

How late is too late? Investigating the impact of delayed reporting of rape offences upon mock juror decision making with a domestic rape trial

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Abstract

This study explored the influence of rape myths, such as delayed reporting as well as other extraneous variables in the decision making of jurors in a domestic rape case. Rape myth acceptance and longer delays in reporting (10 years vs. immediate) often yield a not guilty verdict for the defendant in mock juror trials. Mock jurors (N = 129) watched a trial re-enactment video depicting a domestic rape case before making a dichotomous verdict, continuous verdict rating, confidence in decision rating, as well as their opinions on the belief and credibility of the complainant and defendant. Findings suggests no influence delay in reporting on any of these variables, however, belief in the complainant, belief in the perpetrator, and confidence in decision were all predictors of verdict decision. Methodological and sample limitations of the current study were discussed, with suggestions for future research and policy implications following.

Key Words: *Jury Bias; Domestic Rape; Reporting Delay; Adult Victims; Jury Decision Making*

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1. Introduction

1.1. Attrition of Rape Offences within the CJS

The most recent data from the Crown Prosecution Service (2021) shows the number of rape case reports has risen over the years, however, there has been fewer convictions and cases brought to trial. This has led to questioning over why there is this prosecution gap, and how the Criminal Justice System (CJS) may be able to reduce this disparity and allow victims of sexual crimes to receive their necessary justice (HMICFRS, 2021). Research examining how the CJS responds to rape addresses how each institution provides a multiple response network, and how the courts as an agency and the court experience for victims presents issues with returning guilty verdicts (Brown et al., 2010). Jury trials are expected to deliver fair and consistent sentencing; however, they may occasionally struggle to remain impartial and evade bias towards the victim when delivering their verdict (Jones, 2021). Juror decision making (JDM) research has suggested psychological, attitudinal, demographic and victimisation variables to have a relationship with JDM (Willmott, 2018). If members of the jury have preconceived, stereotypical biases or prejudice towards what they believe a rape victim to be, their decision making can be influenced as they employ rape myths to discredit the victim.

1.2. Rape Myth Acceptance

The concept of rape myths became a topic of interest in the 1970s, sparking research across the world (Brownmiller, 1975; Schwendinger and Schwendinger, 1974). It was first termed in 1980 as 'prejudicial, stereotyped and false beliefs about rape, rape victims and rapists' (Burt, 1980) (p. 217), still, this definition has faced concerns for lacking proper articulation of terminology from researchers in the social psychology field later on (Lonsway and Fitzgerald, 1994). Nevertheless, there is widespread agreement on what rape myths involve, and that they generally present as four distinct types: blame towards the victim; disbelief in the claims of rape; exoneration of the perpetrator; and the belief that only certain types of women can be raped (Burt, 1980; Payne et al., 1999; Gerger et al., 2007).

Further research has put forward theories on the functions of rape myth acceptance, in terms of the cognitive, affective and behavioural functions endorsing them serves (Bohner et al., 2013). From a cognitive perspective, higher rape myth acceptance (RMA) is attributed to encouraging blame towards the victim and reduction in believed guilt of the perpetrator (Russell and Hand, 2017; Rollero and Tartaglia, 2019). The schemas individuals often possess towards RMA are often gendered; whereby female blame is often placed on the victim from a male's perspective (e.g., dressing immodestly, not assisting a man's sexual aggressive tendencies). The idea of RMA being a gender-endorsed cognition helps explain how these myths are endorsed differently in a court of law.

Conversely, there is an argument that rape myths do not affect real juror decisions. Thomas's (2020) study based on jury members who had just finished performing as a jury in court revealed the majority significantly disagreed with rape myth statements and did not hold them themselves. It was determined that widespread claims of 'juror bias' in cases involving sexual assault are not valid and that jurors in court do not hold the same opinions as to the public or of mock-jurors in JDM studies. In these studies, mock trial designs and written vignettes are generally dissimilar to the trial process, and face criticism for lacking ecological validity and the ability to prove RMA as a factor influencing juror decisions in real cases. First of all, many studies in this area use students as the majority of their participation sample. This not only gives an inaccurate sample of the wider population that would be selected for a trial jury but skews the sample to have a higher-than-average education level. This may be problematic as high RMA levels are often correlated with lower educational levels, meaning that using student samples is only investigating individuals with generally low RMA attitudes and that any significant results found would be inaccurate and lacking generalisability. If JDM research cannot be applied to a real-world jury situation, then it has no value in helping to improve jury bias in real cases at trial. Secondly, mock juror research varies in the realism of their methodology, varying between 'laboratory' based research and qualitative, naturalistic studies. Those at the lower end of realism (e.g., quantitative studies, no group deliberation, no re-enactment video) arguably lack ecological validity, yet simulation trials such as this are the most commonly used in JDM research. Ideally, naturalistic field studies would be used for jury investigation, ensuring high ecological validity through natural observation of jurors during trial. This

type of access, however, is not readily available due to restrictions preventing obstructing the trial and its outcomes (Willmott, 2017), yet these types of study designs provide, at the very least, insight into how abstract attitudes can translate into a difference in views about a case (Leverick, 2020).

Referring back to Thomas' (2020) study, the findings give important insight to JDM and the impact of rape myths, but it cannot disprove the high magnitude of research supporting the presence of stereotypical beliefs towards rape, rape victims and rapists in the CJS (Hohl & Stanko, 2015; Shaw, 2017), how easily victim stereotypes can be triggered in juries (Rempala & Geers, 2011), and how heavily juror's judgements rely on their own opinions/attitudes rather than the facts of the case (Taylor, 2007; Temkin, 2010). Personal previous experience of sexual assault is an example of expected elevated RMA levels, showing conflicting previous associations (McMahon & Farmer, 2011). While Thomas (2020) argues the lacking validity and methodological downfalls in the field of JDM, this experimental control allows a concentrated look at specific aspects of RMA and how this applies to the jury trial process. The debate in the field of JDM research is an indication of a need for further examination of the effects of rape myths on juror decision making. It has been suggested that a focus should be made on exploring which rape myths are the most prevalent within the general population. This direction has the potential to provide juries with insight into the behaviour of the defendant and circumstances of the offence when prosecutors present case theory to the jury, allowing them to make an educated verdict decision at the end of trial (Dinos et al., 2015; Lundrigan et al., 2019). Further impact could be on potential jury reform and judicial training towards rape myths (Smith & Skinner, 2017; Leverick, 2020).

1.3 Delayed Reporting

Victims of sexual assault often wait a period of time before disclosing or reporting their assault (Burrowes, 2013). It is a common rape myth that a delay in reporting rape means that the reporting is less likely to be true. Although this is a wrong assumption, juries often appease this stereotype. This stereotype is sometimes even invoked by barristers in a rape case by disregarding victim explanation when faced with criticism for their delayed reporting from the defence (Smith & Skinner, 2017). Delay periods in reporting in sexual offence cases often result in juries giving lower guilt ratings to the

defendant, having more negative views towards the victim and possessing a more positive view towards the offender (Fraser et al., 2021). Research indicates shorter delays in reporting sexual assaults are most likely to render a guilty verdict from a jury (Balogh et al., 2003). There have been instances in research where mock jurors raise concerns and challenge myths regarding delayed reporting in the court scenario, however, it remained an influential variable on verdict decision making (Ellison & Munro, 2009; Chalmers et al., 2021). Although the majority of delayed reporting literature shows a significant relationship to verdict decision making, there have been a minority of studies where delayed reporting did not influence verdict decision. Specifically, Thompson et al. (2021) did not find a significant association between delayed reporting and verdict decision, there was an influence on victim believability. Moreover, when investigating different time intervals of delay, a 10-year delay resulted in less belief than a one-year delay, supporting the notion that longer time delays have higher implications as a rape myth on juror's opinions of the victim. On the other hand, a delay period of 20 years showed no difference in victim believability than a one-year delay. These findings suggest the potential of a curvilinear relationship between delayed reporting and jury beliefs and attitudes. While the study declines that delay influenced verdict decision, these may be circumstantial findings, as there is a lack of other empirical research examining the impact of adults who wait longer than a year to report a sexual offence. The results are, however, consistent with research involving delayed reporting and victims who are children at the time of the assault, where real jurors were not impacted by delay of historic child abuse cases in a meta-analysis of verdict decision making (Read et al., 2006).

Ultimately, the differentiation in the effect of delay in reporting between children and adults and the curvilinear relationship of its effect over different time periods suggests the need for examination of different types of cases, as well as more research involving longer delays and a higher frequency of delay periods (Fraser et al., 2021). With recent years being heavily centred around social movements such as #MeToo, it would be beneficial to empirically test whether RMA attitudes for reporting delay have decreased as there has been a global promotion for a change in culture towards sexual assault and harassment (Levy & Mattsson, 2020; Fraser et al., 2021).

1.4 Domestic Rape Cases and Rape Myth Acceptance

Intimate partner sexual violence (IPSV) is an example of cases that usually take longer delay periods to report to police than other sexual violence assaults, due to its reputation of being a “private matter” between partners (Jung et al., 2021). Marital rape was not included in the definitions of rape in England and Wales until 1994 (Criminal Justice and Public Order Bill, 1994; Williamson, 2017), reflecting a lack of seriousness and understanding attributed to IPSV by the CJS. With 25-50% of rapists being partners or ex-partners of their victims (Hester & Lilley, 2017; Adams-Clark & Chrisler, 2018) and conviction rates being higher for rape committed by strangers than domestic rape (Osborn et al., 2021), there is a need for further disaggregation of rape cases, looking closely at domestic rape and examining the contextual features.

1.5 The Current Study

Based on mixed findings towards the influence of delay in reporting in JDM, as well as suggestion that rape myth belief is less prevalent in the general public in recent years, the impact of such will be tested in the current study. The aim of the research is to investigate how differences in the length of time taken to report rape victimisation influences juror decision making within domestic rape trials when all other facts of the case are held consistent. It is hypothesised there will be a significant effect of delay of reporting on perceived defendant guilt and decision confidence. As delay in reporting increases, participants will be more likely to give a not guilty verdict, with greater confidence in their decision, reduced credibility given to the victim and more credibility given to the perpetrator’s account than the control condition. Secondly, the relationship between belief in the complainant’s version of events, belief in the defendant’s version of events, rape myth acceptance scores, sexual victimisation, and confidence in decision and its ability to predict verdict decision will be considered among a domestic rape case.

2. Methodology

2.1 Participants

Participants ($N = 129$) were recruited through opportunity sampling as a result of anonymous recruitment from social media group pages (e.g., Facebook). Those who fell within the inclusion criteria and were jury eligible (i.e., aged 18-years or older, self-declared able to read written English) were permitted to take part. Participants were distributed across 4 different conditions with 30-35 participants in each group. 93 participants were excluded due to a lack of juror eligibility as well as due to significant missing information. Participant's ages ranged from 18 years to ($M = 30.47$, $SD = 11.26$), and the majority (72.9%, $n = 94$) were female. Furthermore, the majority of participants identified as White (82.2%, $n = 106$), followed by East Asian (10.9%, $n = 14$), Mixed origin (3.1%, $n = 4$) Black (2.3%, $n = 3$), and 'other' ethnicity (1.6%, $n = 2$). Most participants were studying for or had already achieved a university degree (78.3%, $n = 101$), as well as the majority had no experience with previously being a jury member (96.1%, $n = 124$). Finally, most participants had never previously been the victim of a serious sexual crime such as rape (79.1%, $n = 102$). Full demographic information of the sample is exhibited in Table 1 below. Ethnicity demographics were categorised for this study as White or BAME (Black, Asian, Minority, and Ethnic), with Asian in the UK meaning south-east Asian. Whilst we know that these are different ethnic identities, however, due to a smaller frequency of individuals who took place in the study, data were merged to do some comparison of significance. However, future research should look to proportionally represent in the sample that there are individual differences in ethnicity to be explored.

2.2 Design

A 4 level (delay in reporting: no delay vs. 2-weeks vs. 6-months vs. 10 years) between-subjects factorial design was utilised, with the control condition being no delay in reporting.

2.3 Materials

A variety of well-established psychological measurements were implemented in the current study, measuring social attitudes and beliefs of participants, the were psychometrically validated using CFA standardised techniques (Sherretts & Willmott, 2016). Alongside this, demographics were acquired in a questionnaire taken before the mock trial. A juror decision questionnaire was also taken after the mock trial, all of which are described in more detail below.

2.3.1 Demographics Questionnaire

Demographic information was recorded and categorized using self-reported open-ended responses to questions (e.g., “How old are you?”, “How would you describe your gender?”). The questionnaire consisted of demographic items surrounding participant’s age, gender, ethnicity, education (i.e., ‘What is your highest form of education?’), previous sexual victimisation (i.e., ‘Have you ever been a victim of a serious sexual crime such as rape?’), and previous jury involvement (i.e., ‘Have you previously been a jury member before?’). The questionnaire had a total of 11 items.

2.3.2 Acceptance of Modern Myths about Sexual Aggression

(AMMSA; Gerger et al., 2007). A self-report inventory evaluating endorsement for a variety of rape myths (e.g., “Any woman who is careless enough to walk through “dark alleys” at night is partly to be blamed if she is raped.”). This unidimensional scale is one of two commonly used in modern RMA studies (alongside the uIRMA; McMahon & Farmer, 2011), with meta-analysis support for the scales validity in detecting RMA (Persson & Dhingra, 2020). The questionnaire is comprised of 30 items, where higher scores are equivalent to greater acceptance of rape myths. Participants rate their agreement to each statement from 1 (completely disagree) to 7 (completely agree) on the Likert scale.

2.3.3 Juror Decision Scale

(JDS; Willmott et al., 2018). This scale provides a self-report measure of juror decision making on an individual basis. It has theoretical underpinnings from Pennington and Hastie's (1992) Story Model and consisting of a total of 16 items generated from the theory. Seven items surround complainant story believability (e.g., "How well did the evidence match and cover what the complainant said happened?"), seven surround defendant story believability (e.g., "How consistent was the defendant's version of events with the evidence presented overall?"), and two involving confidence in verdict decision (e.g., "Finally, how confident are you overall that you have reached the correct verdict decision in this case?").

2.4 Procedure

Data was collected online entirely, as the only available method to complete the study during the COVID-19 pandemic. Firstly, participants were given an information sheet, explaining the nature of the study, and warning them about the possibility of becoming upset or distressed (e.g., answering sensitive questions around sexual violence) and that the study includes information about a rape case. If participants felt they wanted to take part, they completed the consent form. Pre-trial, the demographic and AMMSA rape myth acceptance questionnaires were completed before participants were randomly allocated to one of the 4 delay conditions via Qualtrics. Next, a video clip of a mock trial scenario was played- a resource created specifically for research involving mock juror decisions within sexual offence trials. The trial was split into short clips, shows contested sexual activity and a consent dispute. Post-trial, questions were asked about the defendant's guilt (measured on a continuum scale of 1-10) and whether they find them guilty of the crime categorically (guilty vs. not guilty). Participants were also asked about defendant and complainant believability as well as decision confidence from the JDS. Finally, a debrief sheet was provided explaining the purpose of the study as well as contact information for both the researcher and support helplines should they need them.

2.5 Further Ethical Considerations

Throughout the study, participants were informed about their right to withdraw from the study up until three months after their data was collected. Their data was given full anonymity and remained personally unidentifiable, being stored by the researcher on a password-protected, private drive. No deception was required in the experiment and participants were encouraged to take the mock trial situation and their decision making seriously as if it were a real case.

2.6 Analytical Procedures

First, descriptive statistics were calculated for all continuous and categorical variables (see Table 1,2 and 3). Next, two one-way ANOVAs were performed for the continuous dependent variables: RMA scores (AMMSA) as well as the believability and decision confidence subscales of the JDS. This was to test for significant differences in the variables between each of the 4 conditions of reporting delay, which is consistent with previous research which has noted considerable differences among these variables (Ellison & Munro, 2009; Chalmers et al., 2021). The third step in analysis was chi-square analysis to inspect these differences among the categorical dependent variable: verdict decision (guilty vs. not guilty). Finally, a binary logical regression involved key exogenous variables being put into a regression to estimate predictors of verdict decisions.

3. Results

3.1. Descriptive Statistics for Continuous Variables

The descriptive statistics, including means and standard deviations for all continuous variables, can be seen in Table 1. This includes rape myth acceptance, confidence in verdict decision, complainant believability, defendant believability, and perceived guilt of the defendant. Scores were recorded across four groups according to their delay in reporting (no delay, 2-week delay, 6-month delay, 10-year delay). AMMSA scores were on average, higher in condition 1 (no delay) than all other three conditions ($M = 89.32$, $SD = 25.29$). Confidence in decision scores were highest in condition 2 (2-week delay) ($M = 7.6$, $SD = 1.63$) and condition 4 (10-year delay) ($M = 7.6$, $SD = 2.03$) than the other two groups. Belief in the complainant was highest in condition 2 (2-week delay) ($M = 26.37$, $SD = 5.05$), as well as belief in the defendant ($M = 21.11$, $SD = 5.27$). Finally, participant rating of defendant guilt was highest in condition 2 (2-week delay) ($M = 7.29$, $SD = 2.43$).

Table 1. Descriptive statistics for AMMSA rape myth acceptance scores, confidence in verdict decision, complainant believability, defendant believability, and perceived guilt of the defendant.

	Reporting Delay									
	No Delay		2 Weeks		6 Months		10 Years		Total	
	(n = 34)		(n = 35)		(n = 30)		(n = 30)		(n = 129)	
	M	SD	M	SD	M	SD	M	SD	M	SD
AMMSA	89.32	25.29	75.29	26.69	79.9	25.12	80.33	32.4	81.23	27.62
Confidence	7.09	1.54	7.6	1.63	7.1	2.06	7.6	2.03	7.35	1.81
Complainant Belief	24.5	5.42	26.37	5.05	25.43	4.66	25.93	6.15	25.6	5.33
Defendant Belief	21.09	4.84	21.11	5.27	20.6	4.86	18.9	4.96	20.47	5.02
Verdict Scale	6.59	2.54	7.29	2.43	6.9	2.56	7.27	2.6	7.01	2.51

Notes: M= Mean, SD= Standard Deviation, n= number of participants, AMMSA= Acceptance of Modern Myths About Sexual Aggression.

3.2. Descriptive Statistics for Categorical Variables

Descriptive outputs for the categorical variable (verdict decision) are presented in Table 2. Frequencies and percentages for delivering a guilty vs not guilty verdict over the different conditions are shown. 22.5% of the total sample (N = 29) gave a guilty verdict while 77.5% (N = 100) gave a not guilty verdict. This indicated the majority of participants believed the defendant to be guilty of domestic rape of the complainant. All conditions received a higher percentage of guilty verdict decisions than not guilty decisions. Participants in condition 2 (2-week delay) were most likely to give a guilty (N = 30, 85.7%) rather than a non-guilty verdict (N = 5, 14.3%).

Table 2. Descriptive information for verdict decision (guilty vs not guilty).

	Reporting Delay							
	No Delay		2 Weeks		6 Months		10 Years	
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
<i>Guilty</i>	25	73.5	30	85.7	21	70	24	80
<i>Not Guilty</i>	9	26.5	5	14.3	9	30	6	20
Total	34	100	35	100	30	100	30	100

Notes: *N*= number of participants, % = percent within condition .

Descriptive outputs for the remaining demographic categorical variables are presented below (see Table 3 to Table 7). Frequencies and percentages for age, gender, ethnicity, highest qualification, previous sexual victimisation and, previous experience as a jury member is displayed in total and over the different conditions of delayed reporting.

Table 3. Demographic information of the total sample.

<i>Variable</i>	<i>N (%)</i>
<i>Age</i>	
18 to 25	72 (55.8%)
26 to 35	18 (14.0%)
36 to 45	23 (17.8%)
46 to 55	11 (10.1%)
55 and above	5 (2.3%)
<i>Gender</i>	
Male	35 (27.1%)
Female	94 (72.9%)
<i>Ethnicity</i>	
White	106 (82.2%)
BAME	23 (17.8%)
<i>Highest Qualification</i>	
Below University Education	28 (21.7%)
Currently Studying for University Degree	62 (48.1%)
Above a University Degree	39 (30.2%)
<i>Previous Sexual Victimisation</i>	
Yes	27 (20.9%)
No	102 (79.1%)
<i>Previous Experience as Jury Member</i>	
Yes	5 (3.9%)
No	124 (96.1%)

Notes: N= number of participants, % = percent within condition.

Table 4. Demographic information for Condition 1 (no delay in reporting).

<i>Variable</i>	<i>N (%)</i>
<i>Age</i>	
18 to 25	19 (55.9%)
26 to 35	4 (11.7%)
36 to 45	6 (17.7%)
46 to 55	3 (8.8%)
55 and above	2 (5.9%)
<i>Gender</i>	
Male	10 (29.4%)
Female	24 (70.6%)
<i>Ethnicity</i>	
White	26 (76.5%)
BAME	8 (23.5%)
<i>Highest Qualification</i>	
Below University Education	9 (26.5%)
Currently Studying for University Degree	13 (38.2%)
Above a University Degree	12 (35.3%)
<i>Previous Sexual Victimisation</i>	
Yes	9 (26.5%)
No	25 (73.5%)
<i>Previous Experience as Jury Member</i>	
Yes	4 (11.8%)
No	30 (88.2%)

Notes: N= number of participants, % = percent within condition.

Table 5. Demographic information for Condition 2 (2-week delay in reporting).

<i>Variable</i>	<i>N (%)</i>
<i>Age</i>	
18 to 25	20 (57.1%)
26 to 35	5 (14.3%)
36 to 45	7 (20.0%)
46 to 55	2 (5.7%)
55 and above	1 (2.9%)
<i>Gender</i>	
Male	7 (20.0%)
Female	28 (80.0%)
<i>Ethnicity</i>	
White	30 (85.7%)
BAME	5 (14.3%)
<i>Highest Qualification</i>	
Below University Education	9 (25.7%)
Currently Studying for University Degree	16 (45.7%)
Above a University Degree	10 (28.6%)
<i>Previous Sexual Victimisation</i>	
Yes	9 (25.7%)
No	26 (74.3%)
<i>Previous Experience as Jury Member</i>	
Yes	0 (0%)
No	35 (100%)

Notes: N= number of participants, % = percent within condition.

Table 6. Demographic information for Condition 3 (6-month delay in reporting).

<i>Variable</i>	<i>N (%)</i>
<i>Age</i>	
18 to 25	19 (63.3%)
26 to 35	4 (13.4%)
36 to 45	5 (16.6%)
46 to 55	2 (6.7%)
55 and above	0 (0%)
<i>Gender</i>	
Male	11 (36.7%)
Female	19 (63.3%)
<i>Ethnicity</i>	
White	23 (76.7%)
BAME	7 (23.3%)
<i>Highest Qualification</i>	
Below University Education	4 (13.3%)
Currently Studying for University Degree	19 (63.3%)
Above a University Degree	7 (23.3%)
<i>Previous Sexual Victimisation</i>	
Yes	3 (10.0%)
No	27 (90.0%)
<i>Previous Experience as Jury Member</i>	
Yes	0 (0%)
No	30 (100%)

Notes: N= number of participants, % = percent within condition.

Table 7. Demographic information for Condition 4 (10-year delay in reporting).

<i>Variable</i>	<i>N (%)</i>
<i>Age</i>	
18 to 25	14 (46.7%)
26 to 35	5 (16.6%)
36 to 45	5 (16.6%)
46 to 55	6 (20.0%)
55 and above	0 (0%)
<i>Gender</i>	
Male	7 (23.3%)
Female	23 (76.7%)
<i>Ethnicity</i>	
White	27 (90.0%)
BAME	3 (10.0%)
<i>Highest Qualification</i>	
Below University Education	6 (20.0%)
Currently Studying for University Degree	14 (46.7%)
Above a University Degree	10 (33.3%)
<i>Previous Sexual Victimisation</i>	
Yes	6 (20.0%)
No	24 (80.0%)
<i>Previous Experience as Jury Member</i>	
No	29 (96.7%)
Yes	1 (3.3%)

Notes: N= number of participants, % = percent within condition.

3.3. Group differences in verdict decision, confidence in decision, complainant believability, defendant believability and guilt ratings

One-way between-groups analysis of variance's (ANOVAs) were conducted to compare participant scores in each condition (no delay vs 2 weeks vs 6 months vs 10 years) and examine the impact of reporting delay on the continuous variables. ANOVA results for all continuous variables (rape myth acceptance, confidence in verdict decision, complainant believability, defendant believability, and perceived guilt of the defendant) are shown in Table 8. There was not a statistically significant difference in AMMSA scores for the four groups $F(3, 125) = 1.57, p = .20$. There was also not a statistically significant difference in decision confidence scores for the four groups $F(3, 125) = .84, p = .48$, as well complainant believability scores for the four groups $F(3, 125) = .77, p = .51$. Finally, there was not a statistically significant difference in defendant believability scores for the four groups $F(3, 125) = 1.38, p = .26$ as well as guilt of the defendant $F(3, 125) = .58, p = .63$. These results go against the research hypothesis that there is a significant effect of delay in reporting on defendant guilt and decision confidence.

Table 8. One-way ANOVAS depicting group differences for AMMSA scores, confidence in decision, the complainant believability and defendant believability JDS subscales, and perceived guilt of the defendant.

	ANOVA				
	AMMSA	JDS Confidence	JDS Complainant Belief	JDS Defendant Belief	Verdict Scale
<i>F Ratio</i>	1.57	.84	.77	1.36	.58
<i>df(E)</i>	3(125)	3(125)	3(125)	3(125)	3(125)
<i>Cohen's d</i>	0.04	0.02	0.02	0.03	0.01

Notes: *df* = degrees of freedom, *E* = error in measurement, AMMSA = Acceptance of Modern Myths About Sexual Aggression, JDS = Juror Decision Scale. $p < .05^*$, $p < .01^{**}$, $p < .001^{***}$.

A chi-square analysis was performed for all four conditions of time delay to investigate the impact on a dichotomous verdict decision given by participants (delivering a guilty vs not guilty verdict). This is displayed in Table 5. Chi-square test for delayed reporting and verdict decision was non-significant $\chi^2(3, N = 129) = 2.74, p = .434$. This indicates there is no significant association between delayed reporting and producing a guilty or not guilty verdict. This also rejects the research hypothesis that delay in reporting has a significant effect on defendant guilt.

Table 5. Chi-Square analysis of the relationship between delay in reporting and verdict decision (Guilty vs Not Guilty)

Variable	χ^2	df	p
Verdict Decision	2.74	3	.434

0 cells (.0%) have expected count less than 5. The minimum expected count is 6.74. Notes: χ^2 = chi-square, df = degrees of freedom. p = p-value (two-sided).

3.4. Predictors of verdict decisions

A binary logistic regression was conducted to investigate the influence of rape myth acceptance, confidence in decision, complainant believability, defendant believability, and previous sexual victimisation on mock jurors' verdict decisions and delivering a guilty vs not guilty verdict. As shown in Table 6, the full model containing all of the predictors was significant, $\chi^2(5, N = 129) = 60.53, p < .001$, showing the model satisfies the goodness of fit test and the exploratory variables are significant contributions compared to the baseline model. The model as a whole explained 38% (Cox and Snell R square) to 57% (Nagelkerke R squared) of the variance in verdict decision, with the ability to classify 85% of cases accurately. Table 9 illustrates only three of the independent variables contributed to the model in a statistically significant way. The strongest predictor of producing a guilty verdict was complainant believability, recording an odds ratio of 1.41. This indicates as believability in the complainant increases, participants were 1.44 times more likely to deliver a guilty verdict to the defendant of committing domestic rape. Defendant believability was also statistically significant, with an odds ratio of .73, signifying that a higher belief in the defendant resulted in a 0.73 times higher likelihood of delivering a not guilty verdict. Finally, confidence in decision was also a significant predictor of verdict decision, receiving an odds ratio of 1.56. Finally, participants who gave a guilty verdict were more likely to have higher confidence in their decision (OR = 1.56).

Table 9. Binary Logistic Regression of factors influencing juror decision making

Variables	<i>B</i>	<i>SE</i>	OR (95% CI)
<i>AMMSA</i>	-.01	.01	.10 (.97/1.01)
<i>Confidence</i>	.45	.21*	1.56 (1.04/2.34)
<i>Complainant Belief</i>	.35	.09***	1.41 (1.19/1.69)
<i>Defendant Belief</i>	-.32	.10**	.73 (.61/.88)
<i>Victimisation</i>	.37	.70	1.44 (.37/5.66)

Notes: *B* = beta value, *SE*= standard error, *OR*= odds ratio, *AMMSA*= Acceptance of Modern Myths About Sexual Aggression. $p < .05^*$, $p < .01^{**}$, $p < .001^{***}$.

4. Discussion

The purpose of the current study was to examine how differences in the length of time taken to report a domestic rape assault influences juror decision making, with all other facts of the case being held consistent. Given that IPSV cases habitually are reported with significant delay after the assault (Jung et al., 2021), as well as the newness of definition of domestic rape (Criminal Justice and Public Order Bill, 1994), it is important to understand how a jury may perceive irrelevant factors to the case such as delayed reporting. In addition to this, further empirical evidence was required to test the curvilinear relationship previously observed in JDM literature concerning delayed reporting time intervals (Thompson et al., 2021).

4.1 Delayed Reporting

The current study's findings imply that delayed reporting does not influence jurors' decision making in adult domestic rape cases. This rejects the experimental hypothesis that there would be a significant effect of delay of reporting on perceived defendant guilt and decision confidence, as there was no significant difference between conditions based on the amount of delayed reporting. Moreover, there was no significant difference in verdict decisions (guilty vs. not guilty), continuous guilt ratings, complainant believability, and defendant believability ratings between the 4 different conditions. The finding that a delay in reporting does not influence the likelihood of delivering a guilty verdict is inconsistent with the majority of previous literature in the JDM field. Studies involving adult victims of rape examining delay in reporting usually find that shorter delays (i.e., immediate reporting) are more likely to render a guilty verdict than longer delays (i.e., 18 months later) (Balogh et al., 2003; Ellison & Munro, 2009). Findings that complainant and defendant believability of their version of events is insignificantly influenced by a delay in reporting is also incongruent with previous literature. Jurors often assume a lack of credibility of the complainant when reporting is delayed, while even participants with lower levels of RMA are persuaded by the 'likeability' of those on trial (Chalmers et al., 2021).

One of the explanations why the current study's findings may not align with previous literature is due to differences in the demographics of the participants in the

current study compared to others in the JDM field. Although all participants included, in the final analysis, fit the inclusion criteria and were jury eligible within England and Wales, participants showed no significant differences in RMA scores pre-trial (i.e., before exposure to the different conditions), due to the majority of the sample exhibiting low RMA scores (see Table 1). Having a female, highly educated sample may inhibit any true difference being detected during analysis of differences in rape myths between the conditions. When trying to look at whether a range of scores in rape myths predicts JDM, there is not a varied range with most people falling on the low end. Having a homogenous sample such as this makes finding a difference between high and low scorers challenging, as well as creating a lack of clear generalizability to the general population (Jager et al., 2017), a key aspect of representing a jury sample. With a population primarily female acting as jurors, gender bias shows females are more likely to render a guilty verdict in cases of rape (McNamara et al., 1993; Meaux et al., 2018), give longer sentences depending on if the defendant is female in comparison to male (Stephan, 1974; Arce et al., 2011), and give higher credibility and believability to the victim than male mock jurors (Pozzulo et al., 2010). On the other hand, while the sample contains potential bias, the controlled methodology concerning the uniformity of conditions allowed confident comparisons between the 4 conditions of delay. Therefore, even though the research findings do not align with previous literature, the standardized questionnaires, use of a control condition and uniform procedures within each group increases some of our confidence that if there was an effect of reporting delay, we would be able to comprehend if it was the control or the delay producing the observed effect. This is further reinforced by the ecological validity of the current study in comparison to most mock-juror research previously conducted. The use of a trial re-enactment video, rather than the traditional written vignettes aimed to replicate the trial process as realistically as possible for the participants, considering the resources and legislative restrictions surrounding the study (Willmott et al., 2020).

Another explanation of the current study's conflicting findings may be that the presence of rape myths in the general population has diminished in recent years. As mentioned earlier, from 2017, there became heavy global debate and awareness surrounding sexual assault and the need for change in cultural and legal response to its victim-survivors (Levy & Mattsson, 2020; Fraser et al., 2021). Widespread discussion following on from the #MeToo movement that debunked common myths

about sexual assault, some of which included the likelihood of delayed reporting and the offender being known to the victim, may have laid the groundwork for a national cultural and attitudinal shift among the public.

4.2 Alternate Predictors of Jury Decision Making

As the current study produced no conditional differences, however, in all conditions the identical case was observed (other than the small variation in delayed reporting), we considered the sample as a whole and looked at what variables impact verdict decisions overall (guilty vs not guilty). Our results indicated three variables which verdict decision: belief in the complainant, belief in the defendant, and how confident the participants were in their verdict decision. These findings offer a response to the secondary research question surrounding which variables if any are predictors of verdict decisions in domestic rape cases. The present findings showed that if a participant scored high in defendant believability, but low in complainant belief, then they were more likely to return a not guilty verdict. Both the predictors are attitudinal factors of the JDS (Wilmott et al., 2018), both of which were developed with juror attitudes towards factors relevant to trial in mind and in their original study, were significantly associated with guilty verdict choices. The significance of both factors is coherent with the literature in that victim aspects such as blame, believability, credibility etc. often shows a significant impact on the likelihood of rendering a guilty verdict (Pennington & Hastie, 1992; Dinos et al., 2015; Leverick, 2020). Although the JDS as a scale has few peer reviews and empirical support since it is so newly developed, its conceptualisation from well-established theory yields the current study confidence in the significance found of its sub-factors. Similar reasoning can be applied to confidence in decision as a significant predictor of verdict decision in the current study. Another factor of the JDS, its development as a subscale had theoretical underpinnings from a wide scope of jury literature (Matthews et al, 2004; Hawkins & Scherr, 2017; Willmott & Sherretts, 2016). This indicates that participants who gave a guilty verdict were more likely to have higher confidence in their decision

Also of interest, the present study was contradictory to previous research connecting RMA scores to juror verdict decision making. As an individual variable, RMA did not predict the likelihood of producing a guilty vs. not guilty verdict. This may

be due to reasoning discussed in section 4.1 regarding delay in reporting as a non-significant influence on JDM, such as demographic issues of the sample (Jager et al., 2017; Pozzulo et al., 2010) or attitudinal changes in the general population over recent years (Levy & Mattsson, 2020; Fraser et al., 2021). Furthermore, the findings do, however, support Thomas's (2020) findings that the majority of jurors attest they significantly disagree with rape myths and do not themselves hold them. Similarly to earlier discussion (see section 4.1), if most of the sample show low RMA scores, the homogeneity makes findings a difference between high and low scores difficult and therefore may explain the lack of significant findings towards RMA and verdict decision making that are expressed elsewhere in the literature. Nevertheless, the current study allowed testing of assumed theoretical concepts, such as RMA and how it interacts and influences JDM.

Finally, the current study found previous sexual victimisation to have no significance in predicting verdict outcomes. This goes against assumptions that resonating with the victim in a similar case to what participant's experienced themselves would increase the likelihood of delivering a guilty verdict. This may allude to the fact that the case was a domestic rape case- a case where in previous literature, participants consider to be "less clear-cut" and "a lot harder" to decide than stranger cases (Ellison & Munro, 2013). As could be argued to other insignificant factors in the current study in influencing JDM, the unfamiliarity with the idea of intimate partner rape, as a recently explored rape myth, may lead participants with reluctance to accept that a woman can be raped by somebody with whom she had shared a past relationship with.

4.3 Limitations and Directions for Future Research

Despite the current findings providing an insight into the research field of JDM and the influence of delayed reporting, some research limitations did exist. As mentioned earlier (see section 4.1), the study lacked generalizability from a majority female sample (Jager et al., 2017) and potential of a subsequent gender bias on verdict decisions that are specific to females in JDM research (Meaux et al., 2018; Arce et al., 2011; Pozzulo et al., 2010). The moderating effect of the AMMSA may have been influenced as males are more likely to hold higher RMA attitudes than women (Bogen et al., 2020; Walfield, 2021). Future research should aim to capture a broader

cross-section of society and test this as it is likely to yield different results to the current sample where RMA is skewed by highly educated, white females with low scores. Another methodological limitation of the current study is its focus on individual JDM, rather than the group deliberation that would occur in real trials. This factor is an essential element of real trials, and other research suggests its importance for the ecological validity of jury research (Wiener et al., 2011; Willmott et al., 2017; 2021). Future research should include an aspect of group deliberation after the trial scenario, to make a well-informed decision based on other participants' arguments based on the facts of the case (Salerno et al., 2017). Furthermore, participants were informed the trial was a simulation for the ethics of the study, further reducing replication for a real trial. However, this was arguably partially controlled for as the mock-jurors were informed the case was based on real allegations of domestic rape. Overall, I recommend further research models their methodology from current considerations for mock-juror research in obtaining the most ecological validity possible and therefore, increase the possibility of informing policy on JDM for domestic rape cases (Willmott et al., 2021). This could lead to judicial training, court observation schemes to identify problematic practices by judges, and an increase in public awareness towards RMA (Rumney, 2011; Smith & Skinner, 2017). If judicial training is implemented specifically for delayed reporting, there is evidence jurors may be less likely to view the delay as 'strange' and undermine the credibility of the victim (Leverick, 2020).

4.4 Conclusion

This study is one of the first to explore attitudinal bias of mock-jurors in an adult domestic rape trial on decision making with a newly established measure (JDS; Willmott et al., 2018). Delay was found to not influence jury decisions (i.e., guilty vs. not guilty verdict, credibility/believability of the victim and defendant, confidence in decision) at any point of delay (e.g., no delay vs. 2-weeks vs. 6-months vs. 10-years). These results were in support of Thomas (2020), who suggested rape myths had no effect on JDM but were incongruent with the vast majority of JDM research supporting rape myths and their influence. However, belief in the complainant, belief in the defendant and confidence in decision were found to be significant predictors of verdict decision, suggesting high defendant believability, low complainant believability, and lower confidence in verdict decision increased the likelihood of returning a not guilty

verdict. A recent shift in public attitudes towards RMA (Fraser et al., 2021), as well as potential methodological flaws of the current study, suggest more research is needed to understand the true influence of delayed reporting on jurors' decisions in domestic rape cases and to provide empirical evidence for policy reform.

5. References

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