

Compounding Prejudice? Investigating Canadian Mock
Juror Perceptions of Victim Race and Work in the Sex
Trade

by

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Abstract

Indigenous women and sex workers experience high rates of violence in Canada and are often blamed for their victimization. This jury simulation examined how victim race (Indigenous, White) and work in the sex trade (sex worker, non-sex worker) affected mock juror verdicts in a first-degree murder trial. Although victim race and involvement in sex work did not significantly affect juror verdicts, stereotypes about Indigenous women and sex workers, as well as negative attitudes about sex workers, may predict victim blame. Overall, these findings suggest perceptions of Indigenous women and sex workers affect victim blame; however, these perceptions are not directly related to verdict decisions.

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Compounding Prejudice? Investigating Canadian Mock Juror Perceptions of Victim Race
and Work in the Sex Trade

Despite comprising less than five percent of the Canadian population, Indigenous persons (First Nations, Métis, and Inuit) are disproportionately represented in the criminal justice system, as victims and offenders (Boyce, 2016; Roberts & Reid, 2017). This pattern is exemplified in a recent report by Statistics Canada (2018), which indicates that Indigenous people are six times more likely to be the victim of homicide than non-Indigenous people. Recently, the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019) has drawn attention to the systemic inequality faced by Indigenous women. It is well established that Indigenous women experience violence at a rate three times higher than non-Indigenous women (Boyce, 2016; Brennan, 2011) and are overrepresented in the sex trade in Canada (Hallgrimsdottir, Phillips, & Benoit, 2006; Jacobs, 2005; Royal Canadian Mounted Police, 2006). Many Indigenous women are deemed responsible for their victimization (Comack & Balfour, 2004), particularly when they are involved in a high-risk activity such as sex work (Jiwani & Young, 2006). Prejudicial perceptions of Indigenous women with sex work experience may affect trial outcomes, as evidenced in *R. v. Barton* (2015).

Cindy Ivy Gladue was a 36-year-old Cree woman from Calling Lake who lived in Edmonton, Alberta, on Treaty 6 territory for much of her life. She was a mother of three, daughter, sister, and friend. At times, Gladue also engaged in sexual activity for payment (Carlson, 2015). On June 22, 2011, Gladue was discovered dead in the bathtub of a hotel room rented by a client. A jury found the defendant, her client, not guilty of first-degree murder (*R. v. Barton*, 2015); however, the Alberta Court of Appeal overturned this

decision (*R. v. Barton*, 2017). In their decision to order a new trial for the charge of manslaughter, the Supreme Court of Canada recognized that jurors may hold stereotypical beliefs about Indigenous women with sex work experience. For example, jurors may assume that people who work in the sex trade are deserving of victimization because of the known danger of sex work (*R. v. Barton*, 2019).

Stereotypical beliefs about low-status or disadvantaged groups allow for justification of inequality and injustice (Allport, 1954; Jost & Banaji, 1994; Levin & McDevitt, 2002). According to Just World Theory, “individuals differ in the degree to which they believe people deserve what they get and get what they deserve” (Lerner, 1980). Correspondingly, people with strong just world beliefs may be more likely to blame the victim (Hafer & Bègue, 2005; Montada, 1998).

Juries are instructed to refrain from basing their verdict decisions on public opinion, preconceived ideas, or prejudice against the Crown, defendant, or others involved in the trial (National Judicial Institute, 2012). However, a juror’s perception of the victim may be shaped by their prior knowledge or beliefs (Devine, 2012). Specifically, stereotypes (McKimmie, Masser, & Bongiorno, 2014) or attribution of blame to the victim (Wenger & Bornstein, 2006) may affect verdict preference. Furthermore, jurors may not consider a victim’s race independent from other characteristics (Hunt, 2015). As such, racism, stereotypes, and attribution of blame to Indigenous victims may affect their access to justice.

Past research has established that extralegal information such as victim and defendant race (ForsterLee, ForsterLee, Horowitz & King, 2006; Maeder & Yamamoto, 2018), a victim’s membership in a marginalized group (Plumm, Terrance, Henderson &

Ellingson, 2010), or a victim's involvement in high-risk activity (Sundby, 2003) may affect juror decision-making. Additionally, Indigenous defendants may be more likely than non-Indigenous defendants to be found guilty (Maeder & Burdett, 2013; Pfeifer & Ogloff, 2003).

Despite this knowledge, no previous research addressing extralegal information in jury decision-making has explored how victim race, victim work in the sex trade, and defendant race jointly affect juror verdicts. Therefore, this exploratory study examined how victim race (Indigenous, White), victim work in the sex trade (sex worker, non-sex worker), and defendant race (Indigenous, White) affect juror verdicts in a first-degree murder trial. This research also examined how just world beliefs, stereotypes, and favourable or unfavourable feelings toward Indigenous people and sex workers are related to verdicts and victim blame. Although defendant race was varied to avoid a confound of interracial/intraracial crimes, this research focused on victim race and work in the sex trade. In the Canadian context, an improved understanding of the relationship between this extralegal information, juror verdicts, and victim blame may contribute to improving access to justice for Indigenous women with sex work experience.

Historical, Social, and Legal Context

Societal factors may affect the likelihood that certain people enter the courtroom as a victim. Indigenous women and those who work in the sex trade often encounter marginalization and discrimination in Canadian society (Jeffrey & Macdonald, 2006; Kubik, Bourassa, & Hampton, 2009). Stereotypes, just world beliefs, and victim blame may be affected by the historical, social, and legal context. Consequently, this context may shape a juror's perceptions of a victim in the courtroom.

An estimated 16 percent of female homicide victims between 1980 and 2012 were Indigenous women (Royal Canadian Mounted Police, 2014). These high rates of victimization occur in part due to the extensive disruption of Indigenous culture and lifestyle resulting from the Indian Act (1876; 1985), in the form of colonial acts such as residential schools, displacement, and denial of many rights to Indigenous women (Aboriginal Justice Implementation Commission, 1999; National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019; Oppal, 2012; Royal Commission on Aboriginal People, 1996; Truth and Reconciliation Commission of Canada, 2015).

The limited research that exists suggests that Indigenous women may be overrepresented in the sex trade (Hallgrimsdottir et al., 2006), especially at the street level (Amnesty International, 2009; Bingham, Leo, Zhang, Montaner, & Shannon, 2014). Although selling sex is not illegal in Canada, advertising, communicating, or purchasing sex is illegal (Criminal Code, 1985), a factor which may increase a sex worker's risk of violence (Deering et al., 2014). People who engage in sexual activity for payment are subjected to high rates of violence (Rotenberg, 2016; Shannon et al., 2009), which occurs in part due to displacement or marginalization (Lowman, 2000; Sayers, 2018).

An overall lack of understanding of this context may affect the perceived culpability of defendants with victims who are Indigenous or engage in sexual activity for payment. Jurors are members of a society in which there is a lack of public concern regarding the victimization of Indigenous women and people with sex work experience (Amnesty International, 2004; 2014; Parent, Bruckert, Corriveau, Nensah & Toupin, 2013; United Nations Committee on the Elimination of Discrimination Against Women, 2015). Furthermore, homicide victims who are Indigenous women may be perceived as

unworthy of concern or worthy of blame for their deaths (LaRoque, 1994; National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019). Relatedly, as identified by Jiwani and Young (2006), some consider Indigenous women with sex work experience to be deserving of blame when victimized due to their involvement in a high-risk activity. As a result, jurors may enter the courtroom with preconceived beliefs reflective of this context.

Jury Decision-Making

Jurors represent the sentiments of Canadian society and are tasked with making an impartial decision regarding the guilt of a defendant (R. v. Sherratt, 1991). Canadians accused of an indictable offense for which the potential punishment is five or more years of imprisonment have the right to a fair trial by a judge and jury (Charter of Rights and Freedoms (1982, s. 11 f). In Canada, criminal juries are comprised of 12 jurors (Department of Justice, 2017). Jurors are required to be Canadian citizens currently living in Canada, over the age of 18, fluent in English or French, and cannot have been convicted of an indictable offense without a record suspension (Juries Act, 1990).

A jury's verdict must be based on evidence, as well as the judge's instructions (National Judicial Institute, 2012). In Canada, jurors cannot disclose reasons for their verdict or the content of their deliberation (Criminal Code, 1985, s. 649). As a result, simulations of juror decision making are often used to examine how extralegal information or juror bias affects verdict decisions. Jury simulations are a widely accepted method of studying jury decision-making (Lieberman, Krauss, Heen & Sakiyama, 2016).

The formal empirical study of jury decision-making began with the Chicago Jury Project. Judges ($N = 555$) from across the United States completed 3576 questionnaires

about jury trials they presided over. The results suggest that juries are less likely than judges to sentence the defendant to death. Post-trial interviews were also conducted with jurors ($N = 255$), determining that the individual juror verdict preference of the majority before deliberation becomes the jury's verdict in 90 percent of trials (Kalven & Zeisel (1966).

Later, in the Capital Jury Project, death penalty decision-making was assessed through interviews with capital jurors from 353 trials in 14 states (Bowers, 1995). Capital jurors are required to be death-qualified, meaning they are willing to consider the death penalty as a sentencing option if the defendant is found guilty. Data from this project is often used to examine the effect of victim race (Girgenti, 2015) or involvement in high-risk activity (Sundby, 2003; Stauffer, Dwayne Smith, Cochran, Fogel, & Bjerregaard, 2006) on juror decisions.

Juror decision making has been studied in Canada to a lesser degree. Extralegal information such as the race of the defendant (Maeder & Burdett, 2013; Pfeifer & Ogloff, 2003), and the victim (Maeder & Yamamoto, 2018) may affect juror verdict preference. Some research indicates that race as extralegal information may have different effects in Canada than in the United States (Maeder & Yamamoto, 2018).

Three meta-analyses indicate extralegal factors such as defendant and victim race or socioeconomic status, as well as juror race, may affect mock juror verdicts and sentencing recommendations. Mazzella and Feingold (1994) analyzed the role of defendant and victim race, socioeconomic status, and gender in mock jurors' guilt ratings and sentence recommendations. Harsher sentences were recommended for Black defendants compared to White defendants ($d = .06$) and in trials for defendants with

White victims compared to Black victims ($d = .15$). Low socioeconomic status defendants were more likely to be found guilty and to receive longer sentences ($d = .20$). However, these are small effects, and this meta-analysis did not account for the effect of juror race.

Two later meta-analyses indicate that together, juror and defendant characteristics may affect verdicts. Mitchell et al. (2005) found racial bias to have a small but significant effect on verdict ($d = .09$) and sentencing decisions ($d = .19$). Racial bias in verdict decisions was moderated by juror race, verdict type, and jury instructions, with a stronger effect in mock trials with Black mock jurors, a continuous verdict, and no jury instructions. Devine and Caughlin (2014) determined that jurors may demonstrate more outgroup bias against defendants of a different race. For example, Black mock-jurors may show moderate bias against White defendants. Additionally, a conviction is somewhat more likely for defendants with a criminal record or low socioeconomic status. Although victim, defendant, and juror characteristics appear to be related to verdict preference or sentence recommendations, other extralegal information likely affects trial outcomes.

Models of jury decision-making attribute these differences to other case factors, juror characteristics, and the effect of deliberation. In the story model (Pennington & Hastie, 1992), a juror's understanding of the evidence evolves throughout the trial, creating a narrative shaped by their prior knowledge and beliefs. As integration of stories and their perspectives occurs, a juror reaches a verdict.

Devine's (2012) multi-level theory of jury decision-making combines the director's cut model and sampling model. In the director's cut model, individual differences affect a juror's consideration of the evidence, their story, and the likelihood

this story is correct. In the sampling model, each juror enters the deliberation room with a verdict preference. As different perspectives and ideas shape the discussion, this verdict preference may be affected by the deliberation content or pressure to agree with the majority (Stasser, 1992). Through discussion of the evidence or verdict preference, an overall story becomes clear, and the jury reaches a verdict. A jury's final verdict is the product of individual and group decisions (Devine, 2012).

Juror (Mazzella & Feingold, 1994), defendant (Devine & Caughlin, 2014; Maeder & Burdett, 2013; Mitchell et al., 2005), and victim race (Maeder & Yamamoto, 2018) may affect a juror's verdict. Moreover, a juror's preconceived beliefs and interpretation of the evidence may influence their final verdict decision (Devine, 2012; Pennington & Hastie, 1992). Overall, trial and juror characteristics shape a trial's outcome.

Attitudes and Stereotypes

Preconceived beliefs and assumptions may affect how jurors consider the victim or defendant, as well as other aspects of a trial (Devine, 2012). Relatedly, attitudes may be related to verdicts (Ellsworth, 2003). An attitude is "a psychological tendency that is expressed by evaluating a particular entity with some degree of favor or disfavor" (Eagly & Chaiken, 1993, p. 1). Stereotypes are an idea that comes to mind when thinking about a social group (Lippman, 1992) or a belief about a group of people, associated with their characteristics, attributions, or behaviour (Dovidio & Gartner, 1993). Consequently, as attitudes and stereotypes are based on social norms determined by context (McDonald & Crandall, 2015), attitudes and stereotypes may affect how jurors consider victims who are Indigenous or those with sex work experience.

Stereotypes are related to race, ethnicity, gender, age, and sexual orientation (Macrae, Stangor, Hewstone, 1996). Stereotypes are often negative, such as the belief that people who are Indigenous are irresponsible (Pfeifer & Ogloff, 2003). Although there are also positive stereotypes including the categorization of people who are Asian as competent (Czopp, Kay, & Cheryan, 2015), endorsement of positive stereotypes is associated with an increased willingness to apply negative stereotypes and essentialist beliefs (Kay, Day, Zanna, & Nassbaum, 2013).

Stereotypes develop as a result of social categorization (Macrae & Bodenhausen, 2000). Social categorization occurs due to awareness of the differences between a group an individual identifies with (ingroup) and a group an individual does not identify with (outgroup; Turner, Hogg, Oakes, Reichner, & Wetherell, 1987). Although awareness of intergroup similarities may promote community and connection (Tajfel, 1982), people generally have more favourable evaluations of members of their ingroup than outgroup members (Brewer, 2003). Stereotypes are refined through interaction between members of different groups (Aboud & Doyle, 1996), socialization (Macrae, Stangor & Hewstone, 1996), and the media (Ross, 2019).

Stereotypically consistent behaviours are often used as evidence for the accuracy of a stereotype (Pettigrew, 1979). Stereotypes may generally be representative of group members; however, stereotypes differ in their level of accuracy (Jussim, Crawford, Anglin, Chambers, Stevens, & Cohen, 2016). In some cases, reliance on stereotypes may prevent recognition of individual differences (Park & Hastie, 1987), resulting in inaccurate inferences about group members (Tajfel, 1981). Conversely, Jussim,

Crawford, and Rubinstein (2015) propose that stereotype application may not reduce the perception of individual differences.

Stereotype application occurs when stereotypic belief affects judgements or impressions about a stereotyped group (Kunda & Spencer, 2003). As reliance on stereotypes reduces the time and cognitive capacity required to make sense of the world (Sherman & Frost, 2000), people are more likely to apply stereotypes when they have reduced attentional capacity (Gilbert & Hixon, 1991), time (de Dreu, 2003), or cognitive ability (Quinn, Macrae, & Bodenhausen, 2003). For example, in situations that require people to understand a large amount of information, the application of stereotypes is more likely (Macrae, Milne, & Bodenhausen, 1994).

Social categorization can also result in prejudice (Dovidio, Love, Schellhaas, & Hewstone, 2017), a negative feeling toward individuals or members of a group based on group membership (Allport, 1954). Based on emotions, values, and stereotypes (Jackson, 2011), prejudice results from the differentiation between ingroups and outgroups. Stereotypical information may be discounted if a person does not harbor prejudice toward a specific group; however, this depends on their motivation to critically consider a stereotype (Devine, 1989). Although stereotypical assumptions about an outgroup can result in prejudice (Stallybrass, 1977), prejudicial attitudes may also be justified through stereotypical beliefs (Jost & Major, 2001).

Inequality and injustice can occur when prejudicial attitudes and stereotypes result in discrimination (Dovidio, Brigham, Johnson & Gartner, 1996; Jackson, 2011). Based on categories such as race, ethnicity, socioeconomic status, or gender, discrimination is the act of “behaving differently toward people based on their membership in a social group”

(Kite & Whitley, 2016, p. 343). Discriminatory acts can range from avoidance (Sue, 2010) to threats (Mellor, 2003) or hate crimes (Levin, 1999). Although prejudice and discrimination are related ($r = .27$; Cameron, Brown-Iannuzzi, & Payne, 2012), and attitudes can affect behaviour (Glasman & Albarracín, 2006; Kraus, 1995), prejudicial attitudes do not always result in discriminatory actions (Graziano, Bruce, Sheese, & Tobin, 2007). Members of a stigmatized or disadvantaged low-status group are more likely to experience discrimination (Crocker, Major & Steele, 1998; Major, Gramzow, McCoy, Levin, Schmader, & Sidanius, 2002).

Stereotypes, prejudice, and discrimination may result from essentialist or dehumanizing beliefs. Often based on race, ethnicity, or gender (Haslam, Rothschild, & Earnest, 2000), essentialism is the idea that differences between groups have an intrinsic biological basis (Rothbart & Taylor, 1992). People with essentialist beliefs are more likely to endorse prejudice and negative stereotypes to justify inequality (Bastian, & Haslam, 2006; Mandalaywala, Amodio & Rhodes, 2017).

Essentialist beliefs increase the likelihood of dehumanization (Haslam, Bain, Douge, Lee, & Bastian, 2005). Members of lower status groups (Harris & Fiske, 2006) or those whose actions contravene social norms are more likely to be dehumanized (Fincher & Tetlock, 2016). People who are dehumanized may have their victimization considered with less empathy (Čehajić, Brown, González, 2009). Lack of recognition of a victim's humanity due to essentialist or dehumanizing beliefs may affect juror perceptions of victim blameworthiness.

Stereotypes about Indigenous women. Stereotypical beliefs about groups perceived to be disadvantaged allow for the justification of injustice (Levin & McDevitt,

2002) and inequality (Allport, 1954; Jost & Banaji, 1994; Sidanius, Pratto, & Bobo, 1996). Racism, stereotypes, and a lack of understanding of the effects of colonialism colour how many non-Indigenous Peoples perceive Indigenous women in Canada (Morrison & Brockman, 2016). Significantly, the application of negative stereotypes is more likely to occur when a victim from a disadvantaged social group experiences injustice (Hunzaker, 2014); therefore, negative race or class-based stereotypes may affect perceptions of victims who are Indigenous or work in the sex trade.

To better understand this prejudice, Morrison, Morrison, Harriman, and Jewell (2008) measured university students' stereotypes towards Indigenous women in Saskatchewan. Indigenous women were stereotyped as uneducated, dependent on income support, addicted to alcohol, unreliable, and involved in criminal activity. Endorsement of negative stereotypes about Indigenous people was related to higher levels of prejudice toward Indigenous people as measured by the Prejudiced Attitudes towards Aboriginals Scale.

Another predominant stereotype about Indigenous women categorizes them as a "squaw," sexually easy, immoral, unfeeling, and deviant (Jiwani & Young, 2006; LaRocque, 1994; Razack, 2002). According to Martin-Hill (2003), murder victims who are Indigenous women are often stereotyped as sex workers. The conflation of Indigeneity with work in the sex trade may result in increased attribution of blame to Indigenous victims (Razack, 2000).

Stereotypes about sex workers. Pervasive stereotypical beliefs about sex workers focus on victimization and class. Common stereotypes about sex workers classify them as promiscuous, immoral, victims, or racialized (Bruckert & Chabot, 2010;

Corteen, 2018; Lucas, 1995). Sex workers are often stereotyped as people with addictions who engage in high-risk lifestyles, categorizations that emphasize victimization and create social distance between sex workers and society (Jeffrey & MacDonald, 2006).

Stereotypes about Indigenous women and sex workers overlap, as both emphasize addictions, sexuality, and a “high-risk lifestyle.” Overall, negative stereotypes about Indigenous women and sex workers may shape how these victims are considered within the justice system (Benoit, Jansson, Smith & Flagg, 2018; Dylan, Regehr, Alaggia, 2008). These stereotypes have the potential to prejudice jurors’ perceptions of victims who are Indigenous and/or a sex worker in the courtroom.

Stereotypes and decision-making. Stereotypical ideas regarding victims may affect defendant culpability and sentencing decisions. A guilty verdict may be more likely when the victim physically resisted the sexual assault, a response consistent with stereotypes about sexual assault victims (McKimmie et al., 2014). Additionally, race-based stereotypes may also affect how jurors perceive certain victims. Mock jurors may stereotype Indigenous victims of sexual assault as irresponsible (Pfeifer & Ogloff, 2003). Stereotypes have a demonstrated role in jury decision-making; however, other factors also contribute to the final verdict.

Stereotypes can result in prejudice toward outgroup members (Jackson, 2011) and perpetuate injustice within society (Levin & McDevitt, 2002). Time pressure, stress, and saliency of stereotypes are factors that affect reliance on stereotypes (Gilbert & Hixon, 1991; Kaplan et al., 1993) and may occur during a trial. Stereotypical beliefs and prejudicial attitudes may shape how Indigenous women and sex workers are perceived within society, as well as in the courtroom.

Blameworthy Victims

Victim blaming occurs when the cause of victimization is attributed to the victim's characteristics or behaviour rather than the environment or circumstances of the event (Ryan, 1971). Victims who are blameworthy are thought to be responsible for the harm they experience (Eigenberg & Garland, 2008). As a result, these victims are less likely to be given status as a legitimate victim (Christie, 1986). Victims whose behaviour or characteristics deviate from those of a typical victim are more likely to be considered blameworthy (Policastro & Payne, 2013).

As a result of stereotypes about Indigenous women and those with sex work experience, these victims may be more likely to be considered blameworthy. Victims with a history of association with criminality (e.g., sex workers) may be more likely to be blamed for their victimization (Finn, Muftić, & Marsh, 2015; Mancini & Pickett, 2017). For example, sex workers who have been the victim of sexual assault may receive more blame and less empathy than non-sex workers (Sprankle, Bloomquist, Butcher, Gleason, & Schaefer, 2018). Likewise, Indigenous women are rarely recognized as legitimate victims (Dell & Kilty, 2012) and are frequently depicted as blameworthy by the media (Hallgrimsdottir et al., 2006; Razack, 2002; Strega et al., 2010). Consequentially, a victim's blameworthiness may affect how a juror perceives their victimization.

Just World Theory

The preconceived belief that the world is a just place is another factor that may affect victim blame (Hafer & Bègue, 2005), as well as juror decisions (Foley & Pigot, 2000). Just World Theory proposes that injustice is "deserved, so the world cannot be unjust" (Faccenda & Pantaléon, 2011, p. 506). Victim blaming allows for the

maintenance of the belief that injustice is preventable (Lerner & Miller, 1978). Just world beliefs can legitimize inequality and rationalize stereotypes about disadvantaged groups (Jost & Banajii, 1994).

Offender punishment, victim derogation, or victim blame are methods to maintain just world beliefs after witnessing injustice (Lerner, Miller, & Holmes, 1976). Innocent victims may threaten just world beliefs, particularly if the perpetrator is not punished (Hafer, 2000a; Correia, Vala, & Aguir, 2007). Compensation or assistance as a method of justice restoration provided to the victim following their victimization may decrease the likelihood of victim blame or derogation (Haynes & Olson, 2006). Justification of the victim's experience of harm (Hafer & Rubel, 2015) due to their character or behaviour may preserve just world beliefs (Haynes & Olson, 2006).

Strong just world beliefs may increase the likelihood of victim blaming (Hafer & Bègue, 2005; Montada, 1998), especially if the victim's behaviour is related to their victimization (Correia et al., 2007; Furnham, 2003; Lerner, 1980; Lerner & Miller, 1978). Victim blaming may be more likely when group membership is salient (Bal & Van den Bos, 2010), especially when the victim is less similar to the observer than the perpetrator (Correia, Alves, Sutton, Ramos, Gouveia-Pereira, & Vala, 2012; Lerner and Miller, 1978). Moreover, people with strong just world beliefs are more likely to be indifferent to the suffering of other groups (Aguar, Vala, Correia, & Pereira, 2008).

Although just world beliefs may result in victim blame, they also have positive effects. Belief in a just world allows people to cope with injustice (Dalbert, 1998), thereby reducing stress (Tomaka & Blascovich, 1994). As they improve perceived

control over the future, just world beliefs may promote well-being (Dalbert, 2001; Lerner, 1980) and the achievement of long-term goals (Hafer, 2000b).

Just world beliefs and victim characteristics. A victim's characteristics or behaviour may affect victim blame (Haynes & Olson, 2006; Lerner & Miller, 1978). Indigenous victims may be more likely to be blamed by people with strong just world beliefs than non-Indigenous victims. Sullivan et al. (2016) examined the relationship between just world beliefs, offender punishment, and victim blame. Students ($N = 110$) read one of two scenarios depicting a hate crime resulting in the death of an Indigenous Australian. In one scenario, the offender was convicted of first-degree murder and sentenced to life imprisonment. In the other scenario, the offender was convicted of dangerous driving causing death and received a short sentence. Belief in a just world moderated the relationship between victim blame and offender punishment. Participants with strong just world beliefs were more likely to blame the victim when the offender was charged with dangerous driving. These participants were also more likely to hold racist beliefs about Indigenous Australians. Consistent with the findings of Hafer (2000a), these results suggest that appropriate punishment of the offender decreases the likelihood of victim blame.

Just world beliefs may also affect attributions of blame to victims who work in the sex trade. Digidiki et al. (2016) assessed just world beliefs and attitudes toward the victim in a community sample in Greece ($N = 624$). Participants with strong just world beliefs indicated that a sex workers' work in the sex trade resulted in their victimization. Consequently, these participants blamed sex workers; however, in this study, victimization was defined as sexual exploitation through sex trafficking, instead of as a

result of an assault, sexual assault, or murder. Despite this difference, just world beliefs may be related to attribution of blame to victims who are sex workers.

Attribution of blame to the victim by people with strong just world beliefs may occur if the victim's behaviour is perceived to have resulted in their harm. In a study of just world beliefs and victim blame, Landström et al. (2016) varied crime type (sexual assault, sexual harassment) and victim behaviour (flirtatious, non-flirtatious; $N = 200$). More blame was attributed to victims of sexual assault than to victims of sexual harassment, as well as to flirtatious victims of sexual assault than to non-flirtatious victims. Participants with strong just world beliefs were more likely to blame the victim. A victim who is Indigenous or has sex work experience may be blamed due to their race or work in the sex trade, irrespective of whether the victimization occurred due to the situation or perpetrator (Digidiki et al., 2016; Sullivan et al., 2016). Overall, these studies suggest that the strength of just world beliefs and victim characteristics or behaviour may affect attributions of blame.

Just world beliefs and decision-making. Just world beliefs may also have implications in the courtroom. Attributions of blame and a juror's decisions may be affected by just world beliefs and juror-victim similarity. Prior research suggests that female civil mock jurors with strong just world beliefs are more likely to award higher damages to female sexual assault victims (Foley & Pigot, 2000). These results may be representative of the belief that victim compensation can restore justice (Haynes & Olson, 2006).

In related research, Schuller, Smith, and Olson (1994) assessed the relationship between just world beliefs, expert testimony, the battered woman defense, and spousal

abuse in a homicide trial. Female mock jurors with weak just world beliefs who were exposed to the expert testimony were less likely to find the defendant guilty. Although the husband was a homicide victim, in this case, the wife was the victim of abuse; therefore, the results of Foley and Pigot (2000) and Schuller et al. (1994) suggest that victim-observer similarity may impact attributions of blame (Correia et al., 2012). Although a juror's verdict preferences appear to be influenced by factors such as expert testimony, strong just world beliefs may be associated with victim blame.

Attributions of blame to the victim or defendant vary depending on the victim, defendant, and case characteristics, as well as the strength of just world beliefs. Victim characteristics or behaviour, as well as just world beliefs may be related to victim blame (Lerner & Miller, 1978), especially for Indigenous victims (Sullivan et al., 2016), or those who work in the sex trade (Digidiki et al., 2016). Stereotypes about sex workers and Indigenous women emphasize their engagement in high-risk activity (Corteen, 2018; Jeffrey & MacDonald, 2006; Morrison et al., 2008); therefore, people with strong just world beliefs may perceive their conduct to have contributed to their victimization (Correia et al., 2007; Furnham, 2003; Lerner & Miller, 1978).

Intersectionality

Intersectionality is the relationship between multiple characteristics or interrelated aspects of identity that, when considered together, increase marginalization or inequality (Collins, 2015). People who are members of numerous social groups have multiple identities and social positions, which create differing amounts of advantage or disadvantage (Rosenthal, 2016). Stereotypes and juror bias may have intersectional aspects.

All stereotypes about a group (for example, those related to gender, nationality, age, or race) are unlikely to all have the same strength or salience (Kunda & Thagard, 1996). A recent study by Phillis et al. (2017) concluded that prejudice might be differentially related to stereotypes application depending on race (in this study, White, Black, South Asian, and East Asian) and gender. Although stereotypes about Black or South Asian women were not related to prejudice, there was a significant relationship between prejudice and stereotypes about South Asian men. The researchers suggest that due to variation in stereotype application and prejudice to different groups, results regarding one race do not apply directly to another. In related research, Priest et al. (2018) determined that ascription of negative stereotypes to racialized people in the United States may be moderated by age, as negative stereotypes are more likely to be attributed to teenagers than to young children.

Prior research suggests that juror bias may be intersectional, affected not only by race but also other extralegal factors (Hunt, 2015). Williams and Holcomb (2004) demonstrated the importance of an intersectional lens through an examination of victim race (Black, White) and gender (male, female) in capital jury decision-making in Ohio. Defendants whose victims were White women were most likely to be sentenced to death. Girgenti (2015) replicated these results, determining that death penalty recommendations are 3.8 times more likely for defendants with White female victims, as compared to those with Black male victims. Furthermore, jurors perceived murders to be more brutal and to result in more suffering when the victim was a White woman than for other victims.

Categories such as race and gender differentially affect the relationship between prejudicial attitudes and stereotypes (Phillis et al., 2017; Priest et al., 2018). In the

courtroom, juror decisions may be affected by intersectional juror bias (Girgenti, 2015; Williams & Holcomb, 2004). Consequently, a victim's membership in multiple marginalized groups may affect a juror's verdict or heighten attributions of blame.

Blameworthy Victims and Decision-Making

As the attribution of blame or responsibility to the victim may affect a juror's decisions, a victim's blameworthiness may impact their access to justice. Factors such as marginalization (Plumm et al., 2010) or involvement in high-risk activity (Gillespie, Loughran, Smith, & Bjerregaard, 2014; Sundby, 2003) may impact American jurors' decisions regarding blame, sentencing, and verdict preference. To engage in sex work, a sex worker must identify themselves to potential clients, an act that associates them with a marginalized group that participates in a high-risk activity. Additionally, stereotypes about Indigenous women are related to high-risk activity (Morrison et al., 2008; Razack, 2000). As a result, jurors may make similar decisions for victims who are Indigenous and/or work in the sex trade.

Involvement in high-risk activity. A victim's participation in a high-risk activity such as drug or alcohol use/abuse or criminal behaviour may affect courtroom decisions. Sundby (2003) examined jurors' assessment of victims with a history of problematic substance use or criminal record during deliberation using data from the Capital Jury Project. In post-trial interviews, jurors made statements such as, "I've known people like that. I didn't approve of their actions, because she put herself in danger" and "as far as I am concerned, society will not miss them," denoting a lack of empathy for these victims. Defendants whose victims were involved in high-risk activity were less likely to be

sentenced to death, indicating that there may be a relationship between empathy, blame, and the resulting sentence recommendation.

A victim's involvement in illegal activity often affects sentencing decisions in the United States. Baumer, Messner, and Felson (2000) used prosecutors' files to analyze the effect of victim characteristics on attributions of responsibility to the victim. Conviction of a lesser sentence is more likely for defendants whose victims were non-White or engaged in illegal activity or drug use. Stauffer et al. (2006) assessed the effect of victim race, gender, and involvement in illegal activity in North Carolina capital trials. Race and gender were not significant predictors of the death penalty; however, death penalty recommendations were more likely when the victim was not involved in illegal activity. In related research, Gillespie et al. (2014) found juries to be less likely to recommend a death sentence if the victim was male or involved in illegal activity.

As a victim's behaviour may be used to determine credibility, victim blameworthiness is often assessed in sexual assault trials. LaFree, Reskin, and Visser (1985) determined that sexual assault victims who consumed drugs or alcohol, either before or at the time of the crime, were more likely to be blamed. Defendants in these trials were also perceived to be less guilty. Consistent with these findings, Wenger and Bornstein (2006) found mock jurors more likely to blame an intoxicated victim than a non-intoxicated victim. In their study, victim blame also affected verdict preference, as defendants with sober victims were more likely to be found guilty. Overall, these findings indicate that a victim's behaviour may affect the degree of responsibility or blame attributed to a sexual assault victim in the courtroom.

Marginalization. Hate crimes are an act motivated by hatred, prejudice, or contempt towards a targeted group (Herek, 1989). Hate crime victims are often members of groups marginalized due to sexual orientation or race. Campbell (2015) proposes that targeted violence against sex workers is analogous to the targeted nature of hate crimes. Selected due to group membership and vulnerability, victims may be “interchangeable” relative to other group members (Levin & McDevitt, 2002). In the courtroom, victims who are members of marginalized groups may be more likely to be blamed (Plumm et al., 2010; Saucier et al., 2010).

Mock jurors with negative attitudes toward people who are Lesbian, Gay, Bisexual, Transgender, or Queer (LGBTQ) may attribute more blame to the victim. Plumm et al. (2010) assessed victim blame in a hate crime trial motivated by sexual orientation. In Study 1, the label applied to the crime (hate crime, assault) and victim gender (male, female) was varied. Participants with positive attitudes toward people who identify as LGBTQ were less likely to engage in victim-blaming than did those with more negative attitudes. Victim gender, crime label, or attitudes toward people who identify as LGBTQ did not impact verdicts. In Study 2, provocation (provocation, no provocation) and the hate crime location (local bar, gay bar) was varied. Although verdict preference did not differ based on location or provocation, the victim was blamed more when the crime occurred at a local bar, whereas the defendant was blamed more when the crime occurred at a gay bar. Mock jurors attributed more blame to victims who provoked the defendant (by buying him a drink, placing his arm around him, and asking him to dance) than to victims who did not provoke the defendant.

Race may also affect victim blame in hate crime trials. Saucier et al. (2010) assessed the effect of victim blame on mock juror sentence recommendations. Participants read a vignette of a hate crime, in which assault-type (simple, aggravated), offender race (Black, White), and victim race (Black, White) were varied. In all scenarios, the offender was found guilty. Longer sentences were recommended in scenarios where the victim and offender race differed. Black victims assaulted by a White defendant received less blame than a White victim who was assaulted by a White defendant. Significantly, mock jurors holding racist beliefs attributed more blame to the victim than the offender when the offender was White.

Taken together, these studies suggest that a victim's behaviour or character may affect jurors' attributions of blame. Involvement in high-risk activity may affect sentencing decisions (Gillespie et al., 2014; Stauffer et al., 2006; Sundby, 2003). Negative attitudes (Plumm et al., 2010) or racist beliefs (Saucier et al., 2010) toward victims from a marginalized group may result in higher levels of victim blame. As attribution of blame to the victim may affect verdict decisions (LaFree, 1985; Wegner & Bornstein, 2006), victim blame due to marginalization or involvement in high-risk activity may affect the outcome of the trial.

Race and Decision-Making

Although factors such as a victim's involvement in high-risk activity or membership in a marginalized group may affect jurors' attributions of blame or verdicts, the race of the victim and defendant has also been identified as a potential factor affecting decision-making. The effect of victim and defendant race on verdict and sentencing decisions has been examined extensively in the United States (Baldus, Pulaski, &

Woodworth, 1983; Girgenti, 2015; Mazzella & Feingold, 1994; Mitchell et al., 2005); however, much of this research involves victims and defendants who are Black or White. Race and juror decision making concerning Indigenous victims and defendants has been explored to a lesser degree in Canada (Maeder & Burdett, 2013; Maeder & Yamamoto, 2018; Pfeifer & Ogloff, 2003) and Australia (ForsterLee et al., 2006).

Examination of victim and defendant race as extralegal information often occurs in the context of capital trials. Baldus et al. (1983) determined that death sentences are 2.7 times more likely when the victim is White as compared to Black. Baldus, Woodworth, Zuckerman, and Weiner (1998) report that juries are more likely to identify aggravating factors for Black defendants than for White defendants and give mitigating factors more weight in trials with White as compared to Black defendants. The presence of aggravating factors, such as victim vulnerability or repeat offenses, may result in a harsher sentence. Alternatively, mitigating factors, including victim culpability or a lack of criminal record, may lessen the sentence. Death sentences are more likely for a Black defendant convicted of killing a White victim (Baldus, Woodworth & Pulaski, 1990; Lynch & Haney, 2000; Williams & Holcomb, 2001).

Mock jurors may give less weight to the mitigating factors of mental illness and substance abuse for Black as compared to White defendants (Lynch & Haney, 2009). In trials where a victim impact statement was given for a White victim, White male jurors were more likely to vote for the death penalty, potentially indicating less consideration of the impact of the death of a Black victim. Moreover, deliberation may exacerbate racial bias: following deliberation, Black defendants were 10 percent more likely to be sentenced to death (Lynch & Haney, 2009).

Despite the emphasis on race in capital trial research, other factors including victim and conduct as well as the victim-defendant relationship, may affect death penalty recommendations. For example, Black defendants may not be more likely than White defendants to receive the death sentence for killing a White victim relative to other case characteristics (Jennings, Richards, Smith, Bjerregaard, & Fogel, 2014). Additionally, some research indicates that after controlling for aggravating and mitigating factors, defendant and victim characteristics are not conclusively related to death sentence recommendations (Devine & Kelly, 2015).

Mock juror verdict preference may also differ depending on the race of both the victim and defendant in non-capital trials. Marcus-Newhall, Blake, and Baumann (2002) examined the effect of victim race (Black, White) and defendant race (Black, White) in mock juror decision-making in a hate crime trial. Mock jurors were more confident of defendant guilt when a White defendant offended against a Black victim than when a Black defendant offended against a White victim. In related research, George and Martinez (2002) determined that a victim of an interracial sexual assault may be more blameworthy than a victim of intraracial sexual assault. Defendants in interracial trials were also deemed less culpable. As blame is more likely to be attributed to Black victims assaulted by White defendants (Saucier et al., 2010), these results indicate the importance of further examination of victim and defendant race as extralegal information.

ForsterLee et al. (2006) analyzed juror decision-making defendant and victim race (Indigenous, White) and juror gender (male, female) in an Australian mock murder trial. White community members from Queensland ($N = 96$) read a trial transcript, then indicated their verdict preference and sentence recommendation. There was a main effect

of sentence recommendation for defendant race and victim race, with mock jurors supporting longer sentences in trials with an Indigenous defendant or victim. Jurors recommended shorter sentences for a White defendant accused of killing an Indigenous victim than a White defendant accused of killing a White victim. Female jurors recommended more punitive sentences for Indigenous defendants as compared to White defendants. Like Canada, Australia has a history of colonialism (Coombes, 2011); therefore, the relationship between Indigenous and non-Indigenous people may be similar.

Legal outcomes may be affected by defendant and victim race in Canada. Pfeifer and Ogloff (2003) found mock jurors to rate Indigenous defendants with an English or French-Canadian victim as more culpable than English Canadian or French-Canadian defendants on the subjective measure of guilt; however, there was no difference in guilt when measured according to the legal standard. An English Canadian defendant whose victims were Indigenous were deemed less culpable than when the victim was English or French Canadian on the subjective measure of guilt, but again, this difference was not found using the legal standard of guilt.

Maeder and Yamamoto (2018) examined the effect of race salience (emphasizing racial issues during the trial) in juror consideration of victim and defendant race in a robbery trial. A Black defendant who offended against an Indigenous victim was most likely to be found guilty by White mock-jurors; however, Black defendants who offended against a White victim were unlikely to be found guilty. White mock jurors were more likely to support a guilty verdict for a White defendant than for a Black or Indigenous defendant. When race was salient, non-White mock jurors were more likely to find

Indigenous defendants guilty. Not only do these results differ from how victim and defendant race as extralegal information affect juror verdicts in the United States (Lynch & Haney, 2009; Williams & Holcomb, 2001) and Australia (ForsterLee et al., 2006), they also support Phillis et al.'s (2017) assertion that results regarding one racialized group may not apply directly to another.

Defendant race may also play a role in a juror's assessment of evidence and verdict preference. Clow, Lant, and Cutler (2013) assessed the effect of defendant race, participant gender, and pretrial publicity in determinations of defendant culpability in a Canadian sexual assault trial. Although White defendants were more likely to be found guilty than Black defendants, Indigenous defendants were as likely as White defendants to be found guilty.

Mock jurors' verdicts decisions may differ when the defendant is Indigenous, compared to when they are White or Black. For example, Maeder and Burdett (2013) examined the effect of defendant race on juror verdicts in robbery trials. Results indicate that a guilty verdict may be more likely for Indigenous defendants, as compared to Black or White defendants. Additionally, although the difference was not statistically significant, mock jurors were most certain of the Indigenous defendant's guilt and least certain of the White defendant's guilt.

In a related study, mock jurors who found the defendant guilty also made more severe sentencing recommendations for Indigenous defendants as compared to Black or White defendants in a sexual assault trial. However, defendant race did not affect verdict preference, measured through a dichotomous or continuous verdict (Maeder, Yamamoto, & Saliba, 2015). Other research suggests that mock jurors recommended harsher

sentences for Indigenous defendants than White or Black defendants in trials when race was made salient than did those without the race salience manipulation (McManus, Maeder & Yamamoto, 2018).

Victim and defendant race have a demonstrated effect on juror decision-making. Black defendants are more likely to be sentenced to death (Baldus et al., 1983), especially when their victims are White (Baldus, Woodworth & Pulaski, 1990; Lynch & Haney, 2000; Williams & Holcomb, 2001). In Canada, mock jurors may be more likely to find Indigenous defendants guilty (Maeder & Burdett, 2013) and suggest harsher sentences for Indigenous defendants than for White or Black defendants (Maeder, Yamamoto, & Saliba, 2015). Although Canadian jurors do not typically give sentence recommendations, limited research regarding Indigenous defendants has been conducted in Canada; therefore, these results may give insight into how this extralegal information affects jurors' legal decisions. Victim race may impact verdicts in trials with Indigenous victims (Maeder & Yamamoto, 2018). Although victim and defendant race may influence a juror's verdict preference, other extralegal factors likely affect the outcome of the trial.

Current Study

Although Indigenous women and sex workers face high rates of violence (Boyce, 2016; Brennan, 2017), it is not clear how these victim characteristics together affect juror decisions in Canadian courtrooms. Victim race (ForsterLee et al., 2006; Maeder & Yamamoto, 2018), defendant race (Maeder & Burdett, 2013; Mitchell et al., 2005) and attribution of responsibility to the victim (Wenger & Bornstein, 2006) may impact juror decisions about defendant guilt. There is a gap in the empirical literature regarding how jurors consider these extralegal factors when combined in a trial setting. This study

examined how victim race (Indigenous, White), victim work in the sex trade (sex worker, non-sex worker), and defendant race (Indigenous, White) affect juror verdicts. It also assessed the relationship between these victim characteristics and victim blame, just world beliefs, feelings toward Indigenous people and sex workers, and stereotype endorsement.

Hypotheses

Quantitative. H1: Verdicts. Although some research indicates that Indigenous defendants are as likely as White defendants to be found guilty (Clow et al., 2013; Pfeifer & Ogloff, 2003; Maeder et al., 2015), other studies demonstrate that Indigenous defendants may be more likely to be found guilty (Maeder & Burdett, 2013) and receive harsher sentence recommendations (ForsterLee et al., 2006; McManus et al., 2018). Jurors are hypothesized to be more likely to find an Indigenous defendant guilty than a White defendant (H1a).

Stereotypes about Indigenous women portray them as being involved in high-risk activity (Morrison et al., 2008; Razack, 2000). Jurors are likely to recommend a more lenient sentence for defendants whose victims are involved in high-risk activity (Gillespie et al., 2014; Stauffer et al., 2006). Therefore, mock jurors are predicted to be less likely to find the defendant guilty when their victim is Indigenous as compared to when their victim is White (H1b).

Some research indicates that mock jurors who blame the victim may be more likely to find the defendant not guilty (Wenger & Bornstein, 2006). Victims who work in the sex trade may be more likely to be blamed than non-sex worker victims (Digidiki et al., 2016; Finn et al., 2015; Manicini & Pickett, 2017; Sprankle et al., 2018). Mock jurors

are accordingly hypothesized to be less likely to render a guilty verdict when the victim is a sex worker compared to when the victim is a non-sex worker (H1c).

There will also be an exploratory examination of the interaction between victim race and victim work in the sex trade, as well as victim race and defendant race. Mock jurors may recommend shorter sentences when the defendant is Indigenous and the victim is White (Forsterlee et al., 2006). Mock jurors are predicted to be more likely to find a White defendant with an Indigenous victim guilty (H1d). Both stereotypes (Kunda & Thagard, 1996) and juror bias (Hunt, 2015) may be intersectional. As Indigenous sex workers may be more blameworthy victims (Razack, 2002; Strega et al., 2010), mock jurors are predicted to be less likely to render a guilty verdict when the victim is an Indigenous sex worker (H1e).

Some research suggests the defendant may be less culpable and the victim more blameworthy in an interracial trial (George & Martinez, 2003). Additionally, mock jurors may suggest more lenient sentences for a White defendant (ForsterLee et al., 2006); therefore, mock jurors are also predicted to be less likely to find the defendant guilty when the defendant is White, and the victim is Indigenous (H1f). There will also be an exploratory examination of the three-way interaction between victim race, defendant race, and a victim's work in the sex trade on defendant guilt.

H2: Blame. As Indigenous victims are often represented as blameworthy in the media (Hallgrimsdottir et al., 2006; Razack, 2002; Strega et al., 2010), they are hypothesized to be blamed for their victimization more frequently than White victims (H2a).

Sex worker victims are more likely to be blamed (Finn et al., 2015; Mancini & Pickett, 2017; Sprankle et al., 2018); therefore, it is predicted that more blame and responsibility will be attributed to a victim who is a sex worker than a victim who is not a sex worker (H2b).

Mock jurors who attribute blame to the victim may be less likely to find the defendant guilty (Wenger & Bornstein, 2006). Therefore, mock jurors who find the defendant not guilty are also expected to blame the victim more than would mock jurors who find the defendant guilty (Wenger & Bornstein, 2006) (H2c).

Research indicates that there are stereotypes about Indigenous women (e.g., involved in high-risk activity, criminal, addicted to alcohol; Martin-Hill, 2003; Morrison et al., 2008) that are associated with victim-blaming. As such, mock jurors who endorse negative stereotypes about victims who are Indigenous are hypothesized to attribute more blame to the victim (H2d).

Correspondingly, stereotypes associated with sex work (e.g., involved in high-risk activity, criminal, immoral; Bruckert & Chabot, 2010; Corteen, 2018; Jeffrey & MacDonald, 2006) are related to victim blame (Finn, Muftić, & Marsh, 2015; Mancini & Pickett, 2017); therefore, mock jurors who endorse negative stereotypes about sex workers are predicted to blame the victim more (H2e).

Mock jurors with positive attitudes towards a marginalized group may be less likely to blame a victim who is a member of a marginalized group (Plumm et al., 2010). Mock jurors with negative feelings towards Indigenous people are predicted to be more likely to blame Indigenous victims. As with the verdict hypotheses, there will be an

exploratory examination of the interaction between feelings toward Indigenous people and victim blame (H2f).

Mock jurors with less positive feelings towards sex workers are predicted to be more likely to blame victims who are sex workers. There will be an exploratory examination of the interaction between feelings toward sex workers and victim blame (H2g).

H3: Belief in a just world. In cases where a victim's behaviour contributed to their victimization, people with strong just world beliefs may be more likely to blame the victim (Correia et al., 2007; Lerner & Miller, 1978). Indigenous women may be blameworthy victims (Dell & Kilty, 2012; Dylan et al., 2008). Furthermore, there are many negative stereotypes about Indigenous women's involvement in high-risk activities (LaRocque, 1994; Morrison et al., 2008; Razack, 2000). As a victim's character and behaviour may affect victim blame (Lerner & Simmons, 1996), mock jurors who blame an Indigenous victim are predicted to have stronger just world beliefs than do those who do not blame this victim (H3a).

People with strong just world beliefs may be more likely to blame victims whose behaviour may have contributed to their victimization (Correia et al., 2007; Furnham, 2003; Landström et al., 2016). Mock jurors who blame a victim who is a sex worker are predicted to have stronger just world beliefs than mock jurors who do not blame the victim in these trials (H3b).

Qualitative. In qualitative research, hypotheses and theory are generated instead of tested; therefore, the results of the content analysis will generate hypotheses to be tested through further research (Golafshani, 2003).

Method

Pilot Study 1

Before the main study, trial transcripts were piloted to ensure there was an even split of verdicts (guilty of first-degree murder or second-degree murder as compared to not guilty) in the absence of variable manipulation to avoid potential floor or ceiling effects.

Participants

Participants were recruited from Facebook (Transcript $N = 32$; Appendix A). All participants were eligible for jury duty in Canada (Canadian citizens, fluent in English, over the age of 18, with no indictable offenses for which they have not received a record suspension, and live in Canada; Juries Act, 1990).

Materials

Screening forms. Participants completed an informed consent form and confirmed that they were eligible for jury duty in Canada (Appendix B & C).

Trial transcript. Participants read a trial transcript involving a defendant charged with first-degree murder (see Appendix D). The transcript is based on a composite of murder trials in which the victim sold sex to the defendant (R. v. Barton, 2015; R. v. Butorac, 2013; R. v. Ryczak, 2007). Both the victim and the defendant were depicted as White (control condition). As described in the narrative, the victim and defendant meet in front of a hotel. The victim and the defendant talk for a minute, then the defendant offers to purchase an iPhone from the victim. In the defendant's hotel room, the victim and defendant get into an argument that turns physically violent after the victim requests more money for the phone. The defendant leaves the hotel room, returning later to find

the victim dead in his room. He claims the victim was alive when he left. Because the victim is found strangled to death, the defendant was arrested and charged. Three witnesses, including the victim's boyfriend, a medical pathologist, and the defendant testified during the trial. The transcripts contained opening and closing statements from the Crown and defence. Mock jurors received instructions on the burden of proof, reasonable doubt, and the charge of first-degree murder, lesser included charge of second-degree murder and self-defence (National Judicial Institute, 2012).

Juror questionnaire. Participants rendered a verdict (guilty of first-degree murder, guilty of second-degree murder, not guilty; Appendix E).

Results

Descriptive analysis was used to examine the percentage of guilty of first-degree murder, guilty of the lesser included charge of second-degree murder, and not guilty verdicts. Twenty participants (62.5 %) rendered a verdict of guilty of the lesser included charge of second-degree murder, and twelve participants found the defendant not guilty (37.5 %). As the verdict split between guilty and not guilty verdicts was reasonably even, the transcript was used in the main study.

Pilot Study 2

Photos were piloted to match the Indigenous and White victims on perceived age, attractiveness, and likeability.

Participants

Participants were recruited from Facebook ($N = 49$; Appendix A). All participants were eligible for jury duty in Canada (Canadian citizens, fluent in English, over the age

of 18, with no indictable offenses for which they have not received a record suspension, and live in Canada; Juries Act, 1990).

Materials

Screening forms. Participants completed an informed consent form and confirmed that they were eligible for jury duty in Canada. (Appendix B & C).

Victim photos. A variety of colour photos depicting White and Indigenous women were piloted. Friends of the researcher voluntarily consented for their photos to be used in this study ($N = 14$).

Juror questionnaire. Participants indicate perceived age, as well as attractiveness, and likeability of the individuals depicted in the photos on 7-point scales (see Appendix E).

Results

I conducted paired samples t-tests to compare the age, attractiveness and likeability of the photo of one Indigenous woman to the 13 photos of White women. Photo 1 (Indigenous woman; $M = 28.21$, $SD = 4.26$) and photo 6 ($M = 28.23$, $SD = 3.88$) were the least different in age, $t(47) = -.03$, $p = .98$. Photo 1 ($M = 4.57$, $SD = 1.16$) and photo 6 ($M = 4.59$, $SD = 1.19$) were also the closest match in attractiveness $t(48) = -.10$, $p = .92$. In terms of likability, photo 1 ($M = 4.12$, $SD = 1.19$) and photo 11 ($M = 4.18$, $SD = 1.03$) were the closest match $t(48) = -.34$, $p = .74$, with photo 6 ($M = 4.45$, $SD = 1.25$) as the second closest match $t(48) = 1.59$, $p = .12$ and not significantly different. Photo 6 was therefore overall the closest match to Photo 1. As a result, photo 1 and photo 6 were chosen to depict the Indigenous and White victims, respectively, in the main study.

Main Study

Participants

Participants in the main study were recruited through a Qualtrics panel ($N = 427$). As in the pilot study, all participants responded to a screening questionnaire to confirm they are eligible for jury duty, then consented to participate (see Appendix B & C). Participants who complete the study were compensated approximately \$2.00 to \$3.00 USD.

Although 1415 people responded to the survey, 453 did not consent to participate, 317 were not jury eligible, and 18 completed the survey in less than one-third of the median time. A total of 182 participants failed attention checks and 279 failed manipulation checks.¹ Four hundred twenty-seven participants completed the study. Of these participants, 209 identified as male, 216 as female, and 1 as non-binary. Participants' ages ranged from 18 to 81 ($M = 51.11$, $SD = 15.71$). Participants identified as Asian (7%, $N = 31$), Black (2%, $N = 7$), East Indian (1%, $N = 5$), First Nations, Métis, or Inuit (2%, $N = 9$), Hispanic/Latino (1%, $N = 4$), Middle Eastern (0.002%, $N = 1$), South Asian (0.002%, $N = 1$), and White (85%, $N = 366$). Two participants declined to provide specific racial information. Of the participants who reported educational information, 52 had an associate's degree, 112 had a bachelor's degree, 13 had a doctoral degree, 35 had a Master's degree, and 82 had a high school diploma or equivalent. Seven participants reported less than high school education, and 30 reported having some post-secondary, but no degree. Participants' political affiliations were mixed, with 86

¹ A total of 56 participants failed the victim race manipulation check when the victim was White, whereas 42 failed when the victim was Indigenous. Similarly, 40 participants failed the defendant race manipulation check when the defendant was White and 21 failed when the defendant was Indigenous. Forty-seven participants were unable to identify that the victim sold sex, while 73 were unable to identify that the victim sold a phone.

supporting the Conservative party, 23 supporting the Green Party, 4 supporting Le Bloc Quebecois, 97 supporting the Liberal Party, and 60 supporting the New Democrat Party. One hundred fifty-five participants reported no political affiliations.

Materials

Victim and defendant photos. Photos of the victim matched in the pilot study were used in the main study. Participants viewed previously matched photos of an Indigenous or White male as a manipulation of defendant race.

Trial transcript. Participants read one of eight versions of a trial transcript (see Appendix D). Within these transcripts, victim race (Indigenous, White), defendant race (Indigenous, White) and victim work in the sex trade (sex worker, non-sex worker) were varied. Case facts described the victim and the defendant's race, gender, and age. Race-specific names were also used to indicate the race of the victim and defendant. When the victim was a sex worker, the defendant propositioned the victim for sex in their initial conversation.

Juror questionnaire. Participants responded to the juror questionnaire (see Appendix F). After reading the instructions, participants gave their verdict (guilty of first-degree murder, guilty of second-degree murder, not guilty). As this study did not include a deliberation component, open-ended questions were used to understand why participants reached their verdict decision. Participants responded to two open-ended questions depending on their verdict preference. For example, participants who reached a verdict of first-degree murder responded to two questions: "assume you are in a jury room with jurors with a verdict of second-degree murder. How would you convince them to change their verdict?" These participants were also asked "assume you are in a jury

room with jurors with a verdict of not guilty. How will you convince them to change their verdict?” Participants with a verdict of guilty of second-degree murder were asked to convince jurors with the verdict of guilty of first-degree murder and not guilty to change their verdicts. Participants with a verdict of not guilty were asked to convince jurors with the verdict of guilty of first-degree murder and guilty of second-degree murder to change their verdicts.

Responsibility and blame scale. To my knowledge, there is not a validated measure of attributions of victim blame and responsibility for homicide. As such the measure used in this study was adapted from Ayala, Kotary, and Hetz (2015) and Sperry and Sigel (2013) to assess victim blame and responsibility using a 5-point Likert-type scale from 1 (strongly disagree) to 5 (strongly agree) for three items. This questionnaire included items such as “[name of victim] acted carelessly on the night of her death” and “[name of the victim] was responsible for the events of that night.” These items are part of two scales that measure victim blame and responsibility in a sexual assault context.

Beliefs for Self and Others Scale. Jurors also responded to the Beliefs for Self and Others Scale (Lucas, Zhandova, & Alexander, 2011), which measures just world beliefs. It uses a 7-point Likert-type Scale from 1 (strongly disagree) to 7 (strongly agree) for 16 items. The Beliefs for Self and Others Scale has four subscales assessing distributive justice beliefs for others and self, as well as procedural justice beliefs for others and self. It uses items such as “I feel that other people generally earn the rewards and punishments they get in this world” and “regardless of the specific outcomes I receive, I am generally subjected to fair procedures.” This measure demonstrated strong internal consistency ($\alpha = .92$).

Feeling thermometers. Feeling thermometers are a tool used to assess explicit attitudes towards a group (Esses, Haddock, & Zanna, 1993). Participants rated the perceived favourability towards Indigenous people, and sex workers, on a scale ranging from 0 degrees (very unfavourable) to 100 degrees (very favourable).

Adjective Checklist. Adjective checklists are a measure designed to assess opinions and beliefs about a group of people (Siperstein, 2007). Participants were asked to indicate the extent that 10 adjectives identified in the literature as a stereotype about sex workers (Corteen, 2018; Jiwani & Young, 2006; Lucas, 1995) or Indigenous women (Morrison et al., 2008) applied to the victim on an 11-point scale. For example, response options regarding the stereotype of immoral included -5 (immoral), 0 (neither), and 5 (moral).

Manipulation and attention checks. Three questions about the victim and the defendant's race, as well as the victim's occupation, were used to determine whether participants correctly remembered these details. Additionally, two attention checks regarding transcript details (location of the crime and cause of death) were included to ensure participants read the transcript. Two attention checks, in which participants are required to select a specific response, were placed in the juror questionnaire. The responses of participants who failed the manipulation or attention checks were excluded from further analysis.

Demographics. Participants indicated their gender, racial/ethnic background, political orientation, age, and educational level.

Procedure

Participants were community members recruited from a Qualtrics panel, an online platform where researchers can distribute surveys to participants who recruited to panels through advertisements, referrals, or social media. Qualtrics then contacts panel members about participation in specific studies through email (Qualtrics, n.d.). They were informed that this study examines “jury decision-making.” Participants received a link through Qualtrics that brought them to the initial screening page. Those who replied to the ad were screened to ensure they are eligible for jury duty in Canada (Appendix B) and then gave informed consent (Appendix C). Participants had the option to withdraw from the study at any time.

Participants who consented were randomly assigned to read one of the eight versions of the trial transcript. Next, they responded to the juror questionnaire (see Appendix F). First, participants indicated their verdict. Depending on their verdict preference, participants answered two questions about how they would convince jurors with other verdict preferences to change their verdict. After this, participants answered two attention check questions about transcript details and completed manipulation check questions regarding the race of the victim and defendant, as well as the occupation of the victim. Participants were unable to refer to the transcript for these or any other questions. Participants were then asked to complete measures assessing responsibility and blame, belief in a just world, feelings toward people who are Indigenous or work in the sex trade, and an adjective checklist (in counterbalanced order). These measures contained two attention checks. Participants indicated their demographic information, were debriefed (Appendix G) and gave consent for their data to be retained (Appendix H).

Design

Mixed Methods

This study had a mixed-methods design, as data collection and analysis used both qualitative and quantitative methods (Teddlie & Tashakkori, 2009). Integration of multiple methods of inquiry through a mixed-methods design allows for a research question to be assessed from multiple perspectives while improving the overall validity of the results (Campbell & Fiske, 1959; Denzin & Lincoln, 2005; Johnson, Onwuegbuzie, & Turner, 2007). Data analysis (qualitative and quantitative) occurred using concurrent triangulation design (Creswell, Plano Clark, Gutmann, & Hanson, 2003). Results were considered through embedding, by first examining the quantitative data, then using the qualitative data to explain the findings further. The integration of two methods resulted in an improved overall understanding of the reasons jurors reached a specific verdict decision (Creswell, 2009).

Quantitative

The quantitative aspect of this study had a 2 (Victim race: Indigenous, White) x 2 (Victim work in the sex trade: sex worker, non-sex worker) x 2 (Defendant race: Indigenous, White) factorial design.

Qualitative

Content analysis was used to analyze mock jurors' responses to two open-ended questions.

Results

Verdict

Displayed in Table 1 is a summary of mock juror verdicts across conditions. The predictor variables of defendant race (0 = White, 1 = Indigenous), victim race (0 = White,

1 = Indigenous) and victim work in the sex trade (0 = non-sex worker, 1 = sex worker) were dummy coded for all models. A hierarchical multinomial logistic regression analysis was used to determine if defendant race, victim race, and victim work in the sex trade could predict mock juror verdicts (0 = not guilty, 1 = guilty of first-degree murder, 2 = guilty of the lesser included charge of second-degree murder [H1]). I also examined whether the product terms representing the two-way interactions between victim race and work in the sex trade and victim race and defendant race, as well as the three-way interaction between defendant race, victim race, and victim work in the sex trade, could predict verdict. Although the model was not significant, $\chi^2(12) = 64.71, p = .71$, defendant race was significantly associated with verdict. Compared to White defendants, Indigenous defendants had 2.94 times higher odds of being found guilty of first-degree murder, compared to not guilty, $b = 1.08, SE = .53, \text{Wald's } \chi^2(1) = 4.08, p = .04, e^b = 2.94$ (95% CI [1.03, 8.35]). As demonstrated in Table 2, victim race, victim work in the sex trade and all of the hypothesized interaction terms were not significantly associated with verdict. Not guilty was the reference group.

Table 1

Summary of Mock Juror Verdicts Across Conditions

Defendant race	Victim race	Victim work in the sex trade	Verdict		
			Guilty of first-degree murder	Guilty of second-degree murder	Not guilty
Indigenous	Indigenous	Sex worker	7	37	22
		Non-sex worker	6	29	15
Indigenous	White	Sex worker	3	27	21
		Non-sex worker	3	32	15

White	Indigenous	Sex worker	6	28	16
		Non-sex worker	6	23	21
White	White	Sex worker	5	31	14
		Non-sex worker	12	28	20

Table 2

Multinomial Logistic Regression with Defendant Race, Victim Race and Victim Work in the Sex Trade as Predictors of Mock Juror Verdict Preference (N = 427)

Predictor	Verdict	<i>B</i>	<i>SE</i>	<i>p</i>	<i>Wald's X²</i>	<i>e^b</i>
Defendant race	First-degree murder	1.08	.53	.04	4.08	2.94
	Second-degree murder	.06	.30	.85	.03	1.06
Victim race	First-degree murder	.80	.58	.17	1.89	2.22
	Second-degree murder	.48	.40	.23	1.43	1.61
Victim work in the sex trade	First-degree murder	.59	.50	.24	1.38	1.81
	Second-degree murder	.03	.30	.92	.01	1.03
Defendant race X Victim race	First-degree murder	-1.41	.85	.09	2.73	.24
	Second-degree murder	-.62	.53	.24	1.37	.54
Victim race X Victim work in	First-degree murder	-.83	.84	.30	1.07	.42

the sex trade	Second-degree murder	-.50	.53	.35	.89	.60
Defendant race X Victim race X	First-degree murder	.50	.93	.59	.29	.89
Victim work in the sex trade	Second-degree murder	.61	.60	.31	1.02	1.84

Victim Blame

Table 3 displays a summary of victim blame by condition. Prior to testing hypothesis 2, I tested the internal consistency of the victim blame, carelessness, and responsibility scales. These scores were combined into a single victim-blame measure, which was used as the criterion variable ($\alpha = .71$; Santos, 1999). Listwise deletion was used to remove missing data prior to analysis. A multiple linear regression was used to determine if victim race (0 = White, 1 = Indigenous) and work in the sex trade (0 = non-sex worker, 1 = sex worker) could predict perceived victim blame. The overall regression model, $F(2, 419) = 1.80, p = .17, R^2 = .01$, as well as the interaction was not significant, $B = -.15, SE = .17, p = .38$. See Table 4 for all regression coefficients.

Table 3

Mock Juror Blame for Victims by Condition

Victim race	Victim work in the sex trade	Victim blame	
		<i>M</i>	<i>SD</i>
Indigenous	Sex worker	3.02	.90
Indigenous	Non-sex worker	3.01	.80
White	Sex worker	3.23	.91
White	Non-sex worker	3.07	.83

Table 4

*Hierarchical Linear Regression with Victim Race and Work in the Sex Trade Predicting**Victim Blame (N = 422)*

	<i>R</i>	<i>R</i> ²	<i>Adjusted R</i> ²	ΔR^2	<i>B</i>	<i>SE_B</i>	95% CI		β	<i>p</i>
							LL	UL		
Step 1										
Constant	.09	.01	.004	.01	3.11	.72	3.00	3.25		.00
Victim Race					-.14	.08	-.30	.03	-.08	.10
Victim Work in the Sex Trade					.08	.08	-.08	.25	.05	.32
Step 2										
Constant	.10	.01	.003	.002	3.07	.08	2.91	3.24		.00
Victim Race					-.06	.19	-.30	.17	-.04	.59
Victim Work in the Sex Trade					.16	.19	-.08	.39	.09	.18
Victim Race X Victim Work in the Sex Trade					-.15	.17	-.48	.18	-.08	.38

A multiple linear regression was conducted to test the hypothesis that victim blame would predict a mock juror's verdict preference (H2c). First, verdicts were dummy coded as (guilty of first-degree murder = 1, guilty of second-degree murder = 0, not guilty = 0) and (guilty of first-degree murder = 0, guilty of second-degree murder = 1, not guilty = 0) to categorize participants by verdict choice. Not guilty was the reference group. The overall regression model was significant, $F(2, 421) = 35.09, p < .001, R^2 = .14$. Results supported hypothesis 2c: victim-blame was a significant predictor of the verdict

of guilty of first-degree murder, $B = -1.07.$, $SE = .13$, $p < .001$, as well as the verdict of guilty of second-degree murder, $B = -.46$, $SE = .09$, $p < .001$. Therefore, mock jurors who found the defendant guilty of first-degree murder or the lesser included charge of second-degree murder attributed less blame to the victim than those who found the defendant not guilty.

Table 5 displays mock juror feelings towards Indigenous people by condition. Before testing hypothesis 2d, a visual inspection of the frequency distributions and Q-Q plots was performed. As demonstrated in Figure 1, the distribution was not normal. Since there appeared to be multiple distributions, the data was split into quartiles. I then conducted a one-way ANOVA to compare the four quartiles on victim blame. The relationship between feelings toward Indigenous people and victim blame was not significant, $F(3, 205) = 2.22$, $p = .09$.

Figure 1. Distribution of feelings toward Indigenous people.

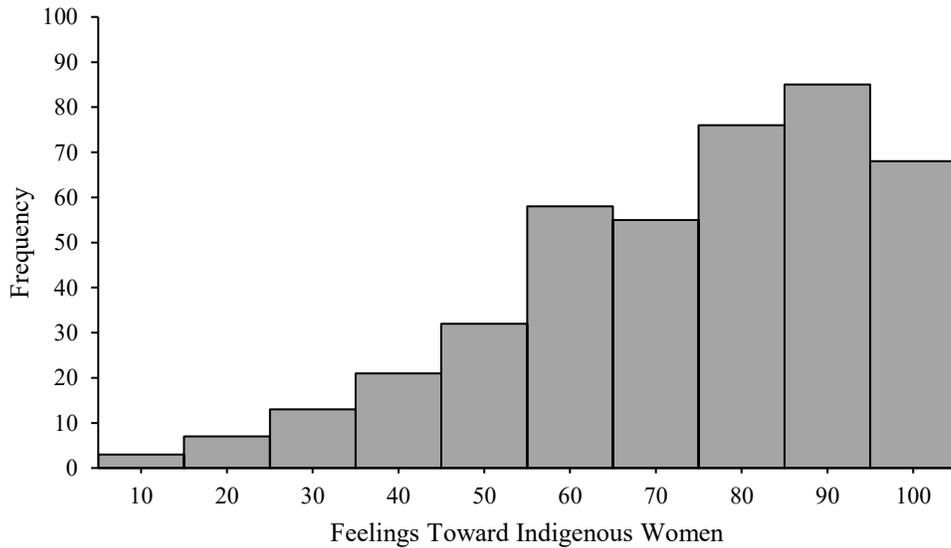


Table 5

Summary of Mock Juror Feelings Toward Indigenous People by Condition

Victim race	Victim work in the sex trade	Feelings toward Indigenous people	
		<i>M</i>	<i>SD</i>
Indigenous	Sex worker	69.26	20.80
Indigenous	Non-sex worker	68.11	20.52

Table 6 displays mock juror feelings towards sex workers by condition. A multiple linear regression was conducted to test the hypothesis that feelings toward sex workers would predict blame for sex worker victims with victim race as a moderator (H2e). The overall regression model was significant, $F(2, 201) = 14.73, p < .001, R^2 = .13$. There was a main effect of feelings toward sex workers on victim blame, $B = -.01, SE = .002, p < .001$, indicating that each one unit increase in feelings toward sex workers results in -.01 increase in blame for sex worker victims. The interaction between feelings toward sex workers and victim race was not a significant predictor of victim blame, $B = -.001, SE = -.03, p = .88$. See Table 7 for all regression coefficients.

Table 6

Summary of Mock Juror Feelings Toward Sex Workers by Condition

Victim race	Victim work in the sex trade	Feelings toward sex workers	
		<i>M</i>	<i>SD</i>
Indigenous	Sex worker	52.20	23.76
White	Sex worker	51.66	27.09

Table 7

Hierarchical Multiple Regression with Feelings Toward Sex Workers Predicting Blame for Sex Worker Victims, Moderated by Victim Race (N = 204)

	<i>R</i>	<i>R</i> ²	<i>Adjusted R</i> ²	ΔR^2	<i>B</i>	<i>SE</i> _{<i>B</i>}	95% <i>CI</i>		β	<i>p</i>
							LL	UL		
Step 1										
Constant	.36	.13	.12	.13	3.86	.15	3.56	4.15		.00

Feelings Toward Sex Workers Victim Race										
Step 2										
Constant	.36	.3	.11	.00	3.83	.19	3.47	4.20		.00
Feelings Toward Sex Workers Victim Race										
Feelings Toward Sex Workers Victim Race										
Feelings Toward Sex Workers Victim Race										

To determine which stereotypes about Indigenous women or sex workers participants endorsed, I conducted linear regression analyses with victim race or victim work in the sex trade as predictor variables and each adjective as the dependent variable. I used the Benjamini-Hochberg False Discovery Rate to adjust the Type 1 error rate due to the high number of tests conducted. The stereotypes of poor, addicted to alcohol, addicted to drugs, dependent on welfare, criminal, uneducated, immoral, unreliable, involved in high-risk activity and promiscuous were significantly more likely to be endorsed when the victim was depicted as a sex worker ($ps < .005$). The stereotypes of poor, dependent on welfare, and uneducated were endorsed more often for the victim depicted as Indigenous ($ps < .04$). These stereotypes were summed, then averaged to create an overall measure of stereotypes for sex workers and Indigenous women, respectively.

I used a linear regression to test the prediction that the endorsement of stereotypes about sex workers would predict victim blame (H2g). The regression model was significant, $F(1, 374) = 33.23, p < .001, R^2 = .08$. Endorsement of stereotypes about sex workers was a significant predictor of victim blame, $B = -.18, SE = .03, p < .001$. As stereotype endorsement about sex workers move from negative (for example, immoral or criminal) to positive (for example, moral or non-criminal), victim blame decreases.

I used a linear regression to test the prediction that the endorsement of stereotypes about Indigenous women would predict victim blame (H2i). The regression model was significant, $F(1, 386) = 21.88, p < .001, R^2 = .54$. Endorsement of stereotypes about Indigenous women was a significant predictor of victim blame, $B = -.14, SE = .03, p < .001$. As endorsement of stereotypes about Indigenous women moves from negative (for example, poor or uneducated) to positive (for example, rich or educated), victim blame decreases.

Just World Beliefs

I used a multiple linear regression to test the hypothesis that mock jurors with higher levels of just world beliefs would be more likely to blame the victim and that victim blame would be moderated by a victim's race and work in the sex trade (H3). The overall regression model was not significant $F(3, 406) = 3.79, p = .01, R^2 = .03$. As demonstrated in Table 8, hypothesis 3 was not supported, as the interaction between just world beliefs, victim race, and victim work in the sex trade was not significant, $B = -.17, SE = .20, p = .38$.

Table 8

Hierarchical Multiple Linear Regression with Just World Beliefs Predicting Victim Blame, Moderated by Victim Race and Victim Work in the Sex Trade (N = 410)

Predictor	R	R ²	Adjusted R ²	ΔR ²	B	SE _B	95% CI		β	p
							LL	UL		
Step 1										
Constant	.17	.03	.02	.03	2.48	.23	2.02	2.94		
Just World Beliefs					.14	.05	.04	.23	.13	.01
Victim Race					-.13	.08	-.29	.04	-.07	.14
Victim Work in the Sex Trade					.11	.08	-.06	.28	.06	.19
Step 2										
Constant	.21	.04	.03	.01	3.04	.37	2.31	3.76		
Just World Beliefs					.003	.08	-.16	.16	.00	.97
Victim Race					-.44	.46	-1.32	.47	-.26	.34
Victim Work in the Sex Trade					-.63	.46	-1.55	.28	-.37	.17
Victim Race X Victim Work in the Sex Trade					-.16	.17	-.49	.17	-.08	.34
Just World Beliefs X Victim Race					.01	.10	-.11	.28	.24	.17
Just World Beliefs X Victim Work in the Sex Trade					.18	.10	-.01	.39	.50	.35

the Sex Trade Step 3										
Constant	.21	.04	.03	.002	3.20	.41	2.38	4.01		
Just World Beliefs					-.03	.09	-.21	.15	-.03	.00
Victim Race					-.82	.63	-2.08	.42	-.48	.71
Victim Work in the Sex Trade					-1.01	.63	-2.27	.424	-.59	.11
Victim Race X Victim Work in the Sex Trade					.63	.91	-1.18	2.43	.32	.50
Just World Beliefs X Victim Race					.17	.14	-.10	.45	.47	.21
Just World Beliefs X Victim Work in the Sex Trade					.27	.14	-.01	.45	.73	.55
Just World Beliefs X Victim Race X Victim Work in the Sex Trade					-.17	.20	-.56	.23	-.41	.38

Content Analysis

This section considers the impact of the victim characteristics of race and work in the sex trade in participants' verdict justification for a mock trial. Content analysis is a

qualitative research method through which participants' responses are inductively categorized based on theory and research questions (Hsieh & Shannon, 2005). This analysis was used to analyze mock jurors' responses to an open-ended question, in which participants were asked to explain their verdict to other, hypothetical jurors with a different verdict preference. The purpose of this analysis was to understand further how participants justified their verdict decisions (Downe-Wambolt, 1992).

Content analysis occurred in five steps. First, the data was condensed into meaning units or main points of the responses from which the codes were developed. Codes are labels applied to the condensed text. The codes were organized into categories based on the topic (Erlingsson & Brysiwicz, 2017). Next, the codes were categorized, based on content, into themes. Themes were used to determine the intrinsic meaning of the data (Weber, 2008).

Themes were compared using constant comparisons, used in grounded theory (Glaser & Strauss, 1967). Through this method, the similarities and differences in mock jurors' justification of their verdict preference between and within conditions were compared (Charmanz, 2000). Differences in verdict justification were established using levels of consistency. Highly consistent verdict justifications did not occur in any other condition and fit well with the theme and the literature, whereas moderately consistent justifications occurred to some extent in other conditions; however there were differences in the language used, or juror's focus was not on the theme of discussion. Themes that were not consistent in their presentation across conditions were not compared (Graneheim & Lundman, 2004).

Responses suggest that while some mock jurors reached their verdict decision through consideration of the evidence and the judge's instructions, others developed stories about the interactions between the victim and defendant that varied in their alignment with the narrative outlined in the trial transcript. Many mock jurors gave legally relevant justifications for their verdict decisions; however, these responses were not included in the analysis, as the focus of this research was the relationship between extralegal information, verdict, and victim blame. Verdict justifications appear to be shaped by three interrelated themes: victim-blaming, stereotypes, and perspective-taking (identification with the victim or defendant).

Victim Blame

A central theme in this analysis is the role the victim's actions or lifestyle had in their victimization. Attributing fault to the victim and lack of perceived intent of the defendant both link to the victim's race or work in the sex trade, as these arguments were not used for verdict justification when the victim was a White non-sex worker. Some jurors thought the victim's death was the consequence of her work in the sex trade; others believed that the victim's interactions with the defendant caused her death.

Intent appeared to play a role in verdict decisions and victim blame. The participants who focused on the victim's work in the sex trade justified their verdict by claiming that the defendant did not have the required intent to be guilty of either first or second-degree murder, as his sole intent was sex (moderate consistency). In these cases, the victim was to blame because as stated by one juror:

He only wanted sexual favours which she offered. He did not lure her into his hotel room under false pretenses. His attentions were sex, nothing else. They were supposed to prove intent; there was nothing. *-Mock juror, not guilty verdict, White sex worker victim*

When a participant perceived the defendant's intent to be purchasing sexual services, they blamed the victim for her death. In many cases where the victim was blamed, the defendant was also found not guilty.

Interestingly, a similar justification was used by jurors with the verdict of guilty of second-degree murder. These jurors believed the defendant intended to purchase sex, but as described in the defendant's testimony, a confrontation occurred. These jurors appeared to attribute blame to both the defendant and the victim.

He only wanted to purchase sex, and when confronted used unreasonable force. – *Mock juror, second-degree murder verdict, Indigenous sex worker victim*

I believe [the defendant] wanted sex, not murder. I believe he was attacked but responded with too much force. – *Mock juror, verdict of second-degree murder, White sex worker victim*

While the victim was perceived to have started the altercation, the defendant's response was considered to be disproportionate to the situation (high consistency).

When some jurors focused on the sex sold by the victim for their verdict justification, they pointed to the fact the victim asked for more money at the wrong time, an action that resulted in her death. Although these jurors found the defendant guilty of second-degree murder, their verdict justifications did contain some indications of victim-blaming as demonstrated in the statement below.

Looking at the facts, why would the defendant plan to kill [the] victim. As I see it, he really was just expecting the same treatment as the night before, and why didn't the victim say she wanted more money the second night before anything happened. The defendant would say no. – *Mock juror, verdict of guilty of second-degree murder, White sex worker victim*

Comparatively, some jurors believed the victim engaged in actions that resulted in her death, making her blameworthy. Although the results in the previous section indicated

that victim race or work in the sex trade was not related to victim blame, jurors blamed victims portrayed as an Indigenous sex worker for their victimization, believing the victim's actions resulted in their death (moderate consistency). For example,

“All I got was the fact that she is dead in a circumstance of her own choosing (i.e., she was the aggressor) and he has no prior record of unlawful aggression.” – *Mock juror, not guilty verdict, Indigenous sex worker victim*

I would ask them to consider the circumstances of the night that the death occurred. I would have them consider the reason these two people were together in the first place and to think about all of the possible outcomes that could happen within such an environment. -*Mock juror, not guilty verdict, Indigenous sex worker victim*

This tone of victim-blaming also occurred when the victim was Indigenous and not a sex worker. In the transcript, the defendant identified the victim's request for more money as the reason for the altercation. The narrative of these jurors focused on how the victim's actions resulted in her death (moderate consistency).

[The victim] caused her misfortune... They could have just called off the deal—just another deal that went wrong. -*Mock juror, second-degree murder verdict, Indigenous non-sex worker victim*

In contrast, when the victim was a White non-sex worker, mock jurors tended to focus on the actions of the defendant, questioning his character and story (moderate consistency).

The sub-themes identified in this section indicate that for some jurors, the victim's race or work in the sex trade is a factor in the victim's blameworthiness. In these cases, mock jurors attributed blame to the victim because they believed she put herself in danger.

Victim Stereotypes

Jurors in this study also used stereotypes about the victim to explain and justify their verdict decision and chosen narrative about the interactions between the victim and defendant. Speculation or assumptions about the victim differed depending on victim race

and the victim's work in the sex trade. Additionally, stereotypes were used as a justification for attributing blame to the victim.

Sex work. Mock jurors contemplated stereotypes regarding sex work, dangerousness, and drug use for victims who were Indigenous non-sex workers. For multiple jurors, the assumption that the victim was selling sex was reasonable when the victim was Indigenous. Their justification of why other jurors should consider the verdict of not guilty included speculation that the victim met the defendant to sell sex (high consistency). For example:

I think she came there with alternate motives... if selling [the defendant] a phone, it should only take a few minutes. Why did her boyfriend leave her there? Was she also trying to sell herself? -*Mock juror, not guilty verdict, Indigenous non-sex worker victim*

Was she really selling phones or was she selling sex? Too many unanswered questions and I think that women can be abusers as well as men. I find him not guilty. -*Mock juror, not guilty verdict, Indigenous non-sex worker victim*

In contrast, one mock juror perceived a victim who was a White, non-sex worker differently. Their justification of their verdict of not guilty included the statement:

[The victim's] boyfriend was aware of where she was, so sexual reasons...is an unreasonable assumption. -*Mock juror, not guilty verdict, White non-sex worker victim*

This assumption was made by some mock jurors who were presented with an Indigenous victim. As a result, victim race appeared to be linked with the perception that victim was engaging in sex work. Other illegitimate activities, such as extortion or swindling, were assumed when the victim was White. For example, some white victims who did not sell sex to the defendant were considered to be criminal, poor, or sketchy. These mock jurors who perceived the victim to be involved in some form of illegal activity also rendered a verdict of not guilty (high consistency).

She seemed like a grifter and not as above board as she would appear. -*Mock juror, White non-sex worker victim*

I believe he was the victim of a criminal set up gone wrong. -*Mock juror, White non-sex worker victim*

Given the prevalence of the stereotype of Indigenous women as sex workers, it is not surprising that it was identified by numerous jurors; however, it is notable that this information was used as justification for their verdict of not guilty.

Violent. As the following sub-theme demonstrates, the perceived threat of the victim was not consistent across conditions, as victims who were Indigenous or made a living through sex work were perceived as more violent or dangerous. Concern regarding the violent potential of the victim referred specifically to anger occurred in conditions where the victim was portrayed as an Indigenous non-sex worker. Many mock jurors considered the threat of the victim's anger as evidence supporting the defendant's claim of self-defence. Notably, while the victim's potential to harm the defendant was considered when the victim was non-Indigenous, the danger posed by the victim's anger was only explicitly mentioned when the victim was Indigenous (moderate consistency).

Do you believe a married man with two children and a wife would be capable of killing another? A woman with a knife could be a vicious attacker. -*Mock juror, not guilty verdict, Indigenous non-sex worker victim*

A woman's rage can cause them to do things they wouldn't usually in the way of strength and size. -*Mock juror, not guilty verdict, Indigenous non-sex worker victim*

Furthermore, most mock jurors who listed the victim's anger as the reason they threatened the defendant believed the defendant's self-defence claim and rendered a verdict of not guilty. These mock jurors justified the defendant's fear of the victim's

violence in their identification with the defendant. Some also simultaneously blamed the victim and endorsed the defendant's claim of self-defence.

She demanded more money; she came at him with the knife. What would you do? Wouldn't you protect yourself? Yes, you would. You should find him innocent. – *Mock juror, not guilty verdict, Indigenous sex worker victim*

White sex workers were also believed to be dangerous, indicating that other factors may motivate this perception. The story constructed by these jurors focussed on the belief that the defendant was the real victim, and they rendered a verdict of not guilty (moderate consistency).

The intent to harm was on the part of the victim. – *Mock juror, White sex worker victim*

Why did she bring a knife with her? She was planning on using it. If she brought the knife, then she had the intention of hurting him, so his only option was self-defense. *Mock juror, White sex worker victim*

The danger faced by the defendant was mentioned by a small proportion of mock jurors when the victim was a White non-sex worker; however, their focus was on the threat of the knife, not the violent character of the victim (moderate consistency). In justifying their verdict decision, one mock juror noted,

His strength and weight along with fear for his life against her knife would be no match. I can see him trying whatever he could to stop her from stabbing him. At this point, he wasn't thinking of excess control of the situation, he just wanted to save his life and get away. – *Mock juror, not guilty verdict, White, non-sex worker victim*

Victims portrayed as sex workers or Indigenous were considered violent due to their anger or the possible dangerousness, in contrast to White non-sex workers who were considered a threat because of a weapon. A focus on the inherent threat of the victim was not present when they were portrayed as White, indicating jurors who focused on

extralegal information may hold a stereotype about the violent nature of Indigenous women and women who engage in sexual activity for payment.

Drug use. Suspicions regarding drug use occurred only Indigenous victims.

Although the agreed statement of facts, as well as the forensic pathologist's testimony, indicated that the victim had not consumed alcohol or drugs, some mock jurors did not recall this information (high consistency).

No toxicology report was done on her. *-Mock juror, not guilty verdict, Indigenous non-sex worker victim*

The doctor mentioned puncture wounds on [the victim's] arms, not cuts...maybe [the victim] had been using drugs. *-Mock juror, not guilty verdict, Indigenous sex worker victim*

A focus on this information as a justification for verdict was not present when the victim was White (high consistency). As noted in the previous section, the victim's work in the sex trade was predictive of the stereotype of drug use, whereas the victim's race as Indigenous did not predict this stereotype. Despite these findings, mention of possible substance use as a justification for verdict only occurred when the victim was Indigenous, indicating that while this stereotype was important to the decision-making of a few jurors, it was not widely held.

Stereotypical perceptions of the victim shaped the narrative created by these jurors. Significantly, many mock jurors who identified stereotypes about the victim also represented the victim's actions as problematic or blameworthy in their verdict justification.

Perspective Taking

Related to the themes of victim blame and victim stereotypes was the theme of perspective-taking. Many jurors identified with the victim or defendant while justifying

their verdict. More specifically, the narratives of these jurors focussed on how they or other jurors may feel if placed in the position of the victim or defendant.

Some jurors contrasted the perceived character of the defendant with the victim's character. To convince others of their verdict, these mock jurors questioned how other, hypothetical jurors would respond in the described scenario. The stories created by these jurors also suggested that they believed other jurors would have more in common with the defendant than the victim (moderate consistency).

The defendant had no previous record of any kind of violence... I would try and have the other jurors put themselves in the defendant's shoes of what they might have done if they feared for their life. -*Mock juror, not guilty verdict, Indigenous sex worker victim*

His story sounds more convincing than to kill her without paying \$60.00... Put yourself in his position. She is a professional at this and it sounds like she tried to take advantage of the situation. -*Mock juror, verdict of guilty of second-degree murder, Indigenous sex worker victim*

Mock jurors who identified with the defendant implied that the defendant was the true victim. Some of these mock jurors also attributed either full or partial blame for the situation to the victim. Although these responses do not mention the victim's race, identification with the defendant occurred primarily when the victim was portrayed as Indigenous (moderate consistency). Accordingly, these responses link to the stereotype that Indigenous women are dangerous.

In contrast, those who took the perspective of the victim identified aspects of the victim's character or behaviour that simultaneously justified her actions and found partial fault in the actions of the defendant. Moreover, the story developed by these jurors indicates that they relate more to the victim than the defendant. Correspondingly, in these

cases, blame is attributed to the defendant, not the victim (highly consistency). For example,

The ridiculousness of the scenario – a 110-pound mother of three, pulls a knife on powerful male, to rob or extort \$60.00 in his residence, only to defend herself. Would that fairytale ever happen? -*Mock juror, verdict of guilty of first-degree murder, White non-sex worker victim*

Other mock jurors recognised the danger of sex work. Knowledge of this danger appeared to influence the story of why the victim would have a knife with her. While many other jurors blamed the victim for introducing a knife into the scenario, these jurors interpreted this evidence differently (high consistency). Two participants summarized their verdict decision and justification of the knife for the safety of the victim in the following manner:

[The] victim was in a very dangerous profession, so having a weapon to protect herself is completely logical... [The] defendant should [be able to] easily disarm her though. -*Mock juror, verdict of guilty of first-degree murder, White sex worker victim*

[The victim] had a knife in her purse for her own protection to use in case of being attacked in her profession as a sex worker... [the victim] took out her knife to defend herself when she knew that he was going to harm her” -*Mock juror, verdict of guilty of first-degree murder, White sex worker victim*

In this case, these jurors perceived the victim to be a true victim, in contrast to the jurors who identified with the defendant and believed he was the victim. Many of the participants who took the perspective of the victim also found the defendant guilty of first-degree murder.

The data indicate that the evidence, in addition to mock jurors' interpretation of the scenario, plays a role in verdict decisions. For example, while participants with other verdicts tended to perceive the knife as evidence that the victim was a threat to the defendant, all participants who identified reasons that a sex worker victim may have

carried a knife rendered a verdict of first-degree murder. Although some mock jurors who rendered a verdict of guilty of second-degree murder had similar reasoning regarding the victim's knife, for these jurors, partial blame was attributed to the victim for her role in her death (moderate consistency).

I think the victim may have taunted or spoken in a disparaging way to the defendant, causing him to become enraged. I believe she carried a knife due to the dangers of her work and tried to use it in self-defense. -*Mock juror, second-degree murder verdict, White sex worker victim*

It might have been that she carried [the knife] for safety and when she attacked the accused, he was surprised as she had already asked for one amount and this had been agreed upon. -*Mock juror, second-degree murder verdict, White sex worker victim*

The jurors who identified with the victim focused on the victim's family or the potential dangerousness of her work. Furthermore, the narrative of these jurors indicates that they believed that the victim was the true victim.

Overall, the person a juror identifies with appears to link to the story a juror develops and their interpretation of the evidence. This analysis demonstrates that there may be a subtle form of bias against Indigenous women and sex workers influenced by elements not present in short responses about why a juror reached a specific verdict. However, as the reasons identified by this subset of mock jurors as key in verdict decisions diverged from the evidence and jury instructions, it is evident that this extralegal information factors into the decision-making process of some.

Discussion

This study sought to gain an understanding of Canadian jurors' perceptions of victims who are Indigenous or engage in sexual activity for payment. Overall, results suggest that in a first-degree murder trial, perceptions of a victim play a role in victim

blame; however, the extralegal information of victim race and work in the sex trade does not significantly affect verdict decisions. However, endorsement of negative stereotypes about sex workers and Indigenous women, as well as negative evaluations of sex workers, may be related to victim blame. Furthermore, mock jurors' verdict justifications indicate that while these factors are essential in the decision-making process of a few jurors, decisions are based mainly on jury instructions and the evidence presented.

Verdict

Defendant race. As predicted, Indigenous defendants were significantly more likely to be found guilty than White defendants. Previous research regarding the impact of defendant race is mixed. Maeder and Burdett (2013) suggest that Indigenous defendants may be more likely to be found guilty than White defendants. However, Clow et al. (2013) determined that guilty verdicts are equally likely for Indigenous and White defendants. In related research, Maeder and Yamamoto (2018) found White defendants more likely to be found guilty than Indigenous or Black defendants. McManus et al. (2018) suggest that mock jurors may suggest harsher sentences for Indigenous defendants compared to White or Black defendants when race is salient.

Commonly related to criminality, stereotypes about Indigenous men categorize them as criminal, violent, dangerous, or aggressive (Morrison et al., 2008). As a result, mock jurors may have perceived the Indigenous defendant to be a stereotypical offender. As stereotypes may affect mock juror perceptions of defendants, interpretation of evidence, and the likelihood of conviction (McKimmie, Masters, Masser, Schuller, & Terry, 2012), stereotype-consistent information may have affected juror decisions for Indigenous defendants. Indigenous people are overrepresented as persons in custody

(Roberts & Reid, 2017); therefore, these results provide further support for the idea that Canadian jurors may harbour some bias toward Indigenous defendants.

Victim race. Contrary to predictions and some literature (Maeder & Yamamoto, 2018; Pfeifer & Ogloff, 2003), victim race did not significantly affect verdict decisions. In alignment with this finding, the results of the content analysis indicate that mock jurors did not directly consider this extralegal information in their verdict decision. Rather, when mentioned, the race of the victim was considered indirectly, as mock jurors focussed on stereotypes, victim blame, and identification with the defendant when the victim was Indigenous.

According to aversive racism theory, people who hold liberal political views and identify as non-prejudiced still have negative racial attitudes or biases (Dovidio & Gaertner, 2004). Aversive racists are motivated to appear non-prejudiced; however, expression of these biases may occur through negative reactions (i.e., fear, disgust) directed towards a racialized group. Importantly, when there are well-established social norms regarding non-prejudiced responses, people with aversive racist attitudes appear non-prejudiced; however, in more ambiguous situations, this discrimination may be expressed (Pearson, Dovidio, & Gaertner, 2009).

In the week before data collection, the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019) released their final report. It described the violence experienced by Indigenous women and girls as genocide, as well as the ongoing systemic bias, which may limit access to justice for Indigenous women and girls. As this report received significant media attention, exposure to this information may have made the non-prejudiced response less ambiguous, thereby affecting mock jurors' decisions.

Additionally, people with a university education are more likely to believe Indigenous people in Canada experience discrimination (Environics Institute, 2016). As participants in this study were highly educated (49.6 percent had a university degree or higher), awareness of this issue may have played a role in their verdict decisions. The role of victim race and aversive racism in juror decisions will be discussed further regarding stereotypes about Indigenous women.

Victim work in the sex trade. While victim membership in a marginalized group or involvement in high-risk activity often predicts blame or sentencing decisions (Gillespie et al., 2014; Saucier et al., 2010; Sundby, 2003), the relationship between these factors and verdict or sentencing decision is less consistent (Gambin, Kehn, Vanderzanden, Ruthig, Jones & Long, 2018; LaFree et al., 1985; Plumm et al., 2010). Contrary to predictions, work in the sex trade did not significantly affect verdict; however, the results of the content analysis indicate that a small portion of mock jurors considered this extralegal information. Together, this suggests that while this information does not have a direct effect on verdict, it is a factor affecting verdict decisions and attributions of blame for some mock jurors.

Wenger and Bornstein (2006) determined that defendants accused of sexual assault whose victims were intoxicated were less likely to be found guilty. As such, the effect of a victim's involvement in high-risk activity on verdict may vary depending on trial type (i.e., sexual assault versus murder trial), or type of high-risk activity. Furthermore, Gambin et al. (2018) determined that while racial bias predicts mock juror sentence decisions in race-based hate crime trials, anti-gay bias does not affect sentence decisions in sexual orientation-based hate crime trials. As a result, additional factors,

including trial type or victim group membership, may affect mock juror decisions in trials involving sex worker victims. While these victim characteristics did not affect verdict decisions in the current study, results demonstrate that victim race and work in the sex trade may affect the attribution of blame to the victim.

Victim Blame

Victim race and blame. As Indigenous victims of crime are often blamed in the media (Hallgrimsdottier et al., 2006; Razack, 2002; Strega et al., 2010), it was anticipated that Indigenous victims would be blamed more than White victims. Instead, there was no difference in attributions of blame between Indigenous and White victims. In the content analysis, attributions of blame to Indigenous victims occurred with a focus on the victim's actions (i.e., choosing to put themselves in a dangerous situation). This focus occurred when the victim was portrayed as an Indigenous non-sex worker; therefore, it appears that the victim's race factored into attributions of blame to the victim for some mock jurors.

Media representations of that blame Indigenous victims and portray them as "high-risk" (Jiwani, 2008; Strega et al., 2010) occur regularly. Jiwani (2008) suggests that the focus on the actions of Indigenous victims occurs due to their race. Consequentially, the attribution of blame to Indigenous victims may occur due to the stereotype that they are involved in high-risk activity.

Victim work in the sex trade and blame. As victims, sex workers are often perceived to be blameworthy (Sprankle et al., 2018; Strega et al., 2010); however, contrary to predictions, victim work in the sex trade did not significantly predict victim blame. Although the literature suggests that sex workers are likely to be blamed for their

victimization, this assertion is the result of studies regarding sexual assault (Sprankle et al., 2018) or blame for sex work victims in the media (Strega et al., 2010).

Results of the content analysis suggest that engagement in sex work may not be the reason for the attribution of blame to sex worker victims. Instead, mock jurors focused on the described interactions between the victim and defendant or specific actions by the victim, such as provoking the defendant or asking for more money.

Stigma, a negative perception or stereotype (Dudley, 2000) is understood to affect many aspects of the lives of sex workers, including attributions of blame for victimization (Jeffrey & MacDonald, 2006) and perceptions within the justice system (Benoit, Jansson, Smith, & Flagg, 2017). Sprankle et al. (2018) propose that the reason sex worker victims are blamed more than non-sex worker victims is due to stigma; therefore, it is possible that bias against sex workers, not sex work, elicits victim blame. Although the victim's work in the sex trade did not affect verdict decisions, mock jurors with more negative perceptions of sex workers attributed more blame to the victim. Overall, these findings suggest that the potential influence of work in the sex trade on the attribution of blame to sex worker victims is more nuanced than predicted.

Verdict and blame. Mock jurors who attribute blame to the victim are more likely to render a verdict of not guilty (LaFree et al., 1985; Sperry & Siegel, 2013; Wenger & Bornstein, 2006). In line with predictions, mock jurors with a verdict of not guilty blamed the victim more often than those with a verdict of guilty of first-degree murder or guilty of second-degree murder. Verdict justification responses support this conclusion, as mock jurors who blamed the victim tended to find the defendant not guilty, or guilty of the lesser included charge of second-degree murder.

Sperry and Siegel (2013) suggest that while victim blame is directly related to verdict, sympathy for the victim also mediates the relationship between victim blame, credibility, willingness to help the victim, and verdict decisions. As a result, it is possible that mock juror sympathy for Indigenous or sex work victims contributed to the lack of effect of victim race or work in the sex trade on victim blame. Alternatively, as mock juror identification with the defendant appears to be linked to increased attributions of blame to the victim, as well as verdict, this factor may moderate the relationship between victim characteristics and victim blame. Future research should examine the relationship between perspective-taking and attributions of blame.

Attitudes and blame for Indigenous victims. Contrary to predictions and some literature (Plumm et al., 2010), negative perceptions of Indigenous victims were not related to victim blame. As in some research, participants in this study had a somewhat favourable evaluation of Indigenous women. Haddock et al. (1994) measured White Canadians' evaluations of Indigenous people using a 100-point feeling thermometer. Across three studies, the average rating was 63.30; however, some research indicates that Indigenous and non-Indigenous people have different perceptions of race relations.

The results of a report conducted by the Environics Institute (2016) suggest that two-thirds of participants believe non-Indigenous Canadians (including themselves) are at least moderately prejudiced against Indigenous people. Relatedly, the Urban Aboriginal Peoples Study (Environics Institute, 2010) indicates that 24 percent of non-Indigenous participants report negative perceptions of Indigenous people, while 17 percent think that Indigenous people commonly experience discrimination. In contrast, 71 percent of Indigenous participants reported that non-Indigenous people perceive

Indigenous people negatively, and 89 percent reported experiences of discrimination. As a result, these reported perceptions of Indigenous women may be affected by social desirability or the desire to appear non-prejudiced.

Attitudes and blame for sex worker victims. Canadians generally have a negative perspective of sex workers (Jeffrey & MacDonald, 2006). Relatedly, perceptions of sex workers may be affected by stigma (Bruckert, 2012), which may play a role in blaming sex worker victims (Sprankle et al., 2018). Furthermore, negative attitudes toward a marginalized group may result in higher levels of blame for marginalized victims (Plumm et al., 2010). As predicted, participants with unfavourable perceptions of sex workers were more likely to blame victims who sold sex to the defendant, indicating that bias regarding sex workers may affect their access to justice. Perceptions of sex worker victims will be discussed further regarding perspective-taking.

Indigenous victims, stereotypes, and blame. As previously noted, Canadians have an overall negative perception of Indigenous people (Environics, 2010) and endorse many negative stereotypes about this group (Haddock et al., 1994; Morrison et al., 2008). Additionally, people with higher levels of prejudice toward Indigenous people may be more likely to endorse negative stereotypes about Indigenous people (Morrison et al., 2008). Recently, Kil, Noels, Vargas Lascano, and Schweickart (2019) determined that White Canadians have negative cultural stereotypes about Indigenous people, as they perceive them as being low in both warmth and competence.

Mock jurors applied common stereotypes about Indigenous women, including poor, dependent on welfare, and uneducated (Environics, 2010; Morrison et al., 2008) to Indigenous victims. However, the hypothesis that the endorsement of negative

stereotypes about Indigenous women would be related to victim blame was not supported. Although the stereotypes mentioned above were not significantly related to victim blame, results of the content analysis suggest that some mock jurors stereotyped Indigenous women as people who use drugs, are dangerous, or work in the sex trade. These stereotypical perceptions appear to be linked to victim blame, as the narrative constructed by these mock jurors focussed on the threat the victim posed to the defendant and blamed the victim. These results indicate that while some mock jurors considered stereotypes about Indigenous women when making verdict decisions, they did not factor into the decision-making of the majority.

Expressions of prejudice can be subtle (Gaertner & Dovidio, 2000). For example, Dovidio, Gaertner, and Pearson (2017) propose that in situations when a negative reaction can be justified based on a factor other than race (i.e., fear), discrimination by aversive racists is more likely. In this study, mock jurors' fear of the violent nature of the victim may occur due to aversive racism. This subtle manifestation of bias against Indigenous victims may be indicative of an understated, but present, focus on race in decision-making.

Sex worker victims, stereotypes, and blame. Dovidio, Major, and Crocker (2001) classify stereotypes as collective stigma about a social group. As there is evidence to suggest that Canadians stigmatize sex workers (Bruckert, 2012; Jeffrey & MacDonald, 2006), it follows many mock jurors held negative stereotypes about victims who work in the sex trade. All stereotypes included in the adjective checklist (i.e., poor, addicted to alcohol, addicted to drugs, dependent on welfare, criminal, uneducated, immoral, unreliable, involved in high-risk activity, and promiscuous) were significantly more

likely to be endorsed when the victim was a sex worker. As predicted, participants with more negative stereotypes about sex workers attributed more blame to the victim, providing further support for the notion that stereotypes about sex workers may be associated with victim blame (i.e., criminality; Manicini & Pickett, 2017).

Interestingly, verdict justification responses indicate that sex worker victims were also stereotyped as dangerous; however, other stereotypes, including promiscuous or immoral, were not mentioned by mock jurors. Instead, the activity related to victim-blaming was the victim's alleged request for more money or provocation of the defendant. Negative stereotype application is more likely when a victim is a member of a marginalized group (Hunzaker, 2014); therefore, stereotype application may occur as a function of this context.

Just World Beliefs

In previous studies investigating belief in a just world and victim race, as well as the victim's work in the sex trade, researchers have found that participants high in just world beliefs are more likely to attribute blame to these victims (Digidiki et al., 2016; Sullivan et al., 2016). In the current study, these factors did not significantly affect attributions of blame. However, mock jurors may have perceived victims portrayed as Indigenous or sex workers to be non-innocent victims (Hafer, 2000a). Alternatively, their victimization could be rationalized through their actions, thereby preserving just world beliefs without blaming the victim (Haynes & Olson, 2006).

Modesto and Pilati (2017) suggest that ingroup victims are more of a threat to just world beliefs than outgroup victims. Although participant engagement in sex work was not measured, only nine participants identified as First Nations, Métis or Inuit;

therefore, because these victims were part of an outgroup, their victimization may not threaten participants' just world beliefs (Correia et al., 2012; Lerner & Miller, 1978).

In related research, Adolfsson and Strömwell (2016) determined that in some cases, sympathy for the victim had more of an effect on victim blame than just world beliefs. Moreover, situational factors, such as the victim's behaviour or the setting where the sexual assault occurred, had less of an effect than participant beliefs and attitudes. As a result, it is possible that other factors, such as sympathy for the victim, affected victim blame.

Perspective-taking. Evidence from the content analysis demonstrates that mock jurors who took the perspective of the defendant appeared to blame the victim for their victimization, due to factors such as fear of the victim's behaviour or the victim's work in the sex trade. The narrative of the mock jurors who took the perspective of the victim indicates that they felt the victim's actions (i.e., allegedly carrying a knife) were justified. Framing of the scenario through identification with the victim or defendant may be linked to verdict decisions. More specifically, some mock jurors who made statements emphasizing their similarity to the defendant also rendered a verdict of not guilty or guilty of a lesser charge, whereas some mock jurors who identified with the victim rendered a verdict of guilty of first-degree murder.

Perspective-taking may result in higher levels of empathy (Batson, Lischer, Cook, & Sayer, 2005) and more favorable perceptions of a person (Batson, Eklund, Chermok, Hoyt, & Ortiz, 2007). According to Skorinko, Laurent, Bountress, Nyein, & Kuckuck (2014), there is evidence to suggest that taking the defendant's perspective may decrease perceived culpability, improve leniency, and increase empathy for the defendant. In

contrast, taking the victim's perspective may increase empathy for the victim, as well as increase perceived defendant culpability.

Limitations

Although this research provides an exploratory examination of the influence of victim race and work in the sex trade on juror verdicts and victim blame, it is not without limitations. As Canadian jurors are unable to disclose the reasons for their decisions (Criminal Code, s. 649; 1985), jury simulations provide an opportunity to examine the effect of extralegal information on juror decision making. Although this study was conducted following Lieberman et al. (2016)'s suggestions for jury research, there are several limitations affecting the generalizability of these results.

The ecological validity of this study may be affected by several features of the research design. As this study lacked a deliberation component, verdict decisions made are the product of individual rather than group decision-making and may not be representative of how a jury considers this extralegal information (Nunez, McCrea, & Culhane, 2011). However, verdict justification responses do give insight into the decision-making process of individual jurors. Relatedly, Bornstein and McCabe (2005) assert that the lack of real consequences of mock trials may affect how individuals interpret evidence and reach verdict decisions. Despite these limitations, the simulated nature of this study provided a high degree of experimental control.

An additional limitation of this study is the use of a written trial transcript, instead of an audio recording or video presentation. However, Pezdek, Avila-Mora, and Sperry (2010) determined that defendant culpability did not differ between written transcripts and video presentations. Trial presentation format may affect verdict decisions (Bornstein

et al., 2017); however, according to expert legal researchers, trial transcripts containing cross-examination, opening, and closing statements, and jury instructions about the charges and the role of a juror are acceptable study stimuli (Lieberman et al., 2016).

Online data collection creates several additional limitations. Online participants may fail to pay attention to all questions, a challenge to monitor when the researcher is not physically present during their participation. A solution to this issue is to include attention checks throughout the study, especially in long questionnaires (Goodman, Cryder, & Cheema, 2013). In this study, 177 participants failed attention checks, causing these responses to be excluded from the final analysis, providing some confidence that participants included in the final sample attended to the materials and instructions. However, this method gives researchers access to a geographically diverse and representative community sample.

Another limitation related to data collection is the inclusion of manipulation checks. Although the inclusion of these questions confirms that the participants attended to the information in the transcript and instructions, a possible unintended consequence of manipulation checks is that they may attune the participant to the hypotheses of the researcher (Parrot & Hertel, 1999). As manipulation checks occurred after the verdict and verdict justification questions, the main dependent variable was not affected by these questions. However, manipulation check questions may have affected participants' responses to explicit measures of attitudes (Hauser, Ellsworth, & Gonzalez, 2018).

Another important shortcoming of this study is that the victim depicted is not representative of the diversity within and between Indigenous groups, as well within the sex trade. For example, the victim was portrayed as First Nations Algonquin. As a result,

these findings may not be generalizable to how jurors would consider victims from other First Nations, or those who are Métis or Inuit. Relatedly, the victim was described as an indoor sex worker. Consequentially, as this is not reflective of the diversity in the sex trade (i.e., in-call, street-level, escort), the results are not reflective of how jurors may consider sex workers engaging in other types of sex work. Despite this limitation, this study provides an initial examination of how mock jurors perceive Indigenous victims who work in the sex trade and potential factors that may affect their legal decisions.

Implications

The results of this study have implications for Indigenous women, women who engage in sexual activity for payment, the field of psychology, and the criminal justice system. Although victim race and work in the sex trade did not significantly affect verdict decisions, perceptions of sex workers, as well as stereotypes about Indigenous women and sex workers, affected victim blame. This research contributes to the current understanding of the relationship between verdict and victim race verdict in Canada (Maeder & Yamamoto, 2018; Pfeifer & Ogloff, 2003), as well as a victim's involvement in high-risk activity (LaFree et al., 1985; Plumm et al., 2010; Wenger & Bornstein, 2006).

The results of this research give insight into the possible role of juror bias toward Indigenous victims. According to the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019), racial bias regarding Indigenous persons in the Canadian criminal justice system is a persistent issue. While victim race did not have a significant effect on final verdict, mock jurors endorsed stereotypes about Indigenous women, and verdict justifications suggest that this extralegal information factors into the decisions of some participants. Although participants reported moderately positive

perceptions of Indigenous women, verdict justification responses indicate that aversive racism may play a role in verdict decisions and perceptions of Indigenous women. As a result, reducing racial bias towards Indigenous people may be an important factor in remedying their current lack of access to justice.

Participant responses suggest they have largely negative perceptions of sex workers and homicide victims who were engaged in sex work at the time of the crime. Previous research suggests that people have less empathy (Sprankle et al., 2018) and more blame for victims who are sex workers than non-sex worker victims (Strega et al., 2010). Therefore, crown and defence lawyers, as well as trial judges, should take steps to mitigate this potential bias. Future examination of these extralegal factors, stereotypes, and victim blame is required to further current understanding of the role of juror bias in decision making.

Future Research

The reported effect of verdict did not vary significantly as a function of victim race or work in the sex trade. Although victim race did not directly affect verdict decisions or attributions of blame, verdict justification responses indicate that mock jurors blame and apply negative stereotypes to Indigenous victims, possibly indicative of the presence of subtle bias held by some participants. Future research should explore this finding further, considering the role of aversive racism, perspective-taking, and socially acceptable responses in juror decisions in trials with Indigenous victims in Canada.

While a victim's work in the sex trade did not directly affect verdict decisions, verdict justification responses indicate that this information is considered by some jurors, notably those with a negative perception of sex work. As the literature suggests that a

victim's involvement in high-risk activity may affect verdict, future research should be conducted to determine whether other forms of high-risk activity affect juror verdicts. Additionally, as perspective-taking may be linked to victim blame, future work should consider the effect of identification with the victim or defendant, especially in trials when the victim is involved in high-risk activity.

Results indicate that mock jurors do not perceive the characteristics of victim race and work in the sex trade equally. Although victim race and work in the sex trade were not predictive of victim blame, attitudes and beliefs about these groups predicted attributions of blame. For example, participants had a less favourable perception of sex workers than Indigenous women, potentially indicating that participants may have fewer reservations about reporting their true feelings about sex work. Victim membership in different marginalized groups may have different effects on victim blame and verdict (Gamblin, Kehn, Vanderzanden, Ruthig, Jones, & Long, 2018). Consequently, future research should account for the potential intersectional nature of bias when examining the relationship between victim characteristics, victim blame, and verdict decisions.

Conclusion

The current study serves as an initial examination of the impact of victim race and victim work in the sex trade on mock juror decision making in a first-degree murder trial in Canada. Findings indicate that victim race and work in the sex trade were not significantly predictive of verdict decisions; however, verdict preference predicted victim blame. Factors that contribute to victim blame, such as stereotypes about Indigenous women and sex workers, may explain this lack of relationship between these characteristics and verdict. This study contributes to the literature on attitudes and

stereotypes about Indigenous women and sex workers and suggests that victim blame and perspective-taking may be essential considerations in juror decision making. Examination of juror perceptions of Indigenous women and sex workers suggests that bias may impact how jurors consider these victims within the courtroom. Due to concerns about access to justice for these victims, future research should be conducted to understand these potential biases. Recognizing this and building on this study's findings provides the opportunity to positively influence knowledge of factors that contribute to the lack of justice Indigenous women and sex workers experience in the Canadian justice system.

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Appendix A
Social Media Recruitment Notice

I am looking for Canadian citizens who live in Canada, are 18 years of age or older, and have no prior indictable convictions to participate in my study “Juror Decision-Making in a First-Degree Murder Trial” (CUREB-B Clearance #110889). It will take about 20 minutes.

Participants will be asked to read a trial transcript, render a verdict, and answer a series of questions. Your participation would be voluntary, and you will not receive compensation for participating. If you are interested in participating, please click the link below to learn more. Thank you!

Appendix B
Demographics/Screenener

Please answer the following screening/eligibility questions. If one of your answers indicates that you are ineligible to participate, you will be forwarded to the debriefing page.

1. Please indicate your age:
 Under the age of 18
 Over the age of 18 (please specify in years) _____
2. Are you a Canadian citizen?
 Yes
 No
3. Do you currently reside in Canada?
 Yes
 No
4. Are you able to read, write and understand the English language?
 Yes
 No
5. Have you ever been convicted of an indictable offense that you did not receive a formal record suspension for?
 Yes
 No

Appendix C
Research Consent Form – Pilot



Research Consent Form

Name and Contact Information of Researchers: This study is being conducted by MA student Janelle Knoop from the Department of Psychology (janelle.knoop@carleton.ca), under the supervision of Dr. Evelyn Maeder from the Institute of Criminology and Criminal Justice/Department of Psychology at Carleton University (evelyn.maeder@carleton.ca).

Project Title: Juror Decision-Making in a First-Degree Murder Trial

Project Sponsor and Funder:

*Social Sciences and Humanities Research Council Insight Grant
American Psychology-Law Grants in Aid for Students*

Carleton University Project Clearance

Clearance #: 110889

Date of Clearance: June 4, 2019

Invitation

You are invited to participate in a study concerning juror decision-making in a first-degree murder trial. The information in this form is intended to help you understand what we are asking of you so that you can decide whether you agree to participate in this study. Your participation in this study is voluntary, and a decision not to participate will not be used against you in any way. As you read this form, and decide whether to participate, please ask all the questions you might have, take whatever time you need, and consult with others as you wish.

What is the purpose of this study?

This is a study to evaluate how jurors make decisions in a first-degree murder trial.

What will I be asked to do?

If you agree to participate in this study, we will ask you to:

- Read an entire trial transcript involving a first-degree murder charge.

- Determine a verdict.
- Respond to a series of questions.
- This will take approximately 20 minutes.

Who is eligible to participate in this study?

Prior to reading the trial transcript, participants will be screened to ensure that they are eligible to serve on a Canadian jury (Canadian citizen, at least 18 years old, fluent in English, and have no indictable offenses).

Risks and Inconveniences

You will be asked to read a trial transcript involving a first-degree murder. You may be uncomfortable with the nature of the charge or the description of the assault. You will also be asked to answer questions regarding your attitudes about certain sensitive topics and you may become uncomfortable with the nature of the questions. At any time, you may discontinue your involvement in this study. As the transcript involves a murder charge, someone who has known someone who has been the victim of murder may choose not to participate.

Possible Benefits

You may not receive any direct benefit from your participation in this study. However, your participation may allow researchers to better understand juror decision-making in a first-degree murder trial.

Compensation/Incentives

You will not be paid or compensated for your participation in this study.

No waiver of your rights

By signing this form, you are not waiving any rights or releasing the researchers from any liability.

Withdrawing from the study

If you withdraw your consent during the course of the study, all information collected from you before your withdrawal will be discarded. If you consent to submit your responses to the study, it will no longer be possible to withdraw your data.

Confidentiality

The data collected in this experiment is strictly confidential. No identifying information will be collected at any time. We will treat your personal information as confidential, although absolute privacy cannot be guaranteed. No information that discloses your

identity will be released or published without your specific consent. Research records may be accessed by the Carleton University Research Ethics Board in order to ensure continuing ethics compliance.

The results of this study may be published or presented at an academic conference or meeting, but the data will be presented so that it will not be possible to identify any participants.

You will be assigned a code so that your identity will not be directly associated with the data you have provided. All data, including coded information, will be kept in a password-protected file on a secure computer. We will password protect any research data that we store or transfer.

Data Retention

After the study is completed, your de-identified data will be retained for future research use.

New information during the study

In the event that any changes could affect your decision to continue participating in this study, you will be promptly informed.

Ethics review

This project was reviewed and cleared by the Carleton University Research Ethics Board-B. If you have any ethical concerns with the study, please contact Dr. Natasha Artemeva, Chair, Carleton University Research Ethics Board (by phone at 613-520-2600 [ext. 4085] or by email at ethics@carleton.ca).

Statement of consent

By checking this box, I'm indicating that I agree to participate in this study.

By checking this box, I'm indicating that I do not agree to participate in this study.

Research Consent Form – Main Study

**Research Consent Form**

Name and Contact Information of Researchers: This study is being conducted by MA student Janelle Knoop from the Department of Psychology (janelle.knoop@carleton.ca), under the supervision of Dr. Evelyn Maeder from the Institute of Criminology and Criminal Justice/Department of Psychology at Carleton University (evelyn.maeder@carleton.ca).

Project Title: Juror Decision-Making in a First-Degree Murder Trial

Project Sponsor and Funder:

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American Psychology-Law Grants in Aid for Students*

Carleton University Project Clearance

Clearance #: 110889
2019

Date of Clearance: June 4,

Invitation: You are invited to participate in a study concerning juror decision-making in a first-degree murder trial. The information in this form is intended to help you understand what we are asking of you so that you can decide whether you agree to participate in this study. Your participation in this study is voluntary, and a decision not to participate will not be used against you in any way. As you read this form, and decide whether to participate, please ask all the questions you might have, take whatever time you need, and consult with others as you wish.

What is the purpose of this study?

This is a study to evaluate how jurors make decisions in a first-degree murder trial.

What will I be asked to do?

If you agree to participate in this study, we will ask you to:

- Read an entire trial transcript involving a first-degree murder charge.
- Determine a verdict.
- Answer several opinion-related questions.

- This will take approximately 25 minutes.

Who is eligible to participate in this study?

Prior to reading the trial transcript, participants will be screened to ensure that they are eligible to serve on a Canadian jury (Canadian citizen, at least 18 years old, fluent in English, and have no indictable offenses).

Risks and Inconveniences

You will be asked to read a trial transcript involving a first-degree murder charge. You may be uncomfortable with the nature of the charge or the description of the murder. You will also be asked to answer questions regarding your attitudes about certain sensitive topics and you may become uncomfortable with the nature of the questions. At any time, you may discontinue your involvement in this study. As the transcript involves a murder charge, someone who has known someone who has been the victim of murder may choose not to participate.

Possible Benefits

You may not receive any direct benefit from your participation in this study. However, your participation may allow researchers to better understand juror decision-making in a first-degree murder trial.

Compensation/Incentives

You will be compensated the amount you agreed upon before you entered the survey. As per Qualtrics regulations, participants will not be compensated if they withdraw from the study at any time, or fail the required manipulation checks. If you chose to withdraw your data at the end of the study, you will still receive full compensation.

No waiver of your rights

By signing this form, you are not waiving any rights or releasing the researchers from any liability.

Withdrawing from the study

If you withdraw your consent during the course of the study, all information collected from you before your withdrawal will be discarded. If you consent to submit your responses to the study, it will no longer be possible to withdraw your data.

Confidentiality

The data collected in this experiment is strictly confidential. No identifying information will be collected at any time. We will treat your personal information as confidential,

although absolute privacy cannot be guaranteed. No information that discloses your identity will be released or published without your specific consent. Research records may be accessed by the Carleton University Research Ethics Board in order to ensure continuing ethics compliance.

The results of this study may be published or presented at an academic conference or meeting, but the data will be presented so that it will not be possible to identify any participants.

You will be assigned a code so that your identity will not be directly associated with the data you have provided. All data, including coded information, will be kept in a password-protected file on a secure computer. We will password protect any research data that we store or transfer.

Data Retention

After the study is completed, your de-identified data will be retained for future research use.

New information during the study

In the event that any changes could affect your decision to continue participating in this study, you will be promptly informed.

Ethics review

This project was reviewed and cleared by the Carleton University Research Ethics Board-B. If you have any ethical concerns with the study, please contact Dr. Natasha Artemeva, Chair, Carleton University Research Ethics Board (by phone at 613-520-2600 [ext. 4085 for CUREB B] or by email at ethics@carleton.ca).

Statement of consent

- By checking this box, I'm indicating that I agree to participate in this study.*
- By checking this box, I'm indicating that I do not agree to participate in this study.*

Appendix D
Trial Transcript

Charge: Criminal Code of Canada, 235, First-Degree Murder

Victim:

Lorna Whiteduck is a 26-year-old First Nations Algonquin female from Pikwakanagan First Nation, Ontario. She was allegedly murdered by Barry Stonefish/Fischer.

Karen Carter is a 26-year-old White female from Renfrew, Ontario. She was allegedly murdered by Barry Stonefish/Fischer.

Defendant:

Barry Stonefish is a 23-year-old Indigenous male from Enoch First Nation, Alberta. He is accused of first-degree murder

Barry Fischer is a 23-year-old White male from Edmonton, Alberta. He is accused of first-degree murder.

For the Crown: Anthony Miller, L.L.B

For the Defence: Jason Randall, L.L.B

The Court: Members of the jury, you have been chosen to hear this case. You are the sole judge of the facts. You must decide this case only on the evidence presented to you in this courtroom. I am the sole judge of the law, and it is your duty to accept the law as I explain it to you. You must not use your own ideas about what the law is or should be, and you must not rely on information about the law from another source.

Evidence is the testimony of witnesses and items entered as exhibits. It may also consist of admissions. Evidence includes what each witness says in response to the questions asked. The questions themselves are not evidence unless the witness agrees that what is asked is correct. Only the answers are evidence. The Crown and the defence may also agree about certain facts. When that happens, no evidence is required. What they agree about is a fact in this case. This is called an “admission.” You must consider only the evidence put before you in the courtroom.

Keep an open mind as the evidence is being presented. Do not be influenced by sympathy for or prejudice against anyone.

Let me now explain to you the procedure that we will follow in this trial. Crown counsel is Mr. Anthony Miller. The Crown prosecutes the case. Defence counsel is Mr. Jason Randall. He represents Barry Stonefish/Fischer, who is on trial here.

All persons charged with an offence are presumed to be innocent under our law. This means that they do not have to prove their own innocence. They do not have to testify or present evidence. The law requires the Crown to prove the charge beyond a reasonable doubt.

Agreed Statement of Fact

Mr. Miller: These facts are admitted as truth for the purpose of the trial in which Barry [Stonefish (Indigenous defendant condition)/Fischer (White defendant condition)] is alleged to have committed the first-degree murder of [Lorna Anne Whiteduck (Indigenous victim condition)/ Karen Anne Carter (White victim condition)] on June 22nd, 2018, contrary to Section 235 of the Criminal Code of Canada.

1. Identification of the accused is admitted.
2. Ms. Lorna Whiteduck/Karen Carter was last seen on June 22, 2018. Her body was discovered in room 139 at the Ottawa Inn on June 22, 2018. She was pronounced dead at the Ottawa Hospital.
3. Two forensic science laboratory reports dated 2018-06-24 and 2018-06-26 are admitted. The DNA profile taken from Lorna Whiteduck/Karen Carter's sweater, which was found in the accused's hotel room, matches the accused's DNA.
4. It is agreed that there are no issues with respect to admissibility and/or continuity of the DNA samples taken from the accused and the victim.
5. It is agreed that both experts who tested the DNA samples, Sarah Adams and Evan Brown, are forensic specialists and biology reporting scientists, qualified to give evidence in forensic DNA testing and typing.
6. On June 24, 2018, Lorna Whiteduck/Karen Carter was examined by Dr. Luke James, an expert in forensic pathology. Dr. James noted trauma to her head and neck muscles and haemorrhages in her eyes suggesting that she suffered asphyxia due to pressure to her neck. There were also some injuries of bruises and abrasions on her arms. A toxicology screen revealed that there were no drugs or alcohol in her system at the time of her death. Those are the agreed statement of facts.

The Court: All of those become Exhibit 1 then, thank you. Would you like to make an opening statement, Mr. Miller?

Crown: Ladies and gentlemen of the jury. I'm Anthony Miller, and I represent Lorna Whiteduck/Karen Carter, the victim. I will present the Crown's case. Barry Stonefish/Fischer is alleged to have committed the first-degree murder of Lorna Anne Whiteduck/ Karen Anne Carter on or about June 22, 2018, contrary to Section 235 of the Criminal Code of Canada.

First, I would like to tell you about Lorna Anne Whiteduck/Karen Anne Carter. Ms. Whiteduck/Carter was born on March 14, 1992, and grew up in Pikwakanagan First Nation, Ontario (Indigenous victim condition) OR Renfrew, Ontario (White victim condition). She was 26 years old at the time of her death. She had three daughters and

had been with her long-time boyfriend, Nicolas Samson, for five years before her death. She was in regular contact with her family. She was last seen in the early morning of June 22, 2018, when her boyfriend dropped her off at the Ottawa Inn on Montreal Road.

Our theory is that Barry Stonefish/Fischer is guilty of first-degree murder because Mr. Stonefish/Fischer invited Ms. Whiteduck/Carter to the hotel room on the second night with the intention of killing her. After the first night, Mr. Stonefish/Fischer knew that he could get Ms. Whiteduck/Carter in his hotel room alone by asking to purchase [a phone (non-sex worker condition OR sex (sex worker condition))] from her.

Lorna Anne Whiteduck/Karen Anne Carter's body was removed from the hotel room and taken to the medical examiner's office where Dr. Luke James, a medical examiner trained in forensic pathology, performed the autopsy of Ms. Whiteduck/Carter and wrote the report. Dr. James concluded that Ms. Whiteduck/Carter's cause of death was strangulation. A sharp object was also used to cut her arms.

Mr. Stonefish/Fischer was the sole witness to the circumstances leading up to Lorna Whiteduck/Karen Carter's death. As I said, the Crown's theory is that Lorna Whiteduck/Karen Carter's murder was planned and deliberate. Ms. Whiteduck/Carter visited Mr. Stonefish/Fischer's hotel room twice in two days. The first night Mr. Stonefish/Fischer determined that he could get Ms. Whiteduck/Carter alone in his room. On the second night Mr. Stonefish/Fischer took advantage of this fact and invited her to his room, this time intending to kill her. At the end of the case, I will address you again and ask you to consider the evidence we have presented and to conclude beyond a reasonable doubt that Mr. Stonefish/Fischer is guilty of the first-degree murder of Lorna Whiteduck/Karen Carter.

Defence: Good morning. My name is Jason Randall. I represent Barry Stonefish/Fischer, the accused. Mr. Miller explained his position, but it is our theory that Ms. Whiteduck/Carter's death occurred while Mr. Stonefish/Fischer was trying to defend himself after Ms. Whiteduck/Carter attacked him. Mr. Stonefish/Fischer would not have invited Ms. Whiteduck/Carter to his hotel room on the second night if he believed she was a threat to him. After receiving a fair deal the previous night, Mr. Stonefish/Fischer wished to purchase another phone (non-sex worker condition OR sex (sex worker condition) from Ms. Whiteduck/Carter. Mr. Stonefish/Fischer is the father of two children and has no history of violence against anyone. It is our theory that Mr. Stonefish/Fischer killed Ms. Whiteduck/Carter because he feared for his life that night. The defendant pleads not guilty by reason of self-defence.

The Court: Good morning Mr. Stonefish/Fischer. You have been committed to stand trial on the following charges: On or about the 22nd day of June 2018 at or near Ottawa in Ontario did Barry Stonefish/Fischer commit first-degree murder on the person of Lorna Whiteduck/Karen Carter contrary to section 235 of the criminal code.

Crown: We have two witnesses Sir, Ms. Whiteduck/Carter's boyfriend, Nicolas Samson, and the forensic pathologist, Dr. Luke James.

Nicolas Alexander Samson, Sworn, Examined by Mr. Miller

Crown: Please state your full name for the court, and your relation to this case.

Mr. Samson: My name is Nicolas Samson, and I was in a relationship with Lorna Whiteduck/ Karen Carter.

Crown: Okay, Nicolas. During your testimony, Mr. Miller will ask you questions, Mr. Randall will ask you questions, then Mr. Miller is allowed to ask some follow-up questions, and I may ask questions. I want to start out by having you explain your relationship with Lorna/Karen. How did you meet her? How long have you been in a relationship with Lorna/Karen?

Mr. Samson: I met Lorna/Karen 4 years ago when we lived in the same neighbourhood. We were in a relationship for the last three years.

Crown: What happened on the night of June 21?

Mr. Sampson: We were walking through the parking lot of the Ottawa Inn. Lorna/Karen wanted to smoke a cigarette but lost her lighter. She approached Mr. Stonefish/Fischer and asked to borrow his lighter. During the conversation, Mr. Stonefish/Fischer suggested that he was looking to purchase [a phone (non-sex worker condition) OR sex (sex worker condition)].

Crown: What happened next?

Mr. Samson: Lorna/Karen made a living selling [phones (non-sex worker condition) OR sex. It was her choice and her money (sex worker condition). Mr. Stonefish/Fischer told me that his room number was 139. I wrote it down. She went into the hotel with Mr. Stonefish/Fischer. When Lorna/Karen came back out, she had sold Mr. Stonefish/Fischer [a phone (non-sex worker condition) OR sex (sex worker condition)] and had \$60.00.

Crown: What happened the second night?

Mr. Samson: The previous night Lorna/Karen and Mr. Stonefish/Fischer exchanged phone numbers. Mr. Stonefish/Fischer texted Lorna/Karen, so she asked for a ride to the hotel. I brought Lorna/Karen to the hotel around 9 pm. Mr. Stonefish/Fischer was outside in the parking lot smoking, so Lorna/ Karen and I joined him for a cigarette. Mr. Stonefish/Fischer gave me \$5.00 so I could buy a coffee. Lorna/ Karen agreed that she would call when she finished.

Crown: Was this the last time you saw Lorna/Karen alive?

Mr. Samson: Yes, she was standing in the parking lot with Mr. Stonefish/Fischer. When she didn't call, I got worried. I texted and called her cell phone, but she didn't answer. I

also called the room at 11 pm and asked to speak to Lorna/Karen. Someone answered but didn't say anything. I'm pretty sure I could hear her in the background, but the phone got cut off. I didn't end up speaking to her.

Crown: What did you do next?

Mr. Samson: I went to the hotel to look for Lorna/Karen. I heard people moving around inside room 139, so I knocked, but no one answered. After that, I called the police to report her missing. I didn't know what else to do, so I went home.

Crown: Those are all of my questions. If you'll just answer any questions Mr. Randall may have.

Mr. Randall Cross Examines the Witness

Defence: According to Mr. Stonefish/Fischer, you were supposed to meet Lorna/Karen after she sold [a phone (non-sex worker condition) OR sex [sex worker condition] to Mr. Fischer on the evening of June 22, the second night. Where were you at 10:30 pm that night?

Mr. Samson: I was at home, watching tv and waiting for Lorna/Karen to call. I went to the hotel an hour later, but she wasn't there. So, after walking around the neighbourhood looking for her, I just went home.

Defence: At what time did you arrive home?

Mr. Samson: At 11:30, I think. I sent Lorna/Karen a text when I got home, telling her that I was looking for her.

Defence: Was anyone else home at the time?

Mr. Samson: No, I live alone.

Defence: Those are all of my questions, thank you.

The Court: Re-examination Mr. Miller?

Crown: I have no additional questions.

The Court: Thank you for your evidence, sir.

Dr. Luke James, Sworn, Examined by Mr. Miller

Crown: Please state your full name for the court, and your credentials.

Dr. James: My name is Dr. Luke James. I attended medical school at the University of Toronto and completed a specialization in forensic pathology. I graduated in 2006 and am a fellow with the Royal College of Physicians Canada.

Crown: When did you perform the autopsy on Ms. Carter?

Dr. James: I examined Ms. Whiteduck/Carter's body on June 24th, 2018, starting at 9:15 am at the Ottawa General Hospital.

Crown: Can you give me an overview of the forensic evidence? What do you believe caused Lorna Whiteduck/Karen Carter's death?

Dr. James: During the autopsy I performed on June 24th, 2018, I recorded that Ms. Whiteduck/Carter was 26 years old, 5'5'' and weighed 110 pounds. I believe Ms. Whiteduck/Carter died as a result of strangulation. Ms. Whiteduck/Carter's injuries are consistent with a person having held their hands around her neck. Only a small amount of constant pressure is required. The victim had also had puncture wounds on her arms and hands.

Crown: Is there anything else that could have caused Ms. Whiteduck/Carter's death?

Dr. James: Ms. Whiteduck/Carter had no natural diseases that might have resulted in her death.

Crown: How long would someone have to hold their hands around another person's neck to cause death?

Dr. James: If the flow of blood is cut off for approximately 15 seconds, the person will lose consciousness. At this point, if the pressure is released the person will regain consciousness, but if the pressure is constant for up to a minute, death can occur.

Crown: So, Ms. Whiteduck/Carter would have been unconscious for a period of time before she died?

Dr. James: Yes, it is likely that she was unconscious for 45 seconds before she died.

Crown: Those are all of my questions. If you could answer any questions Mr. Randall may have.

Cross Examination of Dr. James by Mr. Randall

Defence: Hello Dr. James. Please tell us about your educational background that qualifies you to testify about Ms. Whiteduck/Carter's cause of death.

Dr. James: I completed 11 months of training at the Provincial Forensic Pathology Unit. This training included performing and observing autopsies. After graduation, I registered

with the Royal College of Physicians of Canada. I have performed hundreds of autopsies and supervised many more.

Defence: Those are all of my questions.

The Court: Thank you, Mr. Randall. Re-examination, Mr. Miller?

Crown: I have no additional questions.

The Court: Thank you for your evidence, sir.

Crown: The Crown rests, Sir.

Barry David Stonefish/Fischer – Sworn, Examined by Mr. Randall

Defence: We have one witness Sir, the accused, Barry Stonefish/Fischer. Barry, you know that you are facing the charge of first-degree murder. What is your response to those charges?

Mr. Stonefish/Fischer: Not guilty by reason of self-defence.

Defence: Okay, Barry. I'd like to start off by having you explain a bit about yourself to the court. Can you give us some background? How old are you? Where do you live? Do you have any family? What do you do for work?

Mr. Stonefish/Fischer: I'm 23 years old. I live in Enoch First Nation, Alberta (Indigenous defendant condition)/Edmonton, Alberta (White defendant condition) with my wife and two children. I've worked as a long-distance mover for the last 15 years.

Defence: Why were you in Ottawa on the night of June 21, 2018?

Mr. Stonefish/Fischer: I was working. My truck had broken down, so I was waiting for it to be repaired.

Defence: In terms of this event, I'd like to better understand how you met Lorna/Karen. Do you remember? Tell me about the evening of June 21.

Mr. Stonefish/Fischer: I was staying at the Ottawa Inn. I went outside for a smoke and met Lorna/Karen there.

Defence: Did you approach Lorna/Karen, or did she approach you?

Mr. Stonefish/Fischer: She walked across the parking lot, then asked me for a lighter. While we smoked, we started talking. She told me what she does for a living and asked if I was interested. I was, so we agreed that I would pay her \$60.00. She was with her

boyfriend, so I told him my room number. He wrote it down and Lorna/Karen and I went upstairs to my room.

Defence: What did you agree to pay Lorna/Karen for?

Mr. Stonefish/Fischer: [I was purchasing an iPhone from her. I broke my phone the day before (non-sex worker condition) OR For intercourse. Sex. (sex worker condition)]

Defence: What happened after that?

Mr. Stonefish/Fischer: [I gave her the \$60.00 for the phone, she gave me her phone number in case she ever had any other phones for sale because I'm always breaking mine (non-sex worker condition) OR We had consensual sex, I gave her the \$60.00, she gave me her phone number in case I was still in town the next night and she left. (sex worker condition)]

I went to sleep.

Defence: What happened on the night of June 22, 2018?

Mr. Stonefish/Fischer: My truck still hadn't been repaired so I texted Lorna/Karen.

[She said she had other phones for sale. We agreed on the same price as the night before and agreed that she would come to my hotel room at 10 pm when she got off work. I bought another phone, just like the night before. I paid her \$60.00 for this phone also (non-sex worker condition)

OR We agreed on the same price as the night before and agreed that she would come to my hotel room at 10 pm. We had sex, just like the night before. After, Lorna went into the bathroom. When she came out, I gave her the \$60.00 we had agreed on. (sex worker condition)]

Defence: What happened next?

Mr. Stonefish/Fischer: Lorna/Karen asked for more money.

Defence: How much more money did she want?

Mr. Stonefish/Fischer: She wanted double what we had agreed. She wanted \$120.00.

Defence: What happened when you didn't give her the money?

Mr. Stonefish/Fischer: When I said no, she pulled out a knife and started attacking me. I grabbed the knife. I didn't stab her intentionally, but I tried to get her away from me with it and I think I cut her arm. I remember, she yelled "I can't believe you stabbed me." Lorna/Karen grabbed the knife back and continued to try to attack me. She cut my arm and wouldn't stop trying to stab me. I really thought she was going to kill me. At this

point, I put my hands around her neck and held them there until she stopped fighting me. Then I ran out of the hotel room. I didn't know what to do. I've never been attacked before. I only held my hands around her neck to stop her attack. I did not mean to kill her.

Defence: Why didn't you just give her the extra \$60.00 when she pulled out the knife?

Mr. Stonefish/Fischer: I don't know.

Defence: Did you call 9-1-1 at this point?

Mr. Stonefish/Fischer: No, I was worried that it was going to look like I attacked her. I would have called 9-1-1 right away if I thought she wasn't going to wake up. The only thing I am guilty of is trying to stay alive.

Defence: What happened next?

Mr. Stonefish/Fischer: I just started walking, and I walked for a while, I guess. Then I went back to the hotel room because I didn't know what else to do. I thought Lorna/Karen would be gone. When I opened the door, she was laying in the same place. I checked to see if she was breathing. She wasn't, so I called 9-1-1 and performed CPR until the police and paramedics arrived.

Defence: Did you know how long you would have to hold your hands around someone's neck to kill them?

Mr. Stonefish/Fischer: No, I had no idea. I was just trying to stop Lorna/Karen from attacking me with the knife, I wasn't trying to kill her.

Defence: Why didn't you call 9-1-1 before leaving the room the first time?

Mr. Stonefish/Fischer: I thought she was just unconscious; I didn't know she was dead. I didn't mean to kill her.

Defence: Those are all of my questions. If you'll answer any questions Mr. Miller may have.

Mr. Miller Cross Examines the Witness

Crown: Tell me again what happened after you [purchased the second phone (non-sex worker condition) OR had sex (sex worker condition)] on June 22. I need you to explain it to me. It is an important legal matter to know what was said at the time.

Mr. Stonefish/Fischer: Like I said, she went into the bathroom. When she came out, I paid her the \$60.00.

Crown: I want you to be specific about your interactions. What happened after you gave her the money?

Mr. Stonefish/Fischer: Lorna/Karen asked for more money. She wanted double this time. I told her no, but then she pulled out a knife. I already told you what happened.

Crown: Mr. Stonefish/Fischer, you were the sole witness to the circumstances surrounding Ms. Whiteduck/Carter's death. Why should we believe anything you say?

Mr. Stonefish/Fischer: I'm telling the truth. I didn't mean to kill her. I've never had anyone attack me. I didn't know what to do. I just wanted to make her stop attacking me. She was so angry. I just needed her to stop so I held my hands around her neck until she stopped moving and then I ran out of the room. I thought she was just unconscious and that she'd wake up and leave the room. I had no idea.

Crown: Why did you want to purchase a phone again when you bought one the night before?

Mr. Stonefish/Fischer: [I'm really clumsy and am constantly breaking them. I thought I might as well buy two because they were such a good price (non-sex worker condition).

OR

Crown: Why did you want to purchase sex again?

Mr. Stonefish/Fischer: I had her number so why not (sex worker condition)].

Crown: Did you have any injuries after this incident?

Mr. Stonefish/Fischer: Just a wound on my arm.

Crown: Your injuries were quite minor then. Why did you believe that Lorna/Karen was going to kill you?

Mr. Stonefish/Fischer: She was trying to stab me with a knife.

Crown: Why did you leave when Lorna/Karen was unconscious? She wasn't a threat to you anymore.

Mr. Stonefish/Fischer: I was just freaked out, I don't know. I don't recall perfectly.

Crown: How much do you weigh now, Mr. Stonefish/Fischer?

Mr. Stonefish/Fischer: Around 210 pounds.

Crown: At the time of the incident, were you heavier or lighter than you are now?

Mr. Stonefish/Fischer: I was about ten pounds heavier. I worked out a lot then and was working in the moving job.

Crown: So, you were pretty strong at that time?

Mr. Stonefish/Fischer: I guess so.

Crown: What about your height?

Mr. Stonefish/Fischer: I'm 6'1''.

Crown: Dr. James testified that Ms. Whiteduck/Carter was 5'5'' and 110 pounds. Mr. Stonefish/Fischer, how could you reasonably be threatened by someone so small?

Mr. Stonefish/Fischer: She had a knife. She took it out and attacked me. I couldn't get the knife away from her. I tried.

Crown: Those are all of my questions, sir. Thank you.

The Court: Thank you, Mr. Miller. Re-examination, Mr. Randall?

Re-Examination of the Witness by Mr. Randall

Defence: Okay, Mr. Stonefish/Fischer. Let's talk a bit about how Lorna/Karen was a threat to you. Why was your response to her pulling out a knife to hold your hands around her neck?

Mr. Stonefish/Fischer: She was attacking me with a knife. She cut my arm. I thought she was going to kill me. When I took the knife from her, she managed to get it back, so it just seemed like the only option. I didn't think it would kill her.

Defence: I'd like to go over the timing of the incident. What time did you leave the room following the attack?

Mr. Stonefish/Fischer: Around 10:30 pm, I think.

Defence: At what time did you call the police?

Mr. Stonefish/Fischer: I called the police an hour later, at 11:30pm. I called them as soon as I got back to the room and realized Lorna/Karen was still there and that she wasn't breathing.

Defence: Those are all of my questions.

The Court: Thank you for your evidence, sir.

Defence: We take the position that this was a non-culpable act of homicide. Barry Stonefish/Fischer is not guilty by reason of self-defence. Mr. Stonefish/Fischer had no desire to harm anyone when he went with Lorna/Karen to his hotel room on the second night. Based on their interaction the previous night, Mr. Stonefish/Fischer had no way of knowing that Ms. Whiteduck/Carter could be a threat to him. If he had known, he would not have tried to purchase [another phone (non-sex worker condition OR sex (sex worker condition) from her. Ms. Whiteduck/Carter attacked my client with a knife, an act which caused him to fear for his life. Ms. Whiteduck/Carter's death was not intentional, and Mr. Stonefish/Fischer had no other choice. Upon realizing that she wasn't breathing, Mr. Stonefish/Fischer did everything he could to revive her while he waited for help to arrive. Mr. Stonefish/Fischer is a 23-year old father of two. He has been steadily employed for all of his adult life and is well-regarded by his employer. Finally, we believe the evidence shows definite reasonable doubt.

Crown: It is our position that Barry Stonefish/Fischer was the sole witness to the circumstances surrounding Lorna Whiteduck/Karen Carter's death. Lorna/Karen died as a result of strangulation. Barry Stonefish/Fischer caused her death. Ms. Whiteduck/Carter was vulnerable by virtue of her size relative to Mr. Stonefish/Fischer, who dominated and overpowered her. It is unlikely that Ms. Whiteduck/Carter could have seriously harmed Mr. Stonefish/Fischer given her size and strength. Mr. Stonefish/Fischer had a minor cut on his arm but was not seriously injured. According to the forensic pathologist, Mr. Stonefish/Fischer used more force than was necessary to subdue Ms. Whiteduck/Carter. As she lay on the floor of Mr. Stonefish/Fischer's hotel room, Ms. Whiteduck/Carter was no threat. If he truly acted in self-defence, he would have phoned 911 much sooner. Everyone is entitled to the full measure of protection of the law. It is our position that Mr. Stonefish/Fischer intentionally targeted a vulnerable victim.

The Court: Now I am going to give you further instructions. It is your duty to decide whether the Crown has proved Barry's guilt beyond a reasonable doubt. Your duty as a juror is to assess the evidence impartially.

The first and most important principle of law applicable to every criminal case is the presumption of innocence.

Two rules flow from the presumption of innocence. One is that the Crown bears the burden of proving guilt. The other is that guilt must be proven beyond a reasonable doubt. These rules are linked with the presumption of innocence to ensure that no innocent person is convicted. The burden of proof rests with the Crown and never shifts. There is no burden on Barry to prove that he is innocent.

A reasonable doubt is not an imaginary or frivolous doubt. It is not based on sympathy for or prejudice against anyone involved in the proceedings. It is a doubt that arises logically from the evidence or from the absence of evidence.

You must not find Barry guilty unless you are sure he is guilty. Even if you believe Barry is probably guilty, or likely guilty, that is not sufficient. In those circumstances, you must

give the benefit of the doubt to Barry and find him not guilty because the Crown has failed to satisfy you of his guilt beyond a reasonable doubt.

Reasonable doubt applies to the issue of credibility. On any given point you may believe a witness, disbelieve a witness or not be able to decide. You need not fully believe or disbelieve a witness.

If you have reasonable doubt about Barry's guilt arising from the credibility of the witnesses, then you must find him not guilty.

You may accept all, part or none of Barry's evidence. If you believe the testimony of Barry that he did not commit the offence charged, then you must find him not guilty. However, even if you do not believe the testimony of Barry, if it leaves you with a reasonable doubt about his guilt or about an essential element of the offence charged you must find him not guilty.

Even if the testimony of Barry does not raise a reasonable doubt about his guilt or about an essential element of the offence charged, if after considering all the evidence you are not satisfied beyond a reasonable doubt of his guilt, you must not find him guilty.

Barry is charged with first-degree murder. The charge reads:

You must find Barry not guilty of first-degree murder unless the Crown has proved beyond a reasonable doubt that Barry is the person who committed the offense on the date and in the place described in the indictment. Specifically, the Crown must prove each of the following essential elements beyond a reasonable doubt:

1. That Barry committed an unlawful act;
2. That Barry's unlawful act caused Lorna/Karen's death;
3. That Barry had the intent required for murder; and
4. That Barry's murder of Lorna/Karen was both planned and deliberate.

Unless you are satisfied beyond a reasonable doubt that the Crown has proved all these essential elements, you must find Barry not guilty of first-degree murder.

If you are satisfied beyond a reasonable doubt that the murder of Lorna/Karen was both planned and deliberate, and you have no reasonable doubt, you must find Barry guilty of first-degree murder.

To prove first-degree murder, the Crown must prove beyond a reasonable doubt not only that Barry had the intent required for murder, but also that the murder was both planned and deliberate. Planning and deliberation are not the same as intention. It is the murder itself that must be both planned and deliberate. Planned means a calculated scheme or design that has been carefully thought out, the nature and consequences of which have been considered and weighed. Deliberate means considered, not impulsive, slow in deciding.

It is for you to say whether the murder of Lorna/Karen was both planned and deliberate. To decide this issue, you must consider all the evidence, and anything said or done in the circumstances. Unless you are satisfied beyond a reasonable doubt that the murder of Lorna/Karen was both planned and deliberate, you must find Barry not guilty of first-degree murder, but guilty of second-degree murder.

You must find Barry not guilty of second-degree murder unless the Crown has proved beyond a reasonable doubt that Barry is the person who committed the offence on the date and in the place described in the indictment. Specifically, the Crown must prove each of the following essential element beyond a reasonable doubt:

1. That Barry committed an unlawful act.
2. That Barry's unlawful act caused Lorna/Karen's death.
3. That Barry has the intent required for murder.

Unless you are satisfied beyond a reasonable doubt that the Crown has proved all these essential elements and you have no reasonable doubt after considering the defence of self-defence, about which I will instruct you, you must find Barry not guilty of second-degree murder.

You must decide whether the Crown has proved beyond a reasonable doubt either that Barry meant to kill Lorna/Karen, or that Barry meant to cause Lorna/Karen bodily harm that he knew was so dangerous and serious that he knew it was likely to kill Lorna/Karen and proceeded despite his knowledge of that risk.

The Crown does not have to prove both, as long as you are satisfied that one or the other has been proven beyond a reasonable doubt.

I will now instruct you on the issue of self-defence.

Barry is not required to prove that he acted in self-defence. The Crown must prove beyond a reasonable doubt that he did not. Unless the Crown proves beyond a reasonable doubt that at least one of these conditions for self-defence was absent, you must acquit Barry of first-degree murder and second-degree murder.

To decide whether the Crown has proved beyond a reasonable doubt that Barry did not act in self-defence, consider three questions.

1. Has the Crown proved beyond a reasonable doubt that Barry did not believe on reasonable grounds that force was being used against him?
2. Has the Crown proved beyond a reasonable doubt that Barry did not commit the act for the purpose of protecting himself from the use of force?
3. Has the Crown proved beyond a reasonable doubt that Barry's act was not reasonable in the circumstances?

In determining whether the act committed was reasonable in the circumstances, you must consider the relevant circumstances of Barry, the other people involved, and the act, including, but not limited to, the following factors:

1. The nature of the force or threat;
2. The extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;
3. Barry's role in the incident;
4. Whether any of the people involved used or threatened to use a weapon;
5. The size, age, gender and physical capabilities of those involved in the incident;
6. The nature, duration and history of any relationship among the people involved in the incident, including any prior use or threat of force, and the nature of that force or threat;
7. Any history of interaction or communication among the people involved in the incident;
8. The nature and proportionality of Barry's response to the use or threat of force; and,
9. Whether Barry's act was in response to a use or threat of force that Barry knew was lawful.

Ask yourselves:

First – Has the Crown proved beyond a reasonable doubt that Barry did not believe on reasonable grounds that force was being used against him?

If it has, the defence of self-defence fails. If not, then consider the next question.

Second – Has the Crown proved beyond a reasonable doubt that Barry did not commit the act for the purpose of defending or protecting himself from the use of force?

If it has, the defence of self-defence fails. If not, then consider the next question.

Third – Has the Crown proved beyond a reasonable doubt that Barry's act was not reasonable in the circumstances?

If it has, the defence of self-defence fails. If not, you must acquit Barry on the basis of self-defence. To repeat, if each of you finds that the answer to one or more of these questions is “yes,” the defence of self-defence fails. If you think that the answer to all three questions is “no,” then the conditions for self-defence are present and you must acquit Barry of first-degree murder and the lesser included offence of second-degree murder.

Appendix E
Pilot Juror Questionnaire

Instructions: Please respond to the following items.

How do you find the defendant, Barry Fischer with regards to the charge of first-degree murder?

1. Guilty of first-degree murder
2. Guilty of the lesser included charge of second-degree murder
3. Not guilty

You will now be shown a series of photographs and asked to rate each photograph on a series of scales.

Photo 1

How old do you think this person is? _____

How attractive do you believe this person is?

1	2	3	4	5	6	7
Very unattractive	Unattractive	Somewhat unattractive	Undecided	Somewhat attractive	Attractive	Very attractive

How likeable do you believe this person is?

1	2	3	4	5	6	7
Very unlikeable	Unlikeable	Somewhat unlikable	Undecided	Somewhat likeable	Likeable	Very likeable

Photo 2

How old do you think this person is? _____

How attractive do you believe this person is?

1	2	3	4	5	6	7
Very unattractive	Unattractive	Somewhat unattractive	Undecided	Somewhat attractive	Attractive	Very attractive

How likeable do you believe this person is?

1	2	3	4	5	6	7
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Very unlikeable	Unlikeable	Somewhat unlikable	Undecided	Somewhat likeable	Likeable	Very likeable
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Appendix F
Juror Questionnaire

Instructions: Please respond to the following items.

How do you find the defendant, (Barry Fischer/Stonefish) with regards to the charge of first-degree murder?

1. Guilty of first-degree murder
2. Guilty of the lesser included offence of second-degree murder
3. Not guilty

Assume you are in a jury room with jurors with a verdict of guilty of first-degree murder. How would you convince them to change their verdict?

Assume you are in a jury room with jurors with a verdict of second-degree murder. How would you convince them to change their verdict?

Assume you are in a jury room with jurors with the verdict of not-guilty. How would you convince them to change their verdict?

How did the victim (Lorna Whiteduck/Karen Carter) die?

Gunshot wounds

- Blunt force trauma
- Stab wounds
- Strangulation
- I don't know/I can't remember

Where did the crime take place?

- Grocery store
- Hotel room
- Parking lot
- Restaurant
- I don't know/I can't remember

Please indicate your agreement with the following using a scale from 1 (strongly disagree) to 5 (strongly agree).

1. [Name of the victim] acted carelessly on the night of her death.

Strongly Disagree					Strongly agree
1	2	3	4	5	

2. [Name of the victim] was responsible for the events of that night.

Strongly Disagree					Strongly agree
1	2	3	4	5	

3. This is an attention check. Select strongly disagree.

Strongly Disagree					Strongly agree
1	2	3	4	5	

4. [Name of the victim] should not be blamed for what happened to her.

Strongly Disagree					Strongly agree
1	2	3	4	5	

Please indicate your agreement with the following using a scale from 1 (strongly disagree) to 7 (strongly agree).

1. I feel that people generally earn the rewards and punishments that they get in this world.

Strongly disagree
1 2 3 4 5 6 Strongly agree
7

2. Other people usually receive the outcomes that they deserve.

Strongly disagree
1 2 3 4 5 6 Strongly agree
7

3. Other people generally deserve the things that they are accorded.

Strongly disagree
1 2 3 4 5 6 Strongly agree
7

4. This is an attention check. Select strongly agree.

Strongly disagree
1 2 3 4 5 6 Strongly agree
7

5. I feel that other people usually receive the outcomes that they are due.

Strongly disagree
1 2 3 4 5 6 Strongly agree
7

6. Other people usually use fair procedures in dealing with others.

Strongly disagree
1 2 3 4 5 6 Strongly agree
7

7. I feel that people generally use methods that are fair in their evaluations of others.

Strongly disagree
1 2 3 4 5 6 Strongly agree
7

8. Regardless of the outcomes they receive, other people are generally subjected to fair procedures.

Strongly disagree							Strongly agree
1	2	3	4	5	6		7

9. Other people are generally subjected to processes that are fair.

Strongly disagree							Strongly agree
1	2	3	4	5	6		7

10. I feel that I generally earn the rewards and punishments I get in this world.

Strongly disagree							Strongly agree
1	2	3	4	5	6		7

11. I usually receive the outcomes that I deserve

Strongly disagree							Strongly agree
1	2	3	4	5	6		7

12. I generally deserve the things I am accorded.

Strongly disagree							Strongly agree
1	2	3	4	5	6		7

13. I feel that I usually receive the outcomes that I am due.

Strongly disagree							Strongly agree
1	2	3	4	5	6		7

14. People usually use fair procedures in dealing with me.

Strongly disagree							Strongly agree
1	2	3	4	5	6		7

15. I feel that people generally use methods that are fair in their evaluations of me.

Strongly disagree							Strongly agree
1	2	3	4	5	6		7

16. Regardless of the specific outcomes I receive, I am generally subjected to fair procedures.

Strongly disagree							Strongly agree
1	2	3	4	5	6		7

17. I am generally subjected to processes that are fair.

Strongly disagree							Strongly agree
1	2	3	4	5	6		7

How favourably would you rate the following groups on a scale from 0 degrees to 100 degrees?

Indigenous people							
Unfavourable							Favourable
0°	25°	50°	75°				100°

Sex workers							
Unfavourable							Favourable
0°	25°	50°	75°				100°

To what extent do the following characteristics apply to the victim, (Lorna Whiteduck/Karen Carter)?

1.

Poor					Neither					Rich
-5	-4	-3	-2	-1	0	1	2	3	4	5

2.

Addicted to alcohol					Neither					Not addicted to alcohol
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-5 -4 -3 -2 -1 0 1 2 3 4 5

3.

Addicted to drugs						Neither						Not addicted to drugs
	-5	-4	-3	-2	-1	0	1	2	3	4	5	

4.

Dependent on welfare						Neither						Financially secure
	-5	-4	-3	-2	-1	0	1	2	3	4	5	

5.

Criminal						Neither						Law- abiding
	-5	-4	-3	-2	-1	0	1	2	3	4	5	

6.

Uneducated						Neither						Educated
	-5	-4	-3	-2	-1	0	1	2	3	4	5	

7.

Unreliable						Neither						Reliable
	-5	-4	-3	-2	-1	0	1	2	3	4	5	

8.

Immoral						Neither						Moral
	-5	-4	-3	-2	-1	0	1	2	3	4	5	

9.

Promiscuous						Neither						Not promiscuous
	-5	-4	-3	-2	-1	0	1	2	3	4	5	

10.

Involved in high- risk activity						Neither						Not involved in high- risk activity
--	--	--	--	--	--	---------	--	--	--	--	--	---

-5 -4 -3 -2 -1 0 1 2 3 4 5

1. What was the race of the defendant, (Barry Stonefish/Fischer)?

- Asian
 Black
 East Indian
 Hispanic/Latino
 White
 Indigenous
 I don't know/I can't remember

2. What was the race of the victim, (Lorna Whiteduck/Karen Carter)?

- Asian
 Black
 East Indian
 Hispanic/Latino
 White
 Indigenous
 I don't know/I can't remember

3. What did the victim (Lorna Whiteduck/Karen Carter) sell to the defendant, Barry (Fischer/Stonefish) on the night of her death?

- A phone
 Pizza
 Cigarettes
 Sex
 I don't know/I can't remember

Finally, we would like to ask you some questions about yourself so we can learn more about you.

1. What is your age? _____

2. What is your gender?

- Male
 Female
 Trans
 Non-binary
 None of the above (please specify)

3. What is your racial/ethnic background?

- Asian

- Black/African-Canadian
- Middle Eastern
- East Indian
- Hispanic/Latino
- White/Caucasian
- First Nations/Inuit/Metis
- Other (please specify)

4. What is your political affiliation?

- Conservative Party
- Liberal Party
- New Democratic Party
- Green Party
- Le Bloc Quebecois
- I have no political affiliations

5. What is the highest level of education that you have obtained?

- Doctoral or professional degree
- Master's degree
- Bachelor's degree
- Associate's degree
- Postsecondary non-degree award
- Some College, no degree
- High school diploma or equivalent
- Less than high school

Appendix G
Study Consent-to-keep-data Form

The purpose of a consent-to-keep-data form is to make sure that you are able to make an informed decision regarding whether or not you would like your data included in this study. We have included this form after explaining the true purpose of our study and the reasons for which deception was necessary. This form is meant to give you an opportunity to withdraw your data from the study, now that you are aware of its purpose. In the event that you wish to withdraw your data, it will be destroyed. After this point, it will not be possible to withdraw your data from the study.

By answering this form, you indicate that you understand that you were not informed of the true purpose of this study prior to completing your participation in the study, and that you understand the reasons regarding the necessity of the use of deception in this study.

Please indicate whether you **do/do not** continue to consent to the use of your data.

- I **consent** to the use of my data
- I **do not consent** to the use of my data

Thank you for your participation in this study!

This study has been reviewed and cleared by the Carleton University Research Ethics Board-B (Clearance #110889).

Appendix H
Debriefing Form – Pilot Study



Name and Contact Information of Researchers:

Janelle Knoop, Carleton University, Department of Psychology, Faculty of Arts and Social Sciences

Email: janelle.knoop@carleton.ca

Supervisor and Contact Information: Dr. Evelyn Maeder

Tel.: 613-520-2600, ext. 4488

Email: evelyn.maeder@carleton.ca

Project Title

Juror Decision-Making in a First-Degree Murder Trial

Project Sponsor and Funder

Social Sciences and Humanities Research Council Insight Grant
American Psychology-Law Grants in Aid for Students

Carleton University Project Clearance

Clearance #: 110889

Date of Clearance: June 4, 2019

What is the purpose of this research?

You have just participated in a pilot study. The primary purpose of this pilot study is to ensure that the evidence presented in the trial leads to an even split of verdicts. This trial transcript will be used in future research. We are interested in determining whether changing the race of the victim and defendant, as well as the victim's work in the sex trade will alter jurors' verdicts.

The photos you viewed were used with permission of the individuals for this research and will be used to indicate the race of the victim. Your ratings will be used to match the victims on age, attractiveness and likability. None of the individuals you viewed were actually involved in such a case, to our knowledge.

Why was the use of deception necessary?

Deception occurs when information is intentionally omitted or when misinformation is intentionally delivered. In our study, the trial transcript that you read was not an actual trial but was rather fabricated for this line of research. Informing participants that this was a fabricated trial may have changed their verdict. Please be aware that in the event that you are uncomfortable you may withdraw your responses. We understand that participants may become emotionally upset when they realize the true nature of the study. If this experiment has caused you any distress that persists for more than 5 minutes, please contact the resources listed below. Deception was also employed in order to avoid an effect of social desirability, which is a phenomenon where individuals modify their answers to fit with what they perceive to be socially acceptable. Please be aware that in the event that you are uncomfortable you may withdraw without penalty.

Why is this important to scientists or the general public?

Indigenous women experience high rates of violence in Canada (Brennan, 2011) and are overrepresented in the sex trade (Hallgrimsdottir, Phillips, & Benoit, 2006). Previous research has found victim race and involvement in high-risk activity to affect a juror's decision making. It is not known whether defendant race, as well as victim race and work in the sex trade affects a juror's verdict preference. Improved understanding of how jurors consider this information may contribute to addressing concerns regarding access to justice for Indigenous women who work in the sex trade.

Where can I learn more?

- <https://www150.statcan.gc.ca/n1/pub/85-002-x/2011001/article/11439-eng.htm>
- <http://www.missingwomeninquiry.ca/wp-content/uploads/2010/10/Forsaken-ES-web-RGB.pdf>

If you feel any distress or anxiety after participating in this study, please feel free to contact The Mental Health Helpline 1-800-273-8255 or visit <http://www.mentalhealthhelpline.ca>.

What if I have questions later?

If you have any remaining concerns, questions, or comments about the experiment, please feel free to contact Janelle Knoop (Principal Investigator), at: janelleknoop@cmail.carleton.ca, Dr. Evelyn Maeder (Faculty Sponsor), at: evelyn.maeder@carleton.ca (613-520-2600, ext. 4488).

If you have any ethical concerns with the study, please contact Dr. Natasha Artemeva, Chair, Carleton University Research Ethics Board-B (by phone at 613-520-2600 ext. 4085 or via email at ethics@carleton.ca).

Thank you for participating in this research!

Debriefing Form – Main Study

**Name and Contact Information of Researchers:**

Janelle Knoop, Carleton University, Department of Psychology, Faculty of Arts and Social Sciences

Email: janelle.knoop@carleton.ca

Supervisor and Contact Information: Dr. Evelyn Maeder

Tel.: 613-520-2600, ext. 4488

Email: evelyn.maeder@carleton.ca

Project Title

Juror Decision-Making in a First-Degree Murder Trial

Project Sponsor and Funder

*Social Sciences and Humanities Research Council Insight Grant
American Psychology-Law Grants in Aid for Students*

Carleton University Project Clearance

Clearance #: 110889
2019

Date of Clearance: June 4,

What are we trying to learn in this research?

The primary purpose of this study is to examine how a victim's race and work in the sex trade, as well as a defendant's race influences juror decision-making in a first-degree murder trial. The trial transcript that you read was not an actual trial but was fabricated for this research. None of the individuals that you viewed were actually involved in such a case, to our knowledge. The photographs in the study were used with prior permission of the photographed individuals. The questionnaires you completed assessed attitudes toward sex work and sex workers, rape myth acceptance, and juror bias. We systematically changed the victim's race (Indigenous, White), defendant's race (Indigenous, White) as well as the victim's work in the sex trade (sex worker, non-sex worker). We are interested in belief in a just world, victim blame/stereotypes and feelings toward Indigenous people and sex workers because some research suggests that these attitudes and beliefs can affect a juror's decisions. The purpose of this research is not to promote any particular point of view or to impact attitudes or beliefs.

Why was the use of deception necessary?

Deception occurs when information is intentionally omitted or when misinformation is intentionally delivered. In our study, we were not able to inform you of the specific purpose of the study, nor of the specific nature of the questions that we asked you to answer prior to your completion of the study. The effect of race or involvement in sex work on juror decision-making may be an unconscious one and is an effect created through societal norms and values. Informing participants about the true purpose of our study would inevitably change how they viewed the victim on the basis of race and work in the sex trade. We understand that participants may become emotionally upset when they realize the true nature of the study. If this experiment has caused you any distress that persists for more than 5 minutes, please contact the resources listed below. Deception was also employed in order to avoid an effect of social desirability, which is a phenomenon where individuals modify their answers to fit with what they perceive to be socially acceptable. Please be aware that in the event that you are uncomfortable you may withdraw without penalty.

Why is this important to scientists or the general public?

Indigenous women experience high rates of violence in Canada (Brennan, 2011) and are overrepresented in the sex trade (Hallgrimsdottir, Phillips, & Benoit, 2006). Previous research has found victim race and involvement in high-risk activity to affect juror decision making. It is not known whether defendant race, as well as victim race and work in the sex trade affects a juror's verdict preference. Improved understanding of how jurors consider this information may contribute to addressing concerns regarding access to justice for Indigenous women who work in the sex trade.

What are our hypotheses and predictions?

We predict that jurors will find the defendant guilty less often when the victim is Indigenous versus when the victim is White, a sex worker and when the defendant is White. We also predict that guilty verdicts will be the least likely when the victim is an Indigenous sex worker and the defendant is White.

Where can I learn more?

- <https://www150.statcan.gc.ca/n1/pub/85-002-x/2011001/article/11439-eng.htm>
- <http://www.missingwomeninquiry.ca/wp-content/uploads/2010/10/Forsaken-ES-web-RGB.pdf>

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What if I have questions later?

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Thank you for participating in this research!