

Trial by gender? Examining jury decision-making in cases of rape and sexual assault involving male victims

Using realistic mock-trials, this research explores juror decision-making in cases involving male sexual victimisation, including whether jurors perpetuate falsehoods and stereotypes about male complainants.

Key details

Lead institution	Lancaster University
Principal researcher(s)	Dr Siobhan Weare, Dr Dominic Willmott and Maddy Millar s.weare@lancaster.ac.uk
Police region	North West
Collaboration and partnership	<ul style="list-style-type: none"> • Crown Prosecution Service (CPS) • Avon and Somerset Constabulary
Level of research	Professional/work based
Project start date	September 2023
Date due for completion	March 2026

Research context

In year ending March 2022, data shows that 275,000 men over the age of 16 experienced some form of sexual assault (including attempts) (ONS 2023, Table 1). Police reported crime data highlights that men represented 14.5% of sexual offence victims recorded over the same period (ONS 2023, Worksheet 18).

Despite the prevalence of male victimisation, no existing mock jury research conducted within the context of the criminal justice system in England and Wales has involved rape scenarios with a male complainant. While some research involving male complainants has been conducted in North America (for example, Hill 2000, Pica and others 2021), the findings offer limited insights due to sampling concerns and a lack of applicability to England and Wales. This, coupled with the fact that male victims have particularly gendered experiences of sexual violence and encounter specific gender and sex-role myths and stereotypes (Weiss 2010, Weare 2021, Weare and Willmott under review), means that research is needed to explore how jurors make decisions in cases involving male rape.

Accordingly, this research addresses an important knowledge gap within academic literature, and directly serves practitioners and policymakers by providing empirical evidence examining how criminal law juries in England and Wales evaluate rape scenarios with male complainants.

Aims

1. Understand the extent to which falsehoods and stereotypes surrounding male rape are drawn upon during jury deliberations and group verdict decision making.
2. Understand whether juror attitudes towards male complainants of sexual abuse, alongside broader psychosocial and experiential characteristics, are important determinants of individual juror decision-making in cases involving male complainants.
3. Consider the implications of research findings for policy and practice development in criminal justice organisations including the police, CPS and courts.

Research methodology

Provisions within the Criminal Justice and Courts Act 2015 prevent research from being conducted with genuine trial jurors in England and Wales during a trial. Therefore, mock jury trials represent the best possible method to gain valuable insights into jury deliberations.

This research will conduct mock jury trials based on cases involving male sexual offence victims. Mock jurors (members of the public) will be invited to participate in the mock trials, based on random selection from the open electoral register within Lancashire – this replicates the process of genuine juror selection within England and Wales. Each mock jury group will take part in a live mock rape trial simulation in which all expected Crown Court participants will be present (including

genuine criminal justice practitioners) and trial procedures followed as closely as possible (for example, only admissible evidence presented and judicial directions provided to jurors).

At the end of the trial, juries will be sent out to deliberate their verdict in jury deliberation rooms, replicating those within Crown Court buildings. All mock jurors will also complete questionnaires which include a range of standardised and psychometrically validated measurement tools, including rape myth questionnaires.

This research will generate both quantitative and qualitative data. Quantitative data will be analysed using a combination of regression analyses (binary logistic, hierarchical), and latent variable modelling techniques, to examine which pre-trial predictor variables/constructs are associated with guilty/not guilty juror decisions, and complainant and defendant believability ratings. Jury deliberations will be transcribed, and transcripts will be manually reviewed by members of the research team independently to allow key themes to be extracted. These themes will then be cross-checked and used, along with the research questions, to inform more in-depth thematic analysis (Braun and Clarke 2006) of qualitative data using NVivo.

References

- Braun V and Clarke V. 2006. '[Using thematic analysis in psychology](#)'.?Qualitative Research in Psychology,?3(2),?pp 77–101
- Hill JM. 2000. '[The effects of sexual orientation in the courtroom: A double standard](#)'.?Journal of Homosexuality,?39(2), pp 93–111
- Office for National Statistics (ONS). 2023. '[Sexual offences prevalence and victim characteristics, England and Wales](#)'.
- Pica E and others. 2021. '[Mock jurors' perceptions of sexual assault on a university campus](#)'.?Journal of Interpersonal violence?, 36(9-10), NP5447-NP5465
- Weare S. (2021). '[Forced-to-penetrate cases: Deconstructing myths and stereotypes](#)'. In: Killean R and others, eds. 'Sexual violence on trial: Local and comparative perspectives'. London: Routledge. pp 97-108

Weare S and Willmott D. Under review. 'Attitudes towards male-on-male rape and female-on-male sexual assault: Results from a nationally representative survey in the UK'.

Weiss K. 2010. [Male sexual victimization: Examining men's experiences of rape and sexual assault](#), Men and Masculinities, 12(3), pp 275–298