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THE EFFECTS OF COMPLAINANT AGE
AND EXPERT TESTIMONY
IN A SIMULATED CHILD SEXUAL ABUSE TRIAL

by
NATALIE GABORA

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfilment of
the requirements for the degree of
Master of Arts
Department of Psychology

Carleton University
Ottawa, Ontario
November, 1990

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Sexual Abuse Trial" submitted by Natalie Gabora
in partial fulfilment of the requirements for the degree
of Master of Arts

A handwritten signature in cursive script, appearing to read "Neil Fraser", written over a dotted line.

Thesis Supervisor

A handwritten signature in cursive script, appearing to read "Belt", written over a dotted line.

Chairman, Department of
Psychology

Carleton University

November, 1990

ABSTRACT

Mock jurors viewed a videotape of a simulated child sexual abuse trial and then deliberated to a unanimous verdict. The complainant was characterized as either a thirteen or seventeen year old female child. Also varied were three levels of expert psychological witness (no expert, general expert, and specific expert). The general expert provided research based findings about child sexual abuse cases. The specific expert linked the research findings to the particular case and provided an opinion that the complainant was sexually abused.

Complainant age had no impact on jury verdicts or jurors' individual predeliberation verdicts. However, jurors privately believed in the defendant's guilt to a greater extent and, following deliberations, voted to convict more often when the younger child was seen. Furthermore, the thirteen year old complainant was rated as more credible and male jurors attributed to her less sexual responsibility than to the seventeen year old complainant. Female jurors voted the defendant guilty more often and rated the complainant as being more credible than male jurors. Attitudes towards women and child sexual abuse beliefs predicted perceptions of the defendant's and complainant's credibility, private beliefs of guilt, and predeliberation verdicts, but failed to predict postdeliberation verdicts.

Expert testimony exerted no significant effect on jury verdicts, although individual jurors voted to convict more

often when expert testimony was specific to the particular case than when they were presented with either general expert or no expert testimony. The defendant was rated as less credible when the specific expert was seen than when either the general expert or no expert was viewed. Jurors who saw either expert testify became less accepting of child sexual abuse misconceptions than those in the no expert control condition. The implications of these findings are discussed.

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INTRODUCTION

In recent years, there has been a dramatic increase in the number of reports of child sexual abuse. This has been accompanied by a corresponding increase in the number of children testifying in courts of law (Claman, Harris, Bernatein & Lovitt, 1988; Halliday & VanderMey, 1986; Yuille, 1989). Child sexual abuse cases can be processed either through the family court system or the criminal court system. Despite controversy surrounding the issue of criminal action, there appears to be growing advocacy to involve the criminal justice system (Badgley, 1984; Halliday & VanderMey, 1986; Ministry of Attorney General, 1985) and as a result, more of these cases are currently going to criminal courts (Duggan et al., 1989).

Reflecting these trends, reforms have been introduced which make it easier for children to testify and for these types of cases to be prosecuted. In Canada, Bill C-15 (1987) has provided a series of amendments to the Canadian Criminal Code and to the Canada Evidence Act including the following: 1) abolishing the rule regarding corroborating evidence to be necessary for a conviction, 2) dismissing the judge's cautionary note to the jury that it is unsafe to find the accused guilty in the absence of corroboration, 3) allowing a screen to be placed between the child and the accused during the child's testimony, and 4) admitting a videotaped interview as evidence to supplement the child's testimony. Similar reforms have also been introduced in the United States (Bulkley, 1988).

Since child victims of sexual abuse are often the only witnesses and since there is seldom corroborating physical evidence (Berliner & Barbier, 1984), their testimony is of critical importance. Although researchers have been interested in studying children's testimony since the early 1900's, the need for such research was minimal until recently. The introduction of reforms that make child sexual abuse cases easier to prosecute, in conjunction with the current increase in the number of children that actually do testify, has created a pressing need for research on the cognitive capabilities and limitations of child witnesses. As a result, this field has lately undergone widespread investigation.

Research on Children's Testimony

Most of the work to date has focused on examining the abilities of children as witnesses. The issues most often explored are children's memory, cognitive skills and their susceptibility to suggestions. The studies, however, have been widely criticized (Goodman, 1984; Haugaard, 1988) because they have not adequately investigated those abilities required of children when placed on a witness stand. For instance, children are usually required to testify about a personally significant, meaningful event in which they were actively involved. Often the event was traumatic and it may have been repeated on many occasions, as in long term sexual abuse (Goodman, Aman & Hirschman, 1987). In contrast, most researchers use personally insignificant events such as stories, slides or movies to investigate children's abilities

(e.g., Zaragoza, 1987). Because of these differences, questions arise concerning the ecological validity of the research.

Only recently have researchers attempted to study children's abilities as witnesses under more realistic conditions (e.g., stressful events in personally meaningful situations) (Peters, 1987; Goodman, Aman, Hirschman, 1987). Although the findings are not entirely consistent, several conclusions have been drawn from review of the research. Children as young as four or five years old perform as well as adults on recognition memory tasks. The free recall of children is as accurate as that of adults, however, children will probably supply less information than adults. Compared to adults, very young children are especially prone to suggestion and leading questions, whereas school-age children are quite resistant. Nevertheless, suggestibility may present a problem even for school-age children during interview situations since children are apt to be exposed to a greater proportion of leading questions and since the questions are posed by adults in positions of authority (for a review see Cole & Loftus, 1987; Melton & Thompson, 1987). Accepting these caveats, several researchers have concluded that, if carefully interviewed, children as young as age four may be capable witnesses, and in some situations, as reliable as adults (Lieppe, Brigham, Cousins & Romanczyk, 1989; Melton, 1987; Rabinowitz, 1985; Yuille, 1988).

Jurors' Perceptions of the Child Witness

Perhaps the crucial question with respect to child witnesses is not about their testimonial abilities per se, but rather how the triers of fact appraise children's testimony. In actual cases, it is the judge's or jury's perception of the child that will ultimately determine guilt or innocence. As a result, attention has recently focused on whether jurors find the testimony of children to be credible and whether their testimony influences jury verdicts. As a starting point, survey research provides a general understanding of how adults perceive children as witnesses. Several surveys have indicated that groups of adults including potential citizen-jurors, psychologists, students, as well as criminal attorneys tend to view young children as highly susceptible to suggestion and inferior to adults in recalling events. These same surveys however, also found that children were perceived as either as honest or more honest than adults (Lieppe et al., 1989; Leippe & Romancyk, 1987; Ross, Dunning, Toggia & Ceci, 1989; Yarmey and Jones, 1983).

In recent years, researchers have begun to study mock jurors' perceptions of child witnesses in simulated cases. The results of these studies have been mixed. A number have indicated that child witnesses are viewed as less credible than adult witnesses, although, witness age did not always determine the degree of guilt attributed to the defendant (Goodman, Golding & Haith, 1984; Goodman, Golding, Helgeson, Haith & Michelli, 1987; Leippe & Romancyk, 1987, experiments 2 & 3, 1989). In contrast, several other studies found that children were seen as no less credible (Ross, Miller & Moran,

1987), or more credible than adults (Lieppe & Romancyk, experiment 4, 1989; Nigro, Buckley, Hill & Nelson, 1989; Ross et al., 1989, 1990). Again, age did not reliably influence guilt ratings.

Two explanations have been proposed to account for the discrepant findings regarding children's credibility. The first, proposed by Goodman, Bottoms, Herscovici & Shaver (1989) (see also Ross et al., 1989, 1990), asserts that witness credibility rests on two components - sincerity and expertise. In general, jurors believe that children are at least as honest as adults, but that young children's cognitive capabilities are less developed than those of adults. Therefore, their perceptions of children's credibility will depend on the details of the particular case (i.e., whether honesty or expertise is most salient in the trial) as well as the age of the child. For example, mock jurors' credibility ratings of a six, ten, or thirty year old eyewitness increased with age in both a vehicular homicide and a murder trial (Goodman, Golding, Helgeson, Haith & Mitchelli, 1987). In these types of situations, a young child's testimony is likely to be seen as less credible than that of an adult or older child because jurors are more likely to question a young child's ability to accurately remember the event. On the other hand, in the Ross, Miller and Moran (1987) study, subjects asked to watch a videotape of a narcotics case in which a woman had been arrested for possession of cocaine, rated a child eyewitness as more credible than a twenty-one year old. In this case, because credibility rested primarily

on honesty, the child was viewed as being credible. In the same situation, however, the twenty-one year old eyewitness could be seen as being involved in the drug trafficking and this reduced his/her perceived honesty and credibility.

A second explanation deals with the role of stereotypes and whether behaviour conforms to or violates a particular stereotype (Lieppe & Romanczyk, 1989; Ross et al., in press). If behaviour conforms to expectations, or if it is ambiguous enough to be interpreted as conforming to them, an "assimilation effect" occurs whereby social judgments assimilate toward the relevant stereotype. When stereotypes are violated, however, a "contrast effect" occurs whereby an individual is rated as less similar to the relevant stereotype than another individual of a different social category displaying the exact behaviour. With respect to child witnesses, if a particular child conforms to the stereotype of a child witness (by appearing confused, unconfident, inarticulate), he/she will be viewed with scepticism. Conversely, if a child's behaviour violates jurors' expectations (by appearing confident, articulate), the child is viewed as extremely credible and convincing. Several studies support this hypothesis. For instance, only when the child witness employed powerful speech (Nigro et al., 1989) or when a transcript illustrating competent testimony (as opposed to only a description) was provided to subjects (Lieppe & Romanczyk, 1989) did subjects view children as more credible than adults. In both conditions, the testimony provided by the child violated expectations and was, accordingly, judged

to be more credible than an adult displaying the same behaviour.

Since the age of a witness influences perceptions (both positively and negatively) of a witness' credibility, one would assume that age would also have a similar impact on judgements of guilt and innocence. Research has been only partially consistent with this expectation. In addition to witness credibility, the strength of the evidence influences decisions of guilt and innocence. For instance, when evidence is weak or ambiguous, even those mock jurors who rate the witness as credible might feel that there is insufficient evidence to attribute a high degree of guilt. It seems that only when the evidence is strong does age influence jurors' verdicts (Goodman, Golding, Helgeson, Haith & Michelli, 1987; Lieppe & Romanczyk, 1987). It has also been proposed that credibility becomes a more salient issue when the trial is presented visually (Lieppe & Romanczyk, 1987). As a result, credibility should have a much greater impact on jurors' verdicts when the trial is presented on videotape rather than in written format.

The studies discussed thus far have shed light on how children are perceived. The results of these studies are useful for both theoretical and practical purposes, but their focus has been somewhat tangential to the issue of child abuse. These studies have presented children in the role of the nonvictim eyewitness even though children are victims in approximately 80 percent of child witness cases (Leippe et al., 1989). Studies with more real-world applicability in

which the child is the victim have more practical relevance. In particular, it is important to study jurors' perceptions of child sexual abuse victims, since they represent the majority of witnesses who will testify in criminal prosecutions (Bulkey, 1989). To date, only a few studies have examined jurors' perceptions of children who testify in child sexual abuse cases.

Jurors' Perceptions of Simulated Child Sexual Abuse Cases

In child sexual abuse trials, honesty is an important aspect of the witness' credibility. Since adults are often skeptical when children report sexual abuse (Summit, 1983), especially when the accused is a member of or is close to the family (Berliner & Barbieri, 1984), jurors may be doubtful of children's testimony. This issue has been studied in laboratory simulations of child sexual assault cases.

Goyette and Rosenberg (1987) assessed mock jurors' beliefs about the ability of a six year old victim in a sexual assault case to give accurate testimony. Jurors then read a transcript of a sexual assault case involving a six year old. Prior beliefs about the credibility of a child's testimony were correlated with perceptions of the child in the case. Furthermore, jurors scoring high on the belief questionnaire were more likely to return a guilty verdict than those scoring low. The finding that many adults are predisposed to believe a young child's testimony supports the assumption that adults view children as generally honest, even in sexual abuse cases. Although jurors had reservations about a six year old's

ability to testify, a young child's lower cognitive abilities can actually enhance his/her credibility in this type of case. Presumably, jurors believed that a young child is incapable of inventing a detailed account of a sexual incident unless it actually occurred.

Older children, however, would have the knowledge to fabricate a seemingly valid report. Therefore, it is possible that their honesty would be questioned and credibility diminished. Two studies have examined this issue. Goodman et al. (1989) asked subjects to read a summary of a trial in which a female student claimed to have been sexually assaulted by her male teacher. The victim was described as being either six, fourteen, or twenty-two years old. Subjects were then asked to rate the guilt or innocence of the defendant and the credibility of the witness. Goodman et al. (1989) found that the younger the victim, the more credible and honest she was judged to be. Furthermore, subjects were more likely to convict the defendant when the victim was a child than when the victim was an adolescent or adult.

These findings have been supported by a more ecologically valid study in which subjects were randomly selected voters from the community, trials were presented in videotape format and subjects deliberated to a verdict. Duggan et al. (1989) examined mock jurors' perceptions of a child sexual abuse case involving a five, nine or thirteen year old female victim. They found that jurors voted to convict most often when the victim was nine and the least often when the victim was thirteen. More specifically, 81% of jurors who viewed the

nine year old complainant voted to convict the defendant, 71% of those who viewed the five year old voted guilty and only 65% of jurors voted guilty when the complainant was thirteen. They proposed that while a five year old is seen as susceptible to influence, sexual responsibility is often attributed to a thirteen year old. It appeared that a child's testimony was viewed optimally at about nine years of age. Evidence from actual cases supports this finding. A review of 6,098 substantiated reports of child sexual abuse revealed that cases were more likely to be prosecuted when the victim was between seven and twelve years old (Finkelhor, 1983).

Since adults are skeptical of a thirteen or fourteen year old in a sexual abuse case, it is logical to assume the distrust will grow as the victim's age increases. Reports indicate that police officers are particularly wary of sexual abuse complaints laid by teenagers (Hamilton, 1989). Presumably, jurors may also be suspicious of teenagers reporting sexual abuse. Relatedly, although the issue of responsibility should not be a factor if the victim is under the age of fourteen, or if the perpetrator is in a position of trust or authority, jurors may hold a teenager partly responsible for sexual abuse. If so, jurors may tend to view older children more as they would an adult rape victim. Research suggests that misconceptions about rape (e.g., women ask for it) are relatively common (Burt, 1980) and that these misconceptions can influence jurors' evaluations of rape trials (LaFree, 1980). It is unclear whether there is a parallel acceptance of misconceptions regarding child sexual

abuse (e.g., children often lie about sexual abuse to get back at a parent or other adult). If there is, jurors' evaluations of the evidence and verdicts in a child sexual abuse trial may be influenced by these misconceptions.

Many research studies have indicated that in adult rape cases women convict the defendant more often than male jurors (Gerzon, 1989; Spanos, DuBreuil & Gwynn, in press). These studies further suggest that male and female jurors differ in their views toward the victim and defendant and that males attribute greater responsibility to the victim's character and actions than women do. These gender differences are thought to exist because females identify more strongly with the rape victim than males, and males identify more with the defendant than do females (Borgida & Brekke, 1985). The available research suggests that gender differences are not as evident in cases of child sexual abuse. Goodman et al. (1989) found no significant gender differences. Duggan et al. (1989) also found no gender difference in juror verdicts. However, these investigators did find that women judged the offence to be more serious than men. The effect of juror gender will also be addressed in the present study.

Expert Testimony

While controversy exists as to the conditions under which expert psychological witnesses should be allowed to testify in courts (Evans, 1987; Greene, Schooler & Loftus, 1985; Loftus, 1983; McCloskey & Egeth, 1983), such testimony may be admitted if it is thought that the psychologist's specialized knowledge

will assist the triers of fact in understanding the evidence in a case (Bulkley, 1988). Consequently, psychological experts have been permitted to testify on matters of their special knowledge and on matters of opinion. Critics question the validity of a psychologist's testimony, its impact on the jury, its moral implications and whether psychologists can provide any useful knowledge that jurors do not already have (Greene et al., 1985). The debate is most apparent when issues such as eyewitness reliability, rape trauma syndrome and child sexual abuse are involved (Smith, 1989).

Laboratory investigations have examined the effectiveness of expert testimony in eyewitness and rape cases. For example, Spanos, Gwynn and Terrade (1989) found that expert testimony concerning hypnotically facilitated eyewitness reports influenced subject-jurors' guilt ratings, although it did not significantly affect jury verdicts. Similarly, in a simulated rape trial, an expert witness testifying about rape myths and characteristics of rape trauma syndrome influenced mock jurors' beliefs of guilt. Mock jurors also became less accepting of rape myths, but only when the expert was not cross examined, did the testimony influence conviction rates (Spanos, DuBreuil & Gwynn, in press).

Although some are opposed to allowing psychological experts to testify in cases of child sexual abuse, there are many psychologists and attorneys who strongly support this type of testimony (Gothard, 1987; LeMere, 1987). Since there is usually little or no corroborating evidence in these cases, an expert can help to support a child's testimony.

Particularly in incest cases, certain behaviours (e.g., delayed disclosures, inconsistent statements) appear to undermine the credibility of the testimony and, if left unexplained, could lead jurors to believe that an allegation had been fabricated. A psychologist, however, could provide research data to explain that such behaviours are common in sexually victimized children. Despite new reforms allowing expert psychological testimony in child sexual abuse cases (Bulkey, 1989) and the fact that in actual trials, experts have been permitted to testify on behalf of the child (R. v. Kostuck; R. v. Walker), the effectiveness of such testimony has yet to be empirically studied.

Admissibility of Expert Testimony in Child Sexual Abuse Cases

The type of evidence presented by an expert is the primary determinant of whether the court will allow the testimony. In child sexual abuse trials the type of evidence an expert can present is variable (for a detailed review, see McCord, 1986). Essentially, there are two major types of evidence that expert psychologists could be asked to provide: 1) clinical evidence based on an assessment of a child (e.g., provide an opinion about a specific child or the specific circumstances of that case) and 2) research evidence based on generalizations drawn from psychological studies (e.g., provide information concerning rates of abuse or general aspects about typical cases) (Yuille, 1989).

American courts generally have not allowed experts to give opinions about whether a child has been abused, nor have

they permitted them to state an opinion regarding the credibility of a particular child (Bulkley, 1988). Such testimony is often thought to invade the province of the judge or jury. Courts are more lenient in allowing experts to provide general testimony about typical behaviours of victims or other aspects of child sexual abuse cases without giving an opinion about a particular child (Bulkley, 1989). Although some courts have held that this information is common knowledge and have not permitted it, others have allowed it, ruling that jurors are unlikely to be aware of either the dynamics inherent in situations of abuse or the postabuse behavioural and psychological symptoms that characterize many victims (Leippe et al., 1989). In short, it appears that in American courts, clinical evidence that has a high impact on the ultimate issue of a specific case will often not be permitted. Meanwhile, courts are more flexible in allowing research based evidence that has a lower impact on the ultimate issue.

The admissibility of expert testimony in other countries has emerged in a much different manner. For instance, psychological experts in Germany routinely present evidence on the credibility of a child's statements using a technique known as "statement reality assessment" (Undeutsch, 1982). At the present time, the type of testimony admitted in Canadian courts is variable. General/research expert testimony has been permitted in some courts but not in others. Similarly, specific/clinical testimony is sometimes allowed. Currently, a modified version of the German procedure for assessing the

credibility of statements is under evaluation (Yuille, 1988). If proven successful, experts employing this technique may more readily be allowed to provide opinion evidence concerning the credibility of a child's statements. Nevertheless, the type of expert testimony permitted in Canadian courts will likely remain variable until the issue is examined in the Supreme Court of Canada (LeHere, 1987; Yuille, 1989).

Research on the Type of Expert Testimony

The effectiveness of the type of expert testimony (general/research vs. specific/clinical) has been empirically studied in two studies. Maas, West & Brigham (1985) found that subjects who heard an expert testify that eyewitness identifications are often in error, made more lenient judgements than subjects who did not hear an expert. The study examined the type of expert testimony, according to two dimensions - general/research versus clinical/specific and whether a causal explanation was given for the inaccuracy of eyewitness reports. Expert testimony concerning the results of research studies had a moderate impact on the subjects' judgments, regardless of whether or not causal explanations were given. Expert testimony based on interviews with and tests of the specific eyewitness was the most influential type of expert advice when a causal explanation was provided, but the least influential one when no reasons were given.

These findings are somewhat surprising since research has shown the existence of a "base-rate fallacy" whereby people tend to underutilize base-rate information (i.e., statistical

summaries from research studies) in favour of information about specific individuals (Borgida & Nisbett, 1977).

Presumably, research statistics lack impact because of their abstract nature. In light of this, one might have suspected that in the Maas, West & Brigham study, expert testimony would always carry more weight when providing specific rather than general information. However, it was suggested that when subject-jurors have preconceived ideas about base-rates (e.g., about mistaken identities), causal explanations about the particular witness are needed to overcome the prior beliefs. If no causal explanation is provided, jurors may oppose the expert's testimony and retain their prior beliefs. Thus, the results of the Mass et al (1985) experiment supports the base-rate fallacy hypothesis, but demonstrates that presentation of causal explanation information should be considered when prior base-rate beliefs exist.

The effects of the type of expert testimony have also been investigated in a simulated rape trial. Brekke and Borgida (1988) demonstrated that expert testimony did indeed influence interpretation of the facts. Moreover, consistent with the base-rate fallacy hypothesis, expert testimony was most effective when it was linked explicitly to the specific case under consideration. Under these circumstances, it resulted in higher conviction rates, harsher sentences, and more favourable perceptions of the victim. It was proposed that jurors may find it difficult to grasp the connection between general/research findings and judgements about specific individuals unless the link is somehow made fairly

explicit.

It seems apparent, therefore, that if an expert is to testify, his/her type of expertise should be considered. Also, in view of the fact that certain types of testimony influence jurors more than others, an effort should be made to ensure that examination of the witness brings forth the most influential information.

The Present Study

In the present study, mock jurors viewed a videotape of a simulated child sexual abuse trial. Reflecting the lack of research on older children, the victim was described as either thirteen or seventeen years old. The effects of the victim's age on jurors' perceptions of the victim's credibility, private beliefs about the defendant's guilt and juror/jury verdicts were assessed. In addition, we examined the impact of juror gender on verdicts, private beliefs, and perceptions of the key witnesses.

It was also of interest to investigate the extent of subjects' misconceptions about child sexual abuse (e.g., that delayed disclosure, retraction of the allegation indicate that the allegation has been fabricated), determine how these beliefs influence the evaluation of the trial evidence, and examine whether prior beliefs will be changed by the testimony of an expert psychological witness.

The impact of expert testimony on jurors' perceptions of the victim's credibility and the degree of guilt attributed to the defendant was explored. Moreover, to determine whether

the type of expert testimony presented differentially effects jurors, two types of expert testimony were provided. In one case, the expert provided general information about child sexual abuse cases (i.e., research based findings about several aspects). In the other, the expert linked the research findings to the particular case under consideration (i.e., the expert testified that the victim's behaviour is consistent with that of sexually abused children) and concluded that, in her opinion, the child was sexually abused.

METHOD

Subjects

Three hundred and fifty two (192 male and 160 female) volunteers from Carleton University Psychology undergraduate courses served as subjects in this study. All subjects received course credit for their participation.

Procedure

Subjects were randomly assigned to one of sixty juries. Juries were randomly assigned to one of six conditions with the restriction of ten juries per condition. Each of the juries contained between five and eight subjects with at least one member of each gender in each jury.

Upon arrival at the laboratory, subjects were asked to complete a Child Sexual Abuse Belief Scale if they had not already completed it in a pre-experimental survey session. Subjects also completed an Attitudes Towards Women Scale (Spence, Helmreich, & Stapp, 1973). They were then told the nature of the simulated criminal trial (i.e., child sexual abuse) and asked to sign an informed consent form. Juries were then shown one of the videotaped trial proceedings. In all, there was six trial videotapes, reflecting a 2 x 3 design (victim's age: thirteen or seventeen years) x (no expert, general expert, specific expert).

Jurors rated their private beliefs concerning the defendant's guilt or innocence, on five occasions during the trial proceedings: 1) after the cross examination of the

victim, Jill Harris, 2) after the cross examination of the expert psychologist (or of the medical doctor in the no expert condition), 3) after the cross examination of the defendant, Mr. Harris, 4) after the judge's charge, and 5) following jury deliberations.

Following the trial, the subjects were asked to select a foreperson to lead the jury deliberations and were informed that they were to deliberate to a unanimous verdict. Before beginning deliberations, the foreperson read aloud his/her duties to the other members of the jury and a written poll of jurors' individual guilty/not guilty verdicts was taken. Subject-jurors were given a maximum of seventy minutes to reach a unanimous verdict. If, at the end of seventy minutes, a unanimous verdict was not reached the jury was declared hung. A final tally was taken once a unanimous verdict was reached or, in the case of a hung jury, at the end of the deliberation time. Subjects then completed several postdeliberation questionnaires, were debriefed, and thanked for their participation.

The Sexual Abuse Scenario

The elements of the simulated child sexual abuse case included those characteristics that are typical in actual cases. Research indicates that a) perpetrators are most likely to be people who are familiar to the child, b) the abuse is often repeated, c) the abuse typically begins with touching, but may eventually lead to intercourse, d) children rarely tell about the sexual abuse because they are frightened

and are told not to tell, e) physical force is present in only a small percentage of the cases, and f) children often retract the allegation (Summit, 1983). Accordingly, these characteristics were incorporated into the sexual abuse scenario in this study.

The Trial Proceedings

(See Appendix A for actual script of trial proceedings)

At the beginning of the trial, the judge informed the jurors that Mr. Harris, the defendant in the case, was being charged with sexually assaulting his daughter, Jill Harris. The judge defined sexual assault as outlined in Section 246.1 of the Canadian Criminal Code and explained that it is not a defence that the complainant consented to the activity if the complainant is under the age of 14 years or if the accused is in a position of trust or authority.

The Crown's opening statement informed the jurors that it would prove beyond a reasonable doubt that Mr. Harris sexually assaulted his daughter over a period of ten months.

The defence, on the other hand, argued that Mr. Harris never engaged in any type of sexual relations with his daughter. The defence contended that Jill Harris was a confused and angry child still suffering from the emotional trauma of her mother's death, and that her father's beginning to date coupled with a recent argument between them led to her accusation.

The first witness for the prosecution was Jill Harris, the alleged victim in the case. She testified that her father

began to have sexual relations with her ten months prior to her disclosure. She described how the activities initially involved touching and fondling, but progressed in severity until eventually her father had intercourse with her, three days before she reported the activities to her gymnastics coach. She also testified that she did not report the abuse sooner, and that she later retracted the allegation because she was frightened. During cross examination, she was led to acknowledge that she has previously lied when she has been frightened and confused.

The victim's coach stated that Jill had exhibited strange behaviours that were suggestive of sexual abuse and that Jill disclosed the abuse to her. During cross examination, she conceded that she never witnessed any of the alleged activities and that it was possible that her questioning of Jill could have suggested the idea of a sexual abuse fabrication.

A police officer testified that Jill described the sexual abuse to her, but the next day retracted the allegation and later that day retracted the recantation. During cross examination, she admitted that she pressed Jill to tell the truth and that after Jill retracted her story she told Jill that it was an offence to make a false accusation.

A medical doctor testified that the medical examination was consistent with Jill's disclosure, but during cross examination testified that the condition of Jill's genitals could have been caused from activities other than sexual intercourse.

An expert psychological witness testified in four of the six conditions. This testimony is described in detail below.

The defendant, Mr. Harris, testified that he never had any type of sexual relationship with his daughter, that Jill blamed him for her mother's death, and that she was very angry when he began to date other women. He described a fight they had two days before Jill's disclosure and testified that she has previously lied. Under cross examination, Mr. Harris admitted that Jill was much less upset and confused now than she was after her mother's death.

The prosecution and defence attorneys each gave closing statements which summarized their respective positions.

The judge's charge included a summary of the case, instructed the jury that the issue to be resolved was whether or not sexual relations actually occurred between the complainant and the defendant, and provided instructions concerning the reasonable doubt criterion to be used in ascertaining guilt. The reasonable doubt instructions were modified from the definition given in Black's Law Dictionary (Black, Nolan, & Connolly, 1979).

The Complainant's Testimony

The complainant was described to half of the juries as a thirteen year old girl, who was twelve at the time of the alleged activities, and to the other half of the juries as a seventeen year old girl, who was sixteen at the time of the alleged activities. In both conditions, the alleged victim was played by the same sixteen year old actress, but her

dress, behaviour, and testimony varied depending on the age she portrayed (age thirteen or seventeen). The testimony of the complainant in the two age conditions was basically the same, and differed only to reflect age appropriate dialogue. For example, one statement made by the thirteen year old witness stated: "he said that my mother was gone now so it was my job to make him feel good". The corresponding statement made by the seventeen year old witness stated: "he said that since my mother was gone, it was my job to sexually satisfy him". The complainant's answers to the defence cross examination were fairly short (e.g., "yes, I guess so"), and therefore, remained constant across both age conditions.

Expert Testimony

Juries in two expert conditions saw an expert psychologist testify on behalf of the prosecution. The same female actress portrayed the expert in both conditions. She was identified as a clinical psychologist who specialized in the field of child sexual assault. Juries in one expert condition saw a "general" expert who testified about the results of various research studies. Those in the other expert condition viewed a "specific" expert who testified about the same research studies but made specific references concerning their relevance to the case at hand and provided an expert opinion based on her clinical examination that the alleged victim had, in fact been sexually abused.

1) General Expert

The role of this expert was to dispell misconceptions

about child sexual abuse, explain "unusual" behaviour in abuse victims, and describe common symptoms and reactions to sexual abuse. Specifically, she informed the jurors: a) of the prevalence of child sexual abuse, b) that children are usually sexually assaulted by a person known to them, c) that sexual abuse of children occurs at all levels of income and education, d) that fathers who sexually abuse their daughters often appear to be respectable law-abiding men, e) that children do not usually report the abuse right away because they have been bribed, intimidated or threatened, f) sexually abused children commonly make inconsistent statements (i.e., retracting the allegation), g) force or physical abuse is not usually required for a parent to coerce a child into sexual activity, h) girls living without their natural mother are at an increased risk, i) it is very rare for children to make false sexual abuse allegations, j) children do not often misinterpret, exaggerate, or maliciously lie about incidents of sexual abuse, k) described characteristics that distinguish false and true allegations. Furthermore, she discussed these issues with reference to relevant research studies.

During cross examination, however, the expert was forced to acknowledge that most of the statements made during the examination were generalizations to which there are always exceptions. For example, she admitted that there are cases of false accusations, that symptoms common to sexually abused children may also be observed in nonabused children, and that characteristics common to false accusations may be present in true accusations.

2) Specific Expert

Juries in two conditions viewed an expert who had examined the alleged victim. Thus, in addition to relaying the above empirical information, she discussed how it related to the complainant in this particular case. For example, she described the alleged victims's symptoms and then testified that these symptoms are common to sexually abused children. Furthermore, she described the interview with the alleged victim and explained the battery of psychological tests that were administered to her. The expert concluded from the results that, in her opinion, Jill Harris was sexually abused by her father.

The cross examination of the specific expert was identical to that of the general expert, except that in this condition, the expert also acknowledged that the battery of psychological tests she administered is controversial.

Measurement Instruments

The Child Sexual Abuse Belief Scale was administered to students prior to commencing experimental sessions (Appendix B). One hundred and seventy six experimental subjects completed the Child Sexual Abuse Belief Scale during the pre-experimental survey session, while 142 subjects completed the questionnaire at the onset of the experiment. Thirty-four subjects failed to complete the scale. Subjects who completed the questionnaire in the survey session did not score differently on it from those who completed it at the onset of the experiment $t(307) = .32, p = .747$. Therefore, the responses

of subjects in these two groups were combined for all analyses.

The majority of the 17 items assessed whether subjects believed that children fabricate false allegations of sexual assault. Each item consists of a statement (e.g., It is uncommon for children to fabricate false accusations of sexual abuse) and subjects were asked to rate the extent to which they disagree (scored -5) or agree (scored +5) with that statement. The internal reliability of the scale was adequate, Cronbach's alpha = .72. Consequently, the items were summed to obtain a single score for each subject. Higher scores indicated greater acceptance of misconceptions concerning child sexual abuse. Scores ranged from -85 to +14, with $M = -37.82$ ($SD = 18.73$) and $Mdn = -37.00$. The percentage distribution is presented in Table 1.

Prior to watching the videotaped trial subjects completed the short version of the Attitudes Towards Women Scale (Spence, Helmreich & Stapp, 1973) (Appendix C). The scale consists of 25 items which measure attitudes towards the role of women in society. Each item was scored on a 4 point Likert type scale and items were summed to obtain a single score. Higher scores are indicative of profeminist attitudes.

As described earlier, private beliefs of guilt or innocence were assessed on five occasions. Jurors rated their beliefs on an 11-point scale which ranged from "positive that Mr. Harris did not sexually assault Jill Harris" (scored -5) to "positive that Mr. Harris did sexually assault Jill Harris" (scored +5) (see Appendix D).

Table 1

Percentage Distribution for the Child Sexual Abuse Relief Scale

Score	N	%
-85 - -81	1	0.3
-80 - -78	4	1.2
-75 - -71	4	1.2
-70 - -66	10	2.7
-65 - -61	20	6.2
-60 - -56	27	8.5
-55 - -51	22	7.0
-50 - -46	22	7.0
-45 - -41	32	10.0
-40 - -36	31	9.8
-35 - -31	34	10.7
-30 - -26	28	8.8
-25 - -21	22	6.9
-20 - -16	23	7.3
-15 - -11	15	4.7
-10 - -06	10	3.1
-05 - -01	4	1.2
00 - 04	5	1.5
05 - 09	2	0.6
10 - 14	2	0.6

All subjects rendered a dichotomous guilty/not guilty verdict (Appendix E) on two occasions (pre- and postdeliberation).

Postdeliberation Questionnaires:

Subject-jurors were asked to indicate to what extent various adjectives accurately described the complainant and defendant (Appendix F). Each item on the list was rated on a 6 point scale that ranged from "not at all" (scored 0) to "completely" (scored 5). The adjective lists contained eight credibility items interspersed between filler items. The credibility items were summed to obtain a single credibility score for both the complainant and the defendant for each subject. The internal reliability of the scale was high for both the complainant and the defendant, with Cronbach's alpha = .90 and .92, respectively.

Jurors were asked to assume that the defendant did sexually abuse the complainant and indicate the extent to which they believe that the complainant was responsible for the abuse (Appendix G). These ratings were recorded on an 11-point scale ranging from "definitely not responsible" (scored -5) to "definitely responsible" (scored +5).

Lastly, the Child Sexual Abuse Belief Scale was completed for a second time to determine if jurors' beliefs changed as a function of expert witness.

RESULTS

Jury Verdicts

Overall, juries were more likely to issue a guilty verdict (47%) than a verdict of not guilty (22%) or hung (32%). Juries tended to more often convict the defendant when the complainant was thirteen years of age than when she was seventeen. In addition, juries tended to more often vote guilty when a specific expert testified on behalf of the prosecution than when a general expert or no expert testified. However, when analysed with a 2 x 3 between-subjects Analysis of Variance (ANOVA) (guilty = 2, hung = 1, not guilty = 0), none of these trends approached statistical significance. The means, number, and percentage of jury verdicts by complainant age and expert type conditions are shown in Tables 2 and 3, respectively.

Juror Verdicts

Individual juror verdicts were analysed with a 2 x 2 x 2 x 3 mixed ANOVA (guilty = 1, not guilty = 0) with one within-subjects variable (tally: pre- post deliberation verdicts) and 3 between subjects variables (gender of juror x age of complainant x type of expert witness). Juries to which subjects in each condition were assigned were nested under treatments. The main effect of gender attained significance, $F(1, 232) = 32.58, p < .001$, (partial eta squared = 0.12). This effect, however, was qualified by a significant gender x tally interaction, $F(1, 232) = 32.58, p < .001$,

Table 2

Jury Verdicts: By Complainant Age

	Age 13	Age 17
N Guilty (%)	16 (53%)	12 (40%)
N Not Guilty (%)	4 (13%)	9 (30%)
N Hung (%)	10 (33%)	9 (30%)
M	1.40	1.10
SD	0.72	0.84

Table 3

Jury Verdicts: By Expert

	Specific	General	None
N Guilty (%)	12 (60%)	9 (45%)	7 (35%)
N Not Guilty (%)	2 (10%)	5 (25%)	6 (30%)
N Hung (%)	6 (30%)	6 (30%)	7 (35%)
M	1.50	1.20	1.05
SD	0.69	0.83	0.83

(partial eta squared = 0.12). The means involved in this interaction along with the number and percentage of male and female jurors that voted guilty pre- and post deliberation are shown in Table 4 and plotted in Figure 1. The simple main effect of gender was significant before deliberation, $F(1, 397) = 65.86, p < .05$; and following deliberation, $F(1, 397) = 14.43, p < .05$. At both tallys, females voted to convict significantly more often than males, however, the magnitude of this difference between the sexes diminished from pre-deliberation to postdeliberation.

The main effect of complainant age, $F(1, 232) = 4.86, p < .05$, (partial eta squared = 0.021), and the complainant age x tally interaction, $F(1, 232) = 9.21, p < .005$, (partial eta squared = 0.038), attained significance. The relevant means and percentages are given in Table 5 and plotted in Figure 2. The simple main effect of age did not attain significance for pre-deliberation verdicts, $F(1, 397) = 3.71, ns$; but was significant for postdeliberation verdicts $F(1, 397) = 16.57, p < .05$. Following deliberation, jurors were more likely to convict the defendant when the complainant was thirteen years of age than when the complainant was seventeen years of age.

The main effect of expert was also significant $F(2, 232) = 10.11, p < .001$, (partial eta squared = 0.087), and the means are given in Table 6. Subsequent post hoc tests (Newman Keuls) revealed that jurors who saw the specific expert voted guilty significantly more often than those who saw the general expert or those that did not see an expert.

Table 4

Individual Juror Verdicts: Gender x Tally Interaction

		Predeliberation	Postdeliberation
Male	N Guilty	90	110
	% Guilty	47	57
	M	0.47	0.57
	SD	0.50	0.50
Female	N Guilty	127	116
	% Guilty	79	72.5
	M	0.79	0.72
	SD	0.41	0.45

Figure 1. Mean Individual Juror Verdicts:
Gender x Tally Interaction

Table 5

Individual Juror Verdicts: Complainant Age x Tally Interaction

		Predeliberation	Postdeliberation
Age 13	N Guilty	114	128
	% Guilty	65.5	72
	M	0.66	0.72
	SD	0.48	0.45
Age 17	N Guilty	103	100
	% Guilty	58	56
	M	0.58	0.56
	SD	0.50	0.50

Figure 2. Mean Individual Juror Verdicts:
Complainant Age x Tally Interaction

Table 8

Individual Juror Verdicts: By Expert

	Specific	General	None
N Guilty	89	71	63
% Guilty	73	59	58
M	0.73	0.59	0.56
SD	0.39	0.42	0.41

Private Ratings of Guilt

Jurors rated their private beliefs in the defendant's guilt on five occasions: 1. after the complainant, 2. after the expert/medical doctor, 3. after the defendant, 4. after the judge's charge but before deliberating, 5. following deliberation. In all treatment conditions, jurors assigned the defendant guilty (above zero) rather than not guilty (below zero) mean ratings at all rating intervals. Guilt ratings were analysed with a gender of juror x complainant age x expert x rating interval mixed ANOVA with juries nested within treatments. Gender of juror, age of complainant and expert were between-subjects factors and intervals was the within-subjects factor.

1) Expert x Interval Interaction

The main effect of expert, $F(2, 232) = 11.99, p < .001$, (partial eta squared = 0.094), and the main effect of intervals, $F(4, 928) = 32.78, p < .001$, (partial eta squared = 0.12) attained significance. These effects, however, were qualified by the expert x interval interaction, $F(8, 928) = 2.98, p < .005$, (partial eta squared = 0.025). The relevant means are given in Table 7 and plotted in Figure 3. At the first rating interval (before seeing the expert), the simple main effect of expert condition was nonsignificant. However, the effect of expert was significant at each of the subsequent rating intervals: interval 2, $F(2, 524) = 7.66, p < .05$; interval 3, $F(2, 524) = 8.46, p < .05$; interval 4, $F(2, 524) = 13.73, p < .05$; interval 5, $F(2, 524) = 5.59, p < .05$. Post hoc comparisons indicated that at the second rating interval

Table 7

Mean Private Belief Ratings: Expert x Interval Interaction

		Rating 1	Rating 2	Rating 3	Rating 4	Rating 5
Specific M		2.36	2.43	2.09	2.81	3.43
(N=122)						
	SD	1.62	1.95	2.25	2.74	2.42
General M		2.15	1.87	1.30	1.74	2.69
(N=118)						
	SD	2.07	2.41	2.66	3.29	2.81
None M		2.14	1.30	0.94	1.37	2.54
(N=112)						
	SD	1.85	2.34	2.53	3.09	3.03

Figure 3. Mean Private Belief Ratings: Expert x Interval Interaction

(following the expert/medical doctor), guilt ratings of jurors in the general and specific expert conditions did not differ, and both were higher than those in the no expert condition. At each of the remaining rating intervals, guilt ratings of jurors who saw the specific expert were higher than those who saw either the general expert or no expert. The latter two means failed to differ significantly. Thus, expert testimony, regardless of the type, initially led to higher guilt ratings. The higher ratings, however, were maintained only when specific expert testimony was viewed.

The simple main effect of intervals was significant at each expert condition: specific expert, $F(4, 928) = 15.32$, $p < .05$; general expert, $F(4, 928) = 15.32$, $p < .05$; and no expert, $F(4, 928) = 22.50$, $p < .05$. Newman Keuls post hoc comparisons indicated that jurors in the no expert condition showed a significant lowering of assigned guilt from the first rating interval (after viewing the complainant) to the second interval (after viewing the medical doctor). No further decrease occurred from the second interval to the third. Jurors who saw either expert in addition to the medical doctor failed to show a significant change in ratings of guilt from the first interval to the second. Jurors in the general expert condition, however, showed a significant drop in assigned guilt from the second interval to the third interval (after viewing the defendant). Those in the specific expert condition failed to show a significant decrease at this interval. Jurors in all three expert conditions showed significant increases in guilt ratings across the remaining

intervals.

In summary, the introduction of either general or specific expert testimony served to maintain jurors' initial belief in the defendant's guilt. However, subsequent to this initial rating interval, the belief ratings of jurors in the general expert condition were reduced and did not differ from those in the no expert condition. In contrast, jurors in the specific expert condition maintained higher beliefs in the defendant's guilt at all subsequent rating intervals.

2) Gender x Age x Interval Interaction

The main effect of age, $F(1, 232) = 3.83, p < .05$, (partial eta squared = 0.016); the main effect of gender, $F(1, 232) = 29.26, p < .001$, (partial eta squared = 0.11); and the gender x intervals interaction, $F(4, 928) = 7.79, p < .001$, (partial eta squared = 0.032) attained significance. The effects for age and gender however, were qualified by the age x gender x intervals interaction $F(4, 928) = 2.83, p < .05$, (partial eta squared = 0.011). The relevant means are given in Table 8 and plotted in Figure 4, where the simple interaction of age x intervals has been plotted separately for males and females. The age x intervals simple interactions were not significant for either males, $F(4, 524) = 0.064, ns$, or females, $F(4, 524) = 0.35, ns$. Therefore, simple main effects were examined separately for males and females.

The simple main effect of rating intervals was significant for males, $F(4, 524) = 13.14, p < .05$, and females, $F(4, 524) = 10.86, p < .05$. Newman Keuls post hoc comparisons indicated that male jurors showed a significant lowering of

Table 8

Mean Private Belief Ratings:Juror Gender x Complainant Age x Interval Interaction

	Rating 1	Rating 2	Rating 3	Rating 4	Rating 5
<u>Males</u>					
Age 13 M (N=86)	2.44	1.90	1.26	1.63	2.63
SD	1.81	2.29	2.52	3.01	2.74
Age 17 M (N=106)	1.67	1.16	0.57	1.00	2.06
SD	1.87	2.31	2.46	3.32	3.09
<u>Females</u>					
Age 13 M (N=88)	2.68	2.47	2.32	3.05	3.97
SD	1.68	1.88	2.24	2.56	1.88
Age 17 M (N=72)	2.21	2.22	1.96	2.60	3.17
SD	1.94	2.40	2.52	2.97	2.83

Figure 4. Mean Private Belief Ratings: Juror Gender x Complainant Age x Interval Interaction

assigned guilt from the first rating interval (after seeing the complainant's testimony) to the third interval (after viewing the defendant's testimony). Female jurors failed to show a corresponding significant change in ratings of guilt. From the third interval to the final rating interval (following deliberation), both male and female jurors showed a significant increase in assigned guilt. Nevertheless, only females showed a significant increase from the initial rating interval to the final interval. Male jurors failed to show a corresponding significant increase.

The simple main effect of complainant age for males was significant, $F(1, 524) = 22.72, p < .05$. Male jurors had higher beliefs in the defendant's guilt when the complainant was thirteen years of age ($M = 1.97, SD = 2.07$) than when she was seventeen ($M = 1.29, SD = 2.21$). The simple main effect of complainant age for females also attained significance, $F(1, 524) = 8.88, p < .05$. Female jurors also had higher beliefs in the defendant's guilt when the complainant was thirteen years of age ($M = 2.90, SD = 1.60$) than when she was seventeen ($M = 2.43, SD = 2.14$).

The juror gender x complainant age x intervals interaction was also analysed in terms of the gender x intervals interaction separately for each complainant age. The gender x intervals interaction was not significant for age thirteen, $F(4, 524) = 2.32, ns$, or for age seventeen, $F(4, 524) = 1.43, ns$. The simple main effect of gender attained significance at age thirteen, $F(1, 524) = 40.34, p < .05$, and at age seventeen, $F(1, 524) = 57.8, p < .05$. Female jurors

assigned the defendant higher guilt ratings than male jurors at both complainant ages.

In summary, female jurors, overall, held stronger beliefs in the defendant's guilt than male jurors. Both male and female jurors' guilt ratings changed over the trial, but, they did so in a different manner. The final guilt ratings of female jurors (following deliberation) were higher than their initial ratings, whereas those of male jurors did not differ from their initial ratings. In addition, both males and females held stronger beliefs in the defendant's guilt when the complainant was thirteen than when she was seventeen.

Credibility of the Complainant and Defendant

The credibility scores for both the complainant and the defendant were analysed with a 2 (gender of juror) x 2 (age of complainant) x 3 (type of expert) Multivariate Analysis of Variance (MANOVA) with juries nested within treatments. None of the multivariate interaction effects reached significance. However, significance was attained for the multivariate main effect of gender, $F(2, 216) = 9.21, p < .001$. The univariate main effects of gender on complainant credibility, $F(1, 217) = 14.35, p < .001$, (partial eta squared = 0.062); and defendant credibility, $F(1, 217) = 10.24, p < .005$, (partial eta squared = 0.045) also attained significance. Table 9 shows the relevant means. Female jurors rated the complainant as more credible than male jurors. Male jurors rated the defendant as more credible than female jurors.

A multivariate main effect of complainant age also

Table 9

Mean Complainant and Defendant Credibility Ratings:
By Juror Gender

		CCRED	DCRED
Male	M	25.99	21.13
	SD	8.01	9.28
	N	188	186
Female	M	29.79	17.16
	SD	7.14	9.70
	N	156	158

CCRED= Complainant credibility

DCRED= Defendant credibility

attained significance, $F(2, 216) = 4.89, p < .01$. Significant univariate main effects of age were obtained for complainant credibility, $F(1, 217) = 8.25, p < .005$, (partial eta squared = 0.037); and defendant credibility, $F(1, 217) = 4.64, p < .05$, (partial eta squared = 0.021). The relevant means are presented in Table 10. Jurors rated the complainant as more credible when she was thirteen than when she was seventeen years of age. The defendant was rated as less credible when the complainant was thirteen than when she was seventeen years of age.

A multivariate main effect of expert reached significance, $F(4, 434) = 3.89, p < .005$. The univariate effect of expert on complainant credibility failed to attain significance. However, the univariate main effect of expert was significant for defendant credibility, $F(2, 217) = 7.63, p < .001$, (partial eta squared = 0.066) (see Table 11). Newman Keuls post hoc comparisons indicated that the defendant was perceived as less credible when a specific expert was viewed than when either the general expert or no expert was seen. The latter two means failed to differ significantly.

Attributions of Sexual Responsibility

Jurors' ratings of the complainant's responsibility for the abuse were analysed with a juror gender x complainant age x expert ANOVA with juries nested within treatments. The main effect of age attained significance, $F(1, 231) = 7.36, p < .01$, (partial eta squared = 0.031). However, this was qualified by a significant age x gender interaction, $F(1, 231) = 5.34,$

Table 10

Mean Complainant and Defendant Credibility Ratings:
By Complainant Age

		CCRED	DCRED
Age 13	M	29.37	17.77
	SD	7.35	10.04
	N	173	169
Age 17	M	28.04	20.79
	SD	8.01	9.08
	N	171	175

CCRED= Complainant credibility
 DCRED= Defendant credibility

Table 11

Mean Complainant and Defendant Credibility Ratings:
By Expert

		CCRED	DCRED
Specific	M	28.47	17.36
	SD	7.51	9.48
	N	119	118
General	M	27.15	20.28
	SD	7.81	8.51
	N	116	116
None	M	27.49	20.37
	SD	8.25	10.75
	N	109	110

CCRED= Complainant credibility
 DCRED= Defendant credibility

$p < .05$, (partial eta squared = 0.023). The relevant means are presented in Table 12. The simple main effect of complainant age for male jurors reached significance, $F(1, 231) = 12.85$, $p < .05$. Males viewed the thirteen year old as less responsible than the seventeen year old. No other effects attained significance.

Attitudes Towards Women

The Attitudes Towards Women Scale (ATW) was completed by jurors prior to viewing the trial. A gender x complainant age x expert type ANOVA on ATW scores yielded a significant main effect of gender, $F(1, 340) = 51.17$, $p < .001$, (partial eta squared = 0.13). Female jurors had more profeminist attitudes ($M = 63.11$, $SD = 7.55$) than males ($M = 56.47$, $SD = 9.45$). None of the effects involving the complainant age or expert variables approached significance.

Child Sexual Abuse Belief Scale

Recall that two Child Sexual Abuse Belief Scale scores were obtained for each subject: 1. prior to watching the videotaped trial (either upon arrival to the laboratory or at a previous survey session) and 2. following deliberation. Subjects' pretest scores were analysed with a gender x complainant age x expert ANOVA. The main effect of gender attained significance $F(1, 306) = 30.47$, $p < .001$, (partial eta squared = 0.091). Males held more misconceptions about child sexual abuse ($M = -32.59$, $SD = 18.48$) than did females ($M = -43.99$, $SD = 17.13$). Because the main effect of expert

Table 12

Mean Complainant Responsibility Ratings:Juror Gender x Complainant Age Interaction

		Male	Female
Age 13	M	-4.53	-4.35
	SD	1.13	1.89
	N	88	88
Age 17	M	-3.55	-4.18
	SD	2.29	1.81
	N	106	71

approached significance, $F(2, 306) = 2.36, p < .10$, pretest scores were treated as a covariate for the following analysis.

A $2 \times 2 \times 3$ between groups analysis of covariance was performed on posttest belief scores with pretest scores treated as a covariate and juries nested within treatments. Independent variables were gender of juror, age of complainant and expert witness. The main effect of gender attained significance, $F(1, 197) = 15.45, p < .001$, (partial eta squared = 0.072). Male jurors believed significantly more strongly in misconceptions about child sexual abuse ($M = -40.07, SD = 19.46$) than did females ($M = -47.52, SD = 17.90$). The main effect of expert also reached significance, $F(2, 197) = 6.54, p < .005$, (partial eta squared = 0.062). Post hoc comparisons (Newman Keuls) indicated that jurors in the no expert condition were more accepting of child sexual abuse misconceptions ($M = -39.77, SD = 20.02$) than jurors in either the specific expert condition ($M = -45.94, SD = 19.81$) or the general expert condition ($M = -44.53, SD = 20.69$). The latter two means failed to differ significantly.

Correlations

Pearson product moment correlations were computed for the variables assessed in the study. Since correlations between private belief ratings were always high (mean $r = .62$), mean private belief ratings were used to compute correlations. Correlations were computed separately for those subjects who received the Child Sexual Abuse Belief Scale in the pre-experimental survey session and for those who were

administered the scale in the experimental session (see Appendix H). The in-context and out-context correlations were compared and only 1 of the 7 correlations differed significantly (only at the .05 level). Given the number of correlations that were compared, the significant difference could have been spurious. Therefore, the responses of subjects in the two groups were combined. Table 13 shows the correlations for all subjects collapsed across treatment conditions. As indicated, child sexual abuse misconception acceptance and attitudes towards women predicted credibility ratings of the complainant and defendant, complainant responsibility ratings and to a lesser extent, beliefs in the defendant's guilt and pre-deliberation verdicts. Post-deliberation verdicts, however, were not predicted by prior attitudes.

Table 13

Correlation Matrix

	ATW	CCRED	DCRED	RESP	BEL	PRE	POST
CSAB	-.32*** (318)	-.22*** (311)	.11* (310)	.26*** (317)	-.21*** (318)	-.18*** (318)	-.03 (318)
ATW	--	.21*** (344)	-.09* (344)	-.23*** (351)	.10* (352)	.15** (352)	.08 (352)
CCRED		--	-.46*** (337)	-.20*** (343)	.67*** (344)	.55*** (344)	.54*** (344)
DCRED			--	.11* (343)	-.54*** (344)	-.45*** (344)	-.51*** (344)
RESP				--	-.10* (351)	-.06 (351)	-.09* (351)
BEL					--	.72*** (352)	.49*** (352)
PRE						--	.43*** (352)

* p < .05
 ** p < .01
 *** p < .001

CSAB = Child Sexual Abuse Belief Scale
 ATW = Attitudes Towards Women Scale
 CCRED = Complainant credibility
 DCRED = Defendant credibility
 RESP = Responsibility attributed to the complainant
 BEL = Average private belief rating
 PRE = Jurors' predeliberation verdicts
 POST = Jurors' postdeliberation verdicts

DISCUSSION

General Comments

The results of the present study are consistent with reports which indicate that child sexual abuse cases are "prosecutable" (Bulkley, 1989). Overall, mock jurors and juries were more likely to convict the defendant than to acquit him. In addition, jurors privately believed in the defendant's guilt throughout the trial and felt that the complainant was more credible than the defendant. Although these results may be attributable to a greater willingness to convict the defendant in a simulated study than in a real trial, they more likely reflect current trends and opinions concerning child sexual abuse. Recently, increased reporting of child sexual assault has led to a greater awareness and understanding of the problem (Bulkley, 1989; Finkelhor, 1984); relatedly, the results from our Child Sexual Abuse Belief Scale confirm that misconceptions about child sexual abuse may be less common than was previously thought. In light of all this, our mock jurors' judgements are not particularly surprising.

Age of Complainant

1) Jury/Juror Verdicts

Across all measures of guilt (jury verdicts, individual pre- and postdeliberation verdicts, and private ratings) the defendant was judged more harshly when the complainant was thirteen years of age than when she was seventeen.

Nevertheless, there were no significant differences between the two age conditions for jury verdicts or jurors' individual predeliberation votes. Following deliberation, however, guilty verdicts were returned significantly more often from jurors who saw the younger complainant (72%) than from those who viewed the older complainant (56%). This age difference is further supported by the results of the questionnaires assessing jurors' private beliefs in the defendant's guilt. At all five rating intervals, jurors privately believed in the defendant's guilt to a greater extent when the victim was thirteen than when she was seventeen.

These results are generally consistent with the findings of other studies examining age differences in simulated child sexual abuse cases. Goodman et al. (1989) found that jurors were more likely to convict the defendant when the complainant was six years of age, less likely when she was fourteen years of age, and least likely when she was twenty-two years of age. Duggan et al. (1989) determined that, although jury verdicts were unaffected by complainant age, individual jurors' verdicts were so influenced. In that study, 81% of jurors who viewed the nine year old complainant voted to convict the defendant; 71% of those who viewed the five year old voted guilty and only 65% voted guilty when the complainant was thirteen.

These studies indicate that guilty verdicts are delivered most often when the child witness is about nine years of age, but less often when the child is younger (about five years of age) or older (about thirteen years of age). The present

study confirms the expected hypothesis that past the age of thirteen, the complainant is even less effective as a witness. Importantly, these studies also demonstrate that this age-related trend exists regardless of the characteristics of the particular script, the mode of trial presentation (written transcript vs. videotape) or whether one actress or several portray the different ages.

As indicated above, jurors who saw the thirteen year old complainant were more likely to vote guilty and had higher private beliefs in the defendant's guilt than did those jurors who saw the seventeen year old complainant. Nevertheless, complainant age accounted for only a small proportion of variance in these two variables. In the present study, the two ages were relatively close together and this might account for the small effect sizes. Since previous studies have failed to report effect sizes for complainant age, it is unknown whether the effects were small in these studies as well. Future research should consider reporting effect sizes as well as significant findings.

2) Perceptions of Credibility

Consistent with past research (Duggan et al., 1989; Goodman et al., 1989), the complainant's age substantially influenced jurors' perceptions of the complainant's credibility. Jurors rated the complainant as more credible when she was thirteen years of age than when she was seventeen years of age. The age of the complainant had an opposite effect on jurors' perceptions of the defendant; when the

complainant was thirteen, the defendant was rated as less credible than when the complainant was seventeen.

A good deal of research has focused on mock jurors' perceptions of child witnesses in simulated trials other than sexual assault. Our finding that the older child was perceived as less credible than the younger child is consistent with some of these studies (e.g., Ross et al., 1989), but contrary to others (e.g., Goodman, Golding, Helgeson, Haith & Mitchelli, 1987). To account for these discrepancies, several investigators have proposed that children's credibility depends on whether the trial circumstances place a premium on the accuracy of the testimony (expertise) or the sincerity of the child's intentions (honesty) (Goodman et al., 1989; Ross, et al., 1989, 1990). In many types of trials, particularly when the child is a nonvictim eyewitness, expertise may be more central to perceptions of credibility. In such cases, credibility increases with age, since jurors are less concerned with the child's cognitive skills when he/she is older.

In other types of trials, however, perceptions of credibility are largely dependent on whether jurors believe the complainant is honest. In trials of child sexual abuse, as in adult rape trials, jurors may question whether the complainant has ulterior motives for accusing someone of sexual abuse. Thus, at any age, honesty is an important component of credibility in child sexual abuse trials. Furthermore, in such trials, if the child is young, his/her credibility may actually be enhanced by a lack of expertise

since jurors may believe that young children lack the sexual knowledge to make a false allegation (Goodman et al., 1989).

3) Attributions of Sexual Responsibility

The credibility of the victim of rape is often questioned because individuals adhere to common misconceptions about rape and judge victims accordingly. For example, individuals may attribute responsibility for rape to the women (Tetreault, 1989). Duggan et al. (1989) proposed that girls approaching their teenage years are in a similar situation. These investigators demonstrated that jurors tended to assign more responsibility to a thirteen year old alleged victim than to a nine or five year old complainant.

The results of the present study contradict Duggan's hypothesis that responsibility is attributed to a child of thirteen, but indicate that this may be the case for some jurors when the complainant is seventeen. Male jurors assigned more sexual responsibility to the complainant when she was seventeen years of age than when she was thirteen. Thus, when the complainant was seventeen some male jurors disregarded the judge's instructions that consent was not an issue and held her at least partially responsible for the assault. For female jurors, assessment of the complainant's responsibility was unrelated to her age. The present study also determined that for jurors in the older age condition attributions of responsibility influenced perceptions of credibility. When the complainant was seventeen years of age, her credibility was related to the extent to which jurors

attributed responsibility to her. In contrast, when the complainant was thirteen, attributions of sexual responsibility were not correlated with her credibility.

4) Relationship Between Jurors' Verdicts and Perceptions of Credibility

In the present study, complainant age had a similar effect on verdicts and credibility ratings - both favoured the thirteen year old. A review of the literature, however, indicates that witness age often influences perceptions of credibility, but fails to influence judgements of guilt (Goodman et al., 1987; Lieppe & Romanczyk, 1987). Several hypotheses have been proposed to explain why complainant age influences judgements of guilt and credibility in only some studies. For example, it has been suggested that witness age influences guilt ratings only when the evidence is strong (Goodman et al., 1987). A second hypothesis suggests that credibility becomes a more salient issue when the trial is presented visually. Consequently, when the trial is presented on videotape, rather than in a written format, credibility has a much greater impact on jurors' verdicts (Lieppe & Romanczyk, 1987). Both of these explanations are consistent with the present findings.

Alternatively, witness age may have a consistent effect on verdicts and credibility ratings in types of cases where credibility is more crucial to judgements of guilt. In adult rape cases, the complainant's credibility is a critical factor in jurors' judgements (Tetreault, 1989). Since other

investigators have reported consistencies between judgements of credibility and verdicts in child sexual abuse cases (Duggan et al., 1989; Goodman et al., 1989), it seems plausible that credibility is more crucial to judgements of guilt in child sexual assault cases than in other cases involving child witnesses. In fact, age differences in verdicts may occur as a consequence of age differences in credibility ratings. In the present study, credibility ratings were significantly correlated with pre- and postdeliberation verdicts as well as with jurors' private beliefs in the defendant's guilt. Unfortunately, these findings remain ambiguous because credibility ratings were always assessed after verdicts. Consequently, jurors may have construed the complainant in terms of their prior verdict. Future research should assess credibility ratings prior to judgements of guilt.

To summarize, these results suggest that the older victim of child sexual abuse (about seventeen years of age) is at a greater disadvantage than a younger child (about thirteen years of age). At trial, jurors are more reluctant to convict the defendant and more likely to question the credibility of the complainant when the complainant is older. In addition, this study supports previous claims (Ross et al., 1987) that the type of case will influence the manner in which jurors' perceptions are affected by the age of the witness. Consequently, future investigations of mock jurors' perceptions of child witnesses, should recognize the

importance of the subject matter of the trial.

Gender Differences Among Jurors

Previous research indicates that, in child sexual abuse trials, gender differences occur for some, but not all, types of juror judgements. Duggan et al. (1989) reported that female jurors believed the complainant to a greater extent and judged the offense as more serious than did males, although there was no gender difference in jurors' verdicts. Goodman et al. (1989) found no gender differences with respect to judgements of guilt or credibility ratings. In contrast, the results of the present study suggest that definite gender differences exist in cases of child sexual abuse.

On both ballots, female jurors voted to convict the defendant significantly more often than males. This gender difference was most evident before deliberation; guilty verdicts were returned by 79% of female jurors and 47% of male jurors. Following deliberation, the gender difference, although still significant, was less evident; 72.5% of female jurors and 57% of male jurors voted guilty. Furthermore, female jurors felt the complainant was more credible and that the defendant was less credible than male jurors. As discussed previously, male jurors felt the complainant was more responsible for the sexual abuse when she was seventeen years old than when she was thirteen years of age. Females jurors' attributions of sexual responsibility were not influenced by the age of the complainant.

Throughout the trial, female jurors also believed more

strongly in the defendant's guilt than male jurors. Moreover, private belief ratings indicated that there were differences in the ways in which males and females judged the trial evidence. Following the defendant's testimony, the guilt ratings of male jurors were reduced significantly. These ratings increased at subsequent rating intervals, and the final ratings of males (following deliberation) did not differ from their initial ratings. Female jurors, however, were unaffected by the defendant's testimony and since their ratings also increased following deliberation, their final ratings were significantly higher than their initial ratings.

Several investigators have found gender differences in adult rape cases for verdicts and perceptions of the complainant's and defendant's credibility (Gerzon, 1989; Spanos et al., in press). These differences are thought to exist because females identify more strongly with the rape victim and males identify more with the defendant (Borgida & Brekke, 1985). Gender differences, in cases of child sexual assault, might also be related to the extent to which jurors identify with the complainant and the sexual abuse situation. Inconsistencies between the present study and that of Goodman et al. (1989) may be related to the fact that our trial was presented in videotape format whereas the trial in the Goodman et al. study was presented in written format. Visual displays have been shown to be more persuasive than written displays (Ross et al., 1989). Therefore, jurors in the present study may have identified more with the witnesses. Since the Duggan et al. (1989) study also presented the trial on videotape it

is unclear why discrepancies arose with respect to gender differences in juror verdicts. No doubt, the role of gender differences in child sexual abuse cases is worthy of further study.

Gender differences in jurors' perceptions of the complainant and defendant and in judgements of guilt may also be considered an expression of jurors' prior attitudes and beliefs. In the present study, female jurors held more profeminist attitudes and believed less strongly in misconceptions about child sexual abuse than male jurors. These initial attitudinal differences may explain the differences in the way males and females responded to the trial testimony. In terms of jury composition, these findings suggest that it might be preferable for the prosecution to select a female dominated jury with low beliefs in child sexual abuse misconceptions and profeminist attitudes and for the defence to select a male dominated jury with traditional attitudes towards women and greater acceptance of misconceptions of child sexual abuse.

Pretrial Attitudes

Past research has demonstrated that misconceptions about rape are relatively common (Burt, 1980) and that attitudes towards women and rape myth acceptance can predict jurors' judgements (Spanos et al., in press). The results from our Child Sexual Abuse Belief Scale are consistent with previous surveys which suggest that child sexual abuse misconceptions may not be as common as was once thought (Finkelhor, 1984;

Goyette & Rosenberg, 1987)). For example, adults do not readily believe that children lie about sexual abuse because they are angry and want to get back at someone. Thus, it appears that adults may not be as strongly biased against children's allegations as has been reported (Berliner & Barbieri, 1984). Consequently, many adults are likely to believe children's testimony in cases of sexual assault.

Nevertheless, the findings of the current study confirm the expectation that prior beliefs predict some juror judgements in child sexual abuse cases (Goyette & Rosenberg, 1987). More specifically, attitudes towards women and child sexual abuse beliefs predicted credibility ratings of the defendant and complainant and perceptions of the complainant's responsibility for the abuse. In addition, these measures also predicted private beliefs in the defendant's guilt as well as predeliberation verdicts. Nevertheless, they did not correlate significantly with postdeliberation verdicts. These findings suggest that postdeliberation verdicts are more strongly influenced by the deliberation process (e.g., exposure to other participants making salient issues such as treatment specific evidence and reasonable doubt instructions, and deliberation induced compliance pressure to reach a unanimous verdict) than by initial attitudes and biases.

Expert Testimony

1) Juror Verdicts

Expert testimony significantly influenced individual juror verdicts. In the specific condition, where expert

testimony was linked explicitly to the case at hand and included an opinion, jurors voted for conviction significantly more often than when either general expert testimony or no expert testimony was provided. Guilty verdicts were returned by 73% of jurors who saw the specific expert testify, 59% of those exposed to the general expert testimony and 56% of those who saw no expert, although there was no statistical difference between the latter two conditions.

These results are consistent with reports that expert testimony is most effective when it is presented so that the relevance of the research information is clearly linked to the specific case. Brekke and Borgida (1988) determined that, in a simulated rape trial, jurors made more use of expert testimony when it was specific to the presented case than when it only provided general research information. In that study, specific expert testimony connected general research information to the case being presented via a hypothetical situation in which the critical features of the case were incorporated. Similarly, expert testimony on eyewitness identification was more effective when it was based on interviews with and tests of the eyewitness and provided a causal explanation than when it was based on relevant research findings (Mass, West & Brigham, 1985).

The differential impact of specific and general expert testimony would seem to support the base-rate fallacy hypothesis within the context of a jury decision-making task. Previous research has demonstrated that under a wide variety of conditions individuals tend to underutilize base-rate

information in favour of more individuating information (Borgida & Nisbett, 1977). However, it should be noted that in the present study, the inclusion of the expert's opinion precludes firm support for the base-rate fallacy hypothesis. That is, the increased effectiveness of the specific expert might be attributable to her stated opinion, rather than the individuating information. The inclusion of the expert opinion stemmed from practical considerations, since in real cases a clinical expert would usually provide opinion evidence, as well as individuating information. Future research might attempt to separate these two components of the specific expert's testimony to more fully investigate the base-rate fallacy hypothesis within the jury simulation context.

Our data suggest that guilty verdicts were facilitated only by the presence of an expert who related research findings to the case at hand and opined that the complainant had been sexually assaulted. Accordingly, in countries such as Canada, where the type of testimony admitted is variable, introduction of this type of expert testimony may be an effective strategy for facilitating guilty verdicts in cases of child sexual abuse. In American courts, where it is unlikely that testimony which is specific to the case would be permitted, prosecutors might attempt to present general research testimony in such a way so that its use is enhanced. For example, Brekke and Borgida (1988) demonstrated that general expert testimony is effective when presented in conjunction with a specific hypothetical example.

2) Expert Testimony and Child Sexual Abuse Beliefs

In cases of sexual abuse, expert testimony is often introduced to counteract prevailing misconceptions. Research has shown that such testimony does indeed cause jurors to alter their background beliefs about adult rape (Spanos et al, in press). In the present study, jurors who saw an expert testify became less accepting of misconceptions concerning child sexual abuse, while jurors in the no expert condition continued to accept these misconceptions. These findings support the utility of employing experts in cases of child sexual abuse. Interestingly, our data also suggest that the presentation of a specific or general expert was equally effective in overcoming misconceptions concerning child sexual abuse.

While both groups of jurors altered their beliefs about child sexual abuse, jurors who saw the specific expert voted guilty more often than those who saw the general expert. Jurors' differential use of expert testimony was further demonstrated by their private belief ratings. Immediately following the expert's testimony, jurors in both the general and specific expert conditions believed more strongly in the defendant's guilt than jurors who did not see an expert. At subsequent rating intervals, however, jurors in the general expert condition did not differ from those in the no expert condition in their ratings of the defendant's guilt, but jurors who saw the specific expert believed more strongly in the defendant's guilt than those in the former two conditions.

Thus, the presentation of either type of expert was equally effective in influencing jurors' beliefs initially, but this effect was maintained only for jurors in the specific expert condition.

Taken together, these findings may suggest that immediately after viewing the expert, jurors in the general expert condition overcame misconceptions about child sexual abuse and this influenced their beliefs concerning the guilt or innocence of the defendant. Subsequent to this, however, they failed to make the connection between their changed attitudes concerning child sexual abuse and the case under consideration. In contrast, jurors who saw the specific expert interpreted the case in a manner that was consistent with their changed beliefs about child sexual abuse and this increased the likelihood that they would vote guilty. Our mock jurors' perceptions of the complainant and defendant provide some insight into how interpretations of the case change when jurors view the specific expert.

3) Impact of Expert Testimony on Perceptions of the Witnesses

As previously discussed, the acceptance of myths concerning child sexual abuse often leads jurors to unfairly question the credibility of the complainant. An expert witness serves to offset this and corroborate the child's testimony (Bulkley, 1988). Consequently, one would expect that a child's credibility would be enhanced when jurors make use of expert testimony. Indeed, in an adult rape case,

jurors who viewed the specific hypothetical expert rated the complainant as more credible than those who saw a general expert (Brekke & Borgida, 1988). In the present study, although jurors who saw the specific expert rated the complainant as slightly more credible than those in the other two expert conditions, there was no significant difference in the credibility ratings of the child across the three conditions. Similarly, expert testimony had no impact on jurors' ratings of how responsible they thought the complainant was for the abuse.

The results of the present study suggest that expert testimony may serve to influence perceptions of the defendant, rather than perceptions of the complainant. The defendant was seen as less credible when a specific expert was viewed than when either the general expert or no expert was viewed. Since credibility ratings were assessed following verdicts, it is possible that jurors' perceptions of the defendant were a consequence of their prior verdicts. Nevertheless, this finding raises concerns that expert testimony which is specific to the case may bias jurors' perceptions of the defendant.

Legal professionals have questioned the use of expert testimony in cases of child sexual abuse; testimony that directly deals with the case and provides an expert opinion has been particularly controversial (Bulkley, 1989; McCord, 1988; Melton, 1987). Such testimony is thought to bolster the complainant's credibility, invade the province of the jury or be unduly prejudicial (Bulkley, 1989). Those who support the

use of expert testimony in cases of child sexual abuse, however, contend that it is not unduly prejudicial, since it focuses on the complainant rather than the defendant (Frazier & Borgida, 1985). Our finding that the effectiveness of specific expert testimony may be mediated through jurors' perceptions of the defendant would appear to contradict this notion. Thus, the extent to which expert testimony acts to prejudice the jury against the defendant remains an important issue for future study.

CONCLUSION

This study has demonstrated that complainant age is a salient factor that influences mock jurors' perceptions of credibility and to a lesser extent, jurors' verdicts. In addition, the gender of the juror as well as their pretrial attitudes influence their impressions of the witnesses and the trial. Jurors' pretrial biases against child sexual abuse victims can be compensated for by the introduction of an expert psychological witness. Expert testimony that is specific to the case and includes opinion evidence may be an effective way to facilitate guilty verdicts, but at the expense of prejudicing the jury against the defendant.

Although the design of the present study was improved over much past research (e.g., the indepth videotaped trial which included a judge's charge and was followed by a deliberation period), it should be kept in mind that the experiment was a laboratory simulation. Future simulation research, perhaps using jurors from the community rather than university students, is required to confirm these results. In addition, field and archival research could further contribute to the understanding of this topic.

The study of child witnesses has previously focused on children's testimonial abilities. Because in actual cases it is the judge's or jury's perceptions of the child that will ultimately determine guilt or innocence, research like that described here is needed, which focuses on mock jurors' perceptions of the child's testimony. In particular, future investigations should continue to study mock jurors'

perceptions of child sexual assault victims, since they represent the majority of child witnesses who will testify in criminal prosecutions (Bulkey, 1989). As research investigates factors that influence jurors' judgements in child sexual abuse cases (e.g., type of perpetrator, effect of corroborating evidence), a richer understanding of jurors' reactions to the child complainant will develop.

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Trial ScriptJudge's Opening Statement

Members of the jury, it is your responsibility to decide upon the guilt or innocence of Mr. John R. Harris. Mr. Harris is charged in an indictment that he sexually assaulted his daughter, Jill A. Harris.

Sexual assault is outlined in Section 246.1 of the Canadian Criminal Code. Every one who commits sexual assault is guilty of an indictable offence and is liable to imprisonment for a maximum of ten years. Sexual assault is defined by the court as unwanted, nonconsensual sexual activity that includes any incident of sexual contact ranging from fondling to intercourse.

Where an accused is charged under Section 246.1 it is not a defence that the complainant consented to the activity that forms the subject matter of the charge when the complainant is under the age of fourteen years. Nor is it a defence that the complainant consented to the activity when the accused is in a position of trust or authority. Under Section 244 of the Criminal Code no consent is obtained where the complainant submits or does not resist by reason of the exercise of authority.

In our legal system, the defendant is presumed to be innocent unless he is proven guilty in a court of law.

Therefore, it is your responsibility to pay careful attention to all the evidence that is presented by both the Crown and the defence before you make a judgement or formulate an opinion. Do not make your decision hastily. You will hear the testimony of a number of witnesses and it is very important that you keep an open mind and listen carefully to everything that is said. After all the evidence has been presented, you will be asked to deliberate to a unanimous verdict concerning the guilt or innocence of Mr. Harris.

Prosecution Opening Statement

Members of the jury, the case before you is really quite straightforward. The Crown will show that, on repeated occasions over a ten month period, John R. Harris sexually assaulted his daughter, Jill A. Harris. Members of the jury, the Crown will show that the evidence against Mr. Harris is very strong. Jill Harris, the victim in this case will take the stand. Under oath, she will describe how Mr. Harris, her father, began to undress her and touch and fondle her while tucking her into bed at night. You will hear how he then began to ask her to touch and fondle him as well. Because she was frightened and confused, Jill did as she was told. You will hear how Mr. Harris began to fondle and touch Jill's genitals. You will then hear how he coerced Jill into touching and fondling his penis. You will hear how he forced Jill, against her will, to perform oral sex upon him, how this became more

and more frequent, and how his requests became more and more aggressive and demanding. You will hear how he undressed her, fondled her, and stimulated himself to orgasm by genital to genital contact with his helpless daughter. Finally, in this despicable progression of acts, you will hear how he forced his own daughter to have sexual intercourse with him.

Members of the jury, Mr. Harris might have continued this disgusting activity for quite some time. Fortunately, Jill Harris reported the activities to her gymnastics coach, Mrs. Betty Stanley. You will hear Mrs. Stanley describe Jill's disclosure.

Members of the jury, you will also hear expert testimony that will corroborate poor little Jill's testimony.

In summary, the Crown will present evidence to prove beyond a reasonable doubt that Mr. John Harris committed sexual assault against his own daughter, Jill Harris. Members of the jury, I ask you to listen carefully to all of the evidence presented and then I ask you to find John Harris guilty of sexual assault.

Thank you very much for your attention.

Defence Opening Statement

Members of the jury, sexual assault is a horrible and serious crime. Those persons that sexually assault children should be punished by law. However, my client, Mr. John Harris, did not sexually abuse his daughter, Jill. Instead,

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MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS
STANDARD REFERENCE MATERIAL 1010a
(ANSI and ISO TEST CHART No. 2)

this horrible allegation has been fabricated by a confused and angry child.

Members of the jury, Mr. Harris is a well educated, upstanding member of the community. He has a good job. Before this misunderstanding he had never been arrested for anything. In short, John Harris is not the sort of man who sexually assaults children.

Mr. Harris will take the stand in his own defence. It is important that you listen very carefully to everything that he tells you. Under oath he will tell you that he never asked his daughter, Jill, to perform any sexual acts upon him. Nor did he engage in any sexual acts with her. Members of the jury, Jill Harris' whole story is completely fabricated. Mr. Harris will testify that he has never had any type of sexual relations with his daughter.

Why would a young girl falsely accuse her father of sexual assault? The answer to that question will become clear as you listen to Mr. Harris describe the behaviour of his daughter. Jill Harris is a disturbed and angry young girl. She blamed her father for her mother's death even though Mr. Harris could not have done anything to help his beloved wife. Jill was terribly hurt by her mother's death. The loss of her mother left her frightened and confused. Furthermore, the idea that anyone could ever take her mother's place made her even more angry and upset. Despite his own grief, Mr. Harris did his best to support and console his daughter through that very

difficult time. But Mr. Harris realized that life must go on, and that he could not mourn his departed wife forever. Mr. Harris began to date other women. However, Mr. Harris' dating was simply too much for Jill to handle. In her disturbed mind her father was trying to replace her mother with a stranger. As a result, Jill's feelings of love for her father began to turn into feelings of anger and jealousy. She developed fears of being left alone and abandoned by her father, and at the same time became spiteful when he dated other women. It was these confused and contradictory feelings that led poor Jill to falsely accuse her father of having sex with her. On one hand, Jill loved her father and wished to be close to him both physically and emotionally. On the other hand, she was upset with her father for trying to replace her mother by dating other women, and angry at him for not staying home to be with her. When her feelings became too jumbled and too confused, Jill lashed out in anger, hurt and fear. She lashed out by falsely accusing her father of having sex with her.

Members of the jury, I told you earlier that sexual assault is a horrible crime. But this trial is not about sexual assault because Mr. Harris did not sexually abuse his daughter. As you will see, none of the witnesses called by the Crown, can confirm the allegation. Members of the jury, this trial is about a confused and angry child who falsely accused her own innocent father of sexual assault. For this reason I ask you to find Mr. Harris not guilty. Thank you.

Examination of Jill Harris (13 years old)

P. Jill, I'm going to ask you quite a few questions, and I'd like you to answer them as best as you can, okay?

W. Okay.

P. How old are you, Jill?

W. Thirteen.

P. Where are you living now?

W. At grandma and grampa's house.

P. How long had your father been having sexual relations with you?

W. About ten months.

P. How old were you at that time?

W. Twelve.

P. Why didn't you tell someone when it first started?

W. I was scared and ashamed. I was afraid that no one would believe me. My dad told me that no one would believe me.

P. Jill, who was the first person you told that your father was having sexual relations with you?

W. My gymnastics coach.

P. What made you tell your coach?

W. I was scared. He was hurting me.

P. Jill, I'm sorry to have to do this to you, but I'm going to have to ask you some very specific questions about the things that you had to do to your father and the things that he did to you, okay?

W. MmHmm.

P. Tell me about the first time that anything happened.

W. One night when he was tucking me in bed he lifted up my top and started touching me all over.

P. Was this the only night that he touched you?

W. No. Lots of nights he would do the same thing.

P. Did he start asking you to do anything else?

W. He asked me to touch him all over and to kiss him on the mouth.

P. Did you do what he asked?

W. I felt funny about kissing his mouth, but I did it cause he said I should.

P. How often did this happen?

W. A couple times a week.

P. Did he do anything different?

W. It was the same for quite a while except the kisses got longer, and he would put his tongue in my mouth.

P. What else happened?

W. After a while, he started touching me, but down there.

P. Jill, what do you mean by down there?

W. Well, he would touch between my legs. Sometimes he would stick his fingers up in side of me.

P. Did he hurt you when he did this?

W. Yes.

P. Did he ask you to do anything else to him?

W. One night he asked me touch his thing, and I said that I

didn't want to.

P. What did he say?

W. He said that it wasn't fair because he made me feel good so I should now make him feel good.

P. When you say "his thing" do you mean your father's penis?

W. Yes.

P. Did he say why he wanted you to touch his penis?

W. He told me that since my mom was gone we only had each other so we had to make each other feel good.

P. How did you feel about doing this?

W. I didn't want to, but he kept telling me that I should, that it was wrong to say "no" to him.

P. So did you do what he wanted?

W. Yes, I felt like I had to.

P. Jill, what happened next?

W. Well, the same stuff happened for quite a long time. I knew that it was wrong, especially because dad told me that it was our little secret and that I couldn't tell anyone.

P. How did you feel about doing these things with your father?

W. I felt bad about it. I felt that everyone could somehow tell what we were doing.

P. Please Jill, can you tell us what other things he made you do?

W. One day, he told me to make him feel good by touching his thing. But... but, then after a few minutes he pushed my head down to where it was and he told me to put it in my mouth.

P. Did you do it?

W. I told him that I didn't want to.

P. What did he say?

W. He said that I had to. He said that my mother was gone now so it was my job to make him feel good.

P. How did that make you feel?

W. He made me feel bad for not wanting to do it. He made me feel so bad that I finally did it.

P. What did you do Jill?

W. I put his thing in my mouth until this stuff squirted out from it. It was gross and I spit it out.

P. How often did he make you do this Jill?

W. About 7 or 8 times.

P. Did his behaviour change in any way during these times?

W. Sometimes, in a mean voice, he would tell me to do it not just when he came to visit me in my bedroom, but at other times too.

P. Like when?

W. Well, after dinner and in the morning.

P. At times like this, would he still be affectionate with you?

W. No, not always.

P. Jill, when he came into your bedroom at night was there anything else your father did to you that you haven't told us about yet?

W. Well, yes. He would lie on top of me and rub his thing on

me. It would get wet down there and then he would stop.

P. Did you say anything to your father?

W. I kept telling him to stop or I'd tell someone, but he said that no one would believe me.

P. Did you tell him how you felt about what he was doing to you?

W. I told him that I was scared that we were going to make a baby. He said that for that to happen he would have to put his thing inside of me and he promised that he wouldn't do that.

P. What happened on the night of June 5?

W. When he came into my room he pulled off the covers and pulled my nightie up over my head. He took off his pants and he got on top of me and....

P. Please keep going, Jill.

W. I could smell alcohol on him.

P. I know that this is hard for you, but could you tell us what else he did to you that night?

W. He tried to put his thing inside of me, down there. He kept trying but he couldn't get it in. It hurt alot, but,... then it really hurt when he finally got it all the way inside.

P. What did you do?

W. I started crying.

P. What did he do when you started to cry?

W. He kept moving around and then he just stopped.

P. What happened then?

W. He told me that he was sorry and he promised that he would

never do it again. I kept crying and he left.

P. Was this the first time that you had ever had sexual intercourse?

W. Yes.

P. Had you ever done anything like this before with a boyfriend, or anyone else?

W. No.

P. Have you ever fallen off a boy's bike or ever had any type of accident that would injure your genitals?

W. No.

P. How long after your father had sexual intercourse with you did you tell your coach?

W. Three days.

P. Why did you to tell her then?

W. I was so scared. I was scared that I was pregnant. He promised to stop but I didn't think that he would. He had told me that before, but it just kept getting worse and worse.

P. How do you feel about your father now?

W. I'm not sure. I feel very confused. I feel bad for what we did.

P. Do you feel anything else?

W. I also feel mad. He shouldn't have done those things to me.

P. Do you feel frightened of your father now?

W. I'm scared that he's mad and that he wants to punish and hurt me because I told about the secret.

P. Jill, your father told the police that he never had sex with you. How do you feel about what he said?

W. I feel mad because he said that I lied and that I made all this up.

P. Jill, did you ever tell the police that you had lied when you said that your father molested you?

W. Yes.

P. When was that?

W. The day after I first told the police about what my dad did to me.

P. Why did you tell the police that you had lied?

W. I guess I panicked. I was scared and confused. My dad called me at my grandma and grampa's house and made me feel really awful.

P. What did he say to you?

W. He said that I was mean. He told me that I was a big liar and that I would never get away with it.

P. How soon after you talked to your father did the police come to ask you more questions?

W. I guess about an hour.

P. Do you often lie?

W. No.

P. Would you ever tell a lie about this to get back at your father for something else that he did that made you angry?

W. No.

P. Why?

W. It's not right to lie about things. I wouldn't want to get him in trouble if he really didn't do anything.

P. How do you feel about getting him in trouble even though he did what he did?

W. Like I said, I feel really bad. I guess I still love him. But I just wanted it to stop. I couldn't take it anymore.

P. Thank you, Jill. I have no further questions.

Examination of Jill Harris (17 years old)

P. Jill, I'm going to ask you quite a few questions, and I'd like you to answer them as best as you can, okay?

W. Okay.

P. How old are you, Jill?

W. Seventeen.

P. Where are you living now?

W. At my grandparent's house.

P. How long had your father been having sexual relations with you?

W. About ten months.

P. How old were you at that time?

W. I was sixteen.

P. Why didn't you tell someone when it first started?

W. I was scared and ashamed. I was afraid that no one would believe me. My father told me that no one would believe me.

P. Jill, who was the first person you told that your father was having sexual relations with you?

W. My gymnastics coach.

P. What made you tell your coach?

W. He started hurting me and it went too far. I was scared.

P. Jill, I'm sorry to have to do this to you, but I'm going to have to ask you some very specific questions about the things that you had to do to your father and the things that he did to you, okay?

W. MmHm

P. Tell me about the first time that anything happened.

W. One night when he came into my bedroom to say goodnight, he lifted up my top and started touching me all over.

P. Was this the only night that he touched you?

W. No. Lots of nights he would do the same thing.

P. Did he start asking you to do anything else?

W. Yes, he asked me to touch him all over and to kiss him on the mouth.

P. Did you do what he asked?

W. I felt strange kissing his mouth, but I did it cause he said I should.

P. How often did this happen?

W. A couple times a week.

P. Did he do anything different?

W. It was the same for quite a while except that the kisses got longer, and he would put his tongue in my mouth.

P. What else happened?

W. After a while, he started touching me between my legs.

Sometimes he would stick his fingers up in side of me.

P. Did he hurt you when he did this?

W. Yes.

P. Did he ask you to do anything else to him?

W. One night he asked me touch his penis, and I said that I didn't want to. I had never touched one before.

P. What did he say?

W. He made me feel guilty by telling me that because he made me feel good, I should now make him feel good.

P. Did he say why he wanted you to touch his penis?

W. He told me that since my mother was gone we only had each other so we had to make each other feel good.

P. How did you feel about doing this?

W. I didn't want to, but he kept telling me to do it. He kept telling me that I should, that it was wrong to say "no" to him.

P. So did you do what he wanted?

W. Yes, I felt like I had to.

P. Jill, what happened next?

W. Well, the same stuff happened for quite a long time. I knew that it was wrong.

P. How did you feel about doing these things with your father?

W. I felt ashamed. I felt that everyone could somehow tell what we were doing.

P. Please Jill, can you tell us what other things he made you do?

W. One day, he asked me to make him feel good by touching his

penis. But then after a few minutes he pushed my head down to where his penis was and he told me to put it in my mouth.

P. Did you do it?

W. I told him that I didn't want to but he said that I had to.

P. What did he say?

W. He said that since my mother was gone, it was my job to sexually satisfy him.

P. How did that make you feel?

W. He made me awful for not wanting to do it. He made me feel so bad for him that I finally did it.

P. What did you do, Jill?

W. I put his penis into my mouth until he ejaculated into my mouth. It was disgusting and I spit it out.

P. How often did he make you do this Jill?

W. About 7 or 8 times.

P. Did his behaviour change in any way during these times?

W. Sometimes, in a mean voice, he would tell me to do it not just when he came to visit me in my bedroom, but at other times too.

P. Like when?

W. Well, after dinner and in the morning.

P. At times like this, would he still be affectionate with you?

W. No, not always.

P. Jill, when he came into your bedroom at night was there anything else your father did to you that you haven't told us

about yet?

W. Well, yes. He would lie on top of me and rub his penis on me. He would ejaculate on top on me and then he would stop.

P. Did you say anything to your father?

W. I kept telling him to stop or I'd tell someone, but he said that no one would believe me.

P. Did you tell him how you felt about what he was doing to you?

W. I told him that I was didn't like what he was doing and that I was scared that he would try to have intercourse with me. He promised that he wouldn't do that.

P. What happened on the night of June 5?

W. When he came into my room he pulled off the covers and pulled my nightgown up over my head. Then he unzipped his pants and he got on top of me and....

P. Please keep going, Jill.

W. I could smell alcohol on him.

P. I know that this is hard for you, but could you tell us what else he did to you that night?

W. He tried to put his penis inside of me. He kept trying but he couldn't get it in. It hurt alot, especially when he finally got it all the way inside.

P. What did you do?

W. I starting crying.

P. What did he do when you started to cry?

W. He kept moving around for a while and then he just stopped.

P. What happened then?

W. He told me that he was sorry and he promised that he would never do it again. I kept crying and he left.

P. Was this the first time that you had ever had sexual intercourse?

W. Yes.

P. Had you ever done anything like this before with a boyfriend, or anyone else?

W. No, nothing like this.

P. Have you ever fallen off a boy's bike or ever had any type of accident that would injure your genitals?

W. No.

P. How long after your father had sexual intercourse with you did you tell your coach?

W. Three days.

P. Why did you to tell her then?

W. I was so scared. I was scared that I was pregnant. My dad had promised to stop but I didn't think that he would. He had said that before, but he had just kept going further and further.

P. How do you feel about your father now?

W. I'm not sure. I feel very confused. I'm ashamed about what we did.

P. Do you feel anything else?

W. I'm also mad. I know that he shouldn't have done those things to me.

P. Do you feel frightened of your father now?

W. I'm scared that he's mad and that he's going to try to hurt me because I told about him having sex with me.

P. Jill, your father told the police that he never had sex with you. How do you feel about what he said?

W. I'm mad that he said that I lied and that I made all this up.

P. Jill, did you ever tell the police that you had lied when you said that your father molested you?

W. Yes.

P. When was that?

W. The day after I told the police about what my dad did to me.

P. Why did you tell the police that you had lied?

W. I guess I panicked. I was scared and confused. My dad called me at my grandparent's and made me feel really awful.

P. What did he say to you?

W. He said that I was a bitch. He said that I was lying and that I would never get away with it.

P. How soon after you talked to your father did the police come to ask you more questions?

W. I guess about an hour.

P. Do you often lie?

W. No.

P. Would you ever tell a lie about this to get back at your father for something else that he did that made you angry?

W. No.

P. Why?

W. It's just not right. I wouldn't want to get him in trouble if he really didn't do anything.

P. How do you feel about getting him in trouble even though he did what he did?

W. Like I said, I feel really bad. I guess I still love him. But I just wanted it to stop. I couldn't take it anymore.

P. Thank you, Jill. I have no further questions.

Cross Examination of Jill Harris (Both age conditions)

D. Jill, when your mother was sick, did you help take care of her?

W. Yes.

D. Did your dad take care of her?

W. Yes.

D. Do you feel that your dad took good care of her? Do you think that if he had taken better care of her she wouldn't have died?

W. No, I know he couldn't have done anything else for her.

D. But you have thought that at other times, haven't you Jill?

W. Yah, but that was when right after my mother died. I was upset.

D. How else did you feel after your mother died?

W. I was sad.

D. Did you feel anything else?

W. Yes. I felt a whole bunch of things. Mostly I was just very upset.

D. Did you feel lonely and scared?

W. Yes.

D. Did you feel mixed up and confused?

W. Yes.

D. Did you have anyone to talk to about it?

W. No, not really.

D. What about talking to your dad?

W. We didn't talk about it too much.

D. Did you feel that it was unfair that your mother died?

W. Yes.

D. I know that it must have been awful for you, Jill. I'm sorry that I have to ask you these questions. When you were feeling upset about your mother, did you ever act differently, maybe yell at someone, when it wasn't really them that you were mad at?

W. Yes.

D. When you were feeling upset about your mother, did you ever take it out on your dad?

W. Yah, I guess sometimes I did.

D. Do you still feel mad, scared and upset when you think about your mother?

W. Yah, sometimes.

D. Remember when your father started dating other women. Do you think he should have?

W. No.

D. Why is that?

W. Because it wasn't fair.

D. Were you angry with him for dating other women?

W. Yah, I guess.

D. I don't blame you Jill. I bet that none of those other women could ever take your mother's place. None of them could ever treat you the same way as your mother. Am I right, Jill?

W. Yes.

D. It wasn't very nice of your father to start dating so soon after your mom's death, was it Jill?

W. No, but I didn't accuse him...

D. Please Jill, just answer the question.

W. No it wasn't.

D. You must have felt awful when he left you alone at home to go out with other women.

W. Yah, I didn't like being left alone.

D. Were you scared that he might fall in love with another women?

W. I guess I thought about that.

D. Did you also think that he might marry another women and not pay much attention to you?

W. I guess so, once in a while.

D. I bet that all of this happening so quickly must've left you feeling pretty confused. Is that right?

W. Sometimes.

D. Jill, you testified that it is not right to lie about things and get people in trouble if they didn't do anything to deserve it, is that correct?

W. Yes.

D. Jill, you also testified that you accused your father of not taking care of your mother and blaming him for her death. But he didn't deserve that, did he?

W. No.

D. Why did you say it then?

W. Because I was mad I guess.

D. Because you were mad? Didn't you think that saying those things would hurt your father?

W. I guess.

D. Do you remember arguing with your father about wanting to stay overnight with your friend Carol?

W. Yes.

D. Were you upset that you were not allowed?

W. Yes. He's always telling me that I can't do things.

D. Were you mad at your father?

W. Yes.

D. In fact, you were so mad that you said, and I quote " I hate you, you're the worst father in the world. Is that correct?

W. Yes, but I didn't mean it.

D. It seems that when you're mad you say alot of things you don't mean. Were you mad when you told the police that you had

lied about your father molesting you?

W. No.

D. Were you confused?

W. Yes.

D. So if you're mad and confused you lie, is that right?

W. No.

D. But Jill, you just said that once when you were mad you lied and once when you were confused you lied. So, sometimes when you're mad and confused you lie about things. Is this right?

W. Well, I guess sometimes.

D. Thank you. No further questions.

Coach Examination

P. Mrs. Stanley, can you please tell the court what your relationship is with Jill Harris.

W. I have been her gymnastics coach for 2 years. I see her 3 times a week, for a total of 7 hours.

P. Jill testified that on June 6 you approached her and asked her if everything was okay. Why did you do this?

W. Well, Jill had seemed very anxious and distant for the past few months. I guess that I don't really recall when I first realized it, but over the last few months she seemed progressively more and more withdrawn.

P. Did Jill's behaviour change over this period?

W. Yes. She began to do some strange things. She started waiting until all of the other girls had changed and left the change room before she would undress. Once I noticed that she was wearing two pairs of underpants. I could see them showing under her bodysuit.

P. Did she do anything else that you considered to be different from her normal behaviour?

W. She began to keep on her sweatpants and shirt over her bodysuit. Sometimes she wore a couple layers of clothing on top.

P. Do you remember anything else?

W. I also noticed that she constantly looked tired.

P. What did these behaviours lead you to think?

W. I knew that something was wrong. It had occurred to me that someone might be sexually abusing her.

P. If Jill's behaviour had been noticeably different for some time, what made you approach her on June 6?

W. On June 6 Jill looked very upset. I would say that she looked terrified. I told Jill that I was worried about her and asked her to tell me what was wrong, but, she just told me that she was fine and left very quickly. She ran off so quickly and looked so scared. I was really concerned.

P. So, you approached her again?

W. Yes, 2 days later I saw her again. She still looked very upset so I confronted her again. I told her that I was concerned about her and that she would probably feel better if

she told me what was bothering her.

P. What happened when she finally told you?

W. Well, Jill was quiet and evasive, but, she told me that her father was doing bad things to her that she didn't like. She said that he wouldn't stop when she asked him to.

P. Did you ask her anything else?

W. Yes. I asked her what things he was doing to her. She said that he was doing things to her body and that she was scared that she might have a baby. She was very upset, so I didn't ask her for details.

P. What happened after she told you this?

W. Well, I knew that Jill was fairly close with her grandparents, her mother's parents, so I took her over there. I informed the grandparents of what Jill had told me and we all decided to call the police.

P. Mrs. Stanley, has Jill ever lied to you about anything? Even something small, such as the reason why she was late for practice?

W. No, not that I can recall.

P. Thank you, Mrs. Stanley. Your witness.

Coach - Cross Examination

D. Mrs. Stanley, on June 8, Jill Harris told you that she was sexually assaulted by her father, is that correct?

W. Yes.

D. You never witnessed any sexual relations between Mr. Harris

and Jill, did you?

W. No.

D. So you have no way of knowing whether Jill was telling the truth.

W. No, but I believe that she was telling the truth.

D. But your belief that Jill was telling the truth is simply your opinion, isn't it? You have no way of proving for a fact that Jill told you the truth, do you?

W. No.

D. Mrs. Stanley, you testified that Jill's behaviour led you to suspect that she was sexually abused. Is that right?

W. Yes.

D. Mrs. Stanley, are you a qualified expert on child abuse?

W. No.

D. Are you aware that Jill's mother died of cancer only a few years ago?

W. Yes.

D. Are you also aware that children who lose a parent often become highly distraught and progressively more anxious and distant?

W. Yes.

D. Mrs. Stanley, do you possess professional qualifications that allow you to diagnose when a child is upset because they have been molested and when they are upset for other reasons?

W. No.

D. Mrs. Stanley, you noticed that Jill sometimes wore two

pairs of underwear and this led you to suspect that she had been sexually abused, is that right?

W. Yes.

D. Mrs. Stanley, would you be surprised to learn that some girls wear two pairs of underwear during their menstrual period?

W. No, I suppose that some girls do that.

D. Would you be surprised to learn that some girls wear two pair of underwear to avoid staining even when they are not having their period?

W. I really don't know. Other than Jill, I haven't met any.

D. Mrs. Stanley, you testified that on June 6, when you first questioned Jill, she told you that she was fine and then left very quickly. Is that correct?

W. Yes.

D. Do you believe that she was really fine?

W. No, like I said, she was very upset and distraught.

D. Mrs. Stanley, you also testified that Jill Harris has never lied to you. Is that correct?

W. Yes.

D. But Mrs. Stanley, you just finished saying that Jill was very upset but that she told you that she was fine. Wouldn't you say that this contradiction would constitute a lie.

W. No, she wasn't really lying, she just said that to hide how she really felt.

D. Mrs. Stanley, regardless of whether it was a little or a

big lie, or what the underlying intentions were, it was a lie, was it not?

W. Yes.

D. Okay, now that we've got that straight, I'll ask the question again. Has Jill ever lied to you before?

W. Yes.

D. One more thing, Mrs. Stanley. When you confronted Jill exactly what did you say to her?

W. I asked her if she was all right. I told her that I was concerned because she seemed so upset. I asked her if someone had been hurting her or doing anything to her that she didn't like.

D. When you were questioning her, had you already suspected that someone was sexually abusing her?

W. Yes, like I said, she exhibited some strange behaviours that made me suspicious.

D. Isn't it possible that since you suspected sexual assault, your leading questions may have put thoughts into Jill's mind?

W. No, I didn't ask her specific questions.

D. But you did ask her if someone had been hurting her or doing anything to her that she didn't like.

W. Yes.

D. To a young girl who was confused and mad at her father, couldn't your questions have given her an idea for how to get back at her father? This is possible Mrs. Stanley, is it not?

P. Objection, your Honour. Calls for a conclusion.

J. Objection sustained.

D. I'll withdraw the question. I have no further questions.

Police Examination

P. Now that you have been sworn in, Officer James, please describe your occupation.

W. I am a police officer for the city of Ottawa. I have been on the force for 7 years. I work in the Sexual Assault and Child Abuse Division.

P. Did you receive any special training for that position?

W. Yes, in addition to the regular police training I attended numerous seminars and training sessions held at Children's Aid and the Children's Hospital.

P. Can you please tell the court what happened on June 8?

W. The department received a phone call at 8:10 from Jill's coach, Mrs. Stanley. I was instructed to go to Jill's grandparent's house to investigate a sexual assault allegation.

P. So what happened?

W. My partner and I drove over. Jill, Mrs. Stanley, and Jill's grandparents were there.

P. Did you conduct the investigation at the grandparent's house?

W. Yes. We felt that for Jill it was the best location.

P. Did you question Jill about the alleged abuse?

W. Yes. She informed me that her father had been sexually abusing her for about 10 months. She said that the first time

he had forced her to have intercourse with him was 3 days before, on June 5.

P. What was her demeanor like while you were conducting the investigation?

W. She was very upset and reluctant to talk. She would stop and start sentences without completing them. While she was talking she fidgeted with her hands and keep her eyes lowered to the ground.

P. How long was the investigation?

W. About 2 hours.

P. Was a medical examination performed that night?

W. No, it was determined that since intercourse was alleged to have occurred 3 days prior to our investigation, evidence such as semen, hairs, etc. would no longer be present. Therefore, it wasn't imperative that the medical exam be performed that evening.

P. Did you question Jill again?

W. Yes, the next day we returned to further question Jill.

P. What was her behaviour like?

W. Jill was upset and panicky. She was crying and wouldn't look me in the eyes.

P. Were her statements consistent with those from the previous day?

W. No. She told me that she had lied about her father sexually abusing her. She said that she made the story up.

P. Did she say anything else?

W. No, not right away. I asked her why she had lied. I asked her if anyone had influenced her in saying this. I asked her numerous questions but she wouldn't answer any of them.

P. Did she say anything while you were questioning her?

W. All that she would say was that she had lied. Nothing else.

P. What did you do?

W. I continued to ask her questions and inform her of my concerns with the retraction. I asked her to tell the truth about the sexual abuse allegation.

P. Did she continue to deny her previous statements concerning the allegation?

W. No, she eventually told me that everything she had said on June 8 was the truth. Her father had been sexually assaulting her. I continued to question her repeatedly about the allegation.

P. Did she say why she had lied to you earlier in the day?

W. Yes, she said that she had spoken to her father shortly before we had arrived. He had been threatening and abusive over the phone. She said she was scared and confused, so she lied.

P. Thank you. Your witness.

Police Cross Examination

D. Officer James, you testified that you questioned Jill Harris on June 8th and 9th, is that correct?

W. Yes.

D. You just testified that when you questioned Jill on June 8, Mrs. Stanley was present. Was Mrs. Stanley also present when you questioned Jill on June 9th?

W. No, Mrs. Stanley wasn't there.

D. Oh, I see. So when Jill confessed to making up the sexual abuse allegation, Mrs. Stanley wasn't there.

W. Well, yes, but Mrs. Stanley also wasn't there when Jill confessed to lying about retraction.

D. Yes, let's discuss that. Right after Jill retracted the allegation did she go back to her original story?

W. No, at first she continued to say that she had fabricated the sexual abuse accusation.

D. About how long after you arrived did she revert back to her initial story?

W. Approximately an hour.

D. During that time did you often ask her to tell you what really happened between her and her father?

W. Yes.

D. So for an hour you continually pressed her to tell you the story that you wanted to hear, until she finally broke down. Officer James, during that hour, did you mention to Jill that it is a criminal offence to fabricate sexual abuse accusations and that she could actually be punished by law for saying that she was lying about the allegation?

W. Yes.

D. Did you also threaten to bring her into the police station to get a statement from her?

W. Yes.

D. So, in addition to persistently prodding her to reverse the retraction, you also threatened her and no doubt frightened her terribly until she finally told you a story that you would accept...

P. Objection.

J. Objection sustained.

D. I have no further questions for this witness.

Doctor Examination

P. Dr. Brown, can you please tell the court what your involvement is with child sexual abuse cases.

W. I have been a pediatrician for the Social Services Department of the Children's Hospital of Eastern Ontario for 7 years. A substantial part of my work involves examining children that are suspected or confirmed victims of sexual assault.

P. Where did you receive your training?

W. I recieved my degree in pediatrics after completing my residency at the Vanderbilt University Hospital in Nashville, Tennessee.

P. When did you examine Jill Harris?

W. June 11.

P. Can you please describe the examination.

W. I spent the first part of the medical examination just talking and getting to know Jill. She was shy but generally a likeable child. During the conversation, Jill mentioned a number of things that I consider to be quite common in sexually victimized children.

P. Specifically, what concerned you?

W. Well, Jill informed me that she doesn't like her own body. She said that she hated it and she wished that she were able to have someone else's body. She also mentioned that she had few friends, but, those that she did have she wouldn't bring over to her house.

P. Did she tell you why?

W. No, but presumably because she was worried that her father would make advances towards her friends, or that they would find out what was happening to her.

D. Objection, the witness is making presumptions about the beliefs of the complainant.

J. Objection sustained. The jury shall disregard Dr. Brown's last statement.

P. Dr. Brown, can you please tell the court the results of your physical examination of Jill Harris?

W. Jill was hesitant to undress for the physical examination. I told her that I would leave the room while she undressed and that I would return in a few minutes. When I returned, Jill had not undressed. When I asked her why she hadn't undressed she said hadn't understood what I had meant.

P. In your opinion Dr., does the failure of a patient to undress for an examination have any diagnostic value?

W. No, that alone indicates nothing. However, when a child has made a disclosure, behaviours such as not undressing can be viewed as behaviours that are compatible with the disclosure.

P. Was Jill wearing two pairs of underwear when you examined her?

W. Yes, she was.

P. At the time of her examination, did Jill have her menstrual period?

W. No, she did not.

P. Do children that have not been sexually assaulted often wear 2 pairs of underwear?

W. No.

P. Please continue with the results of the physical examination.

W. The general physical examination was normal. There were no identifying signs of physical abuse or neglect. Height was normal, however, weight was low for her age. Excessive behaviours, such as over or undereating, are frequently observed in sexually abused children; so again, this was seen as compatible with the disclosure.

P. What were the results of the genital examination?

W. No semen was found in the vagina.

P. Was semen expected to be found?

W. No. This would not be expected since sexual intercourse was

reported to have occurred 6 days prior to my examination. In fact, semen would not likely have remained in the vagina even at the time of Jill's disclosure.

P. What was the condition of the hymen?

W. Hymenal remnants, or tags, only remained. Otherwise, the hymen was absent. It was not possible to determine how recent the rupture was.

P. Then does this evidence suggest the occurrence of penetration?

W. Yes, it definitely suggests penetration.

P. Is it possible that the condition of the hymen could have been caused by something other than penile penetration?

W. Things such as tampons and excessive masturbation can result in rupturing of the hymen. Since Jill has used tampons and has masturbated, they cannot be ruled out as possibilities. The important point, however, is that the hymenal condition is consistent with the disclosure.

P. Were there any other significant results from the genital examination?

W. Yes, minor trauma was observed at the external vulvar structures. More specifically, mild bruising was found at the anterior labia majora and perineal area.

P. Could the bruising be caused by something other than forced intercourse?

W. Yes, straddle injuries, such as falling on a boy's bicycle, can result in trauma to the genital region.

P. Then, in terms of the sexual abuse allegation, how important is this finding of mild bruising?

W. Actually it is quite significant. Often in cases of sexual abuse involving family members no bruising will be found.

P. What was your overall impression of the examination?

W. When I evaluated the evidence of the genital examination in conjunction with Jill's behavior, I found it to be compatible with the disclosure.

P. Thank you. Your witness.

Cross Examination of Doctor

D. Dr. Brown, you testified that Jill told you that she doesn't like her body, and that she said she wished she could have someone else's body. Now Dr., Isn't it quite common for girls, Jill's age, to be self conscious about their bodies. embarrassed about undressing in front of strangers, and so on.

W. Yes, many children of that age are self conscious about their bodies.

D. Have you ever known girls who had never been sexually abused and yet dreamt about having a different or more attractive body?

W. Yes.

D. Dr., you said that Jill was underweight. In your medical opinion, is Jill pathologically or dangerously underweight?

W. No.

D. So Dr., what you are saying is that Jill is a shy, skinny

girl who wishes she had a different body. Tell me Dr., do you think all shy, skinny girls have been sexually abused?

W. No, of course not...

D. Dr. Brown, you reported that the external genitalia showed signs of trauma. You neglected to mention the result of the internal genital examination. Was this because this examination was found to be normal?

W. Yes, it was.

D. Therefore, no small tears or abrasions, let alone deep perineal tears, rectal or bladder injury, rupture of the vagina, or any trauma that would suggest sexual assault was found. Am I correct?

W. Yes, but it is very rare...

D. Let's go back to your description of the hymen. You testified that only hymenal tags were present but that this could have been caused by such things as tampons or masturbation. Is that correct?

W. Yes.

D. You also testified that Jill used tampons and masturbated. Is that correct?

W. Yes.

D. I would assume that many girls that use tampons regularly and masturbate have ruptured hymens. Is that correct?

W. Yes.

D. So it is quite possible that the reported condition of Jill's hymen resulted from a number of things, of which penile

penetration is only one possibility.

W. Yes.

D. Isn't it also true that even if penile penetration caused the condition of the hymen, there is no physical evidence to determine that it was Jill's father?

W. Yes, that is true.

D. Therefore, the bruising and rupturing that you speak of, really doesn't seem to tell too much about whether or not penile penetration, or any other type of sexual activity has taken place. Dr. Brown, I believe that you testified that a smear of the vagina was performed to check for semen and the result was negative. Is that correct?

W. Yes.

D. I assume that you also checked for vaginal discharge and screened for sexually transmitted diseases. What were the results of these tests?

W. They were both negative.

D. Did the urinalysis test for pregnancy?

W. Yes, it was also negative.

D. Well Dr., in contrast to your earlier testimony, it appears that there is considerable medical evidence to support the contention that Jill Harris was not sexually abused by her father. You have just finished testifying that numerous tests that could have confirmed penetration were negative. Isn't this correct?

W. Yes, but...

D. That's fine. Thank you Dr. Brown.

Expert Examination (General)

P. What is your occupation, Dr. Brooks?

W. I am a clinical psychologist.

P. Can you please describe your education and experience that qualifies you as an expert in the field of child sexual assault.

W. I received my Ph.D. in clinical psychology at the University of British Columbia. For the past 5 years, I have worked at the Children's Hospital, specializing in the field of child sexual assault.

P. Dr. Brooks, is child sexual abuse common in our society?

W. Yes, the most widely used statistic in Canada is that 1 in 4 girls and 1 in 8 boys will be sexually abused by an adult during their childhood.

P. Are most children sexually assaulted by strangers?

W. No, it is a myth that children are molested primarily by strangers. Most studies of sexual abuse have shown that strangers make up only a minority of persons who offend against children. It has been estimated that sexual abuse by a person known to the child accounts for 70 to 85% of all child sexual abuse cases.

P. Is it true that professional, well educated upstanding members of the community could be child sexual abuse offenders?

W. Yes, sexual abuse occurs at all levels of income and

education. Offenders may have no job, a blue collar job, a white collar job or a professional job. Often offenders are regarded as solid members of their communities until their offences are discovered.

P. So, it's not true that sexual abuse within the family occurs more often in families of lower socioeconomic class, ethnic minorities, or rural families?

W. That's right. Sexual abuse is not limited to any social, economic, or ethnic class.

P. Is it common for fathers who sexually abuse their children to have criminal records?

W. No, most of these fathers are respectable, law-abiding men. Various studies give an average of 80% of families not ever having had any dealings with the criminal courts previous to the sexual assault charge.

P. Dr. Brooks, if a child were really sexually abused, wouldn't they report the abuse right away?

W. No, this is not usually the case. In fact, many children never report abuse when they are victims of sexual assault.

P. Why is that?

W. There is frequently strong reluctance to report. Children are often bribed, intimidated or threatened not to tell. Furthermore, children often feel guilty about the sexual abuse and so they may fear the reaction of the person to whom the disclosure is made.

P. Suppose a child made a sexual abuse allegation, then

retracted it, then later still retracted the recantation.

Would these inconsistent statements indicate that the abuse never actually happened?

W. Again, this type of behaviour is quite common among abused children, particularly when the alleged abuser is a family member. Children are usually quite confused about the whole situation, and they generally have quite ambiguous and conflicting feelings towards the abuser. They may be pressured by the abuser or some other adult to retract the allegation. It is generally accepted by child abuse experts that recantations are not indications of a false accusation.

Rather, in addition to delayed disclosures, these inconsistent statements often characterize a true sexual assault victim.

P. Are there any other psychological symptoms that are common in children who have been sexually abused?

W. Well, it is important to point out that everyone reacts to traumatic events differently, and therefore, symptoms vary from child to child. However, it is true that there are symptoms that are frequently seen. Immediately following the abuse, anxiety related symptoms such as fearfulness, sleep disturbances, weight changes and psychosomatic symptoms are very common. Over time, the victim's shame and guilt often lead to a poor self concept. Depression and social withdrawal are also common characteristics.

P. How common are these characteristics in sexually abused children?

W. Actually, these clinical features are so characteristic of sexually abused children that a sexually abused child syndrome has been proposed.

P. What about physical symptoms? Isn't force required to make someone perform sexual activities, even if the victim is a child?

W. Force or physical abuse is not often required for a parent to coerce a child into sexual activity. It is more common when the perpetrator is a stranger. One study has reported that in a sample of sexually abused girls, there was evidence of physical abuse in only 5% of the cases.

P. Isn't it true Dr., that a girl living without her mother is at an increased risk for being sexually victimized by her father?

W. Yes, I would say that girls who have, at some point, lived without their natural mother would be approximately 3 times more vulnerable to sexual abuse than the average girl. P. Dr. Brooks, how common is it for children to lie about being sexually abused?

W. There are very few reports of children making false allegations. Although it is a common fear that children make false accusations, there is little evidence to support this fear. Recent studies suggest that no more than 2% of allegations are fictitious accounts made by the child.

P. Are there any circumstances when false allegations are more common?

W. It is more common for false accusations to occur in the context of parental custody disputes involving young children when the allegation is put forth by one of the parents. Nevertheless, false reports under these circumstances only occur in approximately 8% of all cases.

P. Is there any evidence to suggest that children are more prone to lie than adults?

W. Despite conventional wisdom, there is no evidence that suggests that children are more prone to lie than adults. Nor is there any evidence that indicates they are more prone to fabricate allegations. Studies, in general, suggest that there is little correlation between age and honesty. With respect to child sexual abuse, empirical studies indicate that there are more false denials by adults accused of abuse than false allegations by children.

P. Is it possible for children to misinterpret an innocent experience as being sexual abuse?

W. Yes, this is possible. However, misinterpretation would likely occur in the case of a single ambiguous experience. For example, when an adult was patting the bottom of a child.

P. Then in your opinion, a child would not misinterpret a situation when the alleged incidents involved specific sexual acts that were occurring over a long period of time.

W. No.

P. Okay, what about the possibility of a child exaggerating?

W. In my experience, many children who report being assaulted

actually underreport the amount and type of abuse.

Exaggeration is rare.

P. Dr., might a child lie about the occurrence of sexual incidents because of anger, hatred, or resentment toward a person? Maybe to get back at that person?

W. Children are not often good liars. Most cases of deliberate fabrication are discovered in the course of investigation. There are a number of documented characteristics that distinguish false and true accusations. For example, with false allegations, details of the sexual activity are obtained rather easily during the initial interview, and the child is outspoken and nondefensive in his or her description of sexual activity, without significant changes in mood and affect.

P. Are there any other features of abuse allegations that provide support to the allegation?

W. Yes. Many features of the sexual abuse allegation such as, a progression of the sexual activities and an element of secrecy, are so characteristic that an absence of them would suggest that the accusation had been fabricated.

P. So, Dr., what you are saying is that a child who reports a progression of sexual activities and who is initially secretive about reporting the abuse is likely to be telling the truth. Is that right?

W. Yes.

P. Thank you. I have no further questions.

Expert Examination (Specific)

P. What is your occupation, Dr. Brooks?

W. I am a clinical psychologist.

P. Can you please describe your education and experience that qualifies you as an expert in the field of child sexual assault.

W. I received my Ph.D. in clinical psychology at the University of British Columbia. For the past 5 years, I have worked at the Children's Hospital, specializing in the field of child sexual assault.

P. Have you examined Jill Harris?

W. Yes, I have.

P. Can you please describe the examination.

W. I began the examination by interviewing Jill, at some length. In addition, I gave her a battery of psychological tests. Projective tests that were administered included Drawing Tests such as the House/Tree/Person Test and the Kinetic Family Drawing Test, Storytelling Techniques such as the Thematic Apperception Test, and the Rorschach Ink Blot Test. Objective tests were also administered such as the Minnesota Multiphasic Personality Inventory, or MMPI.

P. What do you look for in these tests?

W. The projective measures enable one to identify trauma indicators and genital/sexual symbolisms that are frequently displayed in child victims of sexual assault. The MMPI is used

to identify patterns of psychological symptoms that show up in sexually abused children more than other children.

P. Based on the results of these tests and the interview with Jill did you conclude that in your opinion Jill Harris was sexually abused?

W. Yes, I did.

P. Did Jill show any psychological symptoms that led you to believe that she had been sexually abused?

W. Well, it is important to point out that everyone reacts to traumatic events differently and therefore, symptoms vary from child to child. However, Jill showed a number of symptoms that are frequently seen in sexually victimized children. Jill showed anxiety related symptoms such as: fearfulness, sleep disturbances, weight changes and psychosomatic symptoms. It appears that, over time, Jill's shame and guilt led to a poor self concept. Depression and social withdrawal are also characteristics common to sexually abused children that were observed in Jill's behaviour and responses.

P. How common are these characteristics in sexually abused children?

W. Actually, these clinical features are so characteristic of sexually victimized children a sexually abused child syndrome has been proposed.

P. Dr. Brooks, is child sexual abuse common in our society?

W. Yes, the most widely used statistic in Canada is that 1 in 4 girls and 1 in 8 boys will be sexually abused by an adult

during their childhood.

P. Jill claims that she was sexually abused by her father.

Aren't most children sexually assaulted by strangers?

W. No, it is a myth that children are molested primarily by strangers. Most studies of sexual abuse have shown that strangers make up only a minority of persons who offend against children. It has been estimated that sexual abuse by a person known to the child accounts for 70 to 85% of all child sexual abuse cases.

P. Mr. Harris is a professional man who was described as a well educated, upstanding member of the community. Could a man fitting this description really be a child sexual abuse offender?

W. Yes, sexual abuse occurs at all levels of income and education. Offenders may have no job, a blue collar job, a white collar job, or a professional job. Often offenders are regarded as solid members of their communities until their offences are discovered.

P. So, it's not true that sexual abuse within the family occurs more often in families of lower socioeconomic class, ethnic minorities, or rural families?

W. That's right. Sexual abuse is not limited to any social, economic, or ethnic class.

P. Mr. Harris was also described as never being arrested for anything before this. Is it common for fathers who sexually abuse their children to have criminal records?

W. No, most of these fathers are respectable, law-abiding men. Various studies give an average of 80% of families not ever having had any dealings with the criminal courts previous to the sexual assault charge.

P. Dr. Brooks, if Jill were really sexually abused, wouldn't she have reported the abuse right away?

W. No, this is not usually the case. In fact, many children never report abuse when they are victims of sexual assault.

P. Why is that?

W. There is frequently strong reluctance to report. Children are often bribed, intimidated or threatened not to tell. Furthermore, children often feel guilty about the sexual abuse and so they may fear the reaction of the person to whom the disclosure is made.

P. Why do you believe that Jill did not report the abuse sooner?

W. In Jill's case, as in many, the sexual relationship between her and her father started out mild and then continually progressed after that. Later, she felt ashamed and frightened that people wouldn't believe her.

P. Jill made the sexual abuse allegation, then retracted it, then later still retracted the recantation. Would these inconsistent statements indicate that the abuse never actually happened?

W. Again, this type of behaviour is quite common among abused children, particularly when the alleged abuser is a family

member. Jill was confused about the whole situation, and she had quite ambiguous and conflicting feelings towards her father. When he called and threatened her she felt pressured to retract the allegation. It is generally accepted by child abuse experts that recantations are not indications of a false accusation. Rather, in addition to delayed disclosures, these inconsistent statements often characterize a true sexual assault victim.

P. What about physical symptoms? Isn't force required to make someone perform sexual activities, even if the victim is a child?

W. Force or physical abuse is not often required for a parent to coerce a child into sexual activity. It is more common when the perpetrator is a stranger. One study has reported that in a sample of sexually abused girls, there was evidence of physical abuse in only 5% of the cases. In Jill's case, rather than using force, John Harris made Jill feel responsible for his sexual pleasure. When she said that she did not want to take part he would make her feel guilty.

P. Isn't it true Dr., since Jill was living without her mother she had an increased risk for being sexually victimized by her father?

W. Yes, I would say that girls who have, at some point, lived without their natural mother would be approximately 3 times more vulnerable to sexual abuse than the average girl.

P. How common is it for children to lie about being sexually

abused?

W. There are very few reports of children making false allegations. Although it is a common fear that children make false accusations, there is no evidence to support this fear. Recent studies suggest that no more than 2% of allegations are fictitious accounts made by the child.

P. Are there any circumstances when false allegations are more common?

W. It is more common for false accusations to occur in the context of parental custody disputes involving young children when the allegation is put forth by one of the parents. Nevertheless, false reports under these circumstances only occur in approximately 8% of all cases.

P. Is there any evidence to suggest that children are more prone to lie than adults?

W. Despite conventional wisdom, there is no evidence that suggests that children are more prone to lie than adults. Nor is there any evidence that indicates they are more prone to fabricate allegations. Studies, in general, suggest that there is little correlation between age and honesty. With respect to child sexual abuse, empirical studies indicate that there are more false denials by adults accused of abuse than false allegations by children.

P. Is it possible for children to misinterpret an innocent experience as being sexual abuse?

W. Yes, this is possible. However, misinterpretation would

likely occur in the case of a single ambiguous experience. For example, when an adult was patting the bottom of a child.

P. Then in your opinion, Jill could not have misinterpreted her situation since the alleged incidents involved specific sexual acts that were occurring over a long period of time.

W. That's right, in my opinion Jill did not misinterpret her situation.

P. Okay, what about the possibility of Jill exaggerating?

W. In my experience, many children who report being assaulted actually underreport the amount and type of abuse.

Exaggeration is rare. I don't believe that it applies to this case.

P. Dr., in your opinion, did Jill lie about the occurrence of sexual incidents because of confusion or anger and resentment toward her father? Maybe to get back at him for dating other women?

W. Children are not often good liars and I don't believe that Jill is an exception. Most cases of deliberate fabrication are discovered in the course of investigation. There are a number of documented characteristics that distinguish false and true accusations. According to these criteria Jill's behaviour clearly indicates that she is not lying. For example, with false allegations, details of the sexual activity are obtained rather easily during the initial interview, and the child is outspoken and nondefensive in his or her description of sexual activity, without significant changes in mood and affect.

P. Do these characteristics describe Jill's behaviour?

W. No, they definitely do not.

P. Are there any other features of the alleged abuse that provide support to the allegation?

W. Yes. Many features of the sexual abuse allegation such as, a progression of the sexual activities and an element of secrecy, are so characteristic that an absence of them would suggest that the accusation had been fabricated. Jill's disclosure had these features.

P. Dr. Brooks, do you believe that Jill Harris is lying when she alleges that she was sexually abused by her father?

W. No, I do not.

P. So, in your clinical opinion Jill Harris was coerced into having sexual relations with her father?

W. Yes, I believe she was.

P. Thank you. I have no further questions.

Expert - Cross Examination (General and Specific)

D. Dr. Brooks, you testified that children rarely falsely accuse adults of sexual abuse, and that the idea that they do is a myth. Is that right?

W. Yes, with the exception of cases involving custody disputes, that is correct.

D. Have you ever known a child who falsely accused an adult of sexual assault?

W. Yes, but as I stated earlier, it is very rare.

D. Dr., You testified earlier that it was common for sexually abused children to lie and say that they were never assaulted sexually. Is that correct?

W. Yes.

D. And you also testified that it was common for a child to say that they were lying when they made the sexual abuse accusation.

W. Yes.

D. And then you testified that it was also common for children to say that they were lying when they said that they were lying about the sexual abuse accusation.

W. Yes.

D. Okay Dr., do children that are physically abused by their parents often lie about the causes of their bruises?

W. Yes.

D. Do girls often lie to their parents about having sex with a boy?

W. Yes.

D. Do some children often tell malicious lies, lies that they know could hurt someone else?

W. Yes.

D. Well now Dr., I'm somewhat puzzled. You just testified that, in your experience, some children lie. You testified that you have known them to often lie about all sorts of things. How can you testify under oath that the one thing that a child rarely lies about is being sexually abused?

W. In my opinion, children rarely lie about something as serious as being sexually assaulted.

D. Dr., from what I understand, children falsely accuse adults of sexual abuse more frequently and more severely than you are leading the court to believe. For example, recently children charged a 67 year old woman that ran a preschool, as well as her staff, with 115 charges of sexual abuse. Seven people were arrested and imprisoned. The children described how they were first fondled, then forced to participate in ritual sex, then to witness murder. Later, however, the children admitted that they made up the stories. Are you familiar with that case, Dr.?

W. Yes.

D. Surely, Dr. Brooks, you also remember similar disclosures surfacing in Hamilton, Ontario, in 1985. In this case 2 young children reported to their foster mother that their mother, her boyfriend and their father had forced them to take part in grotesque sexual abuse, satanic ritual murders, bestiality, and cannibalism. Although the trial lasted nearly 2 years, none of the children's allegations could be substantiated. Are you familiar with this case, Dr.?

W. Yes, but these are extreme cases.

D. Yes, they are definitely extreme cases and as trial records show, there are many more cases where a child simply falsely accuses an adult, often a parent, of sexually abusing them. So, Dr., as these cases indicate, children sometimes do falsely

accuse adults of sexual abuse. Do they not?

W. Yes, in rare cases they do.

D. Dr., has a child ever disclosed the details of a sexual abuse incident rather easily during an initial interview with you?

W. Yes, but usually....

D. Thank you Dr., you answered my question. Has a child ever been outspoken and nondefensive in their description of sexual activity?

W. It would be extremely unlikely for an abused child to act in this manner.

D. Please just answer the question Dr. In your presence, has a child ever been outspoken and nondefensive in this situation?

W. Yes.

D. Has a child ever made a disclosure without significant changes in their mood and affect?

W. Yes.

D. Well then, Dr., it seems that each and every indicator of false allegations could also be indicative of a true allegation.

W. No, it is unlikely that a child that had all those characteristics was actually abused.

D. But it is possible.

W. Yes, it is possible.

D. I assume, Dr. Brooks, that symptoms that you mentioned such as: fearfulness, sleep disturbances, weight change and a

poor self esteem are sometimes not observed in child victims of sexual assault. Is this true?

W. As I said before, there is variability in children's responses, but these symptoms are frequently seen.

D. In fact, due to the wide variability in children's responses to sexual abuse, many prominent clinicians and researchers have completely opposed the notion of the sexually abused child syndrome. Is that correct?

W. Yes, there are those who oppose the idea of such a syndrome.

D. And furthermore, isn't it true that children who have not been sexually abused often have sleep disturbances?

W. Yes.

D. What about weight changes?

W. Yes.

D. Poor self concepts?

W. Yes.

D. Are depressed or socially withdrawn?

W. Yes.

D. Exhibit psychosomatic symptoms?

W. Yes.

D. Well then, Dr. Brooks, it seems fairly safe to say that any of these symptoms may or may not be present in both children that have or have not been sexually abused. Let's move on. You said that the MMPI can be used to identify patterns of psychological symptoms that show up in sexually abused children

more than others. Isn't it in fact true, that children exposed to other kinds of stressful situations show similar test profiles to those of sexually abused children?

W. Yes.

D. Dr., Suppose a young girl lost her mother to cancer. In your opinion would that event constitute a severe trauma?

W. Yes, most girls would, of course, be highly distraught by the death of their mother.

(Specific expert only)

D. So, for example, wouldn't you expect a child who had suffered through the death of a parent to react with such symptoms as depression, emotional withdrawal, and psychosomatic symptoms that are measured by the MMPI?

(General expert only)

D. So, for example, wouldn't you expect a child who had suffered through the death of a parent to react with such symptoms as: depression, emotional withdrawal, and psychosomatic symptoms?

(General and specific expert conditions)

W. Yes, such symptoms of grief would be expected after the death of a parent.

D. And the child might still exhibit these symptoms a year or two after the parent's death. Isn't that also true, Dr.?

W. In some cases that might be true, yes.

D. Dr. Brooks, you testified that children that don't live with their mother are more vulnerable to sexual abuse. Is this

correct?

W. Yes.

D. Are most of the children of widowers sexually abused by their father?

W. No.

D. In fact, would it not be safe to say that most of the children of widowers have not been sexually abused by their father?

W. Yes.

D. Dr., isn't it true that most university educated fathers don't sexually abuse their daughters?

W. Yes.

D. Isn't it also true that most professional men with good jobs don't sexually assault their daughters?

W. Yes.

D. And isn't it also true that most men who have never been arrested don't sexually abuse their daughters?

W. Yes.

(Specific expert only)

D. Dr., you testified that in your opinion Jill Harris was sexually abused and that part of the basis for this opinion was the results of projective tests. Is that correct?

W. Yes.

D. Isn't it true that a number of noted psychologists have criticized projective tests such as the House/Tree/Person Test and the Rorschach and complained that they cannot be validly

employed to make a diagnosis such as whether or not someone has been sexually abused?

W. Yes, the tests are controversial, but, in my opinion they provide useful information.

(General and Specific expert conditions)

D. One last question. Isn't it possible for adults to suggest ideas to children without the children realizing that they have been given a suggestion?

W. Yes, I suppose so.

D. And Dr., to your knowledge are there cases where sexual abuse has been suggested to a child by an adult?

W. Yes.

D. Thank you.

Examination of Mr. Harris

D. Now that you have been sworn in, Mr. Harris, could you please tell the court your full name and address.

W. My name is John R. Harris. I live at 32 Calter Street.

D. What is your occupation, Mr. Harris?

W. I'm an accountant.

D. How long have you been at your present job?

W. 7 years.

D. Have you ever been fired from a job?

W. No.

D. Have you ever been charged with or convicted of a sexual offense?

W. No, never.

D. Have you ever been charged with or convicted of any type of felony, Mr. Harris?

W. No sir.

D. How long have you been living at your present address?

W. Six years.

D. Mr. Harris, when did your wife die?

W. Dec. 16, 1986

D. Since then you have been raising your daughter by yourself. Is that correct?

W. Yes, I have.

D. Did anyone have to come and help you out, even for a while.

W. No sir, like I said, we managed on our own.

D. Mr. Harris, can you please tell the court how your daughter reacted to your wife's death?

W. She was very, very upset. I still don't think she's over it. In fact, I don't know if she'll ever get over it.

D. What has your relationship been like with your daughter?

W. Before my wife, Carol, died, we got along well. We were all quite happy until my wife got sick. But after Carol died it was different. Both Jill and I were extremely upset and depressed. What made it even harder was that Jill and I started fighting quite frequently. She seemed to blame me for Carol's death, or at least hold it against me.

D. What do you mean?

W. Well, she would say things to me like " if you had've taken

better care of her, mom would still be here". I know that she didn't mean it, especially since my wife died of terminal cancer. Nothing anyone could have done would have saved her. I guess that it's just easier for Jill to blame her mom's death on someone, even if it's unjustified.

D. Mr. Harris, has your relationship with Jill been disturbed since the time of your wife's death?

W. Well, Jill was quite upset and took it out on me for about a year. After that things started getting a little better.

D. Has your relationship with Jill remained better since that time?

W. No, unfortunately not. I started casually dating at the end of March, and as soon as Jill found out she was back to being the person that she had been the year before.

D. Please be more specific, Mr. Harris.

W. Well, towards the end of March I asked a woman from the office to go out to dinner with me. She accepted and we had a nice time. Later that night, I told Jill about it. She got really angry. She told me that I had no right to see other women. She said things that she knew would hurt me. For example, she said that if I was dating another woman it meant that I never loved her mother.

D. Did you continue to date this woman?

W. Only twice after that.

D. Did you date anyone else?

W. Yes. I dated another woman, Barbara, a few times. Not

often, though.

D. Did Jill ever meet either of these women?

W. No, I didn't think that it would be wise. However, she did see Barbara. One night Barbara and I were going out and I forgot my wallet at the house. I drove back home to get it. Barbara stayed in the car but Jill was looking through the window and saw her. Jill wouldn't speak to me for days after that.

D. So what did you do?

W. Well, I figured that this must be too upsetting for Jill so I decided to stop dating until we had worked it out. I wanted to date, but, it just wasn't worth it to see Jill so upset.

D. Was there anything in addition to her yelling at you or ignoring you that indicated that she was upset?

W. Yes. When I started dating, Jill stopped eating regularly. I figured that she wasn't eating in order to punish me because I was dating. I didn't want to give in to her in order to make her eat normally again, but, I got so concerned that I decided to stop dating.

D. Mr. Harris, have you ever touched Jill in a sexual manner?

W. No, of course not.

D. Have you ever made Jill touch you in a sexual manner?

W. No.

D. Have you ever forced your daughter to have oral sex with you?

W. No.

D. Have you ever asked your daughter to have oral sex with you?

W. No.

D. Have you ever had sexual intercourse with your daughter?

W. No.

D. In short, Mr. Harris, have you ever, in any way sexually assaulted your daughter?

W. No, I have not.

D. Mr. Harris, had you and Jill had an argument shortly before she made her accusation to her gym teacher?

W. Well, two days before Jill told her story to her coach, Jill and I had a fight. We were arguing about her going to stay overnight at a friend's house. I told her that she couldn't. She broke out into a rage when I said no. She said that I was the worst father in the world and that she didn't want to live with me anymore. And then she said, that she didn't know how, but someday she was going to get back at me. I thought that she was just saying nonsense things at the time because she was so mad. But I guess that I was wrong.

D. Mr. Harris, has Jill ever lied to you before?

W. Well, she has lied about minor things.

D. Such as?

W. Doing homework, or where she was going at night, you know, small things.

D. Do you believe that Jill could lie about something as serious as this?

W. I would never have thought it, but, yes, obviously she can.

D Thank you. No further questions.

Cross Examination of Mr. Harris

P. Mr. Harris, you testified that you and your daughter managed on your own after your wife died. Is this correct?

W. yes.

P. I imagine that it must have been quite difficult for you at times.

W. Yes, it was.

P. I guess that you felt lonely at times.

W. Yes I did.

P. And you really missed companionship?

W. Yes.

P. I bet that you wouldn't have felt right leaving your daughter at home in order for you to find comfort and companionship.

W. No I wouldn't.

P. So, instead you received comfort and companionship from your daughter. Is that correct?

W. At times my daughter has provided companionship and comfort to me. Yes.

P. Mr. Harris, you testified that after your wife died Jill was very upset. Is that correct?

W. Yes, of course she was.

P. You also testified that after about a year things seemed better. Your relationship with Jill was better and Jill seemed less distraught. Is this also correct?

W. Yes.

P. So, would you say that Jill was coping much better with the trauma after about a year?

W. Yes, those type of things get easier with time.

P. Yes, of course they do. So Jill experienced terrible grief after her mother's death, but, now she is feeling much less upset and confused.

W. Yes, but she is still upset and confused.

P. Wouldn't you say that that would be normal? I don't think that anyone ever completely gets over the death of their mother, especially a young girl. But, she is much less upset and confused. Is that correct?

W. Yes.

P. Thank you. I have no further questions.

Defence Closing Statement

Members of the jury. In our system of justice a person is presumed to be innocent until he is proven guilty beyond a reasonable doubt. What this means is that Mr. Harris does not have to prove to you or to the court that he is innocent. Mr. Harris does not have to prove anything at all. Instead, it is up to the Crown to prove beyond a reasonable doubt that Mr. Harris is guilty. Members of the jury, this, the Crown has

been unable to do. It has been unable to do it for a very simple and very basic reason. The reason is that Mr. Harris is not guilty of sexual assault. This horrible accusation is false. It is the product of an unhappy, confused and angry child who is still greaving the terrible loss of her mother and, who in her anger and confusion lashed out and attempted to hurt the one person she loved the most - her own father.

Members of the jury, psychologists have a word for loving and hating the same person at the same time. That word is ambivalence, and that word accurately describes Jill's feelings toward her father. Jill loved, and I'm sure still loves her father very deeply. However, she also loved her mother very deeply and when her mother died tragically of cancer Jill was devistated. You heard Jill herself testify as to how hurt she was by her mother's death, and how she blamed her father for it. You also heard Mr. Harris describe how things between he and Jill began to improve until he began to date other women. At that point Jill's relationship with her father suffered still another setback. Why? Because Jill was jealous of the attention that her father bestowed on other women, and because she considered him to be a kind of traitor who was attempting to replace her mother with someone else.

Members of the jury, Jill is not to be blamed for her feelings of anger and jealousy. She is, after all, only a child who has suffered a terrible tragedy in her mother's death. On the other hand, while it is only right that our

hearts go out to Jill because of her suffering, it would be an even greater tragedy if we were to believe her and convict an innocent man on the basis of her adolescent anger, confusion and desperation.

Members of the jury, when we look carefully at the prosecution's case, then, piece by piece it begins to collapse like a house of cards.

On June 6, Jill spoke with Mrs. Stanley during her gymnastics class. Only 2 days before she had had an argument with her father about staying overnight with a friend. Members of the jury, you heard Jill, herself, testify that she became so angry at her father that she called him the worst father in the world and threatened to get even with him. Mrs. Stanley noticed that Jill was upset and, indeed, Jill really was upset. But Mrs. Stanley did not focus on any of the obvious reasons for Jill's upsetness. Instead, she had already concocted the idea that Jill was a victim of sexual abuse because Jill sometimes wore 2 pairs of underwear and was shy about undressing in front of others. She pressed Jill for information until Jill finally turned and left. Two days later Mrs. Stanley again began pressing Jill for information until finally, Jill said that her father was doing things to her that she didn't like. This of course was true. He was fulfilling his responsibility as a father by not letting Jill stay with a friend when he felt she should be at home. Mrs. Stanley knew none of this. In her mind Jill's father was already guilty of

sexual abuse and so she continued to press Jill for the details that would confirm her own preconceptions. As we all know, children are suggestible. They are anxious to please coaches and other authority figures. So, finally, Mrs. Stanley's interrogation of Jill paid off in the manner Mrs. Stanley hoped it would. Disturbed, angry, and impressionable, Jill fabricated a story that fit with Mrs. Stanley's preconceived ideas.

Members of the jury, we all know how impressionable children are. Are there any of us who cannot remember how, as children, we exaggerated and fabricated stories? When we look carefully at Jill's story we can see that it has all the elements of fabrication.

First, Jill denied to Mrs. Stanley that anything was wrong. Then when more pressure was applied she said that her father had done things to her that she didn't like. However, sexual details emerged only as she was pressed harder and as she became aware of what Mrs. Stanley wanted her to say. It was Mrs. Stanley who called the police, and when Mrs. Stanley was still present Jill told the police the same story that she had been pressured into concocting by Mrs. Stanley. The next day, however, the police came back when Mrs. Stanley was no longer around, and what happened? Jill retracted her story and stated that she had made the whole thing up. It was only when she was again forcefully and repeatedly interrogated by the police that she succumbed and again reverted to her story of

abuse.

Members of the jury, does it make sense to convict an upstanding and honorable man of a serious crime on the basis of an inconsistent tale told by an impressionable and angry child who the very next day, actually confesses that she made the whole story up? No, to do that obviously makes no sense at all.

But what about the physical evidence in this case. Does that evidence prove that Jill was sexually assaulted? Let us look carefully at that evidence.

Dr. Brown, the pediatrician who examined Jill found no evidence of internal genital damage, no evidence of semen in Jill's vagina, and no evidence of venereal disease. Any of those symptoms would have constituted strong evidence that Jill had engaged in sexual intercourse but, as the Dr. herself admitted, none of these symptoms were present. Furthermore, the minor symptoms that WERE found do not prove that Jill engaged in sexual intercourse with anyone, let alone with her own father. These minor symptoms included some external bruising of the genitals and hymenal remnants. However, recall that Dr. Brown testified that all of these symptoms can be caused by such things as the insertion of tampons, masturbation, and minor everyday accidents like falling off a bike. As Jill herself testified, she regularly uses tampons and she has masterbated and inserted her own finger into her vagina. In other words, members of the jury, the few minor genital symptoms that Jill showed do not prove beyond a

reasonable doubt that she engaged in sexual intercourse with her father, or with anyone else.

What about the other symptoms which Dr. Brown claimed indicated sexual abuse. When Dr. Brown asked Jill why she didn't undress when he first asked her to, Jill said she had misunderstood her. Dr. Brown, however, rejected this perfectly reasonable explanation and assumed instead that Jill's failure to undress meant that she had been abused. But why is it so incredible to believe that a teenage girl became so nervous about a forthcoming genital examination by someone she had never met, that she mixed up or misinterpreted instructions? Or, even if Jill did not undress right away after hearing the Dr. correctly, why on earth should this mean that she had slept with her father? Why shouldn't it simply mean what we already know to be true of Jill; that she is a shy, quiet girl who, like many other girls her age, is a little ashamed of her body and therefore, a little hesitant about undressing in front of a stranger.

What about the fact that Jill is a little underweight and that she says she doesn't like her body? Members of the jury, if I had a penny for every teenager who was a bit on the skinny side or who said that she didn't like her body, I'd be a very, very rich man.

Jill wore two pairs of panties when she went to the doctor's office, and her gymnastics coach also testified that she sometimes saw Jill wearing two pairs of panties. Members

of the jury, what does this prove? The answer is simple, it proves absolutely nothing. Perhaps Jill wore two pairs of panties because she is shy and it made her feel more secure, perhaps it's extra protection about getting her period unexpectedly, perhaps she's afraid of minor staining between her periods. Members of the jury, the possibilities for why a teenage girl would sometimes wear 2 pairs of panties are endless. Why do they spike their hair? Why do they streak it purple and orange? Who knows? Who knows why Jill sometimes wore two pairs of panties. What should be obvious, however, is that it would be a terrible mistake to convict a man of sexual abuse because his daughter, for whatever reason, sometimes wore 2 pairs of panties.

Members of the jury, to convict my client for a crime that he did not commit would be a horrible miscarriage of justice. To convict him on the contradictory testimony of a confused and frightened child would be truly obscene. For these reasons, members of the jury, I ask you to find Mr. Harris not guilty of sexual assault.

Thank you for your attention and your patience.

Prosecution Closing Statement (Both Age Conditions)

Members of the jury, Jill Harris was the victim of a terrible crime. She was sexually assaulted on repeated occasions by her own father. My esteemed colleague has attempted to muddy up this case by trying his best to shift the

blame from the real criminal, Mr. Harris, to the innocent victim, young Jill Harris. The defence would have you believe that Jill, a shy, frightened 13 (17) year old girl is really a liar who falsely accused her own father of a horrible sexual assault because he wouldn't let her stay over at a friend's house. Members of the jury, the story concocted by the defence is absurd.

The defence would like you to believe that Mrs. Stanley, Jill's gymnastics coach, put the thought of sexual abuse into Jill's mind and then pressured Jill into concocting the whole horrible and sordid story. So now we have still another villain. Not only is Jill to blame, but so is her gymnastics coach. (sarcastically) How terrible, all of these people conspiring to accuse poor, innocent Mr. Harris of sexual abuse. Did Jill hesitate before telling Mrs. Stanley about the horrible things that her father did to her? Of course she did. Did she let the story out a little bit at a time rather than all at once? Certainly. Out of fear and shame and guilt did she retract her story when her father pressured her to do so, but, then tell the truth once again later on? Yes she did. Do any of these things indicate that Jill was lying when she accused her father of sexual abuse? No, of course they don't.

Members of the jury, place yourself for a moment in Jill's place. You're 13 (17) years old and your father has been molesting you. You want it to stop, but what are you to do?

He's your father and you love him, and need him, and depend on him, and for all the world you don't want to hurt him unnecessarily. But what he's doing is terrible and you want it to stop. What are you to do?

What you would probably do is what Jill did. You would approach a sympathetic coach or some other adult whom you could trust and tell them what happened. But it wouldn't be easy. Think of the conflicting emotions. Loving your father but fearing him. Wanting him to continue loving you as a daughter, but wanting the terrible abuse to end. Members of the jury, with all of these conflicting emotions how would YOU act when you tried to tell your coach? You wouldn't just go up to her in a matter of fact way and tell her straight out. After all, you're a frightened, conflict ridden, insecure 13 (17) year old child. You would probably behave just as Jill did. You would be frightened and ambivalent. You would start to tell but be unable to finish. You would beat around the bush, and drop some hints and with fear you would finally work your way up to letting out the terrible secret that you were hiding inside. In other words, you would behave just the way Jill did when she told Mrs. Stanley.

Of course Mrs. Stanley knew that Jill was torn up inside, and of course she encouraged her to let out what was really bothering her. Members of the jury, Mrs. Stanley didn't pressure Jill into making up an obscene story. Instead, she simply provided a frightened, confused 13 (17) year old with

the emotional support that she needed to reveal her terrible secret. Members of the jury, the events that Jill finally did describe were as highly explicit and detailed as they were revolting. She described how her father touched her genitals, how he forced her to put his penis in her mouth, how he ejaculated into her mouth, and how it hurt when he forced his penis into her vagina. Members of the jury, does it really make sense to believe that a shy 13 (17) year old child would make up all of these explicit sexual details out of thin air? No, of course it doesn't. Jill was able to provide these horrible details for one reason and one reason only. These horrible events were actually forced on her by her father. These events are not the fantasies of a 13 (17) year old girl. Jill was able to describe these obscene events in detail because her father forced her to experience each of them.

Members of the jury, you heard expert testimony which indicated that Jill was sexually abused. According to that testimony Jill told the truth about what her father did to her. She exhibited the psychological reactions typical of a sexually abused child and she exhibited physical symptoms that were consistent with her having been sexually abused. Once again, the defence has attempted to cloud the issues. For instance, the defence points out that Jill did not suffer any internal genital damage. But so what? Her father's act would not be expected to damage internal organs so, of course no such damage was found.

The defence pointed out that Jill did not suffer from a venereal disease. Does this mean that her father didn't really rape her? Of course not. All it means is that her father didn't have a venereal disease to transmit to her.

The defence pointed out that no semen was found in Jill's vagina. Does this mean that her father had not raped her several days earlier? No, of course not. As the expert testimony clearly indicated, semen would not be found in the vagina 6 days after intercourse.

Members of the jury, let's cut through the defence smoke screen concerning the symptoms Jill didn't show and go back to the physical symptoms that she did show: hymenal fragments and bruising of the external genital tissues. Members of the jury, stop for a moment and ask yourselves: What could produce genital tearing and bruising in a 13 (17) year old? Inserting tampons? Nonsense. If tampons caused tearing and bruising then obviously women and girls wouldn't use tampons. Falling on the cross-bar of a boy's bicycle? Jill doesn't own a boy's bike and she's never fallen onto a cross-bar. Members of the jury, the defence is obviously grasping at straws. Explanations like falling on a cross-bar or inserting tampons are obviously forced and artificial. The real explanation for the bruising and tearing of Jill's genitals was caused by her father when he forced her, against her will, to have sexual intercourse with him.

Members of the jury, you have heard expert testimony which

indicates that Jill's reactions were those of a sexually abused child. She suffers from low self-esteem and doesn't like her body. She failed to undress for a doctor's examination when asked to, and when she did undress she was wearing 2 pairs of panties. Mrs. Stanley also testified that Jill sometimes wore 2 pairs of panties. Once again, the defence has approached this evidence by trying to create a smoke screen. According to the defence, all adolescents are shy about their bodies.

Members of the jury, we are not talking her about normal adolescent insecurities and shyness. When normal children are asked to undress for a medical examination they are not so terrified of violation that they leave their clothes on. Normal children do not wear two pairs of panties. This is obviously not some sort of new adolescent fad. Instead, it is the pitiful protective reaction of a frightened and traumatized child; an expression of Jill's guilt and fear and her pathetic attempt to protect herself and guard her privacy against unwanted intrusions.

Members of the jury, Jill Harris told you the truth about what her father did to her. It is a horrible truth, but the truth, nonetheless. For that reason I ask that you find Mr. John Harris guilty of sexual abuse.

Members of the jury, thank you for your attention.

Judge's Charge

Members of the jury. You have heard the evidence in this

case and you must now deliberate to a unanimous verdict.

Mr. Harris is being charged with sexual assault on his daughter, Jill Harris. No consent to sexual assault occurs when a complainant submits by reason of the exercise of authority or when the complaintant is under the age of 14 years. Therefore, in this case, the consent or nonconsent of Jill Harris to the alleged activity is not an issue. The issue to be determined is whether the conduct complained of actually occurred.

At the time of the alleged incident, Jill Harris was living alone with her father, Mr. John Harris. On June 8, Jill told her gymnastics coach that for 10 months her father had been coercing her to have sexual relations with her. Jill was brought to her grandparent's house and the police were contacted. During police questioning on June 9, Jill retracted the allegation but later retracted the recantation. On June 11, a medical examination was performed.

It is the contention of the Crown that Mr. Harris sexually assaulted his daughter, Jill Harris. You have heard Miss Harris testify under oath that her father, Mr. Harris, initially requested that they touch and fondle each other before bedtime. She further testified that over the next 10 months her father repeatedly engaged in various sexual activities with her and that the severity of these incidents increased over time. Jill Harris then testified that on June 5, Mr. Harris had sexual intercourse with her and that this

incident led to her disclosure. You have also heard the testimony of other witnesses called by the Crown to corroborate Miss Harris's testimony. The Crown called witnesses to testify that Jill Harris made a disclosure of sexual abuse, and that she exhibited both psychological and physical symptoms that are consistent with that disclosure.

You have heard the defence contend that Jill Harris was not sexually assaulted by Mr. Harris, but instead, that the charge was fabricated by Miss Harris. You have heard Mr. Harris testify under oath that he has never had sexual relations with his daughter. According to the defence, Jill Harris is a confused and angry girl. The death of her mother left her emotionally unstable. When her father began to date other women, she became even more angry and falsely accused him of having sexual relations with her. According to the defence, Jill was given the opportunity to fabricate the allegation by her gymnastics coach and then once having made the allegation was pressured into sticking to it. The defence further contends that neither the psychological nor the physical symptoms indicate that Jill Harris had sexual relations with her father. Rather, these symptoms could also accurately describe a girl who had lost her mother and was frightened of losing her father to another woman.

Members of the jury. In your deliberations it is important that you review very carefully all of the evidence that has been presented. You should think carefully about the testimony

you have heard, and, where there was conflicting testimony you must make judgements about the credibility of the witnesses involved. It is up to you to evaluate the conflicting testimony and determine which is the truth.

If, after careful deliberation, you conclude that the evidence presented before you proves beyond a reasonable doubt that Mr. Harris had sexual intercourse with his daughter, Jill Harris, then you should find Mr. Harris guilty of sexual assault. On the other hand, if, after careful evaluation of the evidence, you believe that a reasonable doubt remains concerning Mr. Harris's guilt then you should acquit him of the charges against him.

Now, a reasonable doubt concerning guilt is not merely the possibility of innocence. A reasonable doubt is a doubt that would cause a reasonable and prudent person in the graver and more important affairs of life to pause and to hesitate to act upon the truth of the matter charged.

Proof beyond a reasonable doubt is not proof beyond all possible or imaginary doubt. Instead, it is proof that precludes every reasonable hypothesis except the hypothesis that it tends to support. Proof beyond a reasonable doubt is proof to a moral certainty. Proof beyond a reasonable doubt is proof strong enough to convince reasonable people who have examined the evidence before them that the crime the defendant is charged with has been committed by the defendant. Proof beyond a reasonable doubt is proof that convinces reasonable

people that no other reasonable conclusion is possible.

Members of the jury, you may now retire and begin your deliberations.

Please indicate to what extent do you agree/disagree with the following statements.

[illegible]

Disagree 4 -3 -2 -1 0 1 2 3 4 5 Agree

[illegible][illegible][illegible][illegible][illegible][illegible]

10) Children often lie about sexual abuse allegations when they are angry and want to get back at someone.

11) It is uncommon for children to fabricate false accusations of sexual abuse.

12) Psychological reactions of children to sexual abuse are so varied that psychologists cannot make accurate assessments.

13) A young child's inconsistent statements describing sexual abuse are an indication that the child is lying.

14) A child 13 or younger can make her (his) own decision as to whether she (he) wants to have sex with an adult or not.

15) Sex between a child and an adult need not necessarily cause the child emotional problems.

16) Most children who complain about being sexually abused by a parent are probably lying.

17) Children often lie about sexual abuse allegations to gain sympathy and attention.

[illegible]

Appendix C

Attitudes Towards Women Scale

The statements listed below describe attitudes toward the role of women in society that different people have. There are no right or wrong answers, only opinions. You are asked to express your feeling about each statement by indicating whether you (a) agree strongly, (b) agree mildly, (c) disagree mildly, or (d) disagree strongly. Please indicate your opinion by checking either A, B, C, or D for each item.

	Agree Strongly	Agree Mildly	Disagree Mildly	Disagree Strongly
1. Swearing and obscenity are more repulsive in the speech of a woman than a man.	A	B	C	D
2. Women should take increasing responsibility for leadership in solving the intellectual and social problems of the day.	A	B	C	D
3. Both husband and wife should be allowed the same grounds for divorce.	A	B	C	D
4. Telling dirty jokes should be mostly a masculine prerogative.	A	B	C	D
5. Intoxication among women is worse than intoxication among men.	A	B	C	D
6. Under modern economic conditions with women being active outside the home, men should share in household tasks such as washing dishes and doing the laundry.	A	B	C	D
7. It is insulting for women to have the 'obey' clause remain in the marriage service.	A	B	C	D
8. There should be a strict merit system in job appointment and promotion without regard to sex.	A	B	C	D

Agree Agree Disagree Disagree
Strongly Mildly Mildly Strongly

9.	A woman should be as free as a man to propose marriage.	A	B	C	D
10.	Women should worry less about their rights and more about becoming good wives and mothers.	A	B	C	D
11.	Women earning as much as their dates should bear equally the expense when they go out together.	A	B	C	D
12.	Women should assume their rightful place in business and all the professions along with men.	A	B	C	D
13.	A woman should not expect to go to exactly the same places or to have quite the same freedom of action as a man.	A	B	C	D
14.	Sons in a family should be given more encouragement to go to college than daughters.	A	B	C	D
15.	It is ridiculous for a woman to run a locomotive and for a woman to darn socks.	A	B	C	D
16.	In general, the father should have greater authority than the mother in the bringing up of children.	A	B	C	D
17.	Women should be encouraged not to become sexually intimate with anyone before marriage, even their fiancés.	A	B	C	D
18.	The husband should not be favored by law over the wife in the disposal of family property or income.	A	B	C	D

Agree Agree Disagree Disagree
Strongly Mildly Mildly Strongly

19.	Women should be concerned with their duties of childbearing and house tending, rather than with desires for professional and business careers.	A	B	C	D
20.	The intellectual leadership of a community should be largely in the hands of men.	A	B	C	D
21.	Economic and social freedom is worth far more to women than acceptance of the ideal of femininity which has been set up by men.	A	B	C	D
22.	On the average, women should be regarded as less capable of contributing to economic production than are men.	A	B	C	D
23.	There are many jobs in which men should be given preference over women in being hired or promoted.	A	B	C	D
24.	Women should be given equal opportunity with men for apprenticeship in the various trades.	A	B	C	D
25.	The modern girl is entitled to the same freedom from regulation and control that is given to the modern boy.	A	B	C	D

Appendix D

Private Belief Form

Name: _____

The scale below assesses your PRIVATE and PERSONAL belief about whether you think that Mr. Harris sexually assaulted Jill Harris. This scale is NOT asking you whether you believe that the evidence is sufficient to find Mr. Harris guilty in a court of law. Instead, it is simply asking for your personal opinion concerning whether or not Mr. Harris sexually assaulted Jill Harris.

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

Positive that
Mr. Harris DID
NOT sexually
assault Jill
Harris.

Positive that
Mr. Harris DID
sexually assault
Jill Harris.

Appendix E

Tally Form

NAME: _____

JUROR NO.: _____

This is the (first, second, etc.) _____ tally
taken.

Based on the evidence, my vote is that Mr. Harris is:

_____ guilty of sexual assault
_____ not guilty of sexual assault

Check only one verdict above.

Appendix F

Complainant and Defendant Characteristics

For the following list of adjectives please indicate to what extent you feel each adjective accurately describes JILL HARRIS (the daughter).

Please circle only one number for EACH adjective.

	Not at all			Completely		
believable	0	1	2	3	4	5
manipulative	0	1	2	3	4	5
intelligent	0	1	2	3	4	5
deranged	0	1	2	3	4	5
vindictive	0	1	2	3	4	5
calaculating	0	1	2	3	4	5
credible	0	1	2	3	4	5
promiscuous	0	1	2	3	4	5
untrustworthy	0	1	2	3	4	5
mentally unbalanced	0	1	2	3	4	5
vengeful	0	1	2	3	4	5
unresentful	0	1	2	3	4	5
moral	0	1	2	3	4	5
sexual tease	0	1	2	3	4	5
angry	0	1	2	3	4	5
honest	0	1	2	3	4	5
insincere	0	1	2	3	4	5
truthful	0	1	2	3	4	5
spiteful	0	1	2	3	4	5
normal	0	1	2	3	4	5
malicious	0	1	2	3	4	5
suggestible	0	1	2	3	4	5

For the following list of adjectives please indicate to what extent you feel each adjective accurately describes MR. JOHN HARRIS (the father).

Please circle only one number for EACH adjective.

	Not at all			Completely		
angry	0	1	2	3	4	5
insincere	0	1	2	3	4	5
vindictive	0	1	2	3	4	5
respectable	0	1	2	3	4	5
credible	0	1	2	3	4	5
moral	0	1	2	3	4	5
bitter	0	1	2	3	4	5
intelligent	0	1	2	3	4	5
normal	0	1	2	3	4	5
believable	0	1	2	3	4	5
deranged	0	1	2	3	4	5
honest	0	1	2	3	4	5
manipulative	0	1	2	3	4	5
truthful	0	1	2	3	4	5
calculating	0	1	2	3	4	5
responsible	0	1	2	3	4	5
mentally unbalanced	0	1	2	3	4	5
spiteful	0	1	2	3	4	5
malicious	0	1	2	3	4	5
untrustworthy	0	1	2	3	4	5
shameless	0	1	2	3	4	5
unresentful	0	1	2	3	4	5

Attributions of Sexual Responsibility

ASSUME that Mr. Harris DID sexually abuse his daughter, Jill Harris. Please rate the extent to which you believe that Jill Harris was responsible for the abuse.

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

Definitely
NOT responsible

Definitely
Responsible

Appendix H

Table H-1

Correlation Matrix:By Context of the Child Sexual Abuse Belief Scale

	ATW	CCRED	DCRED	RESP	BEL	PRE	POST
CSAB1	-.34*** (176)	-.21** (174)	.22** (171)	.26** (175)	-.26*** (176)	-.23** (176)	-.06 (176)
CSAB2	-.28*** (142)	-.24** (137)	-.04 (139)	.26** (142)	-.12 (142)	-.11 (142)	.01 (142)
<i>z</i>	0.58	0.28	2.29*	0.04	1.22	1.09	0.10

* *p* .05** *p* .01*** *p* .001

CSAB1 = Child Sexual Abuse Belief Scale administered in a pre-experimental survey session

CSAB2 = Child Sexual Abuse Belief Scale administered at the beginning of the experimental session

ATW = Attitudes Towards Women Scale

CCRED = Complainant credibility

DCRED = Defendant credibility

RESP = Responsibility attributed to the complainant

BEL = Average private belief rating

PRE = Jurors' predeliberation verdicts

POST = Jurors' postdeliberation verdicts

END

03·03·92

FIN