



# Jury Decision Making in Rape Trials

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## Abstract

Prior beliefs and attitudes toward any aspect of rape significantly influence the decisions of jurors (Feild 1978; Foley & Pigott, 2000; Kovera, 2002; Maeder et al., 2015; Pickel & Gentry, 2017; Stuart et al., 2019). The proper presentation of information within a trial, such as victim actions during the crime and the use of linkage analysis explained as expert opinion, is vital to the jury's understanding of the events and evidence presented—misrepresented information may cause increased skepticism and doubt within a jury (Fawcett & Clark, 2015; Stuart et al., 2019). Understanding prior research on juror decisions is useful within forensic psychology as a basis for assisting with juror selection in rape trials.

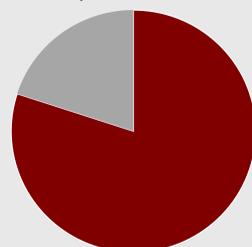
## Introduction

- Rape is a crime which is unique in many ways, especially concerning the lack of belief in the victim (Kovera, 2002).
- A victim of robbery is not asked if they instigated the robbery themselves or if they verbalized consent to being robbed
- Rape victims are often asked accusatory questions such as, “What were you wearing?”, “Did you lead the perpetrator on?” and “Are you sure you did not want it?”.
- Multiple factors contribute to the decisions made by jurors in adult rape and sexual assault trials.

## Relevant Research

- Juror gender differences in individual juror decisions are most evident when also evaluated with other influences such as age, perception of attractiveness, and relatability to either the victim or defendant (Feild, 1978; Feild, 1979; Fischer, 1997; Foley & Pigott, 2000; Maeder et al., 2015).
- Society believes rape only occurs violently, randomly, and by a stranger, but this is not accurate. When a case is not representative of this, believers in rape myths are more likely to assign blame to the victim instead of the perpetrator (Maeder et al., 2015; Pickel & Gentry, 2017; Stewart & Jacquin, 2010; Stuart et al., 2019).
- Each juror's interpretation of rape by definition will affect the manner in which responsibility for the crime is assigned (Feild, 1979).
- The use of drugs by a rape victim, either intentionally or unintentionally, causes jurors to question the victim's credibility and assign more blame to the victim (Batchelder et al., 2004; Feild, 1979; Stewart & Jacquin, 2010).

Victim-Perpetrator Relationship



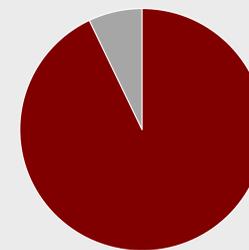
■ Non-strangers ■ Strangers

National Sexual Violence Resource Center (2018)

## Relevant Research (cont.)

- Reports of “promiscuous” behavior in the victim's history often lead to increased victim blaming and decreased conviction rates (Batchelder et al., 2004; Feild, 1979).
- If jurors have a positive perception of the defendant, they are less likely to assign a guilty verdict (Allison et al., 2013; Bagby et al., 1994)
- The sexual nature of the defendant's alibi also influences jurors' perceptions of the defendant (Allison et al., 2013; Bagby et al., 1994)
- Proper presentation of information within a trial, such as victim actions during the crime and the use of linkage analysis explained as expert opinion, is vital to the jury's understanding of the events and evidence presented (Fawcett & Clark, 2015; Stuart et al., 2019).
- Misrepresented information may cause increased skepticism and doubt within a jury (Fawcett & Clark, 2015; Stuart et al., 2019).

Reporting Legitimacy



■ True report ■ False report

National Sexual Violence Resource Center (2018)

## Forensic Implications

- Understanding research on juror decisions is useful within forensic psychology as a basis for assisting with juror selection in rape trials.
- This information may be used by a forensic psychologist to ensure the proper selection of jury members to provide the most just jury decision-making practices.
- The presented relevant research may also aid forensic psychologists in further evaluating past court proceedings in an effort to identify potential areas of improvement within rape trials.
- Such reviews could then be utilized in providing education and training for legal teams and expert witnesses.

## Conclusions

- Though often underreported, rape is a prominent crime within the United States.
- Those accused of rape are often found not guilty due to jurors' biases and beliefs in rape myths.
- Rape trial jury decision making is influenced by many factors as presented through this brief literature review.
- Professionals must understand influential factors of jury decision making in rape trials to ensure unbiased convictions and sentencing recommendations.