sexual abuse trial simulations (Goodman et al., 1989; Duggan et al., 1989; Isquith et al., 1993; Nightingale,
1993; Bottoms & Goodman, 1994; Gabora et al., 1993; Key et al., 1996), others do not (Schmidt & Brigham, 1996). The studies reporting a significant effect vary across methodologies.

There is no clear reason why the studies in this thesis should not replicate the findings of previous studies if the witness age effect is robust. The implications of the findings reported here are that, while witness age may likely influence how jurors perceive the witness, the effect is not invariable and may depend on other variables not yet examined.

The finding that the effect of sexual knowledge presentation was similar in Studies One and Two has implications for children testifying in spousal abuse trials. In Study 2, the child-witness was involved with the complainant and the defendant. The pattern of results suggests that her testimony was assessed like that of the victim-witness in Study 1. In a trial in which a child is testifying about the sexual abuse of one parent by another, it is possible that the child-witness would be perceived and judged by the jury as if he or she were also a victim of the sexual abuse.

Assessment of the Experimental Design

The studies in this thesis, like all trial simulations, provide only an indirect assessment of what transpires in actual legal trials. Almost invariably, actual trials are such complex events that they cannot be fully reproduced in an experimental context. Trial scenarios used in the various studies carried out
in the area are by their nature complex stimuli. Different levels of complexity are gained or lost at the expense of believability. The complexity of trial simulations ranges from elaborate videotaped trials produced using professional actors or actual legal professionals (Gabora et al., 1993; Goodman et al., 1984; 1987; Schmidt & Brigham, 1996) to minimal trials where only a short written narration of the trial events is provided (Bottoms & Goodman, 1994; Leippe & Romanczyk, 1989; Nightingale, 1993). There is no apparent tendency for witness age effects to occur only in trial simulations of a particular level of complexity.

As the level of complexity in a trial simulation increases, it more closely approaches the experience of an actual trial. However, the particular narrative - the particular series of events involved - also becomes more specific and more likely to differ from other trial simulations. Less complex and less specific narratives that produce significant effects can be argued to be more generalizable. More complex trial simulations more accurately replicate the actual courtroom experience; however, the effects may be limited to similar narratives with actors of similar appearance. The research on perceptions of child-witnesses has found witness age effects using both minimal and complex trial stimuli, suggesting that the effect is both generalizable and approximating real courtroom experience. The ultimate approximation of real courtroom experience is not possible in the trial simulation; subjects never have the weight
of real human lives resting on their decisions.

Leippe and Romanczyk (1987) have demonstrated that the strength of the case against the defendant accused of robbery and murder can determine the strength of witness age effects. Witness age effects were found to be strongest in an ambiguous case, and this prompted the use of moderate case strength in the three trials used in this thesis. All three trial scenarios produced moderate levels of conviction in this research; however, some variability was found. Conviction rates for Studies One and Two were clearly moderate at 42 and 55 percent. With a conviction rate of 34 percent, Study 3 may have been at a slight disadvantage in terms of the magnitude of witness age effects. Since the direction of results for Study 3 did correspond to the predictions, it is possible that these results may have been stronger with a stronger case against the defendant. The lack of significance for witness age effects in the other studies suggests that strength of case was not the crucial variable.

While witness age appears at first a simple manipulation, it is not without complexity. Like the trial scenario itself, a witness age manipulation can range from minimalist to more realistic, more complex. This quandary was considered at the start of the three studies and it was decided that the manipulation should be minimal. The minimal witness age manipulation is simple and without the problem of confounding. However, the statement of the child-witness's age at the beginning of her testimony becomes a very minute part of the
whole of the information subjects read. Wording several questions in the post-trial questionnaire so that reference to the child-witness's age was made served the purpose of making her age more salient.

The more salient witness age manipulation involves presenting the child's testimony in age-specific syntax, or to use videotaped testimony of actual 6-, 9- and 12-year-olds. This manipulation would ensure that every piece of new information is considered relative to the child-witness's age. However, differences in the way children of different ages present information varies in complex ways which may in fact alter what the content of their testimony may be. Nigro et al. (1989) have convincingly shown that altering the speech style of the witnesses can reverse adult-witness and child-witness differences.

Knowing that strong and weak speech patterns were of such importance in how subjects would assess the child-witness, it was decided that the minimalist approach to witness age manipulation would be employed. This decision is justified by the fact that it was the way in which subjects, and jurors, conceive of children of different ages that was of interest. This thesis focused on the concept of children's sexual innocence in the minds of subjects. This conception may be only a part of the overall assessment of children by jurors; however, it was the part most relevant to assessing the basis of the effect of Sexual Knowledge.
Another issue in the assessment of the value of the three studies reported here is the effect of deliberation. None of the three studies where subjects deliberated in groups showed witness age effects which disappeared after deliberation (Duggan et al., 1989; Gabora et al., 1993; Schmidt & Brigham, 1996). Gabora et al. (1993), in fact, find the effect after deliberation and not before. While having the subjects deliberate in groups more closely approaches the experience of real jurors in real trials of sexual abuse, it does not appear to remove witness age effects. The bias in favour of younger child-witnesses in sexual abuse cases does not appear to be one that is simply corrected by other jury members.

Other limitations to the scope of this thesis involve the characteristics of the subjects and also how these characteristics relate to those of the child-witness in the trial scenarios. It is possible that the university undergraduates who participated as subjects in the three experiments may have responded differently to the Sexual-Knowledge conditions than would a population differing in age and education level. One of the pitfalls of using an Introductory Psychology subject pool is that random selection from this already specific population is not possible. Subjects read descriptions of the various experiments available for credit and they choose the ones in which they are interested. This, of course, poses the statistical problem of the representativeness of the sample. The greater proportion of female students in undergraduate psychology
and this selection bias may have contributed to the fact that the majority of subjects in all three studies were female. This is cause for hesitation in generalizing the finding to males in the wider population. It is also important to consider the fact that this mostly-female subject group read about female child-witnesses. They may have been more able to identify and sympathise with the child-witness than the male subjects reading the trial scenarios.

It is possible that larger sample sizes in the three studies could have made actual differences between conditions more likely to produce significant differences in the analyses. The 3x3 design yielded cell sizes of only 20-22 subjects. The results for guilt verdicts were presented in the form of rates of conviction. The raw data on which the CATMOD analyses were carried out were in the form of dichotomous frequencies. Changes in rate of conviction of the magnitude of twenty percent reflect actual frequency changes of only four percent.

Conclusions and Future Directions

The studies in this thesis have demonstrated that the perception of sexual knowledge is important for jurors' judgements in sexual abuse trials. Reid's (1993) Sexual Innocence Inference Theory was supported in that presenting evidence of a child-witness's sexual knowledge did reduce rate of conviction and child-witness credibility. More specifically, support was found for Reid's argument that a neutral statement
confirming this knowledge should be sufficient, and that cross-examining the child-witness about prior sexual abuse is not necessary to address this issue.

Evidence in favour of the differential importance of perceptions of witness honesty and witness ability was also found. The effect of presenting different levels of sexual knowledge information on rate of conviction and witness credibility appears to be mediated most by perceptions of honesty. In a sexual abuse trial designed to favour the relevance of perceptions of witness ability, the relative importance of honesty and ability could not be assessed due to the failure of the manipulated variables.

Only weak support for the witness age effects demonstrated in previous research was found. While the manipulation of the child-witness's age did not produce significant effects, the results were in the direction of those of the previous research. Where the child is testifying as a victim-witness in a sexual abuse case, she will generally be more effective as a witness the younger she is. Where she is testifying as an eyewitness involved at an emotional level with the individuals party to the sexual abuse, she appears to be assessed much as a victim-witness; decreasing age acts in her favour.

Where the child-witness is testifying as an uninvolved third party witness to sexual abuse, she appears to be assessed as an eyewitness. Replicating the direction of effects in the previous research on perceptions of child-eyewitnesses,
decreasing age acts against her. This represents an extension of the witness age effect from trials involving an eyewitness to non-sexual crimes to a trial involving an eyewitness to a sexual crime.

The relationship between sexual knowledge and child-witness age has not been sufficiently tested in these studies. It remains to be shown, in a study in which significant witness age effects are found, how these effects are changed by different levels of sexual knowledge. Some of the general pattern of results found resembled the predicted interaction effect, but it is impossible to know whether or not these were merely random variations. Such an interaction would help make the argument that witness age effects are, in part, due to differences in the perceived sexual innocence of the child-witness.

The relative importance of perceptions of honesty and ability as components in child-witness credibility have been demonstrated in a context where honesty was most crucial. The assessment of honesty and ability in a context like that intended in Study 3, where ability was most crucial, would help show that subjects are aware of their relative importance. Though not answering the concerns about how sexual knowledge is used, as was intended in Study 3, this could be done using a non-sexual eyewitness scenario. This might simply be a matter of replicating one of the studies demonstrating significant age effects for child-witnesses (Goodman et al., 1984, 1987; Leippe & Romanczyk, 1987, 1989) and including ratings of honesty and
ability.

Future research will have to be done to examine the basis for the inconsistency in witness age effects. Duggan et al. (1989) and Schmidt and Brigham (1996) report an anomalous pattern of witness age effects which was replicated in Study 1 of this thesis. Why it is that some studies find linear age effects in sexual abuse trial simulations (Bottoms & Goodman, 1994; Goodman et al., 1989; Nightingale, 1993) while others do not is not clear. The argument that children between eight and nine years of age have the optimum combination of perceived honesty and ability as witnesses does not explain why some studies find linear effects. The subject sample does not explain the anomalous finding; this research and that of Schmidt and Brigham (1996) used university undergraduates, while Duggan et al. (1989) used registered voters. Overall rate of conviction was moderate for all sexual abuse trial simulations, ranging from 42 to 76 percent. Duggan et al. (1989) found the anomalous pattern was maintained after deliberation. Studies finding the non-linear pattern of witness age differences include both a complex videotaped mock-trial using professional actors (Duggan et al., 1989), a detailed written transcript (Study 1 of this thesis) and a written trial summary (Key et al., 1996). The basis for the divergent pattern of witness age effects is not clear at this point.

The final direction for future research to follow is that of replicating the sexual knowledge effects demonstrated in this
thesis in trial simulations of greater complexity and greater approximation to the reality of the courtroom. While this would make the results more convincing scientifically, the real benefit would be in terms of the perceived value of the research to the legal profession. Ultimately, this research is directed at resolving a practical issue put forward in the legal literature (Reid, 1993; Steinmetz, 1989). The value of this research must be decided, in the end, by legal professionals.
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Appendix A

Trial Transcript for Study 1
INSTRUCTIONS

Please carefully read the following transcript of a criminal trial. You are to act as a member of the jury, and to make a decision regarding the guilt or innocence of the defendant. Just as a member of the real jury of this trial, you must decide either guilty or not guilty, based on the evidence presented.

Court Clerk: Mr. Richard Williams, you are charged that on November 30, 1992, you used your position of authority as a teacher to coerce and sexually molest 6-year-old Samantha Green. Do you plead guilty or not guilty?
Mr. Williams: Not guilty.
Judge: Please proceed.
(Samantha Green, the complainant, is called to the stand)
Crown: How old are you, Samantha?
Samantha: Six.
Crown: Samantha, do you remember what happened on Monday, November 30th, last fall?
Samantha: Yes.
Crown: Please tell us what happened that Monday, and speak a little louder so that we can hear.
Samantha: I went to school on the bus. But ... I was too late for the bus going home.
Crown: Why were you late for the bus?
Samantha: I was playing with Jenny and Marla.
Crown: And who are Jenny and Marla?
Samantha: My friends. We go to gym class together.
Crown: When did you find out that you had missed your schoolbus?
Samantha: I was playing with Jenny and Marla. Jenny said "Look, your bus" and the bus drove away. I couldn’t run fast enough.
Crown: So you found out you missed your bus ride home. What did you do then?
Samantha: Marla said phone my mom, so I did.
Crown: Where did you go to phone your mother?
Samantha: In his office. He said I could.
Crown: In whose office, Samantha?
Samantha: My teacher. When I came back in the school he was in the hall. He said I could use his phone.
Crown: What is your teacher's name?
Samantha: Mr. Williams.
Crown: Do you see Mr. Williams here today?
Samantha: Over there. (She points, indicating the defendant, Richard Williams)
Crown: You called home from Mr. Williams' office. Where was Mr Williams while you were on the phone?
Samantha: He was by the door. He asked if I knew the number.
Crown: What did you tell him?
(Samantha hesitates)
Crown: What did you tell him when he asked if you knew the phone number?
Samantha: I said "I know it". My mom makes me carry a paper with it written on.
Crown: Where were your friends while you were on the phone?
Samantha: Marla's mom gets mad when she's late after school.
Crown: Did they both go home?
Samantha: Yes. They don't take the bus. They walk.
Crown: When you called home, who answered the phone?
Samantha: I talked to my mom.
Crown: Was your mom the first person you talked to?
Samantha: Toni got Mom to come to the phone.
Crown: And who is Toni?
Samantha: My big sister. She got home on her bike.
Crown: What did your mother tell you when you told her you had missed your schoolbus?
Samantha: She said she would get me with the car.
Crown: Did she say how soon she would come?
Samantha: Soon.
Crown: Did she tell you how many minutes you would have to wait?
Samantha: Not right away, but soon.
Crown: Did you mother tell you why she would not come "right away"?
Samantha: Ah. I forget.
Crown: Did she have to do something first at home before she could pick you up?
Samantha: Yes ...(Defense lawyer interrupts)
Defense: Objection. Your Honour, the Crown is leading the witness. She said she didn’t remember.
Judge: Sustained.
Crown: Samantha, could you tell us if Mr. Williams knew when your mother was going to pick you up at school?
Samantha: He said I could wait there.
Crown: Where did he say you could wait?
Samantha: His office.
Crown: Did you tell Mr. Williams that your mother would not be able to pick you up "right away"?
Samantha: He asked if my mom was getting me. So I said "Yah, in a little while".
Crown: Now, Samantha, tell us what happened after you phoned your mother.
Samantha: He said I should sit down.
Crown: Mr. Williams told you to sit down? And then what happened?
Samantha: He sat beside me.
Crown: And where were you sitting?
Samantha: On the couch.
Crown: Then what happened?
Samantha: He was talking ... asking questions.
Crown: What kinds of questions was he asking?
Samantha: I forget.
Crown: And then what happened?
Samantha: He put his hand on my leg.
Crown: Where on your leg?
(The complainant points to her right knee)
Crown: On your knee?
Samantha: Yes.
Crown: When did Mr. Williams shut the door?
Defense: Objection. The witness did not say the door had been shut. Your Honour, the Crown is leading the witness.
Judge: Sustained. You will refrain from directing the testimony of the witness.
Crown: Certainly, Your Honour. Samantha, was the door to Mr. Williams' office open or shut while he was sitting on the couch with you?
Samantha: Shut.
Crown: Did Mr. Williams shut the door?
Samantha: Yes. When I was phoning.
Crown: What happened after Mr. Williams put his hand on your leg?
Samantha: He said I should be a good girl.
Crown: What else?
Samantha: He said I had to do something for him.
Crown: Did he tell you why you had to do it?
Samantha: To be good.
Crown: Did Mr. Williams touch you again?
Samantha: He touched my hair. He rubbed my back.
Crown: How did he rub your back?
Samantha: With his hand in my shirt. He made me sit on his lap.
Crown: And what did he tell you to do?
Samantha: He made me touch him.
Crown: Where did he make you touch him?
Samantha: In his pants.
Crown: Did he say anything?
Samantha: That I was a good girl. That I should touch him.
Crown: And then what did he do?
Samantha: He stood up. He told me to put it in my mouth. He said I had to.
Crown: And then what happened?
Samantha: He took off his pants.
Crown: Did he take off anything else?
Samantha: No.
Crown: What did he tell you to put in your mouth?
Samantha: His penis.
Crown: Did he put it in your mouth or did he tell you to do it?
Samantha: He did it.
Crown: Samantha, could you show us where his penis is (showing her a doll). Just point to where it would be on this doll.
Samantha: Here. (indicating the lower abdomen just below the naval of the doll)
Crown: And what happened while his penis was in your mouth?
Samantha: He just looked at me.
Crown: And what did you do?
Samantha: I forget.
Crown: What did you feel when his penis was in your mouth?
Samantha: I felt mad at him.
Crown: Then what happened?
Samantha: Mom came and got me.
Crown: What happened right after he took his penis out of your mouth?
Samantha: He went to sit at his desk.
Crown: What did he do at his desk?
Samantha: He looked at me.
Crown: Did he say anything?
Samantha: He said I better not tell anybody or I'd get in trouble.
Crown: What was he doing with his hands while he was at his desk.
Samantha: Writing.
Crown: Was he still at his desk when your mother arrived?
Samantha: Yes.
Crown: How long was Mr. Williams sitting at his desk before your mother arrived? A short time? A long time?
Samantha: A long time.
Crown: What did Mr. Williams do when your mother arrived?
Samantha: He got up.
Crown: Then what happened?
Samantha: Mom said goodbye and we went home.
Crown: Thank you, Samantha. What I'd like you to now is answer a few questions by this man (indicating the Defense lawyer).
Samantha: Okay.

[The following paragraph occurs only in the Neutral Sexual Knowledge Presentation condition]

Crown: Before the Defense begins its questions the Crown would like to make one point clear. The Defense and the Crown have discussed one particular issue with the Judge of this court. In order to prevent an unnecessarily prolonged interrogation of the complainant, Samantha Green, the Crown has agreed to concede one point. The Crown agrees with the Defense on the issue of the complainant's sexual knowledge. There is sufficient evidence suggesting that Samantha had the sexual knowledge to describe the events in her testimony before the actual encounter in the office of Mr. Williams.

Defense: Thank you (to the Crown). Hello Samantha. I would like to ask some more questions about what happened. When you just missed your schoolbus, you went into the school and met Mr. Williams. Was this in the hallway?
Samantha: Yes.
Defense: How did you feel when you first saw him in the hallway?
Samantha: Not good.
Defense: Why? According to what you've told us, he had not done anything to you until later. Why would you feel "not good" before you were in his office?
Samantha: I forget.
Defense: Samantha, was there any reason why you might not have
liked Mr. Williams before that day you said he did those things to you?
(The complainant shakes her head)
**Defense:** Samantha, do you remember what you were doing in Mr. Williams’ classroom two weeks before the day you missed your bus?
**Samantha:** I forget.
**Defense:** What were you and your friend Jenny doing while Mr. Williams was writing on the chalkboard?
**Samantha:** Just talking.
**Defense:** A little louder please so we can hear you, Samantha.
**Samantha:** Just talking.
**Defense:** Were you talking quietly or loudly?
**Samantha:** A little loud.
**Defense:** Did Mr. Williams say anything?
**Samantha:** We should be quiet.
**Defense:** Did you talk after that?
**Samantha:** Yes.
**Defense:** Did Mr. Williams have to ask you to be quiet again?
**Samantha:** Yes.
**Defense:** Did Mr. Williams have to ask you to stand in the hall outside the classroom?
**Samantha:** Yes.
**Defense:** Two days later you again had to be told to be quiet and to remain in your seat. Is this true?
**Crown:** Objection.
**Judge:** Overruled. Answer the question, Samantha.
**Samantha:** Yes.
**Defense:** What did Mr. Williams say after the second time?
**Samantha:** He would tell my mom.
**Defense:** He told you he would write a letter to your parents if you misbehaved in the classroom again?
**Samantha:** Yes.
**Defense:** And what would happen if he did that?
**Samantha:** Mom would get mad.
**Defense:** How did you feel about Mr. Williams after he said he
would tell your mother?

Samantha: I didn’t like him.

Defense: Samantha, you had missed you bus and you were in Mr. Williams’ office. You said Mr. Williams was by the door while you were using the phone. Was the door open or shut?

Samantha: Shut.

Defense: You said he then sat down beside you. Could you see past him to the door?

Samantha: Yes.

Defense: And was there anybody in the hallway?

Samantha: No.

Defense: Are you sure?

Samantha: I think so. I couldn’t see ’cause the door, but I couldn’t hear anybody.

Defense: When he put his hand on your leg did he touch the leg closest to him or did he reach across you and touch the leg farthest away?

Samantha: Closest.

Defense: And you’re sure that you could see the door past Mr. Williams, that he was sitting closest to the door?

Samantha: Yes.

Defense: Then Mr. Williams would have put his hand on your left leg, not your right leg as you showed us earlier. Do you remember which leg Mr. Williams put his hand on? The right leg or the left leg?

Samantha: I forget.

Defense: You said that Mr. Williams put his penis in your mouth. Did he have all his clothes on?

Samantha: No.

Defense: What was he not wearing?

Samantha: Pants.

Defense: And where did he put his pants?

Samantha: The floor.

Defense: What did Mr. Williams do right after he put his pants back on?
Samantha: He went to his desk and looked at me.
Defense: He did nothing else right after putting his pants on?
Samantha: No.
Defense: Did he stay at his desk until your mother came to pick you up?
Samantha: Yes. Except to open the door a little.
Defense: And when your mother came, did she knock on the door?
Samantha: Yes.

[The following line of questioning will occur only in the Strong Sexual Knowledge Presentation condition]

Defense: Samantha, I would now like to ask you a few questions about something that happened quite a while ago. Have you ever been touched by anyone else the way that you say Mr. Williams touched you?
Samantha: (inaudible).
Defense: A little louder please, Samantha.
Samantha: Yes.
Defense: And was this done by your uncle, Dave Green, when you were four years old?
Samantha: Yes.
Defense: Did your uncle touch you under your clothing and put his penis in your mouth?
Samantha: Yes.
Defense: Did people find out and did your uncle get into trouble?
Samantha: Yes.
Defense: So you knew that what you were saying to your mother about Mr. Williams would get him in trouble as well?
Samantha: Yes

Defense: Thank you Samantha. No further questions, Your Honour.
(Samantha steps down and the Crown calls Mrs. Green, Samantha’s
Crown: Please state your relation to the complainant.
Mrs. Green: I am her mother.

Crown: Mrs. Green, at what time did Samantha call to say she missed the schoolbus?
Mrs. Green: It was shortly after 4:00, ten after, I think.

Crown: And did she say where she was calling from?
Mrs. Green: Yes, she said she was in Mr. Williams’s office.

Crown: And when did you tell her you would pick her up from school?
Mrs. Green: Since I had just started preparing the evening meal and couldn’t leave ... I wish I had set it aside and gone to pick her up first.

Crown: You were saying?
Mrs. Green: I’m sorry. Since I had just started cooking and couldn’t leave for another 20 minutes, I told her it would be about 45 minutes to an hour before I could get to the school.

Crown: And did you hear Samantha repeat the time of your arrival at school?
Mrs. Green: Yes, she complained that an hour was too long to wait. If only I’d known ...

Crown: And so Mr. Williams would have heard that you wouldn’t arrive for an hour?
Mrs. Green: Yes, if he was in the office with her at the time he would have.

Crown: What time did you arrive at the school?
Mrs. Green: Well, I got there a little before 5:00, but it took a couple of minutes to find Mr. Williams’ office.

Crown: When you arrived at Mr. Williams’ office, what did you do?
Mrs. Green: I looked inside - the door was partly open - and saw Samantha. I knocked and pushed the door open.

Crown: Where was Samantha?
Mrs. Green: Sitting on the couch to the right of the door.

Crown: And where was Mr. Williams?
Mrs. Green: He was sitting at his desk.
Crown: What state was Samantha in when you arrived?
Mrs. Green: She seemed a little upset, but I thought it was just because she had had to wait so long.
Crown: Did you notice anything peculiar about Mr. Williams?
Mrs. Green: Well, when he stood up to say hello after I opened the door, I noticed that a part of his shirt was not tucked into his trousers.
Crown: And then what happened?
Mrs. Green: I said hello and thanked him for ... for looking after Samantha. Then Samantha and I left.
Crown: Mr. Williams didn’t mention anything about Samantha misbehaving in class?
Mrs. Green: No, he did not.
Crown: Then what happened?
Mrs. Green: We drove home. Samantha was quiet during the ride. I finished cooking and we ate at 6:30, but Samantha didn’t seem very hungry.
Crown: How would you describe Samantha the next morning before school?
Mrs. Green: She was still upset. She didn’t want to go to school. I said I could call her teacher, Mr. Williams, if she was feeling ill. She said that I didn’t have to talk to him and reluctantly went to school.
Crown: And when did you find out that Mr. Williams had sexually abused Samantha?
Crown: When did you find out about the alleged sexual abuse?
Mrs. Green: She told me the next day after school, Tuesday, while I was doing the dishes.
Crown: What did you do after she told you?
Mrs. Green: I told my husband and he called the police.
Crown: Thank you, Mrs. Green. No more questions.
Judge: Proceed.
Defense: Mrs. Green, you have met Mr. Williams several times
have you not?
Mrs. Green: Yes, twice before the day Samantha missed her bus.
Defense: And would you say that Mr. Williams is generally a sharp dresser?
Mrs. Green: Why no. My impression of Mr. Williams is that he is a rather sloppy dresser.
Defense: And had you previously seen Mr. Williams wearing mismatched socks.
Crown: Objection, Your Honour. What point is my colleague trying to make?
Judge: Is this relevant questioning, Counsel?
Defense: I believe so.
Judge: Answer the question please, Mrs. Green.
Mrs. Green: Mismatched socks? Well, yes, the second time I met him.
Defense: And did you point out the socks to Mr. Williams?
Mrs. Green: No. I mean, he noticed me looking at them, but I don’t remember saying anything.
Defense: And on either occasion of your meeting Mr. Williams prior to the day Samantha missed her bus, did you notice anything else unkempt about him, his shirt out of his trousers. perhaps?
Mrs. Green: No, I didn’t.
Defense: Mrs. Green, you said that Samantha looked upset when you arrived at 5:00. Did you ask her what was bothering her during the ride home?
Mrs. Green: Yes I did. She didn’t reply.
Defense: Did you ask her again later that evening?
Mrs. Green: Yes I did. But she said "nothing".
Defense: Do you think Samantha would have been afraid for you to find out about her misbehaviour in Mr. Williams’ classroom?
Mrs. Green: Afraid? No.
Defense: Mrs. Green, I have one of Samantha’s classmates willing to testify that you had grounded Samantha for several days because of a similar problem the year before. Do you think Samantha might have been worried about being grounded again,
about not being able to play with her friends after school?

Mrs. Green: Well ... she may have considered the possibility, but she would never have been afraid of me.

Defense: When you asked Samantha if anything was wrong, did you at any point ask if Mr. Williams had done anything to her?

Remember you're under oath. It is a crime to falsely report information.

Mrs. Green: Well, I might have, but she didn't say anything—nothing until the next day after school when I just asked her if she was okay.

Defense: Did you ask her if Mr. Williams had done anything sexual with her?

Mrs. Green: No, definitely not.

Defense: When Samantha told you what had happened the next day, was she upset?

Mrs. Green: Yes, she was.

Defense: Upset how? Angry, crying, nervous?

Mrs. Green: Nervous, I guess.

Defense: Mrs. Green, did you at any point doubt that Samantha was telling the truth about Mr. Williams?

Crown: Objection.

Judge: Sustained. You don't have to answer that, Mrs. Green.

Defense: No further questions.

Judge: You may step down, Mrs. Green.

Crown: That is the case for the Crown, Your Honour.

Judge: Thank you. The Defense may begin.

(The Defense calls Ms. Jones to the stand)

Defense: Ms. Jones, what is your profession?

Ms. Jones: I'm a teacher at River View School, where Samantha is a student.

Defense: Are you acquainted with Mr. Williams?

Ms. Jones: Yes.

Defense: Please tell us where you were on November 30th, 1992, after 4:00 pm.

Ms. Jones: I was in my office at school.
Defense: And where is your office relative to that of Mr. Williams?
Ms. Jones: Down the hall and just around the corner.
Defense: Did you hear any noise coming from Mr. Williams’ office?
Ms. Jones: No, I did not.
Defense: How late did you stay at the school that evening?
Ms. Jones: Until about 6:00 pm.
Defense: And did you see Mr. Williams that evening?
Ms. Jones: Yes, he passed by my office on his way home, about 5:15.
Defense: How did he seem to you? Anything unusual?
Ms. Jones: Nothing unusual, polite, quiet.
Defense: Did you notice whether or not his shirt was partly out of his trousers?
Ms. Jones: I can’t recall that evening specifically, but I have seen him unkempt in that manner on other occasions.
Defense: So, if his shirt was not neatly tucked into his trousers this would not have been out of the ordinary?
Ms. Jones: No.
Defense: Thank you, Ms. Jones.
Judge: The Crown may proceed.
Crown: Ms. Jones, does Mr. Williams usually pass by your office on his way out of the school in the evening?
Ms. Jones: Yes, usually.
Crown: And at what time does he usually go home?
Crown: How well do you know Mr. Williams?
Ms. Jones: Fairly well.
Crown: Would you say that you and he are friends?
Ms. Jones: Yes.
Crown: And as his friend, you would be interested in clearing his name. Is this not true?
Ms. Jones: I’m only telling you what I know.
Crown: Thank you, Ms. Jones. No further questions.
Judge: You may step down.
(The defense calls the defendant, Mr. Williams, to the stand)
Defense: You are a teacher at the River View School are you not, Mr. Williams?
Mr. Williams: Yes I am.
Defense: And how long have you been employed there?
Mr. Williams: A little over two years.
Defense: How long have you known the complainant, Samantha Green?
Mr. Williams: About six months. I taught her from September to November, until she made her accusation.
Defense: How would you describe her classroom behaviour?
Mr. Williams: Disorderly. She has trouble sitting quietly and following the lessons, and distracts the other students. She was always the last to settle down in class, and on two occasions had to be scolded before she would comply with my request for order.
Defense: Would you say she was a vindictive child?
Crown: Objection. This is pointless speculation.
Judge: Sustained.
Defense: Can you think of any reason why she would falsely accuse you of the acts described in her testimony?
Mr. Williams: She was quite concerned when ...
Crown: Objection. This is just speculation.
Judge: Sustained.
Defense: Mr. Williams, what happened after school was out last November 30th?
Mr. Williams: I was on my way to my office when I found Samantha walking down the hallway of the school. I asked her if I could help her and she replied that she had missed her bus ride home.
Defense: Did she seem upset at having met you in the hallway?
Mr. Williams: She was a little upset over having missed the bus.
Defense: Then what happened?
Mr. Williams: I asked her if she was going to call home, and when she said that she was I told her she could use my office phone. I wanted to discuss her classroom behaviour with her.
Once in my office I closed the door so we wouldn’t be disturbed. When Samantha had finished her call I asked her to sit down on the couch so I could talk with her. She sat down and I asked her why she had such trouble remaining quiet while the other students are trying to follow the lesson. She didn’t have an answer. I explained how she made difficult for other students, even her friends, who wanted to learn. I suggested she think about what I said until her mother arrived.

Defense: Were you angry with her.
Mr. Williams: No, I was not.

Defense: Did you at any point raise your voice?
Mr. Williams: No I did not.

Defense: What did you do after you told her to think about what you had said?

Mr. Williams: She was upset and seemed close to tears so I patted her head and said that I knew she was a good girl. I rubbed her back a little. I don’t believe in a cold and distant approach to teaching. I think a little contact can help form teacher-student bonds.

Defense: And then what happened?

Mr. Williams: I went to my desk to plan the next day’s lessons. I remained there until her mother arrived about 30 minutes later.

Defense: For how much of the hour or so you spent with Samantha in your office was the door closed?

Mr. Williams: About thirty minutes, I guess.

Defense: Did you speak to Samantha during the time you were at your desk?

Mr. Williams: Yes. After about 15 minutes I asked her if she had begun to understand why I had had to scold her during class. She nodded. I continued working at my desk until her mother arrived. Her mother thanked me for watching over her and said goodbye.

Defense: And did Mrs. Green knock before entering your office?

Mr. Williams: She knocked, pushed the door open and we both said hello.
Defense: You recognized Mrs. Green?
Mr. Williams: Yes. I had met her before.
Defense: The next day in the classroom did you notice anything peculiar about Samantha?
Mr. Williams: She was better behaved.
Defense: Mr. Williams, did you at any point touch Samantha’s leg?
Mr. Williams: No.
Defense: Did you at any point remove any of your clothing?
Mr. Williams: No.
Defense: Mr. Williams, did you perform any sexual acts with Samantha?
Mr. Williams: No I did not.
Defense: Thank you, Mr. Williams. Your witness. (to the Crown)
Crown: Mr. Williams, how old are you?
Mr. Williams: 28.
Crown: Are you married?
Mr. Williams: No.
Crown: Living with anyone? Involved in a relationship?
Mr. Williams: No, not at present. I live alone.
Crown: Would you say that Samantha Green is attractive?
Mr. Williams: She is a pretty girl, yes.
Crown: Are you sexually attracted to younger women?
Mr. Williams: Sometimes. I mean no. I mean not to children.
Crown: Did you enjoy scolding Samantha, making her stand in the hall?
Mr. Williams: Enjoy it? No.
Crown: Were you glad that you met Samantha in the hallway after she missed her bus?
Mr. Williams: I thought it would be a good time to discuss her behaviour in class, without all the other students around trying to listen.
Crown: So you wanted to get her alone, where nobody could hear?
Mr. Williams: No, that’s not what I meant.
Crown: Once in your office did you shut the door right away?
Mr. Williams: I closed it when she was on the phone.

Crown: Mr. Williams, why would you have felt the need to close the door at all?

Mr. Williams: I didn’t want to be disturbed.

Crown: You didn’t want to be disturbed or you didn’t want to be heard?

Mr. Williams: Like I said, I didn’t want to be disturbed.

Crown: How close did you sit to Samantha on the couch in your office?

Mr. Williams: About a foot away, I guess.

Crown: You’re not sure? Did you perhaps sit close enough that you might have brushed against her?

Mr. Williams: No.

Crown: How long was Samantha on the phone?

Mr. Williams: About five minutes.

Crown: Where were you during her phone call?

Mr. Williams: Standing near the door.

Crown: To prevent her from leaving?

Mr. Williams: I was waiting until she finished to ask her to sit on the couch.

Crown: Were you sitting on the couch the whole time you discussed her class behaviour or did you stand in front of her at any point?

Mr. Williams: I remained seated. After I asked her to think about her behaviour I stood up and went to my desk.

Crown: When Samantha’s mother arrived, why didn’t you mention the misbehaviour to her?

Mr. Williams: I had told Samantha that I would inform her parents if I had to scold her in class a third time. In order to keep my word I felt I should tell her other only if she behaved again.

Crown: You testified earlier that you did not raise your voice at Samantha during your discussion with her because you didn’t want her to fear you. Yet you threatened her with a letter home. This wasn’t making her fear you?
Mr. Williams: It may have made her afraid. But yelling at her would not have helped.

Crown: Did you promise to keep her classroom behaviour secret from her parents if she kept what went on in your office a secret as well?

Mr. Williams: Nothing happened in my office.

Crown: You didn't make such a promise?

Mr. Williams: No.

Crown: Mr. Williams, the defense would have us believe that your shirt was not neatly tucked into your trousers because you are habitually a sloppy dresser. Yet today you appear well dressed and well groomed. Is this your usual appearance?

Mr. Williams: This is different.

Crown: You said Samantha was quiet the next day in school. Was this because she was afraid of you?

Mr. Williams: No. I thought she had considered what we had talked about and was trying to be on her best behaviour.

Crown: What time did you leave the school that second day?

Mr. Williams: Around 4:30, I guess.

Crown: And what time did the police arrive at your apartment?

Mr. Williams: A little before 9:00 pm.

Crown: When the police entered your apartment they found a picture of nude children. This picture, (shows the picture to the jury) which I submit as evidence was hanging on the wall of your bedroom. Would you care to explain this?

Mr. Williams: Those are not children. They are cherubs, little angels, and the picture is by da Vinci.

Crown: Are you an art lover, Mr. Williams?

Mr. Williams: I took some art history in university. I like da Vinci.

Crown: You don't think that an odd picture for a teacher of young children to have hanging in his bedroom?

Mr. Williams: No, I do not.

Crown: No further questions.

Judge: You may step down, Mr. Williams.
Defense: That is the case for the Defense, Your Honour.

Judge: Shall we begin the summations? The Defense may proceed.

Defense: Ladies and gentlemen of the jury. I would like you to consider carefully the evidence you have heard today. The future of Mr. Williams depends on your decision. You have heard the charges of the complainant and the testimony of Mr. Williams. I propose to you that the complainant attempted to prevent her parents from punishing her for her misbehaviour in class by fabricating the charges against Mr. Williams. It appears clear that the complainant had the motivation to produce these false claims. It was only after repeated, and suggestive, questioning by her mother that the complainant produced the charges against Mr. Williams. Why didn't she report Mr. Williams' alleged behaviour to her mother immediately? She waited over 24 hours to produce her story - the time she used to respond to her mother's suggestive questioning with a convenient story. [Her ability to fabricate the events described in her testimony was conceded by the Crown]. [Due to her prior sexual molestation she was clearly capable of fabricating the events described in her testimony]. Her unease was not that of traumatized sexual abuse victim, but that of a student concerned about being chastised by her parents. In order to uphold justice, ladies and gentlemen, you must find the defendant not guilty of these charges.

Judge: Will the Crown proceed?

Crown: Thank you Your Honour. Ladies and gentlemen, I hope that you will carefully consider the seriousness of the charges against the defendant. Committing acts such as described in court here today, with a young child, is a terrible crime. [You have been told of Samantha's knowledge of sexual matters. I ask that you consider this information carefully. Such knowledge does not suggest in any way that she would fabricate the acts charged against Mr. Williams, any more than the ability to write makes a person likely to commit fraud]. You have heard how the defendant lured Samantha into his office and used her fear of punishment to get her to comply with his immoral demands. He
knew there would be no witnesses to his crime. The only testimony you have heard in his defense was that of a colleague and friend. He sat on the couch next to Samantha, touched her, and demanded that she perform sexual acts on him. When the girl’s mother arrived part of the defendant’s shirt was hanging out of his trousers, since he had recently dressed in haste. And, as if there were not enough evidence, the police report having found a particular piece of "art" in the defendant’s bedroom, in which child nudity was portrayed. Sure one can appreciate da Vinci as art, but why was that particular picture in his bedroom? Ladies and gentlemen, you must find the defendant guilty as charged. The defense speaks of upholding justice. Would it not be unjust to let a perverted crime, such as we have heard described today, go unpunished?

Judge: If that is all then I would like to address a few words to the jury. Ladies and gentlemen of the jury I am going to ask you to retire to the jury room to deliberate the charges against the defendant. First, I must ask you to consider carefully the evidence presented before you today. Our system of justice is founded on the principle that everyone is presumed innocent until proven guilty. Your role is to see that justice is done. You must decide that the defendant is either guilty or not guilty, based on the relevant facts of the case. You must vote guilty only if you are convinced beyond a reasonable doubt that he committed the offense with which he is charged.
Appendix B

Consent Form for Study 1
Title: Juror Decision Making in Sexual Abuse Trials
Principal Investigator: Dr. Jonathan Freedman
Experimenter: Paul Harms

The purpose of this study is to examine juror decision making in child sexual abuse trials. First you will be asked to read a transcript of a courtroom trial where a defendant, Mr. Williams is charged with sexually abusing a young girl, Samantha. Finally, you will be asked to complete a questionnaire concerning your decisions about the guilt or innocence of the defendant, Mr. Williams. The experiment will take approximately 40 to 60 minutes to complete.

- I understand that I am free to ask any questions prior to signing this consent form.
- I understand that my participation in this experiment is totally voluntary and anonymous, and that my data will remain strictly confidential although the results of this study may be published.
- I understand that I am participating in this study solely to advance the understanding of juror decision making, and that the experiment has no other motive with which I am not acquainted.
- I understand that I am free to discontinue my participation at any time during the experiment and retrieve my data without prior notice, without any negative consequences, and without any effect on my participation in other experiments in the Department of Psychology.
- I understand that I may refuse to answer or perform any part of the experiment.

Name (print) ________________________________
Date ________________________________
Signature ________________________________
Appendix C

Post-Trial Questionnaire for Study 1
Post-Trial Questionnaire

Please circle your answer to the following questions

1. Verdict:  
   a) Guilty  b) Not Guilty

2. If Guilty, for how long should the defendant go to prison?  
   a) 0-6 months  b) 6-12 months  c) 1-2 years  
   d) 2-5 years  e) more than 5 years

   If Not Guilty, for how long would you have sent the defendant to prison if you believed what Samantha described to actually have happened?  
   a) 0-6 months  b) 6-12 months  c) 1-2 years  
   d) 2-5 years  e) more than 5 years

3. How sure are you of your verdict?  
   Not-at-all A------B-------C------D-------E Completely

4. How much do you trust Samantha’s testimony?  
   Not-at-all A------B-------C------D-------E Completely

5. How much do you trust Mrs. Green’s (Samantha’s mother’s) testimony?  
   Not-at-all A------B-------C------D-------E Completely

6. How much do you trust Ms. Jones’ (the teacher’s) testimony?  
   Not-at-all A------B-------C------D-------E Completely

7. How much do you trust Mr. Williams’ (the defendant’s) testimony?  
   Not-at-all A------B-------C------D-------E Completely

7b. How much do you trust Samantha’s ability to understand and remember what she saw?  
   Not-at-all A------B-------C------D-------E Completely
7c. How much do you trust Samantha’s honesty to tell the truth?
Not-at-all A-------B-------C-------D-------E Completely

8. How would you rate the intelligence of Mr. Williams (C = Normal)?
Far-below-normal A-------B-------C-------D-------E Far-above-normal

9. How would you rate the intelligence of Samantha (C = Normal)?
Far-below-normal A-------B-------C-------D-------E Far-above-normal

10. How likely do you think it is that Samantha had the sexual knowledge to be able to make up or imagine the events she described in her testimony?
Very-Likely A-------B-------C-------D-------E Very-Unlikely

10b. How likely is it that Samantha is making up what she says she saw?
Very-Likely A-------B-------C-------D-------E Very-Unlikely

10c. How likely is it that Samantha misunderstood what she saw?
Very-Likely A-------B-------C-------D-------E Very-Unlikely

11. Whether you decided guilty or not, how would you rate the seriousness of the kind of sexual abuse described in the trial?
Not-at-all A-------B-------C-------D-------E Extremely

11b. How likely that a man would be sexually attracted to child her age?
Very-Likely A-------B-------C-------D-------E Very-Unlikely

12. Based on your knowledge, what percentage of girls under 12 years of age are sexually abused?
a) 0-5 %  b) 5-10 %  c) 10-20 %  e) 20-30 %
f) 30-40 %  g) 40-60 %  h) 60-80 %

13. Based on your knowledge, what percentage of boys under 12 years of age are sexually abused?
a) 0-5 %  b) 5-10 %  c) 10-20 %  e) 20-30 %
f) 30-40 %  g) 40-60 %  h) 60-80 %
14. At what age do you think a person can consent to sexual intercourse? ________ years

15. At what age do you think a person should be legally responsible for breaking the law? ________ years

16. What is the average age by which a child has developed the kind of sexual knowledge necessary in order to imagine a series of events like those described in the trial? ________ years

17. Is it ever possible for a child the age of Samantha to have a healthy sexual relationship with an adult?
   a) Never       b) Almost never      c) Rarely
   d) Sometimes   e) Often            f) Always

18. Do you have any brothers or sisters? a) yes b) no
    If yes, what are their ages (no names)? _________________________

19. Do you have any children? a) yes b) no
    If yes, what are their ages (no names)? _________________________

20. How many people do you know who were been sexually assaulted as a child? ________

21. How many people do you know who were sexually assaulted as an adult? ________

22. Are you? a) male b) female

23. Your age? ________ years

Comments?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Appendix D
Post-Experimental Debriefing for Study 1
1. **General Area:** This experiment belongs to the general area of psychology called social psychology, specifically, legal psychology (see your PSY-100 text, Gleitman, 1991, pp.268-270). The study is an attempt to examine judgements related to criminal law which may be based on schemata of "types" of people rather than accurate information.

2. **Background:** Research has found that when adults are judging the testimony of children or adults in a trial their judgements tend to differ according to the type of trial (Goodman, Bottoms, Herscovici & Shaver, 1989). When children are testifying as eyewitnesses (i.e., describing something they saw happen to someone else), people tend to believe them less than they do adults testifying about the same events. In contrast, children are believed more than adults when they are testifying as victim-witnesses (i.e., describing physical or sexual abuse that has been done to them). These patterns are also found when comparing reactions to the testimony of different aged children. Younger children giving eyewitness testimony are believed less than older children, while the reverse is found for victim-witness testimony (Leippe, Manion & Romanczyk, 1992, 1993). Eyewitness situations call for accurate perception and memory skills and so younger children’s testimony is trusted less because they are seen as less developed in these skills. In reporting on one’s own sexual abuse the question of honesty becomes a much greater concern, and because younger children are judged less likely to lie about such matters they are trusted more (Goodman, Bottoms, Herscovici & Shaver, 1989). This pattern may also be due to what Reid (1993) has called "sexual innocence inference". The legal literature, according to Reid (1993), suggests that people make the assumption that young children could not have produced a sexual abuse story unless it actually happened. That is, they are not seen as capable of making it up.

This study will try to disentangle these two hypotheses regarding the basis of witness age effects on the perceived credibility of testimony. Subjects will each read one of nine
different sexual abuse trial scenarios and answer questions about their version of the trial afterwards. To assess Reid's (1993) "sexual innocence inference" hypothesis different evidence will be presented. Subjects will either read the control scenario, in which no attempt made to show that the child victim-witness had the sexual knowledge to make up the abuse, or subjects will read one of the two manipulations in which this attempt is made. One of these will be a neutral presentation, where it is merely stated that the child had this knowledge, while the other will be strong presentation, where evidence of previous sexual abuse will show this sexual knowledge. Trials will also differ by age of witness, with the witness described as either 6, 9 or 12 years of age.

3. Variables: The Independent Variables will be the Age of Witness (either 6, 9, or 12 years) and the Sexual Knowledge Presentation (either control condition, neutral, or strong).

The Dependent Variables will be the subjects' responses to the questions at the end of the trial scenario (such as Guilty/Not Guilty).

4. Hypotheses: It is expected that younger aged witnesses will be trusted more and yield more convictions than older aged witnesses. It is also expected that the Sexual Knowledge Presentations should both yield less convictions than the control condition. It is also expected that female subjects will make more convictions than male subjects.

5. Implications: This research will attempt to show that variables other than perceived honesty are involved in the difference in credibility accorded younger and older children testifying about sexual abuse. It is intended to help understand the complex nature of people's judgements of credibility.

References
Goodman, G.S., Bottoms, B.L., Herscovici, B.B., & Shaver, P.


Appendix E

Results for Sentencing Variable

(Studies 1, 2 and 3)
Results of Sexual-Knowledge by Witness-Age ANOVAs performed on subjects' responses to the sentencing variable.

Study 1

All subjects:

- Sexual-Knowledge: $F(2,189) = 0.99, p = .371$
- Witness-Age: $F(2,189) = 1.28, p = .281$
- Interaction: $F(4,189) = 0.78, p = .543$

Subjects voting "Guilty":

- Sexual-Knowledge: $F(2,73) = 0.79, p = .460$
- Witness-Age: $F(2,73) = 1.23, p = .298$
- Interaction: $F(4,73) = 2.10, p = .093$

Subjects voting "Not Guilty":

- Sexual-Knowledge: $F(2,107) = 0.30, p = .742$
- Witness-Age: $F(2,107) = 0.67, p = .516$
- Interaction: $F(4,107) = 2.10, p = .080$

Study 2

All subjects:

- Sexual-Knowledge: $F(2,162) = 0.56, p = .575$
- Witness-Age: $F(2,162) = 0.38, p = .687$
- Interaction: $F(4,162) = 1.05, p = .383$
Subjects voting "Guilty":

Sexual-Knowledge \( F(2, 84) = 0.48, \ p = .618 \)
Witness-Age \( F(2, 84) = 0.02, \ p = .979 \)
Interaction \( F(4, 84) = 0.59, \ p = .672 \)

Subjects voting "Not Guilty":

Sexual-Knowledge \( F(2, 69) = 0.95, \ p = .392 \)
Witness-Age \( F(2, 69) = 0.62, \ p = .540 \)
Interaction \( F(4, 69) = 1.20, \ p = .324 \)

Study 3

All subjects:

Sexual-Knowledge \( F(2, 171) = 2.11, \ p = .125 \)
Witness-Age \( F(2, 171) = 0.55, \ p = .577 \)
Interaction \( F(4, 171) = 1.40, \ p = .235 \)

Subjects voting "Guilty":

Sexual-Knowledge \( F(2, 53) = 0.50, \ p = .611 \)
Witness-Age \( F(2, 53) = 0.11, \ p = .901 \)
Interaction \( F(4, 53) = 1.80, \ p = .150 \)

Subjects voting "Not Guilty":

Sexual-Knowledge \( F(2, 109) = 1.92, \ p = .152 \)
Witness-Age \( F(2, 109) = 0.67, \ p = .512 \)
Interaction \( F(4, 109) = 0.88, \ p = .476 \)
Appendix F

Trial Transcript for Study 2
INSTRUCTIONS

Please carefully read the following transcript of a criminal trial. You are to act as a member of the jury, and to make a decision regarding the guilt or innocence of the defendant. Just as a member of the real jury of this trial, you must decide either guilty or not guilty, based on the evidence presented.

Court Clerk: Mr. Richard Williams, you are charged that on October 30, 1994, you used your position as a hospital orderly to sexually molest Trudy Bishop. Do you plead guilty or not guilty?  
Mr. Williams: Not guilty.  
Judge: Please proceed.  
Crown: The Crown would like to call Samantha Green to the stand. (Samantha is called to the stand and sworn in)  
Crown: Samantha, how old are you?  
Samantha: Six years old.  
Crown: Do you remember where you were last October 30?  
Samantha: In the hospital.  
Crown: Why were you there?  
Samantha: For the operation.  
Crown: What kind of operation?  
Samantha: Tonsils.  
Crown: How long were you in the hospital, Samantha?  
Samantha: Two days.  
Crown: Please tell us what happened on your second day at the hospital, the day you had your tonsils taken out.  
Samantha: Mom and Dad came to see me.  
Crown: And what happened when they went home?  
Samantha: I watched T.V. 'till they said I had to go to sleep.  
Crown: Did you talk to Trudy, the girl in the next hospital bed, before you went to sleep?  
Samantha: No, she was sleeping since her operation.  
Crown: What kind of operation did she have?
Samantha: On her stomach.
Crown: Did you talk to anyone other than your Mom and Dad that evening?
Samantha: Just the nurse.
Crown: Is that "nurse" here today?
Samantha: There.
Crown: Let the record show that Samantha pointed to the defendant, Mr. Williams, an orderly at the Royal Hospital.
Samantha, when did you talk with Mr. Williams?
Samantha: When he said Mom and Dad had to go.
Crown: After your parents left, did you talk with him again?
Samantha: When he said I had to turn off the T.V.
Crown: Did you go to sleep after the T.V. was off?
Samantha: He said I had to or I'd be in trouble.
Crown: What did Mr. Williams do after the T.V. was off?
Samantha: He left.
Crown: Then what happened, Samantha?
Samantha: I tried to sleep.
Crown: Did Mr. Williams come back in the room again?
Samantha: Yes.
Crown: How much later was it that he came back?
Samantha: Not right away.
Crown: And what did he do when he came back?
Samantha: Checked if I was sleeping.
Crown: Did you say anything to him?
Samantha: No, I pretended to sleep.
Crown: Did he think you were asleep?
Defense: Objection, the witness cannot know what Mr. Williams was thinking.
Judge: Sustained. Reword your question.
Crown: Certainly, Your Honour. Samantha, do you think Mr. Williams noticed that you were not really sleeping?
Samantha: No.
Crown: What happened next?
Samantha: He went to shut the door.
Crown: He shut the door to the hospital room. Did he turn on the lights?
Samantha: No.
Crown: Was it dark in the room?
Samantha: A little dark. But the bathroom light was on.
Crown: What happened after Mr. Williams shut the door?
Samantha: He stood beside my bed again.
Crown: Were you pretending to sleep?
Samantha: Yes, he said I'd get in trouble if I didn't.
Crown: Then what happened?
Samantha: He went to Trudy's bed.
Crown: Could you see what Mr. Williams did next?
Samantha: Yes.
Crown: What did he do?
Samantha: He took off her blankets.
Crown: What happened next?
Samantha: He got some water in a big bowl, and a towel.
Crown: What did he do with the water and towel?
Samantha: He put it beside the bed.
Crown: What happened next?
Samantha: He started to rub her.
Crown: Where on her body did he rub her?
Samantha: All over.
Crown: Was he rubbing her with the towel?
Samantha: No, his hands.
Crown: What else happened, Samantha?
Samantha: He opened his pants and took it out.
Crown: What did he take out?
Samantha: His penis.
Crown: What else did he do, Samantha?
Samantha: He rubbed himself and put it in her mouth.
Crown: Where did he rub himself?
Samantha: His penis.
Crown: And what did he put in her mouth?
Samantha: His penis.
Crown: What else happened?
Samantha: He took it out of her mouth and rubbed it.
Crown: What next?
Samantha: He closed his pants and washed her with the towel.
Crown: How did you feel when you were watching him?
Samantha: Scared he'd see me looking.
Crown: Did he see you watching him?
Samantha: No, I acted like I was sleeping.
Crown: Did he look at you while he was doing those things to Trudy?
Samantha: One time.
Crown: What did you do?
Samantha: I closed my eyes almost closed, like when Mom and Dad check if I'm sleeping.
Crown: He didn't notice you were looking at him?
Samantha: No, he turned away.
Crown: What happened after he finished washing her?
Samantha: He poured the water in the bathroom.
Crown: Then what?
Samantha: He opened the door and went away.
Crown: What did he do with the towel?
Samantha: He took it with the blankets.
Crown: You saw him take the bedding and the towel with him?
Samantha: Yes.
Crown: Did he do anything else before he left the room?
Samantha: He stood by my bed.
Crown: What did he do there?
Samantha: Just stood.
Crown: What next?
Samantha: He opened the door and went away.
Crown: Did Trudy say or do anything while Mr. Williams was with her?
Samantha: No, she just slept.
Crown: What did you do after Mr. Williams left?
Samantha: I waited 'till he was gone.
Crown: Then what did you do?
Samantha: I went to Trudy’s bed.
Crown: What did you do there?
Samantha: Tried to wake her. But I couldn’t.
Crown: What next?
Samantha: I went back to bed.
Crown: What did you do the next day?
Samantha: I waited ’till Mom and Dad came.
Crown: What did you do when they came?
Samantha: I told them about Mr. Williams.
Crown: Then what happened?
Samantha: We went to the nurse’s office to tell them.
Crown: Thank you, Samantha. What I’d like you to do now is answer a few questions by this man (indicating the defense lawyer).
Samantha: Okay.

[The following paragraph occurs only in the Neutral Sexual Knowledge Presentation condition]

Crown: Before the Defense begins its questions the Crown would like to make one point clear. The Defense and the Crown have discussed one particular issue with the Judge of this court. In order to prevent an unnecessarily prolonged interrogation of the witness, Samantha Green, the Crown has agreed to concede one point. The Crown agrees with the Defense on the issue of the complainant’s sexual knowledge. There is sufficient evidence suggesting that Samantha had the sexual knowledge to describe the events in her testimony before the actual events in the hospital room with Mr. Williams.

Defense: Thank you (to the Crown). Hello Samantha. I would like to ask some more questions about what happened. When did you first meet Mr. Williams?
Samantha: When he said Mom and Dad had to go.
Defense: This was in your hospital room?
Samantha: Yes.
Defense: Did he say why they had to go?
Samantha: 'Cause it was time to sleep. But I wasn’t tired.
Defense: Did you tell Mr. Williams that?
Samantha: Yes, but he didn’t listen.
Defense: Did you argue with Mr. Williams, to let your parents stay longer?
Samantha: I told him I wasn’t tired.
Defense: What happened after your parents left?
Samantha: I had to get ready for bed.
Defense: But you didn’t want to?
Samantha: No. I wasn’t tired. It was still early.
Defense: About how soon after your parents left did you go to bed?
Samantha: Soon.
Defense: About 30 minutes? One hour? More?
Samantha: Ah... I don’t know.
Defense: Did you get out of bed again?
Samantha: Just once.
Defense: Did you go out into the hallway?
Crown: Your Honour, the child has already answered these questions. Why is the defense going over this again?
Defense: Your Honour, the way in which the witness responds to the same question twice not only helps clarify the facts, but also helps show whether the details of the testimony are spontaneous accounts or are fictional details produced under suggestive questioning.
Judge: Please continue.
Defense: Thank you. Samantha, did you go out into the hospital hallway again?
Samantha: Yes.
Defense: And did Mr. Williams see you and tell you to get back into your bed?
Samantha: Yes.
Defense: Were you mad at Mr. Williams?
Samantha: Not mad. I just didn't like him for not letting me stay up.
Defense: Did you stay in bed after Mr. Williams found you in the hallway?
Samantha: Yes.
Defense: Did you fall asleep?
Samantha: I think so.
Defense: Samantha, do you think that maybe you were partly asleep while Mr. Williams was in the room and you saw some things in a dream?
Samantha: I wasn't sleeping then.
Defense: You said that you noticed Mr. Williams come back in the room later. Did he have the wash bowl and the towel when he came in or did he get it from the bathroom in your room?
Samantha: I forget.
Defense: Was it dark in the room?
Samantha: A little, but I could see.
Defense: What colour was the towel Mr. Williams brought?
Samantha: Light coloured. Kind of green I think.
Defense: You said he rubbed Trudy with his hands. Are you sure he didn't use the towel?
Samantha: Yah, he used the towel, but not at first.
Defense: Was it dark enough that you might not have seen the towel?
Samantha: Just a little dark. I could see.
Defense: You said Mr. Williams put something in Trudy's mouth while she was sleeping. Did you see it?
Samantha: Yes.
Defense: Where was Mr. Williams standing while he put it in her mouth?
Samantha: Beside the bed.
Defense: Where beside the bed?
Samantha: Behind Trudy. Close to her.
**Defense:**  Was he facing you?

**Samantha:**  No.

**Defense:**  But you said he was behind Trudy. Which way was he facing?

**Samantha:**  He was looking down mostly.

**Defense:**  Are you sure he put something in her mouth? He didn’t just touch her face with his hand or with the towel?

**Crown:**  Objection. The Defense is trying to confuse the witness.

**Judge:**  Sustained. One question at a time please.

**Defense:**  Certainly, Your Honour. Samantha, are you sure he put something in her mouth?

**Samantha:**  Yes.

**Defense:**  And you saw what it was?

**Samantha:**  His penis.

[The following line of questioning will occur only in the Strong Sexual Knowledge Presentation condition]

**Defense:**  Samantha, have you ever seen a penis before?

**Samantha:**  (inaudible)

**Defense:**  A little louder please, Samantha.

**Samantha:**  Yes.

**Defense:**  Do you remember whose penis you saw?

**Samantha:**  (inaudible)

**Defense:**  I’m sorry. I couldn’t hear.

**Samantha:**  Yes.

**Defense:**  And was it your uncle, Dave Green, when you were four years old?

**Samantha:**  Yes.

**Defense:**  Did your uncle touch you under your clothing and put his penis in your mouth?

**Samantha:**  Yes.

**Defense:**  Did people find out and your uncle get into trouble?

**Samantha:**  Yes.
Defense: So you knew that what you were saying to your parents about Mr. Williams would get him in trouble too?

Samantha: Yes.

Defense: Thank you, Samantha. No further questions.

(Samantha steps down and the Crown calls Mrs. Green, Samantha’s mother, to the stand. She is sworn in)

Crown: Please state your relation to Samantha Green.

Mrs. Green: I am her mother.

Crown: At what time did Mr. Williams ask you to leave Samantha’s hospital room?

Mrs. Green: It was about 8:45 that evening.

Crown: Did you find this unusual?

Mrs. Green: Well, visiting hours are supposed to last until 9:00.

Crown: How would you describe Mr. Williams’ behaviour at that time.

Mrs. Green: He seemed kind of uneasy. I got the feeling he wanted us to hurry up and leave.

Crown: When you went to the hospital to see your daughter the next evening, how was she?

Mrs. Green: She was less excited than the previous evening. I had assumed that the novelty of the hospital had worn off and she was beginning to get bored.

Crown: Did you observe her interacting with the defendant?

Mrs. Green: Yes, she tended to watch him, but didn’t make any effort to talk to him. She’s usually quite gregarious, freely talking to whoever is around her.

Crown: When did she tell you about the incident involving Mr. Williams and Trudy?

Mrs. Green: As soon as Mr. Williams left the room. He left shortly after we came in.

Crown: How would you describe his behaviour as he left the room?

Mrs. Green: He seemed in a hurry again.
Crown: When Samantha told you what she saw, what was she like?
Mrs. Green: She was uncomfortable, like she wasn’t sure she should tell anybody.
Crown: And after she told you, you went straight to the nurses’ station and reported the incident?
Mrs. Green: Yes, that is correct.
Crown: Thank you Mrs. Green. No further questions.
Judge: Would the Defense like to question the witness?
Defense: Yes. Thank you, Your Honour. Mrs. Green, you were in the hospital, to see your sick daughter. How much attention did you pay to Mr. Williams?
Mrs. Green: Well, I noticed him and we exchanged a few words when we first met.
Defense: So, in spite of supposedly being in a hurry, he stopped to say hello?
Mrs. Green: Well, yes.
Defense: Did you react immediately to Samantha’s charges against Mr. Williams, or did you disbelieve her at first?
Mrs. Green: My husband and I took her straight to the nurses’ office.
Defense: I have in my hand a copy of the police report, in which Samantha states that she had to tell you several times before you took her to the nurses’ station. Isn’t this what happened?
Mrs. Green: Yes, but we ...
Defense: Why did you not believe Samantha when she first told you what supposedly happened?
Mrs. Green: At first, we didn’t understand what she was trying to tell us. As soon as we understood, we immediately took her to report Mr. Williams’ actions.
Defense: It wasn’t that you thought Samantha might have made up the allegations?
Mrs. Green: No.
Defense: No further questions
Judge: You may step down, Mrs. Green. Proceed.
(Ms. Klassen is called to the stand and sworn in)

**Crown:** Ms. Klassen, what is your position at the hospital?

**Ms. Klassen:** I'm the head nurse.

**Crown:** Were you on duty during the evenings in question?

**Ms. Klassen:** Yes. I saw the Greens and their daughter at the nurses' station when they came to report the incident.

**Crown:** What was your reaction to Samantha's allegations?

**Ms. Klassen:** I took them very seriously and called the police immediately.

**Crown:** Ms. Klassen, was it busy in the hospital the evening before the incident, the evening Mr. Williams had hurried Samantha's parents out of the room?

**Ms. Klassen:** No, not particularly.

**Crown:** Is it customary to ask visitors to leave 15 minutes before visiting hours are over?

**Ms. Klassen:** No, but we do occasionally remind them that 9:00 is approaching in order to give them time to say goodbye.

**Crown:** How well do you know the defendant?

**Ms. Klassen:** I've worked with him many times during the three years of his employment at the hospital. He keeps to himself most of the time.

**Crown:** How would you compare him to others that work for you?

**Ms. Klassen:** He does his work, but doesn't socialize with the others.

**Crown:** Have there been any similar problems with Mr. Williams in the time he has worked at the hospital?

**Defense:** Objection.

**Judge:** Overruled.

**Crown:** Go ahead Ms. Klassen.

**Ms. Klassen:** No, not really, just rumours.

**Crown:** How does Mr. Williams get along with children?

**Ms. Klassen:** Quite well usually. He likes children, as long as they're not unruly.

**Crown:** So he prefers children who do what they're told?

**Ms. Klassen:** Well, yes. He has trouble when they are strong
willed children.

Crown: So he's comfortable with them as long as he's in control?
Ms. Klassen: Well, I guess you could put it that way.
Crown: Is it common practice for the orderly to give patients a sponge bath?
Ms. Klassen: Not common. But when young children are recovering with a fever, as Trudy was, this is usually done.
Crown: When is this usually done?
Ms. Klassen: Excuse me?
Crown: What time of day is this usually done?
Ms. Klassen: Well, during the day.
Crown: So it was unusual for Mr. Williams to wash Trudy during the evening after everyone had left?
Ms. Klassen: Well, a little, I guess.
Crown: One last question, Ms. Klassen. With the bathroom light on, would Samantha have been able to see what Mr. Williams was doing?
Ms. Klassen: Yes, with normal eyesight one could see fairly well. Some of the children who come in are afraid of sleeping in a strange room in the dark, so we leave some light on.
Crown: Thank you. No more questions.
Judge: Proceed.
Defense: Ms. Klassen, you say Mr. Williams doesn't socialize with others at the hospital. Does he get along with them? Any conflicts?
Ms. Klassen: No conflicts. He just doesn't talk much.
Defense: Have you ever had any problems with Mr. Williams?
Ms. Klassen: No, not really.
Defense: You said there have never been any incidents like this in Mr. Williams' past. Have any charges or complaints ever been lodged against him?
Ms. Klassen: No.
Defense: So, he has a spotless record.
Ms. Klassen: Well, yes.
Defense: Thank you, Ms. Klassen. No further questions.
Judge: You may step down.
Crown: That concludes the case for the prosecution, Your Honour.
Judge: The Defense may begin.
(The Defense calls Mrs. Parker to the stand and she is sworn in)
Defense: Mrs. Parker, you are a nurse at the hospital where Mr. Williams works, are you not?
Mrs. Parker: Yes, I've worked there for 8 years.
Defense: Were you on duty the evening during which the alleged incident occurred?
Mrs. Parker: Yes.
Defense: And did you notice anything unusual about Mr. Williams that evening?
Mrs. Parker: No, I did not.
Defense: How soon after the time Mr. Williams washed Trudy did you see him?
Mrs. Parker: Almost immediately. I passed him in the hallway on his way to the laundry area with the towel and the sheets from the patient's bed.
Defense: And why had Mr. Williams changed the sheets and washed Trudy?
Mrs. Parker: I had asked him to. She had a fever and also was somewhat incontinent. Her parents told us that she has a bit of a bedwetting problem.
Defense: Would you know about how much time Mr. Williams spent in Trudy's room?
Mrs. Parker: About 25-30 minutes, I would say.
Defense: And how would you describe Mr. Williams' behaviour during the rest of the evening shift?
Mrs. Parker: Nothing unusual. He stayed to himself and got his work done.
Defense: Thank you, Mrs. Parker.
Judge: Proceed.
Crown: Mrs. Parker, you told the defense that Mr. Williams was in Trudy's room about 30 minutes. What time was it that you saw Mr. Williams with the towel and sheets?
Mrs. Parker: About 11:30 that evening.

Crown: And when did you last see Mr. Williams before that?

Mrs. Parker: Well, it was about 10:30, but I had asked him to get some supplies for the nurses’ station and that would have taken at least half an hour.

Crown: Did you see the defendant get the supplies?

Mrs. Parker: No.

Crown: Did you notice if the supplies were at the nurses’ station when you passed the defendant in the hallway with the sheets?

Mrs. Parker: Well, no. I didn’t check until after midnight.

Crown: So the defendant could have been in Trudy’s room for almost an hour and then brought the supplies after 11:30?

Mrs. Parker: I guess that’s possible.

Crown: You said you saw Mr. Williams go to the laundry area with the towel and sheets. Is Mr. Williams’ locker space not also in the direction he was walking?

Mrs. Parker: Yes, but why ...

Crown: Could he not have put the soiled towel in his locker and later taken it home? Without your being aware?

Mrs. Parker: Well, yes. I suppose.

Crown: Mrs. Parker, you said Mr. Williams gave Trudy a sponge bath at your request. When did you make this request?

Mrs. Parker: Well, I mentioned it to him about an hour into my shift, at about 6:00.

Crown: Is there any reason why he should have had to wait until sometime between 10:30 and 11:30 to do this?

Mrs. Parker: If he was busy then I guess he might not have gotten to it until later.

Crown: But I point out that Ms. Klassen said earlier that it was not a busy evening. I suggest to you that Mr. Williams left this task until later in the evening when he could take advantage of the girl without any notice.

Defense: Objection. The Prosecution is speculating.

Judge: Sustained. Please refrain from adding to the witness’s
testimony.

Crown: No further questions, Your Honour.

Judge: You may step down.

(The Defense calls the defendant, Mr. Williams, to the stand and he is sworn in)

Defense: Mr. Williams, in your own words, please, tell us what happened on the evening in question, last October 30.

Mr. Williams: I had gotten a little behind of schedule and was quite busy that evening. Visiting hours were a little busier than usual and I guess I was looking forward to all the guests leaving, so I could get some things done. I may have been pushy with Mr. and Mrs. Green, I didn't intend to be. After I reminded them that it was almost 9:00 and that they had to leave soon, I went to check on some other patients. There were three patients who needed help moving around and I had to help one of them to the washroom. I met the nurse, Mrs. Parker, at around 10:30, as she has said. She asked for the supplies for the nurses' station. I went to get them, but found the supply room left in a mess. I cleaned it up and brought the supplies over to the station. Then, at about 11:00, I went to check on Trudy. She needed a quick sponge bath, her arms, legs, and face. I left her room about 20 minutes later. I passed Mrs. Parker in the hall on my way to the laundry area. After that I finished my shift and went home, at around midnight.

Defense: So you spent only 20 minutes in Trudy's room?

Mr. Williams: Yes.

Defense: And did you notice Samantha at that time?

Mr. Williams: Yes. She was still awake, pretending to sleep. I hoped she would fall asleep soon.

Defense: So you were aware that she could be watching you while you washed Trudy?

Mr. Williams: Yes, but I didn't want to make any noise, just in case she might fall asleep.

Defense: Was Samantha any trouble to you?

Mr. Williams: No, not really. She is a restless girl. She had
turned on the T.V. after her parents left, but I told her it was too late. She asked again, but was not troublesome. I knew she’d have trouble sleeping since she said her Mom and Dad let her stay up ‘till past 10:00 at home. I told her at the hospital everyone went to sleep at 9:30. She only got out of bed once, but went right back when I told her to.

Defense: While you were washing Trudy, could you see if Samantha was watching you?

Mr. Williams: Well, her eyes were closed when I looked over, but she had her head turned toward me.

Defense: Mr. Williams, did you touch Trudy in a sexual manner, or at any time expose yourself in her presence, while she was sleeping or awake?

Mr. Williams: No, I did not.

Defense: Thank you. No further questions.

Judge: Please proceed.

Crown: Mr. Williams, how old are you?

Mr. Williams: 28.

Crown: Are you married?

Mr. Williams: No.

Crown: Living with anyone? Involved in a relationship?

Mr. Williams: No, not right now. I live alone.

Crown: Would you say that Trudy is attractive?

Mr. Williams: She is a pretty girl, yes.

Crown: Are you sexually attracted to younger women?

Mr. Williams: Sometimes. I mean, no. I mean, not to children.

Crown: Did you enjoy washing Trudy?

Mr. Williams: Enjoy it? No, it was just a job I had to get done.

Crown: Why did you leave that job until late that evening?

Mr. Williams: As I said before, I didn’t have time to wash her until then.

Crown: You didn’t leave it until later so that you could do it when less people were around to see?

Mr. Williams: No, that was not an issue.
Crown: Yet you mentioned earlier that you looked forward to all the visitors leaving. Are you uncomfortable with adults, Mr. Williams?

Mr. Williams: No, I am not. It's just that visitors are extra work to look after.

Crown: You said you were only in the room for 20 minutes, that you were cleaning up the supply room before that. Anyone see you?

Mr. Williams: No.

Crown: Then no one saw you between 10:30 and 11:30?

Mr. Williams: Well, no. I guess not.

Crown: Mr. Williams, you said you were aware that Samantha was not sleeping. Why didn't you say anything to her?

Mr. Williams: I didn't want to encourage her to stay up.

Crown: Why did you stand near her bed, listening, yet not say something, like "Goodnight" or "Sweet Dreams" before leaving the room?

Mr. Williams: Like I said, I didn't want to disturb her.

Crown: You said you could see her eyes were shut, you could see her face. Is this true?

Mr. Williams: Yes.

Crown: So there's no question of it being too dark for Samantha to have seen you and what you were doing to Trudy?

Mr. Williams: Ah ... No, I guess not.

Crown: Mr. Williams, you said that you went to the laundry room with the sheets and towel from Trudy's room. Did you stop off at your locker in the staff room nearby?

Mr. Williams: No. I was half an hour from the end of my shift.

Crown: Mr. Williams, I have in my hand a towel, a hospital towel, that the police found in a load of freshly washed laundry, in your clothes dryer at home, the evening you were arrested. Did you not leave the towel you had soiled, during your depraved sexual molestation of a sleeping child, in your hospital locker, bring it home after your shift, and then wash it with your own laundry? So that there would be no chance of it being found,
soiled and incriminating, in the hospital laundry?

Mr. Williams: No. No, I didn’t. I’ve had that towel for over a year. I took it, but everybody takes one. I didn’t think anyone would miss it. I didn’t do anything to that girl.

Crown: No further questions

Judge: You may step down, Mr. Williams.

Defense: That is the case for the defense, Your Honour.

Judge: Shall we begin the summations? The Defense may proceed.

Defense: Ladies and gentlemen of the jury. I would like you to consider carefully the evidence you have heard today. The future of Mr. Williams depends on your decision. You have heard the charges of the witness and the testimony of Mr. Williams. It is clear the charges stem from error on the part of the witness, Samantha Green. She isn’t entirely sure whether she was awake or asleep during most of the time Mr. Williams was in the room. No one here knows what she really thought she saw in the first place. Much of the detail in her testimony may have come from the repeated suggestive questioning by her parents before they took her to report what she saw. Why didn’t she report Mr. Williams’ alleged behaviour immediately the next morning? She has been described as a very talkative child, yet she waited almost 24 hours to produce her story. We must remember that she also watched television just before going to bed, perhaps something that caused her to imagine or dream much of what she claims to have seen. Ladies and Gentlemen of the jury, the charges against Mr. Williams are based solely on the questionable testimony of a child. In order to uphold justice, you must find the defendant not guilty of these charges.

Judge: Will the Crown proceed?

Crown: Thank you Your Honour. Ladies and gentlemen, I hope that you will carefully consider the seriousness of the charges against the defendant. Committing acts such as described in court here today, with a young child, is a terrible crime. The fact that the victim was unconscious and entirely unaware of what was being done to her makes it no less terrible. You have heard
how the defendant waited until there were no witnesses to his exploitation of this vulnerable child. His testimony shows that he was not aware that Samantha was watching him, even though he would like us to believe that he was. His whereabouts are unaccounted for between 10:30 and 11:30 that evening, the time he spent abusing a sleeping child. The towel in his home is the final piece of evidence, leaving no doubt of his actions. Ladies and gentlemen, you must find the defendant guilty as charged. The defense speaks of upholding justice. Would it not be unjust to let a perverted crime, such as we have heard described today, go unpunished?

Judge: If that is all then I would like to address a few words to the jury. Ladies and gentlemen of the jury, I am going to ask you to retire to the jury room to deliberate the charges against the defendant. First, I must ask you to consider carefully the evidence presented before you today. Our system of justice is founded on the principle that everyone is presumed innocent until proven guilty. Your role is to see that justice is done. You must decide that the defendant is either guilty or not guilty, based on the relevant facts of the case. You must vote guilty only if you are convinced beyond a reasonable doubt that he committed the offense with which he is charged.
Appendix G

Consent Form for Study 2
Consent Form

Title: Guilt or Innocence in Sexual Abuse Trials
Principal Investigator: Dr. Jonathan Freedman
Experimenter: Paul Harms

The purpose of this study is to examine juror decision making in child sexual abuse trials. First you will be asked to read a transcript of a courtroom trial where a defendant, Mr. Williams is charged with sexually abusing a young girl, Trudy. Finally, you will be asked to complete a questionnaire concerning your decisions about the guilt or innocence of the defendant, Mr. Williams. The experiment will take approximately 40 to 60 minutes to complete.

- I understand that I am free to ask any questions prior to signing this consent form.
- I understand that my participation in this experiment is totally voluntary and anonymous, and that my data will remain strictly confidential although the results of this study may be published.
- I understand that I am participating in this study solely to advance the understanding of juror decision making, and that the experiment has no other motive with which I am not acquainted.
- I understand that I am free to discontinue my participation at any time during the experiment and retrieve my data without prior notice, without any negative consequences, and without any effect on my participation in other experiments in the Department of Psychology.
- I understand that I may refuse to answer or perform any part of the experiment.

Name (print) __________________________________________
Date __________________________________________
Signature __________________________________________
Appendix H

Post-Trial Questionnaire for Study 2
Post-Trial Questionnaire

Please circle your answer to the following questions

1. Verdict: a) Guilty b) Not Guilty

2. If Guilty, for how long should the defendant go to prison?
a) 0-6 months b) 6-12 months c) 1-2 years d) 2-5 years e) more than 5 years

If Not Guilty, for how long would you have sent the defendant to prison if you believed what Samantha described to actually have happened?
a) 0-6 months b) 6-12 months c) 1-2 years d) 2-5 years e) more than 5 years

3. How sure are you of your verdict?
Not-at-all A-------B-------C-------D-------E Completely

4. How much do you trust Samantha’s testimony?
Not-at-all A-------B-------C-------D-------E Completely

5. How much do you trust Mrs. Green’s (Samantha’s mother’s) testimony?
Not-at-all A-------B-------C-------D-------E Completely

6. How much do you trust Ms. Klassen’s (the nurse’s) testimony?
Not-at-all A-------B-------C-------D-------E Completely

7. How much do you trust Mr. Williams’ (the defendant’s) testimony?
Not-at-all A-------B-------C-------D-------E Completely

8. How much do you trust Samantha’s ability to understand and remember what she saw?
Not-at-all A-------B-------C-------D-------E Completely

9. How much do you trust Samantha’s honesty to tell the truth?
Not-at-all A-------B-------C-------D-------E Completely

10. How would you rate the intelligence of Mr. Williams (C = Normal)?
Far-below-normal A-------B-------C-------D-------E Far-above-normal
11. How would you rate the intelligence of Samantha (C = Normal)?
   Far-below-normal A------B------C------D------E Far-above-normal

12. How likely do you think it is that Samantha had the sexual knowledge to be able to make up or imagine the events she described in her testimony?
   Very-Likely A------B------C------D------E Very-Unlikely

13. How likely is it that Samantha is making up what she says she saw?
   Very-Likely A------B------C------D------E Very-Unlikely

14. How likely is it that Samantha misunderstood what she saw?
   Very-Likely A------B------C------D------E Very-Unlikely

15. Whether you decided guilty or not, how would you rate the seriousness of the kind of sexual abuse described in the trial?
   Not-at-all A------B------C------D------E Extremely

16. Based on your knowledge, what percentage of girls under 12 years of age are sexually abused?
   a) 0-5 %    b) 5-10 %  c) 10-20 %  e) 20-30 %
   f) 30-40 %  g) 40-60 %  h) 60-80 %

17. Based on your knowledge, what percentage of boys under 12 years of age are sexually abused?
   a) 0-5 %    b) 5-10 %  c) 10-20 %  e) 20-30 %
   f) 30-40 %  g) 40-60 %  h) 60-80 %

18. At what age do you think a person can consent to sexual intercourse? ________ years

19. At what age do you think a person should be legally responsible for breaking the law? ________ years

20. What is the average age by which a child has developed the kind of sexual knowledge necessary in order to imagine a series of events like those described in the trial? ________ years
21. Is it ever possible for a child the age of Samantha to have a healthy sexual relationship with an adult?
   a) Never   b) Almost never   c) Rarely
   d) Sometimes   e) Often   f) Always

22. Do you have any brothers or sisters?  a) yes   b) no
   If yes, what are their ages (no names)? _______________________

23. Do you have any children?  a) yes   b) no
   If yes, what are their ages (no names)? _______________________

24. How many people do you know who were been sexually assaulted as a child? __________

25. How many people do you know who were sexually assaulted as an adult? __________

26. Are you?  a) male   b) female

27. Your age?  __________ years

What part(s) of the testimony and evidence influenced your decision?

______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________

______________________________________________________________________
Appendix I
Post-Experimental Debriefing for Study 2
1. **General Area:** This experiment belongs to the general area of psychology called social psychology, specifically, legal psychology (see your PSY-100 text, Gleitman, 1991, pp.268-270). The study is an attempt to examine judgements related to criminal law which may be based on schemata of "types" of people rather than accurate information.

2. **Background:** Research has found that when adults are judging the testimony of children or adults in a trial their judgements tend to differ according to the type of trial (Goodman, Bottoms, Herscovici & Shaver, 1989). When children are testifying as eyewitnesses (i.e., describing something they saw happen to someone else), people tend to believe them less than they do adults testifying about the same events. In contrast, children are believed more than adults when they are testifying as victim-witnesses (i.e., describing physical or sexual abuse that has been done to them). These patterns are also found when comparing reactions to the testimony of different aged children. Younger children giving eyewitness testimony are believed less than older children, while the reverse is found for victim-witness testimony (Leippe, Manion & Romanczyk, 1992, 1993). Eyewitness situations call for accurate perception and memory skills and so younger children's testimony is trusted less because they are seen as less developed in these skills. In reporting on one's own sexual abuse the question of honesty becomes a much greater concern, and because younger children are judged less likely to lie about such matters they are trusted more (Goodman, Bottoms, Herscovici & Shaver, 1989). This pattern may also be due to what Reid (1993) has called "sexual innocence inference". The legal literature, according to Reid (1993), suggests that people make the assumption that young children could not have produced a sexual abuse story unless it actually happened. That is, they are not seen as capable of making it up.

This study will try to disentangle these two hypotheses regarding the basis of witness age effects on the perceived credibility of testimony. Subjects will each read one of nine
different sexual abuse trial scenarios and answer questions about their version of the trial afterwards. To assess Reid's (1993) "sexual innocence inference" hypothesis different evidence will be presented. Subjects will either read the control scenario, in which no attempt made to show that the child eyewitness had the sexual knowledge to make up the abuse, or subjects will read one of the two manipulations in which this attempt is made. One of these will be a neutral presentation, where it is merely stated that the child had this knowledge, while the other will be strong presentation, where evidence of previous sexual abuse will show this sexual knowledge. Trials will also differ by age of witness, with the witness described as either 6, 9 or 12 years of age.

3. Variables: The Independent Variables will be the Age of Witness (either 6, 9, or 12 years) and the Sexual Knowledge Presentation (either control condition, neutral, or strong).

The Dependent Variables will be the subjects' responses to the questions at the end of the trial scenario (such as Guilty/Not Guilty).

4. Hypotheses: It is expected that younger aged witnesses will be trusted more and yield more convictions than older aged witnesses. It is also expected that the Sexual Knowledge Presentations should both yield more convictions than the control condition. It is also expected that female subjects will make more convictions than male subjects.

5. Implications: This research will attempt to show that variables other than perceived honesty are involved in the difference in credibility accorded younger and older children testifying about sexual abuse. It is intended to help understand the complex nature of people's judgements of credibility.

References
Goodman, G.S., Bottoms, B.L., Herscovici, B.B., & Shaver, P.


Appendix J

Trial Transcript for Study 3
INSTRUCTIONS

Please carefully read the following transcript of a criminal trial. You are to act as a member of the jury, and to make a decision regarding the guilt or innocence of the defendant. Just as a member of the real jury of this trial, you must decide either guilty or not guilty, based on the evidence presented.

Court Clerk: Mr. Richard Williams, you are charged that on July 28, 1995, you sexually molested Trudy Green. Do you plead guilty or not guilty?

Mr. Williams: Not guilty.

Judge: Please proceed.

Crown: The Crown would like to call Trudy Green to the stand.

(Trudy is called to the stand and sworn in)

Crown: Trudy, how old are you?

Trudy: Nine years old.

Crown: Do you remember where you were last July 30?

Trudy: Walking home.

Crown: You were walking home through the park? From where?

Trudy: My friend's house.

Crown: How long were you at your friend's house?

Trudy: Couple hours.

Crown: Do you remember what time you left your friend's house?

Trudy: I don't know.

Crown: Why did you decide to go home when you did?

Trudy: I had to get home to eat.

Crown: And at what time do you usually eat?

Trudy: At noon.

Crown: Do you remember what happened as you walked through the park?

Trudy: Yes.

Crown: Please tell us what happened.
Trudy: Well, I was just walking and he grabbed me.
Crown: Where were you walking when this happened?
Trudy: Just past the bunch of trees in the middle.
Crown: In the middle of the park?
Trudy: Yah.
Crown: What did you feel when he grabbed you?
Trudy: A hand grabbed my mouth and I couldn’t yell.
Crown: What could you see?
Trudy: Nothing.
Crown: Why couldn’t you see anything?
Trudy: Cause he was behind.
Crown: What happened after he grabbed you from behind?
Trudy: I got pulled to the trees.
Crown: Then what happened?
Trudy: He put a cloth over my mouth.
Crown: Was this cloth tight?
Trudy: Yah. I could hardly breathe.
Crown: Could you see him at all?
Trudy: He put a cover on my eyes.
Crown: A cover? You mean like the cloth he put on your mouth?
Trudy: Yah.
Crown: Did you try to fight?
Trudy: First I couldn’t cause he didn’t let me. I tried a little when he covered my eyes.
Crown: Then what happened?
Trudy: He pushed me onto the ground.
Crown: What next?
Trudy: He tied my arms together.
Crown: What happened next, Trudy?
Trudy: He put his hand under my dress and touched me.
Crown: Where did he touch you?
Trudy: All over.
Crown: How were you lying when he was touching you?
Trudy: (no response)
Crown: Were you lying on your back or on your stomach?
Trudy: On my stomach.
Crown: Did he touch your legs?
Trudy: Yes.
Crown: Did he touch your bottom under your dress?
Trudy: Yes.
Crown: Did he touch your back under your dress?
Trudy: Yes.
Crown: Did he touch your stomach under your dress?
Trudy: No.
Crown: Did he touch you anywhere in front under your dress?
Trudy: No.
Crown: Did he take off your dress?
Trudy: No.
Crown: Did he take off any of your clothes?
Trudy: He just pulled my panties down a little.
Crown: What else did he do?
Trudy: He just kept touching me.
Crown: You said he covered your eyes. Could you hear anything?
Trudy: His breathing.
Crown: How was he breathing?
Trudy: (Trudy takes a series of fast short breaths)
Crown: Did he touch you with anything other than his hands?
Trudy: He sat on my legs and I couldn't move.
Crown: Were you scared?
Trudy: Yah.
Crown: Trudy, how long were you tied up like you described?
Trudy: I ... I don't know.
Crown: Did Mr Williams do anything else ...
Defense: Objection. My client has not been identified as being involved in the incident.
Judge: Sustained.
Crown: Trudy, Did the man who grabbed you do anything else while he was touching you under your dress?
Trudy: He made a funny noise and squeezed me real hard.
Crown: What kind of funny noise did he make? Did it sound like
anything else you had ever heard?

Trudy: Like ... Animal growl like. But not loud.

Crown: What happened next, Trudy?

Trudy: Then he went away.

Crown: What did you hear?

Trudy: He was walking away.

Crown: Walking fast or slow?

Trudy: Fast, I think.

Crown: Then what happened?

Trudy: I waited.

Crown: How long did you wait?

Trudy: A little while.

Crown: Then what did you do, Trudy?

Trudy: I tried to get loose.

Crown: How long did it take to get loose?

Trudy: A long time.

Crown: When you got loose, what did you do next?

Trudy: I took the cloth off my eyes and mouth and ran home.

Crown: What did you do when you got home?

Trudy: I told my mom.

Crown: Trudy, when the man grabbed you did you feel his clothes?

What kind of clothes were on his arms?

Trudy: I don't know.

Crown: Trudy, I would like you to take each of these pieces of cloth and rub them on your face, just on your cheek. Touch your face with each one and close your eyes. Try this one.

Trudy: (Trudy rubs the cloth against her face)

Crown: Was that like what he was wearing?

Trudy: Uh Uh. (shaking her head)

Crown: How about this?

Trudy: Uh Uh.

Crown: How about this?

Trudy: (opens her eyes, looks startled) That feels like him.

Crown: So the last one, the soft jogging suit, felt like what he was wearing, and not the leather jacket or the jean jacket?
Trudy: The last one.
Crown: Thank you Trudy. Now I would like you to answer a few questions by this man.
Trudy: Okay.
Defense: Thank you. Hi Trudy. I have a few questions I'd like to ask you to make sure we all understand just what happened.
Trudy: Okay.
Defense: Trudy, when you were walking through the park on your way home was there anyone else in the park?
Trudy: I guess so.
Defense: Do you remember seeing anybody?
Trudy: Sort of.
Defense: Can you tell us who you saw and what they were doing?
Trudy: I don't remember.
Defense: Trudy, when you were grabbed and pulled into the trees was it a man or woman that grabbed you?
Trudy: Man.
Defense: How could you tell?
Trudy: I don't know.
Defense: When did you first realize it was a man?
Trudy: (no response)
Defense: When did you figure out it was a man that grabbed you?
Trudy: I don't know.
Defense: Trudy, I know this might be hard, but I want you to remember how it felt when this man was touching you. Can you do that for me?
Trudy: Okay.
Defense: Did he have smooth hands like your Dad who works in an office? Or did he have rough hands like your brother who works in the factory?
Trudy: Ah... I don't know.
Defense: Okay, Trudy. Now I want you to remember when you were tied up and the man ran away. Which way did he run? Did he run through the trees or back out onto the grass when he ran away?
Trudy: Back to the grass, I think.
**Defense:** One last thing, Trudy. Would you please look around the room and tell us if the man that grabbed you in the park is here?

**Trudy:** I ... I don't know.

**Defense:** Thank you, Trudy. No further questions, Your Honour.

(Trudy steps down and the Crown calls Mrs. Green, Trudy's mother to the stand)

**Crown:** Mrs. Green, what time was it when Trudy came home and told you about the attack?

**Mrs. Green:** It was around 12:30. She was almost half an hour late for lunch.

**Crown:** And how soon after she left the park would you say it was that she arrived home?

**Mrs. Green:** About five minutes. She was panting from running all the way home.

**Crown:** Were you worried when she was late?

**Mrs. Green:** Not really. Nothing like this has ever happened in our neighbourhood. Her friend’s mother called around noon to say she had left and forgotten her hat. I figured she had probably remembered on the way home and gone back for it.

**Crown:** What was Trudy like when she got home?

**Mrs. Green:** At first she just seemed excited and out of breath. But then as she started to tell me what had happened she began to cry.

**Crown:** What did you do after she told you?

**Mrs. Green:** I called the police and then called my husband at work.

**Crown:** Thank you, Mrs. Green. Your witness.

**Defense:** Mrs. Green, just what did Trudy tell you when she came home?

**Mrs. Green:** That someone tied her hands and touched her under her dress.

**Defense:** How did she describe that person? Strong? Weak? Smelly? Cold? Sweaty?

**Mrs. Green:** She just said they scared and hurt her.
Defense: Mrs. Green, quite often when we don’t know anything about a person we refer to a single person as "they", as you just did. I have in my hands the transcript of the police interview with Trudy, in which she also refers to the attacker as "they". Wouldn’t you agree that from what Trudy told you, she really had no idea who did these despicable things to her?

Mrs. Green: I guess so.

Defense: Thank you. No further questions.

Judge: You may step down, Mrs. Green. Proceed.

Crown: The Crown calls Samantha Jones to the stand.

(Samantha is called to the stand)

Crown: How old are you, Samantha?

Samantha: Six.

Crown: Do you remember what happened last July 28th?

Samantha: Yes.

Crown: Please tell us and speak a little louder so that we can hear.

Samantha: I was in the park. I saw a man grab the girl.

Crown: And what were you doing in the park that morning?

Samantha: Just playing.

Crown: Do you remember what you were doing just before you saw the man grab the girl?

Samantha: Watching a caterpillar.

Crown: What were you watching?

Samantha: A caterpillar.

Crown: You were watching a caterpillar? Where was it?

Samantha: In the park.

Crown: Samantha, do you remember where in the park you were when you were watching the caterpillar? Were you close to anything in the park?

Samantha: The big swings.

Crown: Were you standing when you were watching the caterpillar?

Samantha: No.

Crown: Were you sitting down?

Samantha: Yah. Lying on the grass.
Crown: So, you were lying in the grass watching the caterpillar crawl through the grass. Then what happened?

Samantha: The man grabbed the girl.

Crown: Before the man grabbed the girl, did you see the girl walking through the park?

Samantha: Yah.

Crown: Where did she walk?

Samantha: In the middle. By the trees.

Crown: You saw the girl walk through the middle of the park past the woods?

Samantha: Uh huh.

Crown: Did you know the girl you saw?

Samantha: (shakes her head)

Crown: You didn’t know her, Samantha?

Samantha: No.

Crown: What happened as she walked through the park?

Samantha: He grabbed her.

Crown: Can you describe how he grabbed her?

Samantha: (inaudible)

Crown: Samantha, what part of the girl did the man grab?

Samantha: I forget.

Crown: When he grabbed her, where did he come from?

Samantha: In back.

Crown: So he was walking behind her and then grabbed her?

Samantha: Yah.

Crown: Then what happened?

Samantha: They went into the trees.

Crown: Did she go with him? Or did her make her go with him?

Samantha: Made her. He was doing things to her.

Crown: What kinds of things?

Samantha: He lifted her dress.

Crown: What else did he do?

Samantha: He hid in the trees.

Crown: Did you see him do anything else before he hid?

Samantha: He took off his belt from his pants.
Crown: Then what did you see?
Samantha: He went down behind the bush and I couldn’t see good.
Crown: Did you see anything through the bushes?
Samantha: I think he tied her with his belt.
Crown: Anything else?
Samantha: Yah. He took out his penis and played with it.
Crown: What happened next, Samantha?
Samantha: The man came out. Then the girl came out.
Crown: What did the man do when he came out of the trees?
Samantha: He ran.
Crown: Which way did he run?
Samantha: To the road.
Crown: Did he see you?
Samantha: He looked and didn’t see.
Crown: How long was the man in the trees with the girl?
Samantha: Not long.
Samantha: Fifteen I guess.
Crown: What did the little girl do when she came out of the trees?
Samantha: She fell.
Crown: Then what happened?
Samantha: She ran away.
Crown: When she ran away, did she run the same way that the man had run?
Samantha: No.
Crown: Did she run toward you or away from you?
Samantha: Uh huh.
Crown: Yes? Which way? Toward you?
Samantha: Yah. By the sandbox.
Crown: Is the sandbox close to where you were watching the caterpillar?
Samantha: Yah.
Crown: So you saw the girl run past where you were? Was she happy or sad?
Samantha: Sad.
Crown: When the girl had run away what did you do?
Samantha: I went home and told my Mom.
Crown: Thank you, Samantha. Your Honour, I'd like to ask that the complainant, Trudy Green, be called back into the courtroom.
Judge: Proceed.
(Trudy and two other girls are led into the courtroom)
Crown: Samantha, would you tell us which of these girls is the one you saw in the park that day?
Samantha: Her. (pointing to Trudy)
Crown: Thank you. And is the man you saw grab her in the room with us?
Samantha: Uh Uh.
Crown: No? Are you sure? Look around the room this time to see if anybody here looks like that man.
Samantha: Ah... Him. (pointing to a man in the audience) No. Him. (pointing to the defendant)
Crown: That man? (pointing to the defendant) Are you sure?
Samantha: Yah.
Crown: Thank you, Samantha. Now this man would like to ask you some questions.

[The following paragraph occurs only in the Neutral Sexual Knowledge Presentation condition]

Crown: Before the Defense begins its questions the Crown would like to make one point clear. The Defense and the Crown have discussed one particular issue with the Judge of this court. In order to prevent an unnecessarily prolonged interrogation of the witness, Samantha Jones, the Crown has agreed to concede one point. The Crown agrees with the Defense on the issue of the complainant's sexual knowledge. There is sufficient evidence suggesting that Samantha had the sexual knowledge to understand the kind of activity that can occur in molestations of the type she
witnessed.

**Judge:** Proceed.
**Defense:** Thank you. Hello Samantha.
**Samantha:** Hi.
**Defense:** What grade are you in at school?
[In the next line, the age will vary across conditions]
**Samantha:** Grade [1, 4, 7]
**Defense:** I notice you wear glasses. You’re pretty young to need glasses. Do you wear them all the time?
**Samantha:** Yah.
**Defense:** Always? Even when you go to sleep?
**Samantha:** No.
**Defense:** How about when you’re looking at something close by? Do you wear them then?
**Samantha:** Yah.
**Defense:** Can you see things that are close to you without your glasses?
**Samantha:** Yah.
**Defense:** So you wouldn’t have needed your glasses to watch the caterpillar the day you saw the man grab the girl?
**Samantha:** No.
**Defense:** Did you take off your glasses to watch the caterpillar?
**Samantha:** No.
**Defense:** When you saw the girl run past where you were in the park, was her shirt dirty?
**Samantha:** Ya...
**Crown:** Objection. Counsel is leading the witness. She did not say whether the girl was wearing a shirt or a dress.
**Judge:** Sustained. Please reword your question.
**Defense:** Samantha, what was the girl you saw in the park wearing?
**Samantha:** A dress.
**Defense:** What colour was it?
**Samantha:** Ah ... I forget.
Defense: Was her dress dirty?
Samantha: Yah.
Defense: Where was it dirty? In front or in back?
Samantha: Front.
Defense: Are you sure, Samantha?
Samantha: (no response)
Defense: Are you sure the girl’s dress was dirty in front and not in back?
Samantha: I ... Yah.
Defense: Samantha, now I’d like to ask you some questions about the man you saw grab the girl. Do you remember what he was wearing?
Samantha: Uh huh.
Defense: What colour were his clothes?
Samantha: Ah ... kind of blue, kind of green.
Defense: What were the other colours of his clothes?
Samantha: I ... I forget.
Defense: When the man came out of the trees, you said he looked around and then ran toward the road. That would mean he was running away from you. Are you sure you got a good look at his face before he ran?
Samantha: (nods her head)
Defense: You’re sure?
Samantha: I guess.
Defense: Did he have his sunglasses on when he grabbed the girl?
Samantha: No.
Defense: Was he wearing them when he ran away after he came out of the trees?
Samantha: Ah ... Nope.
Defense: Where did he keep his sunglasses if he wasn’t wearing them?
Samantha: They were ... 
Crown: Objection. No one has ever mentioned sunglasses. Counsel is leading the witness. 
Judge: Sustained.
Defense: Samantha, you said you saw the man grab the girl, pull her into the trees, and then come out of the trees and run away a little while later. Why didn’t you run for help right away, as soon as you saw him grab her?
Samantha: I don’t know.
Defense: Are you sure you really remember what you saw?
Samantha: Yah.

[The following line of questioning will occur only in the Strong Sexual Knowledge Presentation condition]

Defense: Samantha, have you ever been treated like you saw the girl in the park treated?
Samantha: (inaudible)
Defense: A little louder please, Samantha.
Samantha: Yes.
Defense: Do you remember where this happened to you?
Samantha: (inaudible)
Defense: I’m sorry. I couldn’t hear.
Samantha: Yes.
Defense: And was it when you were four years old, in the woods behind your grandparents’ farm?
Samantha: Yes.
Defense: Did a stranger touch you under your clothing and make you touch his penis?
Samantha: Yes.

Defense: Thank you, Samantha. No further questions.
Crown: Next I’d like to call Detective Peter Klassen to the stand.
(Samantha steps down. Detective Klassen takes the stand and is sworn in)
Crown: Detective Klassen, you oversaw the investigation into the sexual abuse of Trudy Green didn’t you?
Crown: How long have you been with the police force?
Det. Klassen: Twenty five years, 10 of them as detective.
Crown: When your officers examined the crime scene did they find any clues as to the identity of the perpetrator?
Det. Klassen: Very few. We did find evidence of a struggle. There was only a partial shoe print possibly left by the perpetrator.
Crown: Were you able to identify the person who left that print?
Det. Klassen: No. The print was not clear, but was probably made by someone between 160 and 180 pounds in weight.
Crown: And how heavy is the defendant?
Crown: How was it that you came to suspect Mr. Williams as the perpetrator of the crime?
Det. Klassen: One of our officers notice him running away from the crime scene.
Crown: Where was he apprehended?
Det. Klassen: He was seen jogging down the sidewalk approximately half a mile from the park by officers responding to the call.
Crown: At what time was that?
Det. Klassen: It was approximately 12:45.
Crown: What colour was his clothing when he was spotted?
Det. Klassen: Light green jogging pants and a bright yellow jacket. There were grass stains on the knees.
Crown: Was Mr. Williams arrested at that time?
Det. Klassen: No. He was merely questioned as to his activities over the previous hour.
Crown: Thank you Detective. Your witness.
Defense: Detective Klassen, did you question any other suspects?
Det. Klassen: Yes. We questioned seven men found in the area.
Defense: And how many were eliminated because of valid alibis?
Det. Klassen: Three. Only four could not account for their whereabouts at the time of the crime.
Defense: Four suspects! And how did you narrow your search down
to Mr. Williams?

**Det. Klassen:** With the eyewitness identification provided by the young girl, Samantha Jones.

**Defense:** So, the brunt of your case against Mr. Williams relies on the testimony of one young witness?

**Det. Klassen:** Yes, that is correct.

**Defense:** When Samantha was shown a line-up of suspects how well did she perform?

**Det. Klassen:** Well, she picked out Mr. Williams among the other suspects and other non-suspects.

**Defense:** How quickly did she recognize Mr Williams?

**Det. Klassen:** Well, she took about 3 minutes.

**Defense:** Three minutes! Was she having trouble making a decision?

**Det. Klassen:** She wasn’t sure at first, but picked him out.

**Defense:** Once you consulted Samantha regarding what she had seen did you return to the crime scene?

**Det. Klassen:** Yes.

**Defense:** How far away from where the perpetrator is said to have come out of the trees and run away was the spot where Samantha said she was?

**Det. Klassen:** About one hundred and thirty five feet.

**Defense:** That far! In your professional opinion how often are identifications from that distance wrong?

**Det. Klassen:** That would depend on the witness.

**Defense:** Thank you, Detective Klassen. No further questions.

**Crown:** That is the case for the Prosecution, Your Honour.

**Judge:** Proceed.

**Defense:** The Defense calls Mrs. Parker to the stand.

(Mrs. Parker is called to the stand and sworn in)

**Defense:** Mrs. Parker, where were you the morning of July 30th?

**Mrs. Parker:** I was jogging in the park.

**Defense:** Between what times were you in the park?

**Mrs. Parker:** I started jogging around 12:00 and finished about 12:45.
Defense: Did you notice anyone else jogging, someone wearing a green or blue track suit?

Mrs. Parker: Actually I saw a couple of joggers wearing those colours.

Defense: Did you see anyone wearing a yellow jacket?

Mrs. Parker: Yes. I did notice someone with a yellow jacket jogging up one of the streets leading away from the park.

Defense: At what time would you say this was?

Mrs. Parker: Just after twelve I guess.

Defense: Thank you Mrs. Parker. Your witness.

Crown: Thank you. Hello Mrs. Parker. I’d like to ask you a few more questions to better understand what you saw.

Mrs. Parker: Okay.

Crown: You said you saw someone wearing a yellow jacket jogging up one of the streets near the park. Did you notice this person jogging in the park at all?

Mrs. Parker: No, I didn’t.

Crown: So, the earliest point you saw this yellow jacket was well after this person had left the park.

Mrs. Parker: I guess so, yes.

Crown: How many minutes into your run was it that you saw this person?

Mrs. Parker: I’m not sure.

Crown: Could it have been late into your run?

Mrs. Parker: Yes, I guess so.

Crown: So, you may have seen this person as late as 12:30?

Mrs. Parker: Yes, I suppose it’s possible.

Crown: Thank you, Mrs. Parker. No further questions.

Judge: Proceed.

Defense: The Defense would like to call the defendant, Richard Williams, to the stand.

(Mr Williams is called to the stand and sworn in)

Defense: Mr Williams, in your own words please describe for us your activities the morning of July 28, 1995.

Mr. Williams: Well, I had the day off work so I slept in until
around 10:00. I got up and decided to go for a run. By the time I left the house it was about 11:00. I ran to the corner, turned left and headed straight for the park. I ran around the edge of the park three times and then headed back home. Half a mile from the park I got a cramp in my leg. I stopped and stretched it out for a couple of minutes. I continued running, but a little slower. About a mile and a half from my house I heard the police sirens. That was when they stopped and asked me where I'd been for the last hour.

Defense: And did you cooperate with the police?
Mr. Williams: Yes. I answered their questions and gave them my name and address. They said I could go home.

Defense: Did they indicate why they were questioning you? Did they mention any charges?
Mr. Williams: No.

Defense: When did they next contact you?
Mr. Williams: Later the next day. They asked me to go to the police station with them.

Defense: Did they charge you with anything?
Mr. Williams: No. They said they just had a few more questions.

Defense: Then what did they do?
Mr. Williams: They said they wanted me to take part in a line-up, because they had a witness to the crime they were investigating. So I did. And that's when they told me I was under arrest.

Defense: You said you had jogged through the park near the time that the girl was assaulted. Did you notice anybody else there?
Mr. Williams: Yes I did. There was a man at a bench feeding pigeons.

Defense: And what did he look like?
Mr. Williams: Well, he had my build and height, but he was a little older.

Defense: During what times were you in the park?
Mr. Williams: Between 11:30 and noon.

Defense: And what was this other man doing during this time?
Mr. Williams: Just feeding pigeons. I couldn’t see him all the time. There’s a small forest in the middle of the park and the park is kinda big. But I think he was gone from the bench the last time I circled the park.

Defense: Mr Williams, did you assault the girl, Trudy Green?

Mr. Williams: No I did not.

Defense: No further questions.

Judge: Proceed.

Crown: Thank you. Mr. Williams, how old are you?

Mr. Williams: 28.

Crown: Are you married?

Mr. Williams: No.

Crown: Living with anyone? Involved in a relationship?

Mr. Williams: No, not right now. I live alone.

Crown: Would you say that Trudy is attractive?

Mr. Williams: She is a pretty girl, yes.

Crown: Are you sexually attracted to younger women?

Mr. Williams: Sometimes. I mean, no. I mean, not to children.

Crown: Mr Williams, how often do you jog in that park in which Trudy was assaulted?

Mr. Williams: I’ve gone there many times.

Crown: Always at the same time of day?

Mr. Williams: No, different times.

Crown: So you would know that it’s a relatively quiet park just before noon?

Mr. Williams: Well, yes, I guess. I don’t like jogging through crowds.

Crown: Mr Williams, are you a good runner?

Mr. Williams: What do you mean?

Crown: What distance do you usually run and what kind of times can you usually do?

Mr. Williams: Well, I usually run five or six miles. It takes between 40 and 50 minutes.

Crown: Yet the run you described, to the park, around three times and back, is something like a seven mile run. Any reason
for the extra lap?

Mr. Williams: I just felt like doing more.

Crown: At your usual running pace, you would have reached the park a little before 11:30. If you had remained in the park until after Trudy had been assaulted and then began your run home you would have been precisely where the police spotted you on their way to the crime scene. Did anyone actually see you when and where you said you were?

Mr. Williams: Not that I know of.

Crown: How about the eyewitness? Why didn’t she notice you jogging around the park?

Mr. Williams: Well, the place she said she was is kind of sheltered. There are some bushes around the edge of the park there. She might not have been able to see me.

Crown: Nor hear you running?

Mr. Williams: I don’t know.

Crown: Mr Williams, when the police came across you running along the road, they report having notice grass stains on your sweat pants. The kind that got there when you wrestled with Trudy in the trees.

Defense: Objection.

Judge: Sustained.

Crown: How do you explain those grass stains, Mr Williams?

Mr. Williams: They probably got there when I was stretching out my cramp on the grass beside the sidewalk.

Crown: And yet, later, when the police came to arrest you, the stained track pants had been washed. Why were you so quick to wash those particular stains on your clothes, Mr Williams?

Mr. Williams: I wasn’t in any hurry. The police didn’t tell me why they were questioning me. I came home and tossed the clothes into the machine. It was full, so I washed the load.

Crown: No further questions.

Judge: You may step down, Mr. Williams.

Defense: That is the case for the defense, Your Honour.

Judge: Shall we begin the summations? The Defense may proceed.
Defense: Ladies and gentlemen of the jury. I would like you to consider carefully the evidence you have heard today. The future of Mr. Williams depends on your decision. You have heard the charges of the witness and the testimony of Mr. Williams. It is clear the charges stem from error on the part of the witness, Samantha Green. A terrible crime has been committed, yes. But it would also be a terrible injustice if we were to punish Mr. Williams for a crime he didn’t commit. The young witness claims to have seen someone attack Trudy. The inconsistencies in her testimony should lead you to closely examine what she said. Her difficulty in picking out the alleged attacker from a line-up also makes it hard to believe her. There are other suspects who would be here in court were it not for the questionable testimony of this young girl. Consider that the scene she claims to have seen was over 100 feet away and that she only claims to have caught a glimpse of the attacker. How likely is it that she could have actually seen and remembered the face? Much of the detail in her testimony may have come from the repeated suggestive questioning by her parents before they took her to report what she saw. Ladies and Gentlemen of the jury, the charges against Mr. Williams are based solely on the questionable testimony of a child. In order to uphold justice, you must find the defendant not guilty of these charges.

Judge: Will the Crown proceed?

Crown: Thank you Your Honour. Ladies and gentlemen, I hope that you will carefully consider the seriousness of the charges against the defendant. Committing acts such as described in court here today, with a young child, is a terrible crime. The defendant has no proof that he was elsewhere during the time Trudy was attacked. It is clear that the defendant jogs in this park on occasion looking for the opportunity to attack young girls. He spotted Trudy alone and pounced. He was not aware that Samantha was watching him, and thought that no one would see him attack Trudy in that isolated part of the park. The defendant claims the grass stains on his pants were the result of
stretching in the grass on the way home. It is clear to me that they got there while he was abusing Trudy Green. Ladies and gentlemen, you must find the defendant guilty as charged. The defense speaks of upholding justice. Would it not be unjust to let a perverted crime, such as we have heard described today, go unpunished?

Judge: If that is all then I would like to address a few words to the jury. Ladies and gentlemen of the jury, I am going to ask you to retire to the jury room to deliberate the charges against the defendant. First, I must ask you to consider carefully the evidence presented before you today. Our system of justice is founded on the principle that everyone is presumed innocent until proven guilty. Your role is to see that justice is done. You must decide that the defendant is either guilty or not guilty, based on the relevant facts of the case. You must vote guilty only if you are convinced beyond a reasonable doubt that he committed the offense with which he is charged.
Appendix K

Consent Form for Study 3
Consent Form

Title: Guilt or Innocence in Sexual Abuse Trials
Principal Investigator: Dr. Jonathan Freedman
Experimenter: Paul Harms

The purpose of this study is to examine juror decision making in child sexual abuse trials. First you will be asked to read a transcript of a courtroom trial where a defendant, Mr. Williams is charged with sexually abusing a young girl, Trudy. Finally, you will be asked to complete a questionnaire concerning your decisions about the guilt or innocence of the defendant, Mr. Williams. The experiment will take approximately 40 to 60 minutes to complete.

- I understand that I am free to ask any questions prior to signing this consent form.
- I understand that my participation in this experiment is totally voluntary and anonymous, and that my data will remain strictly confidential although the results of this study may be published.
- I understand that I am participating in this study solely to advance the understanding of juror decision making, and that the experiment has no other motive with which I am not acquainted.
- I understand that I am free to discontinue my participation at any time during the experiment and retrieve my data without prior notice, without any negative consequences, and without any effect on my participation in other experiments in the Department of Psychology.
- I understand that I may refuse to answer or perform any part of the experiment.

Name (print) _______________________________________
Date _______________________________________________
Signature ___________________________________________
Appendix L

Post-Trial Questionnaire for Study 3
Post-Trial Questionnaire

Please circle your answer to the following questions

1. Verdict:  
   a) Guilty  
   b) Not Guilty

2. If Guilty, for how long should the defendant go to prison?  
   a) 0-6 months  
   b) 6-12 months  
   c) 1-2 years  
   d) 2-5 years  
   e) more than 5 years

   If Not Guilty, for how long would you have sent the defendant to prison if you believed what Samantha described to actually have happened?  
   a) 0-6 months  
   b) 6-12 months  
   c) 1-2 years  
   d) 2-5 years  
   e) more than 5 years

3. How sure are you of your verdict?  
   Not-at-all A-------B-------C-------D-------E  Completely

3b. How much do you trust Trudy’s testimony?  
   Not-at-all A-------B-------C-------D-------E  Completely

4. How much do you trust Samantha’s testimony?  
   Not-at-all A-------B-------C-------D-------E  Completely

5. How much do you trust Mrs. Green’s testimony?  
   Not-at-all A-------B-------C-------D-------E  Completely

6. How much do you trust Det. Klassen’s testimony?  
   Not-at-all A-------B-------C-------D-------E  Completely

7. How much do you trust Mr. Williams’ (the defendant’s) testimony?  
   Not-at-all A-------B-------C-------D-------E  Completely

8. How much do you trust Samantha’s ability to understand and remember what she saw?  
   Not-at-all A-------B-------C-------D-------E  Completely

9. How much do you trust Samantha’s honesty to tell the truth?  
   Not-at-all A-------B-------C-------D-------E  Completely
10. How likely do you think it is that Samantha had the sexual knowledge to be able to make up or imagine the events she described in her testimony?  
Very-Likely A------B------C------D------E  Very-Unlikely

11. How likely do you think it is that Samantha is making up what she says she saw?  
Very-Likely A------B------C------D------E  Very-Unlikely

12. How likely is it that Samantha is misunderstanding what she saw?  
Very-Likely A------B------C------D------E  Very-Unlikely

13. Whether you decided guilty or not, how would you rate the seriousness of the kind of sexual abuse described in the trial?  
Not-at-all A------B------C------D------E  Extremely

14. Based on your knowledge, what percentage of girls under 12 years of age are sexually abused?  
a) 0-5 %  b) 5-10 %  c) 10-20 %  e) 20-30 %  
f) 30-40 %  g) 40-60 %  h) 60-80 %

15. Based on your knowledge, what percentage of boys under 12 years of age are sexually abused?  
a) 0-5 %  b) 5-10 %  c) 10-20 %  e) 20-30 %  
f) 30-40 %  g) 40-60 %  h) 60-80 %

16. At what age do you think a person can consent to sexual intercourse?  
__________ years

17. At what age do you think a person should be legally responsible for breaking the law?  
__________ years

18. What is the average age by which a child has developed the kind of sexual knowledge necessary in order to imagine a series of events like those described in the trial?  
__________ years
21. Is it ever possible for a child the age of Samantha to have a healthy sexual relationship with an adult?
   a) Never  b) Almost never  c) Rarely
   d) Sometimes  e) Often  f) Always

22. Do you have any brothers or sisters?  a) yes  b) no
   If yes, what are their ages (no names)? ________________________

23. Do you have any children?  a) yes  b) no
   If yes, what are their ages (no names)? ________________________

24. How many people do you know who were been sexually assaulted as a child? __________

25. How many people do you know who were sexually assaulted as an adult? __________

26. Are you?  a) male  b) female

27. Your age? _______________ years

What part(s) of the testimony and evidence influenced your decision?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Appendix M
Post-Experimental Debriefing for Study 1
1. **General Area:** This experiment belongs to the general area of psychology called social psychology, specifically, legal psychology (see your PSY-100 text, Gleitman, 1991, pp. 268-270). The study is an attempt to examine judgments related to criminal law which may be based on schemata of "types" of people rather than accurate information.

2. **Background:** Research has found that when adults are judging the testimony of children or adults in a trial their judgments tend to differ according to the type of trial (Goodman, Bottoms, Herscovici & Shaver, 1989). When children are testifying as eyewitnesses (i.e., describing something they saw happen to someone else), people tend to believe them less than they do adults testifying about the same events. In contrast, children are believed more than adults when they are testifying as victim-witnesses (i.e., describing physical or sexual abuse that has been done to them). These patterns are also found when comparing reactions to the testimony of different aged children. Younger children giving eyewitness testimony are believed less than older children, while the reverse is found for victim-witness testimony (Leippe, Manion & Romanczyk, 1992, 1993). Eyewitness situations call for accurate perception and memory skills and so younger children’s testimony is trusted less because they are seen as less developed in these skills. In reporting on one’s own sexual abuse the question of honesty becomes a much greater concern, and because younger children are judged less likely to lie about such matters they are trusted more (Goodman, Bottoms, Herscovici & Shaver, 1989). This pattern may also be due to what Reid (1993) has called "sexual innocence inference". The legal literature, according to Reid (1993), suggests that people make the assumption that young children could not have produced a sexual abuse story unless it actually happened. That is, they are not seen as capable of making it up.

This study will try to disentangle these two hypotheses regarding the basis of witness age effects on the perceived credibility of testimony. Subjects will each read one of nine
different sexual abuse trial scenarios and answer questions about their version of the trial afterwards. To assess Reid's (1993) "sexual innocence inference" hypothesis different evidence will be presented. Subjects will either read the control scenario, in which no attempt made to show that the child eyewitness had the sexual knowledge to make up the abuse, or subjects will read one of the two manipulations in which this attempt is made. One of these will be a neutral presentation, where it is merely stated that the child had this knowledge, while the other will be strong presentation, where evidence of previous sexual abuse will show this sexual knowledge. Trials will also differ by age of witness, with the witness described as either 6, 9 or 12 years of age.

3. **Variables:** The **Independent Variables** will be the Age of Witness (either 6, 9, or 12 years) and the Sexual Knowledge Presentation (either control condition, neutral, or strong).

   The **Dependent Variables** will be the subjects' responses to the questions at the end of the trial scenario (such as Guilty/Not Guilty).

4. **Hypotheses:** It is expected that younger aged witnesses will be trusted more and yield more convictions than older aged witnesses. It is also expected that the Sexual Knowledge Presentations should both yield more convictions than the control condition. It is also expected that female subjects will make more convictions than male subjects.

5. **Implications:** This research will attempt to show that variables other than perceived honesty are involved in the difference in credibility accorded younger and older children testifying about sexual abuse. It is intended to help understand the complex nature of people's judgements of credibility.

References


Goodman, G.S., Bottoms, B.L., Herscovici, B.B., & Shaver, P.


