

Journal Club

06 January 03

Schuller, RA; Hastings PA. 2002.
"Complainant sexual history evidence: its
impact on mock jurors' decisions."
Psychology of Women Quarterly, 26, 252-
261.

Questions asked by researchers

- how jurors use information about complainant sexual history
- what impact does it have on the decision process
 - used to disprove defendant mistaken belief
- does it provide probative information
- is it associated with any prejudicial or negative effects
 - can its prejudicial impact be controlled by judicial instructions

This study

- Mock jurors were presented with trials where consent was in dispute
 - the couple was presented with either a history of dating with sexual intercourse or dating with minimal sexual activity
 - a no history control was also set
 - half of the participants received judicial limiting instructions regarding complainant sexual history

Hypothesis

- complainant sexual history would lead participants to render more negative evaluations (credibility, blame) of the complainant and more favorable evaluations of the defendant, when compared to the no history control condition.
- judicial limiting instruction would have no effect on ameliorating the prejudicial impact of the information
- correlations exist between rape myth acceptance and gender

Participants

- n=169 college men and women
- mostly single, middle class, and white.
- recruited from a psychology class

Methods

- Participants were divided into six groups.

History of intercourse Limiting instructions	History of intercourse No limiting instructions
History of sexual activity Limiting instructions	History of sexual activity No limiting instructions
No history Limiting instructions	No history No limiting instructions

Verdicts and judgments

- Complainant and defendant were rated in three areas:
 - credibility
 - blameworthiness
 - complainant consent/mistaken belief
defense

Comprehension of limiting instructions

- Participants were asked if sexual history was given to determine:
 - whether the complainant was believable
 - whether the accused had an honest but mistaken belief in consent
 - the complainant may have consented on this occasion because she had consented to sexual conduct with the defendant in the past

Results

- verdicts were evenly distributed between guilty/not guilty
- overall, the more participants endorsed rape myths, the less credible and more blameworthy they found the complainant and believed that the complainant had consented.
- the reverse was true for the defendant
- the complainant was considered less credible the more prior sexual contact she shared with the defendant
- the nature of prior history did not have an effect on defendant related judgements

Results

- 'the less believable participants found the defendant's mistaken belief in consent, the more credible they found the complainant, and the less they believed she consented, the more guilty the defendant was perceived to be.' (258)
- see figure 1

Figure 1

- basic overview
- note there is no relationship between sexual history and defendant mistaken belief

Problems with the study

- sample is homogenous
- trial was made up, use of actual trial tape might have been different
- the study focuses on independent juror assessment and not the entire jury deliberation

Conclusion

- the results of this study are conducive with previous research
- sexual history is most damaging when prior intercourse had occurred
- sexual history did not have an effect on defendant mistaken belief