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## “DID YOU EVER FIGHT BACK?”:

### Jurors’ Questions to Children Testifying in Criminal Trials About Alleged Sexual Abuse

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#### Abstract

The current study examined jurors’ questions to children in criminal trials assessing children’s allegations of sexual abuse, demonstrating a new avenue for studying how jurors think about, respond to, and assess evidence. We used qualitative content analysis to examine jurors’ questions to 134, 5- to 17-year-olds alleging sexual abuse in criminal trial testimonies. Five themes emerged: abuse interactions, contextual details of abuse, children’s reactions to abuse, children’s (delayed) disclosure, and case background details. Jurors often ask about abuse dynamics, the context surrounding abuse, and children’s disclosure processes, reflecting common misconceptions about child sexual abuse (CSA), such as whether it is credible to delay disclosure or maintain contact with an alleged perpetrator. This study improves our understanding of how jurors understand and evaluate children’s reports of alleged CSA, suggesting that jurors may struggle to understand children’s reluctance.

#### Keywords

jurors’ questions; child sexual abuse; children’s testimony; jury decision-making; CSA misconceptions

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In cases of alleged child sexual abuse (CSA), children’s testimony is important. Children often delay reporting, resulting in a lack of medical evidence and witnesses to corroborate allegations (Berliner & Barbieri, 1984; McElvaney, 2015). With such limitations making children’s testimony the primary evidence, the credibility of children’s testimony is critical to adjudication. As case outcomes rely on jurors’ opinions of statements (Klemfuss et al., 2014), understanding how jurors assess credibility is important. Yet, we know little about what affects real jurors’ assessments in response to real CSA cases.

We know that children often struggle as witnesses. Developmental factors (e.g., linguistic capacity; Zajac et al., 2003), psychological confidence (Andrews & Lamb, 2017), susceptibility to suggestion (Schmidt & Brigham, 1996), low courtroom literacy, and the stressful nature of recounting abuse (Goodman et al., 1992) can impede children effectively telling their stories in court (Jaffe et al., 1987). The practices and differing goals of

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prosecuting and defense attorneys also generate inconsistencies in narratives (Andrews et al., 2015). To the extent that developmental factors and courtroom dynamics elicit confusion and skepticism about children's narratives, they could create credibility concerns.

We also know that jurors believe common misconceptions about CSA (Collings, 1997; Cromer & Goldsmith, 2010; McGee et al., 2011). When children describe abuse that unfolds differently from expectations, jurors may question children's credibility, especially the plausibility that the abuse occurred as described (Stolzenberg & Lyon, 2014a, 2014b). In addition, both prosecutors and defense attorneys' questions address plausibility concerns to establish or break down, respectively, children's credibility (Denne et al., 2019). To the extent that testimony stresses misconception-related discrepancies, questions about credibility may remain.

Much of the extant literature on jury deliberations in CSA cases uses vignette surveys of jury-eligible participants. We know little about what affects jury decisions in real cases (Bottoms et al., 2007). It remains unclear how developmental factors and courtroom dynamics influence jury deliberations. We do not know if jurors consider the plausibility of children's testimonies in the context of common misconceptions. Nor do we know which parts of children's narratives remain confusing or what concerns remain unresolved. This was the purpose of the present study. Using a unique sample of criminal cases of alleged CSA, we assessed jurors' questions to children and to what extent these reflect common misconceptions.

## JURORS' MISCONCEPTIONS ABOUT CSA

Jurors' misconceptions about CSA may cause confusion, because they commonly differ from typical characteristics of CSA. Although reports vary in exact estimates, both official and self-report data suggest that between 75% and 85% of child victims are abused by a relative or someone living in their household (Berliner & Barbieri, 1984; Finkelhor et al., 2008; Paine & Hansen, 2002; Smith et al., 2000; Snyder, 2000). In many cases, abuse begins slowly and increases in severity over time (Kaufman et al., 1998), but is not violent (Stolzenberg & Lyon, 2014b). One report on a nationally representative sample of children and their parents found that abuse resulted in injury in only 17% of cases, and only 10% of perpetrators used a weapon (Finkelhor et al., 2008). Children rarely physically resist and often delay disclosure, sometimes for years (Hershkowitz et al., 2007; Sas & Cunningham, 1995; Smith et al., 2000). Children are more likely to delay disclosure, and delay for longer, when they experience more severe abuse and abuse by family members (Paine & Hansen, 2002; Sas & Cunningham, 1995). Medical examinations of children who do report often have underwhelming medical findings; delays in disclosure coupled with the progressive nature of abuse may make abuse minimally damaging physically for some children (Stolzenberg & Lyon, 2014a). Despite consistent documentation of these characteristics, widespread misconceptions about CSA persist.

Some members of the public, professionals, and prospective jurors believe CSA is committed by strangers or adults not well-known to children (Cromer & Goldsmith, 2010; Morison & Greene, 1992); perpetrators use threats and force (Cromer & Goldsmith, 2010);

and children resist and immediately report abuse (Calvert & Munsie-Benson, 1999; Morison & Greene, 1992; Quas et al., 2005). The regularity of misconceptions means at least some selected to sit on juries will assess cases that differ from misconceptions. Discrepancies between expectations and case characteristics may generate confusion and concerns about the plausibility of the abuse as described. Researchers studying perceptions of hypothetical CSA cases find that individuals perceive victims as less credible and more culpable when case characteristics differ from the misconceptions described above (Davies & Rogers, 2009; Rogers et al., 2010, 2014; Rubin & Thelen, 1996). In real trials, misconceptions may likewise influence assessments of evidence, translating into reasonable doubt when cases diverge from expectations, or more certainty of guilt when they match.

For example, Stolzenberg and Lyon (2014a) examined closing arguments to assess what evidence would predict verdict outcomes in CSA cases. They found only 23% of prosecuted cases included charges of force—suggesting that abuse was usually seductive and nonforceful—yet jury members were 9 times more likely to convict in cases that charged force. Also, jurors were 3 times more likely to acquit in cases when children remained in contact with the defendant after abuse, which is common when defendants are familial or familiar. Such findings indicate that jurors' expectations may mismatch case characteristics, and this dissonance may influence verdicts. Altogether, research suggests that jurors' a priori misconceptions about CSA produce concerns about credibility and plausibility when they hear cases that differ from expectations. Unfortunately, we know of no study that examines the influence of CSA misconceptions on real jurors' assessments of, and responses to, real CSA cases.

## PROSECUTING AND DEFENDING AGAINST CSA ALLEGATIONS

As the child's testimony is often the primary evidence of CSA presented at trial, prosecutors want to establish the credibility of the child and his or her testimony. In contrast, defense attorneys want to discredit them. That is, prosecutors want jurors to believe what the child says, while defense attorneys want to show that the child is lying, inaccurate, or influenced. Each may do so by focusing more or less on three components of credibility: plausibility, suggestibility/honesty, and consistency (Denne et al., 2020).

The particular nature of CSA, disclosure, and the trial process makes each of these components salient in children's testimonies. First, because the dynamics of CSA—including gradual escalation of touching, a lack of perpetrator force and child resistance, and a close relationship between the child and perpetrator—may conflict with expectations, jurors may perceive children's descriptions of abuse as implausible (Stolzenberg & Lyon, 2014a, 2014b). Second, jurors may question the honesty of children's reports because of delayed disclosure, the number of disclosure recipients who could have influenced the child, and children's general susceptibility to suggestive influence (Ceci & Bruck, 1993; Ceci et al., 1994; Malloy et al., 2013; Quas et al., 2005; Schuman, 1986). Finally, given the lengthy delays between abuse, reporting, and trial, as well as the number of interviewers before trial, children's reports are likely to contain inconsistencies—particularly when reporting repeated abuse (Connolly et al., 2016; Roberts & Blades, 1999). Also, researchers have shown that repeated interviewing can result in new, previously unrecalled details (Erdelyi, 2010). Jurors

may interpret inconsistencies as evidence that the child is lying, misremembering critical details, or has been influenced by others (Berman et al., 1995; Goodman et al., 1989; Myers et al., 1999).

Prosecuting and defense attorneys address these three areas of credibility differently. In their examination of children's testimonies in CSA cases, Denne et al. (2020) found that nearly 90% of all prosecutors' and defense attorneys' questions addressed credibility, but they differed in how frequently they addressed plausibility, (in)consistency, and suggestibility components.<sup>1</sup> They also may address components with different goals. Prosecutors may ask children about implausibilities and inconsistencies directly to give children opportunities to explain these "problems" (Klemfuss et al., 2017; Stolzenberg & Lyon, 2014b). To address coaching concerns, they may also ask children about the disclosure process, including when and to whom they disclosed, and what questions they were asked (Stolzenberg & Lyon, 2014b). By contrast, defense attorneys may draw attention to specific inconsistencies, or reference common misconceptions about CSA to highlight implausibility (Andrews et al., 2015). In addition, they may imply suggestive influences subtly by asking about the number of disclosure recipients and what the recipient said to the child (Lyon & Stolzenberg, 2014; Stolzenberg & Lyon, 2014b). That most attorneys' questions focus on credibility concerns suggests jurors may hold similar concerns. Furthermore, to the extent that these questions elicit conflicting, inconsistent, or implausible statements from children, jurors may want more details about the aspects of children's narratives that attorneys' questions made unclear.

## CURRENT STUDY

We are aware of no research assessing how jurors, in real cases, think about and make sense of children's reports. Methodologically, doing so is difficult because jury deliberations are private. The current study overcomes this problem by examining admissible jury questions in recent cases of alleged CSA. We leverage this unique data source to answer the simple but previously unexamined question: What do jurors find unclear or confusing about children's testimony in criminal trials of alleged CSA?

To date, only eight states in the United States encourage judges to allow jury questions.<sup>2</sup> In Maricopa County, the jury questioning process is as follows: At the very end of the witness's testimony, after both attorneys have finished questioning the witness, jurors write down their questions and give them to the judge. After the judge and attorneys decide which questions are admissible, the judge reads the permitted questions aloud. The witness responds and then attorneys have an opportunity to follow-up.<sup>3</sup> The current study analyzes the content of jury questions that were asked and therefore deemed admissible. Although we were unable to

<sup>1</sup>Eighty-two percent of all credibility questions addressed (in)consistencies in children's reports, 46% addressed plausibility, and 21% addressed suggestibility/honesty. The proportion of questions addressing each of these components varied by attorney type. Defense attorneys asked more suggestibility questions (29% compared to 18%) and consistency questions (89% compared to 79%), and prosecutors asked more plausibility questions (50% compared to 40%; Denne et al., 2020).

<sup>2</sup>While only one state expressly forbids jurors from questioning witnesses, only eight expressly encourage judges to allow jury questions and only three states require judges to allow jury questions (USLegal, 2020).

<sup>3</sup>Rules for admissibility of jury questions are the same that guide admissibility of attorneys' questions. For example, in cases involving sexual assault, questions prohibited by rape shield laws are inadmissible. Questions that do not violate the rules of admissibility are allowed, even if they do not address topics previously discussed in testimony.

examine all questions that jurors wrote down—and were unable to determine the frequency with which questions were excluded—we believe our data still provide a unique opportunity for understanding jurors' questions and credibility concerns.

Generally, we expected that jurors would ask questions to clarify confusing, inconsistent, or unexpected testimony. Their questions, therefore, should reveal both the parts of testimony that jurors find important but unclear, as well as how jurors attempt to make sense of inconsistent or implausible testimony. We formulated three exploratory hypotheses. First, we expected that most jury questions would ask about topics already covered in children's direct- and cross-examination testimony, rather than topics not covered (H1). These questions would include clarifications or requests for more detail about what was discussed, instead of entirely new inquiries that neither attorney previously mentioned (but were still deemed admissible). Second, we expected that many jury questions would aim to clarify aspects of the specific abuse incidents described, including their context (behavior leading up to the incident; physical characteristics of abuse location) and nature (child and defendant's interaction; H2). Finally, as jurors' misconceptions about CSA may contribute to confusion and plausibility concerns, we expected that jurors would ask questions related to common misconceptions, including (lack of) resistance, use of force, and delayed disclosure (H3).

## METHOD

### SAMPLE

For the qualitative analyses described below, we examined 331 lines of questioning jurors asked to 77 children testifying about CSA in Maricopa County. The sample emerged from a study examining the testimonies of alleged CSA victims in jury trials. Data were collected as follows: In collaboration with the Maricopa County Attorney's Office, we obtained a sample of 398 victims represented across 252 cases of CSA occurring between January, 2005 and August, 2015 in Maricopa County. We worked with the County Attorney's Office to receive a list of all eligible cases and then contacted the court reporters directly. Cases were eligible if they involved at least a single charge of Sexual Conduct with a Minor (A.R.S.13–1405), Child Molestation (A. R.S. 13–1410), or Sex Abuse (A. R.S. 13–1404). We contacted and paid court reporters to share transcripts of completed cases; 73 court reporters were contacted and 47 responded (64% response rate). We received 214 complete victim testimonies across 142 cases (some cases included multiple victims); the remaining court reporters were nonresponsive. Of these 214 testimonies, 134 were minors (17 years or younger) at testimony (across 101 cases;  $M_{\text{victim per case}} = 1.33$ ,  $SD_{\text{victim per case}} = .65$ ), whereas the remaining transcripts involved adults (18 years or older) testifying about alleged victimization during their childhood. For the purposes of the present investigation, we examined the 134 testimonies involving minors. The children ranged in age from 5 to 17 years ( $M = 12.48$ ,  $SD = 3.34$  years) and only 10% of our sample involved male victims. Defendants (99% male) were the child's parent or caregiver 40% of the time, another family member 26% of the time, a family friend or other familiar adult (e.g., coaches, babysitters, neighbors) 29% of the time, and a stranger 5% of the time. Children alleged penetration or attempted intercourse in 34% of cases, oral copulation or genital contact in an additional

14% of cases, and less severe abuse in 52% of cases (fondling, exhibitionism, etc.). Fifty-four percent of children alleged multiple instances of abuse, indicating that more than half the sample delayed disclosure for some time.<sup>4</sup> Ninety percent of cases resulted in a conviction of at least one charge.

At the conclusion of children's testimony, juries asked questions in response to 77 of these 134 testimonies. Whether or not jurors asked questions was unrelated to some case characteristics, including victim gender ( $t(132) = -.95, p = .34, 95\%$  confidence interval [CI]:  $[-.43, .15]$ ), if the defendant was a family member ( $t(132) = 1.30, p = .20, 95\%$  CI:  $[-.06, .30]$ ), and if the child alleged penetrative abuse ( $t(127) = 1.53, p = .13, 95\%$  CI:  $[-.04, .30]$ ). However, jurors were more likely to ask questions of children alleging multiple incidents of abuse ( $t(132) = 3.31, p = .001, 95\%$  CI:  $[.11, .44]$ ), and of older children ( $t(132) = 3.94, p < .001, 95\%$  CI:  $[1.09, 3.27]$ ).<sup>5</sup> We examined these 77 transcripts to identify lines of questioning. We examined the complete topic, or line of questioning, rather than the question-answer pair because this unit of analysis better represented jurors' thoughts, confusions, and concerns about children's testimony. We defined a line of questioning as a sequence of question-answer pairs that surround a specific topic or develop a particular line of reasoning or argument (e.g., First line of questioning: "Q. You said the defendant touched you? A. Yes. Q. Where did he touch you? A. In my private parts." Second line of questioning: "Q. Was the door open or closed when that happened? A. Closed."). We identified 331 unique lines of questioning across the 77 transcripts. Children were asked between one and 27 lines of questioning, with an average of 4.3 lines of questioning per child.

## CONTENT ANALYSIS AND RELIABILITY

For whether juror questions related to previous testimony, we wanted to examine how often jurors asked children about topics that were not mentioned at all in previous testimony. These may be topics that jurors believe are relevant to the case that the attorneys did not cover. We defined clarifications broadly to include all lines of questioning that responded to topics already discussed in testimony. Lines of questioning were coded as clarifications if they asked the same question(s) already asked by either the prosecution or the defense, if they asked for clarification on statements previously made, if they asked for more details about topics already covered, or if they clarified or asked for more details related to the testimony of other children alleging abuse in the case. Two coders familiar with the testimony transcripts independently coded all lines of questioning for clarification and then resolved all discrepancies. See Table 1 for further descriptions of coding definitions, as well as examples.

<sup>4</sup>Age during abuse and age at disclosure were not officially reported or consistently discussed in children's testimonies, so we were unable to estimate the length of disclosure delays. However, we examined the age distribution of children alleging multiple instances of abuse. These children ( $n = 49$ ) were on average 12.1 years old (Range = 5 to 17,  $SD = 3.3$  years), which suggests that delays were common, but delay lengths were not as long as those among adults alleging abuse during childhood. Hence, the credibility concerns arising from the incongruity between age during abuse and age at testimony may be less pronounced in this sample than in studies assessing historic CSA alleged by adults (e.g., See Connolly & Read, 2006, or Smith et al., 2000).

<sup>5</sup>That older children and children alleging multiple incidents of abuse were asked more jury questions makes sense. Younger children are perceived as more credible than older children, net other case characteristics (Davies & Rogers, 2009), and repeated abuse contradicts expectations of immediate disclosure. In addition, older children alleging repeated abuse may have more complicated and longer narratives, which may require more clarification.

A coding guide was then developed to assess the topic of each line of questioning. Topic codes emerged inductively. Two team members read through all the data to identify topic categories. Five clear categories emerged and were formalized: abuse interactions, contextual details, reaction to abuse, disclosure, and background details. In the final coding guide, “abuse interactions” included lines of questioning about the dynamics and mechanics of abuse, encompassing body parts, clothing, abuse actions, potential resistance or force, threats made by the defendant, ejaculation, and the frequency and duration of abuse. “Contextual details” included lines of questioning about contextual characteristics of specific abuse events, including the time and sequence of activity leading up to abuse, where the incident took place and characteristics of this location, the presence of witnesses, and the drug use or intoxication of the child or defendant at the time of the incident. “Reaction to abuse” included lines of questioning about children’s emotional/physical states during or after abuse, attempts to avoid the defendant after the first incident, recognition of abuse as abuse, expectations about others’ reactions if they learned about abuse, and explanations for these reactions. “Disclosure” included lines of questioning about when, where, and to whom the child disclosed, including police interviews and medical examinations, the reason for disclosing or not disclosing, reactions of others to the disclosure, the disclosures of other victims to the child, and knowledge of other victims’ allegations. “Background details” included lines of questioning about general information not specific to any abuse incident, such as the age, physical characteristics, or non-abuse-related activity and experiences of the child or defendant, the nature of the child’s relationships, including with the defendant, information about family members, living and sleeping arrangements, habitual drug use, sexual education, and sexual exposure (e.g., pornography) other than by the defendant.

After formalizing the developed coding guide, two coders, one of whom was blind to study-hypotheses and uninvolved with coding guide development, read each line of questioning and independently coded for topic. All variables were coded by both coders on the full sample and then assessed for reliability. A minimum value of  $K > .80$  was achieved on all codes.

## RESULTS

Table 1 presents descriptive information for lines of questioning, including how often questions clarified previous testimony by topic. Consistent with the first hypothesis, 84% of jurors’ lines of questioning asked about prior testimony (see Table 1). Our data also support our second hypothesis—jurors often asked about the nature and context of specific abuse events (see Table 1). In the following, we describe the content of questioning, organizing emergent themes from those most central to the abuse event (abuse interaction) to the most tangential (background details).

### ABUSE INTERACTIONS

Jurors asked 70 lines of questioning about abuse interactions, including abuse mechanics ( $n = 29$ , 41%), the defendant’s use of force or threats and the child’s resistance ( $n = 21$ , 30%); frequency, duration, or sequence of abuse behaviors ( $n = 11$ , 16%); questions framing the abuse as an accident, misunderstanding, or committed by a different person ( $n = 6$ , 9%); and

other miscellaneous issues related to the abuse interaction ( $n = 3, 4\%$ ). Abuse mechanics questions ask about physical aspects of how the abuse occurred, including the child's and defendant's body parts, clothing, and ejaculation. For example, clarifying the testimony of a 12-year-old girl who described being flashed by a stranger, a juror asked about the position of the defendant's body and clothing: "Q.... And when you talked about the flap being pulled down or starting to get pulled down by the man; do you remember that? A. Yes. Q. Okay. Was he sitting or standing when that happened? A. He was sitting up. Like, he was still sitting down, but he was, like, forward." Lines of questioning about clothing and body placement revealed children's struggle to describe the physical mechanics of abuse. Jurors may elicit more details about abuse mechanics to help them visualize the incidents more clearly.

Jurors also seemed confused that children's narratives lacked descriptions of force, threats, or resistance, and 21 (30%) lines of questioning asked children explicitly about their (lack of) resistance, or the defendant's lack of force or threats. For example, a 10-year-old girl alleging repeated penetrative abuse by her grandfather testified that the abuse often occurred without resistance and while her mother was home. Trying to reconcile their misconceptions, two jurors posed lines of questioning:

You said your mom was home when some of these things happened, okay. Did anything stop you from yelling to her to come help.

I don't get that.

...Okay. Did—was there anything that would stop you from trying to yell?—Or ask your mom for help?

No.

...And did anybody ever put anything over your mouth to stop you from yelling?

No.

These questions demonstrated jurors' misconception that children physically and verbally resist abuse. When confronted with testimony that contradicts, jurors tried to elicit explanations from the child. In the examples above, even jurors' plausible explanations for a lack of resistance reveal the misconception that CSA is forceful.

Jurors also asked about the duration and sequence of abuse, the frequency of abuse, and in cases of repeated abuse, which acts occurred during different incidents ( $n = 11, 16\%$ ). As children's testimonies rarely included explicit statements about the duration or sequence of abuse acts, jurors may have used these questions to clarify the frequency of abuse and the sequence and duration of specific acts (e.g., "Q. The defense attorney asked you about licking. Was there any licking done by [Defendant] during the first incident, the birthday incident? A. Yes.").

Six (9%) lines of questioning revealed overt plausibility concerns about abuse interactions. These lines of questioning framed the abuse as an accident or misunderstanding, and in one case, suggested that someone other than the defendant committed the alleged offense. In a case involving a single incident of sexual touching, a 10-year-old girl testified that her



friend's father touched her vagina through the zipper of her shorts, which had been left open. The following line of questioning reveals concern that the act could have been misunderstood: "Q.... Is it possible that he was trying to close your zipper on your pants? A. What is possible? Q. Could he have been trying to close your zipper? A. No."

Altogether, abuse interaction questions revealed sources of confusion about children's descriptions. Some, as in the case with abuse mechanics and timing questions, reflected confusion resulting from children's struggle to clearly describe abuse. Others, particularly questions about lack of force and resistance and questions framing abuse as accidental, reflected jurors surprise at children's narratives and their attempts to resolve plausibility concerns.

## CONTEXTUAL DETAILS

Jurors asked 72 lines of questioning about the context of specific abuse events including the presence of witnesses and the defendant's attempts to make abuse more private ( $n = 29$ , 40%); the time, location, and actions leading up to or immediately following the abuse event ( $n = 20$ , 28%); requests for motives or explanations of how/why the child or defendant acted in certain ways ( $n = 16$ , 22%); and other miscellaneous details ( $n = 7$ , 10%). As the majority of children described abuse by someone they knew, most incidents occurred in the child's or defendant's home, often while other household members were present or nearby. Jurors' questions about where a particular family member was, or if the defendant closed or locked the door indicate their surprise that perpetrators of CSA abuse children when risk of detection seems high and their concerns about the plausibility of such circumstances (e.g., "Q. Where were your siblings or your mom during the above-mentioned times? A. Sometimes the kids were over at the house, maybe downstairs or in the other room watching tv, or they would be outside playing, and my mom usually wasn't home. Q. Did your siblings ever ask what you and [Defendant] were doing behind closed doors in the hotel? A. No.").

Jurors also asked lines of questioning about the abuse context, including the time of day, how long the child was swimming/reading/watching TV before the abuse occurred, and which home or room the abuse occurred in ( $n = 20$ , 28%). Eight (11%) of these lines of questioning asked for more details or clarifications about the specific abuse location. Although seemingly neutral, these lines of questioning sometimes reveal subtle plausibility concerns. For example, an 11-year-old girl alleging repeated nonpenetrative abuse by a family friend testified that the first incident occurred while she and the defendant were sitting on a couch under a blanket, watching TV. One juror asked for more details about the temperature of the room, perhaps to determine if a blanket would have been suspicious, and therefore, implausible: "Q. Do you remember anything about the room temperature that night? Was it cold or hot or somewhere in between? Do you recall that at all? A. Cold. Q. You think it was cold in the room? A. Yeah, a little bit colder than hot. Q. A little bit cold. Compared to how it is today in the courtroom, how would you say? A. Cold. Q. It was colder than it is in here today? A. Yes."

Other contextual details questions asked about plausibility issues more explicitly ( $n = 16$ , 22%). These used "how" phrases to elicit more detailed descriptions of seemingly

implausible events and “why” phrases to elicit explanations for the child’s or defendant’s seemingly risky or unnecessary actions. In one case, a 16-year-old girl testified about repeated nonpenetrative abuse by a man with whom the child and her family lived. One incident occurred while the child was showering in the defendant’s bathroom, an act at least two jurors perceived as odd or risky. They asked questions to elicit an explanation:

The first question, why were you showering in [Defendant]’s master bathroom instead of another shower in the house?

The other shower was broken or something, and nobody used it. He had everybody shower in his bathroom because the other shower was broken.

Why didn’t you use the other bathroom?

Why didn’t I?

Correct.

Because it was broken.

### REACTION TO ABUSE

Jurors asked children 35 lines of questioning about children’s reactions to abuse, including emotional and physical responses ( $n = 19$ , 54%), attempts to avoid the defendant ( $n = 8$ , 23%), recognition of abuse as abuse ( $n = 5$ , 14%), and miscellaneous questions about their reactions ( $n = 3$ , 9%). Of the 19 emotional and physical response questions, 10 (29%) asked children specifically about emotional responses—fear and embarrassment—and nine questions asked why children reacted (emotionally and physically) the way they did. Jurors may be assessing emotional trauma or eliciting explanations for children’s reactions, especially when they are inconsistent with expectations. For example, one 9-year-old boy alleging repeated nonpenetrative abuse by his grandfather testified that he initially denied any abuse when his mother asked because he was embarrassed. One surprised juror asked the following questions:

You said that one of the reasons that you didn’t talk about this, was that because you were embarrassed by it. You were just a six or seven year old little boy. What would make you embarrassed about something like that?

Not sure.

Do you know why you felt embarrassed to talk about it?

No.

But you did feel embarrassed?

Yes.

Questions about fear and embarrassment reveal jurors’ attempts to understand why children delay disclosure and maintain contact with defendants. Misconceptions about immediate disclosure and resistance may also elicit surprise when jurors hear testimonies about repeated abuse by family members, as revealed by the eight (23%) lines of questioning that explicitly asked about attempts to avoid the defendant. For example, one 14-year-old boy

alleged repeated penetrative abuse by his grandfather. He testified that he went to the defendant's home and slept in the defendant's bed often and that abuse occurred almost every visit. Responding to this seemingly unlikely narrative, jurors asked about the child's attempts to avoid abuse:

Did you ever ask your parents not to send you to [Defendant]'s home after these alleged acts of abuse started?

Yes.

When did you do that?

About the third time that it happened I started getting worried about it, thinking that it wouldn't stop. So I tried to ask my mom if I could just stay home. She didn't think anything was going on, so she just said that my grandfather loved me so it would be nice if I could spend some time with him.

So you asked if you could not go, and she encouraged you to go?

Yes.

And you kept going?

Yes.

...When you were at your grandfather's house, did you ever ask to sleep with your cousins, or sleep in a different room than the room your grandfather was in?

No, not really.

How come?

Because most of the time I don't think—I would think that he would stop doing that stuff with me. I trusted him that he would end up stopping. So that is why I didn't really tell anybody until he ended up putting his mouth on my penis, because that was basically the last straw.

These questions reveal expectations that the child should have protected himself, especially as the abuse was repetitive and predictable. While the initial questioning recognizes limits on the child's agency—children are inclined to do what they are told by adults, especially their parents—the second line of questioning shows that jurors expect some kind of resistance. Such expectations overlook children's typically close emotional or familial relationship with CSA perpetrators, which may impede their ability to resist or avoid repeated abuse by loved ones.

Finally, jurors asked questions assessing children's recognition of abuse as abuse ( $n = 5$ , 14%). In a few cases, despite ongoing, severe abuse over a number of years, children did not initially recognize that what was happening was wrong. For example, a question posed to a 16-year-old girl alleging repeated, penetrative abuse by her father over a number of years revealed a juror's attempt to reconcile the discrepancy between the misconception that abuse would be obvious, painful, and traumatic for the child, and the child's seemingly implausible reaction: "Q. And you said earlier that you were about 13 when you realized what your father had been doing might not be proper; do you remember that? A. Yes. Q. What

happened that made you realize that when you were 13? A. I don't know. Just something in my mind clicked and I was just like this doesn't seem normal and you never hear anybody talking about it, like, "oh, I was with my dad," and it just didn't seem—just didn't seem right."

## DISCLOSURE

Reactions to abuse are closely related to disclosure ( $n = 52$ ), and 38% ( $n = 20$ ) of disclosure questions asked about disclosure delays. Jurors also asked about the truthfulness of allegations and suggestive influences ( $n = 19$ , 37%), and other miscellaneous topics related to disclosure ( $n = 13$ , 25%), such as whether or not the child disclosed to certain individuals, what the child did or did not disclose, the location of others (not victims) during disclosure, opportunities to disclose, and the reaction of others to the child's disclosure.

Eleven (21%) lines of questioning assessed how long the child delayed disclosure. These included simple questions asking when the child disclosed or was interviewed by the police, his or her age at the time of disclosure/interview, and more explicitly, the amount of time between abuse and disclosure (e.g., "Q. How long after these incidents occurred did—how long after the incidents did you wait to tell your mom? In other words, how often after these incidents did you tell your mom? A. I don't know basically."). Concern with disclosure delay was also evident in nine (17%) lines of questioning asking why the child did or did not disclose, or what prompted their eventual disclosure. For example, a 9-year-old boy alleging repeated nonpenetrative abuse by his grandfather testified that his mother asked him more than once if anyone had touched him inappropriately, yet he denied abuse and delayed disclosure for some time. One juror asked why the child finally decided to disclose:

You said that your mom asked you a number of times that morning if these things were happening. Do you remember that?

Yes.

And, why was it that you finally were ultimately told your mom these things happened?

Well, once my mom told me that [Other victim] admitted it, then I knew that I wasn't the only one. So I told her.

All right. Did it make you more comfortable to think that you weren't the only one, and that you could talk about this?

Yes.

Although these questions rarely referred explicitly to disclosure delays, they showed jurors' attempts to understand why children delay disclosure and what motivates their (eventual) disclosures. Such questions subtly revealed both jurors' misconception that children disclose abuse immediately and their suspicion about the credibility of delayed disclosures. Credibility concerns were also revealed in 12 (23%) lines of questioning about suggestive influences. Especially in cases involving allegations or testimony from multiple victims, jurors asked children if they knew other victims or about their allegations, if they spoke to other victims about the abuse, and if other victims were present at the time of disclosure

(e.g., “Q.... Have you ever heard about [Other victim]’s allegations against your grandfather? A. Can you put that in kind of smaller words? Q. Do you know that [Other victim] has made accusations against your grandfather? A. Yes.”).

Jurors also asked explicit questions about lying and truthfulness ( $n = 7$ , 14%). Jurors posed six of these lines of questioning to children who recanted their allegations, asking why they alleged abuse if in fact, it did not occur. Questions about reasons for recanting suggest that jurors are concerned about the credibility of recantations, just as they are concerned about the credibility of disclosures. In one case, three sisters aged 14, 17, and 25 years at different times alleged and then recanted abuse by their father. The youngest child testified that she alleged abuse because she was tired of her father’s strict rules, and she wanted him removed from their home. One juror’s doubts were revealed:

If he [the Defendant] wasn’t living in the house that time, why would you need to talk to the detectives or lie about the molestation if he wasn’t living there anyway?

Because—I still don’t get it.

Your father was not living with you at the time you made the allegations; is that true?

Yeah.

And why would you tell the detectives about a molestation or make up a story if he wasn’t living with you anyway? If he wasn’t living with you anyway, why did you need to tell a story to get him out of the house if he wasn’t living with you anyway?

Because he would tell them like what I couldn’t wear, what I couldn’t do.

Even though he wasn’t living there?

Yeah.

## BACKGROUND DETAILS

Background details ( $n = 102$ ) was the most varied topic, including questions about the timeline of events and living arrangements ( $n = 31$ , 30%), children’s relationships ( $n = 16$ , 16%), children’s non-abuse-related activities ( $n = 17$ , 17%), sexual education or exposure ( $n = 10$ , 10%), issues associated with mistaken identity ( $n = 8$ , 8%), and other miscellaneous topics ( $n = 16$ , 16%). Timeline and living arrangement questions revealed jurors’ concerns with contextualizing the abuse within the broader circumstances of the child’s life, including where the child lived, when, and for how long; parents’ work schedules; who the child lived with; and sleeping arrangements of family members (e.g., “Q. Did your grandfather live with you? A. Yes. Wait. At which house? Q. Why don’t I ask it this way? Did your grandfather ever live with you? A. Yes. Q. And when was that? A. That was in the third house by liberty. And that’s the only house that he lived with us in.”). Taken together, these questions showed concern with clarifying the general timeline and location of abuse and disclosure events, as well as who was present in the child’s life at the time.

Jurors also asked about the child’s relationships with various individuals, including with person(s) the child disclosed to, other victims, and the defendant ( $n = 16$ , 16%; for example, “Q.... I am uncertain the reason [Child] and [Friend] are no longer friends. Could she

clarify? ...they were friends at the start when [Friend] supported her then. So it makes me confused ...”). Half of the relationship questions asked specifically about the child’s relationship with the defendant, including how often the child spent time with the defendant, how the child addressed the defendant, and how the child felt about the defendant ( $n = 8$ , 8%; for example, “Q. Other than the incidents that you’ve described, did you like or respect [Defendant] as a father figure?”). These questions showed concern about the intimacy between children and defendants.

Jurors also displayed interest in children’s experiences and activities that were unrelated to children’s descriptions of the abuse incident or disclosure, including school, hobbies, and habitual drug use ( $n = 17$ , 17%; for example, “Q.... Do you play a lot of video games? A. Yes. Q. What sort of video games do you play? A. Wrestling. Q. You are pretty good at those? A. Yes.”). Fifty-nine percent of these nonabuse activity questions brought up new topics not previously discussed in testimony. Similarly, half of the 10 questions about sexual education and exposure referred to new topics. These questions asked whether children had learned about sex, good touch/bad touch, or stranger danger in school or from their parents, as well as exposure to nudity, sex, or pornography other than by the defendant. Generally, sexual education questions revealed surprise that children lacked enough sexual knowledge to recognize abuse as abuse or avoid harm. For example, a 16-year-old girl alleged that her adoptive father repeatedly abused her from the age of 8 years until 15 years, including penetration. Although she had discussed good touch/bad touch with her adoptive mother, the child still did not recognize the defendant’s actions as abusive. This narrative led to the following question: “Q.... [Child], you said you were taught good touch and bad touch and that—or any other talk about inappropriate touching. Were you ever told that it was wrong for your father to touch you in a sexual manner? A. No.”

Other seemingly irrelevant questions revealed concerns that the child mistook the identity of the perpetrator ( $n = 8$ , 8%). For example, a 15-year-old girl alleged a single incident of penetrative abuse by her father during an overnight visit at his home. She testified that although she did not see who abused her, she knew the perpetrator was her father because he called her by her nickname and she felt his facial hair. Unconvinced, jurors asked various questions to determine if someone else present in the home could have plausibly committed the abuse, including: “Q. What does [Grandfather] look like? Is he clean-shaven?”; “Q. Did your father’s friends have facial hair?”; and “Q. Did the people who lived with your dad call you [Nickname]?” Fifty percent of lines of questioning revealing mistaken identity concerns asked about topics not previously mentioned. So even topics that seem irrelevant to the abuse narrative can, when read within the context of the testimony, reveal plausibility concerns. To the extent that these concerns go unaddressed, jurors may continue to doubt the defendant’s guilt.

Finally, jurors asked 16 (16%) miscellaneous questions about other background details. Most of these asked for clarifications about various topics previously discussed such as the nature and frequency of spankings described by two sisters, aged 15 and 16 years, who testified that their stepfather abused them while he punished them ( $n = 7$ , 7%); if a defendant also took the child’s brothers on tow truck rides with him (where he allegedly abused the female child;  $n = 2$ , 2%); and various clarifications. The variety of background details

brought up reveals both the variability of contexts in which children are abused, as well as the variability of jurors' concerns.

## DISCUSSION

The purpose of the present study was to assess what jurors ask children about in criminal trials assessing allegations of CSA. Ours is the first published study to do so. We predicted that (1) most questions would respond to previous testimony, (2) many questions would ask about the context and dynamics of specific abuse events, and (3) questions would reveal misconceptions about CSA. Our results support these hypotheses. As predicted, the majority of questions clarified topics children already discussed in testimony. To the extent that jurors' questions reflect concerns related to assessments of guilt, this finding suggests that jurors methodically consider the evidence presented to them at trial. By extension, their verdicts are likely based primarily on assessments of this evidence rather than extralegal factors and external beliefs.

### WHAT DID JURORS ASK ABOUT?

As predicted, a sizable portion of jurors' questions (43%) asked about abuse interactions and contextual details of specific abuse events. These questions were especially likely to respond to earlier testimony, which makes sense. On the one hand, researchers find that children struggle to describe how abuse occurred, such as whether clothes were on or off, and if touching occurred under or over the clothes (Stolzenberg et al., 2017; Stolzenberg & Lyon, 2017; Wylie et al., in press). Children also struggle to accurately characterize the temporal and spatial dimensions of abuse, such as frequency of acts and other types of enumeration (McWilliams et al., 2019; Wandrey et al., 2012). When these challenges translate into confusing descriptions of abuse, jurors may struggle to conceptualize how the abuse unfolded. When trying to organize the testimony they hear into a coherent story, they may ask clarifying questions about the context and dynamics of abuse simply because these parts of children's narratives are unclear. For example, we found that 38% of abuse interaction questions asked about clothing and body placement, many of which seemed specifically designed to help jurors visualize the incident more clearly. Likewise, 97% of the abuse interaction and contextual detail questions asking about the frequency, duration, sequencing, and spatial characteristics of the abuse were clarifications of previous testimony. These results indicate that jurors respond to children's difficulty in communicating the numeric and mechanical characteristics of abuse events by asking questions designed to clarify and help visualize these abuse details.

On the other hand, the context and dynamics of abuse may be the most relevant to jurors' assessments of guilt. To return a guilty verdict, jurors must be confident that the defendant committed the act(s) for which she or he is charged (e.g., vaginal penetration versus fondling over clothes). Such a determination will depend almost entirely on if the child describes abuse acts consistent with the filed charges, and if jurors believe the child's account of abuse is plausible. Details about what happened, including the actions and events leading up to the abuse, the presence of witnesses, and the extent of contact are critically important to jurors' decisions. Even questions about clothing placement, which may help jurors visualize abuse,

may reflect genuine plausibility concerns. Researchers have written about how children's confusing descriptions of clothing can make events seem unlikely as described, and how such descriptions have affected prior legal cases (Stolzenberg & Lyon, 2017). Jurors may ask relatively more questions about the context and dynamics of abuse because these aspects of testimony are the most relevant to assessing guilt of the charged offense. Consistent with Pennington and Hastie's (1992) Story Model of jury decision-making, questions about abuse interaction and contextual details seem specifically designed to help jurors visualize a coherent narrative of the incident. Using questions to elicit more details and resolve inconsistencies may facilitate jurors' construction of the story of abuse, which in turn helps jurors evaluate evidence and classify the story into its most plausible verdict category, guilty or not guilty.

Nevertheless, 30% of jury questions asked about background details tangential to the abuse events described, and 34% of these questions brought up topics not previously discussed in testimony. These findings indicate that jurors' assessments of guilt may be influenced by details that are irrelevant to the legal elements of the crime charged and/or unrelated to the child's narrative of specific abuse incidents or disclosure. Some of these topics were similar to rapport building questions attorneys use to make children feel more comfortable testifying (Ahern et al., 2015). Others reflected confusion about the unstable living situations children often described. Although seemingly benign, the frequency with which jurors asked about potentially irrelevant details without the prompt of prior testimony is worrisome; they indicate thoughts and concerns that may influence jury decision-making that were not precipitated by attorneys. To the extent that unaddressed concerns affect the plausibility of allegations or the credibility of children's testimonies, failing to address them preemptively may reduce the likelihood of a guilty verdict. This may be especially true in jurisdictions that lack a process through which jurors can resolve outstanding questions and concerns. While most of the time jury questions—and by extension, their thoughts and concerns while deliberating—are directly influenced by the testimony they hear, the current data make clear that they also consider new lines of questioning, especially when these topics are more tangential to the abuse event.

### MISCONCEPTIONS OF CSA

As predicted, jurors' questions reflected misconceptions about CSA. The force/resistance myth emerged prominently: 30% of abuse interaction questions asked about force, threats, or resistance. Despite ample evidence that cases of CSA rarely included charges of force (Stolzenberg & Lyon, 2014a), the frequency of questions about force and resistance indicated that jurors expected children to describe forceful abuse and resistance. When these elements were lacking, jurors asked children explicitly about force and resistance.

Other dynamics of abuse, and associated misconceptions, also likely influenced questions. Forty percent of contextual detail questions asked about the presence of others, typically family members, during abuse, and the defendant's attempts to ensure privacy. These questions reflect surprise that abuse could occur where the risk of discovery seems high. That the defendant would abuse the child in such a risky situation seems implausible. More subtly, these plausibility concerns may stem from expectations that the child does not know



the perpetrator (Cromer & Goldsmith, 2010). However, consistent with prior research on CSA victims (Paine & Hansen, 2002; Sas & Cunningham, 1995), the vast majority of children in this sample described abuse by someone known, often in their own homes and often while other family members were present. Questions about the defendant's attempts to make the abuse private likewise indicated expectations that perpetrators will mitigate risk of discovery. This may be true somewhat—convicted CSA offenders describe attempts to self-protect, such as assessing others' suspicion about sexual abuse, before increasing the severity or frequency (Kaufman et al., 1998). Yet, many convicted offenders intentionally select victims they believed to be low risk, and perpetrators acknowledge they did not expect to be caught due to disclosure or discovery (Conte et al., 1989). As such, jurors' questions reflecting confusion that the child would be alone with the defendant are discordant with the 76% of children who described abuse by a primary caregiver, family member, or someone else living in the home. Children spending time alone with trusted individuals should not be surprising or suspicious, but normal.

Jurors' questioning also revealed expectations that children should have disclosed sooner and actively avoided abuse once it began. Thirty-eight percent of jurors' lines of questioning about disclosure revealed suspicion that children who delay disclosure are either lying about the allegations or have ulterior motives for (finally) disclosing. Fifty-four percent of reaction to abuse questions directly or indirectly sought explanations for how children responded to abuse. Furthermore, as already noted, questioning across categories provided clear evidence for misconceptions about child-perpetrator relationships and a common lack of force/resistance, which relate to both the commonness of delayed disclosure and how children respond to abuse. As such, jurors' questions ignore multiple realities about many CSA cases.

First, abuse usually unfolds gradually, slowly increasing in severity and frequency after grooming (Conte et al., 1989). Second, abuse is rarely forceful (Stolzenberg & Lyon, 2014a). Third, children often love and trust their abusers and may not recognize their behavior as abuse for a lengthy period of time (Sas & Cunningham, 1995). Even when children do recognize abuse as wrong, they may trust the defendant will stop. Fourth, children are likely to delay their disclosures of abuse, particularly when the perpetrator is someone close to, or within, the family unit (Paine & Hansen, 2002; Sas & Cunningham, 1995). Beyond the aforementioned factors, researchers find that peoples' ability to disobey authority figures, and report their transgressions, including maltreatment, develops with age (Laupa et al., 1995; Lyon et al., 2010). Parents often control much of children's lives and movements—such as what they eat (Robinson, 2000), what they watch on TV (Cardoza, 2002), and where they play (Veitch et al., 2006). Therefore, children's development and social status relative to adults may hinder their ability to assert needs and preferences—such as avoiding an abuser—to authority figures. Furthermore, children abused by people with whom they live may not have viable means of avoiding abuse. From the current findings, along with previous research that inconsistent expectations about force and continued contact between the child and alleged perpetrator relate to verdict decisions (Stolzenberg & Lyon, 2014a), more education is needed to overcome public misconceptions about CSA.

## LIMITATIONS AND FUTURE DIRECTIONS

The current data came from a single jurisdiction. It is possible that jurors' perceptions in cases vary as a function of the population; it is likely that in different areas, jurors may be more, or less, aware of the realities of CSA. Yet, despite this limitation, the data came from one of the largest U.S. cities, over a long period of time. As such, we believe it may be representative of what many jurors might think. While methodology is limited by the jurisdictions that allow jury questions, research should examine how jurors question children in other areas.

We were unable to collect information on victim, defendant, or juror race, or juror gender. These factors have been shown in hypothetical scenarios to influence how jurors perceive cases of sexual violence (Bottoms et al., 2007), and future research should seek to include these in future analyses. In addition, we lacked official data on important case characteristics, including age during abuse and age at disclosure, so we were unable to determine the length of disclosure delays. Connolly and colleagues (2010; Connolly & Read, 2006) have shown that the length of disclosure delays influences credibility assessments, with particularly long delays—such as disclosures by adults about abuse occurring during childhood—resulting in greater suspicion and fewer guilty verdicts among judges and jurors. Consistent with this research, jurors' questions commonly indicated concern about disclosure delays. However, lacking data on length of delay, we were unable to assess if longer delays predicted more questions and therefore greater concern. Future research should account for this factor in predicting when jurors ask questions about disclosure delays and to what extent it influences their deliberations and verdicts.

While we were able to categorize jurors' questions under themes, it is impossible to fully ascertain the true intent of all questioning; our method is imperfect. Judges may have rephrased jurors' questions to make them admissible. While we can presume a lot about jurors' thinking based on their questions, we do not know the magnitude of their concerns. For example, when a juror asked a series of questions about delayed disclosure, this does not mean that they were significantly concerned about delayed disclosure; their questioning may reflect curiosity. It is also unclear if and how jury questions—and responses to them—affect jury deliberations and verdicts. It is impossible to determine from the questions alone whether children's responses resolved concerns or caused confusion, or if jurors discussed the same concerns during deliberations. In the current study, 90% of cases resulted in convictions of at least one charge, suggesting that jurors tended to believe children, despite narratives that were inconsistent with expectations. Whether the high proportion of guilty verdicts in this jurisdiction is due to jurors' opportunity to resolve misconception-related discrepancies and confusions during the questioning process is currently unclear. Future research should compare matched cases of CSA in jurisdictions with and without jury questions to determine if they improve the likelihood of conviction.

## IMPLICATIONS AND CONCLUSIONS

As the first published study to qualitatively examine jurors' questions in CSA cases, we demonstrate a new avenue for studying how jurors think about, respond to, and assess evidence in criminal trials. Furthermore, this study provides a unique opportunity to better

understand how jurors understand, evaluate, and assess children's reports of alleged CSA. In support of our hypotheses, we found that jurors commonly focus on what the child reported during direct- and cross-examination. In addition, we found that jurors often had questions about the dynamics of abuse, the context surrounding abuse, and the child's disclosure process. Finally, our findings suggest that jurors' questions often reflected common misconceptions about CSA.

We believe that giving jurors the opportunity to follow-up on testimony that is unclear (or implausible) can improve the accuracy and efficacy of their assessments of the evidence presented to them. Even if prosecutors are aware of developmental and communication issues and try to mitigate them in their questioning styles, defense attorneys will use communication challenges to their own benefit. Hearing jurors' questions could enable prosecutors to return to and clarify the parts of testimony children struggled to communicate—like the abuse interaction. It may also allow prosecutors to dispel myths about CSA if it becomes evident they are influencing jurors' thinking about the case, or to address myths preemptively in cases with discrepant characteristics. Furthermore, defense attorneys could reemphasize the implausibility of alleged abuse and disclosure details if jury questions reveal concern or surprise. Over time, defense attorneys may become aware of which strategies most effectively create reasonable doubt, improving their ability to challenge children's credibility in concerning cases. Jury questions can therefore provide an important check in an adversarial process.

While our research reveals the utility of allowing jurors to ask questions, many jurisdictions lack procedures for allowing them. In the interest of fairness and justice, judges working in jurisdictions that allow but don't require them to permit jury questions should encourage jurors to submit questions, so that both attorneys have the opportunity to improve their arguments. In jurisdictions that prohibit jury questions, findings from research on jurors' questions can educate legal practitioners about how to more effectively present their cases.

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**Table 1:** Definitions, Examples, and Frequency of Topics and Subtopics, and Proportion of Clarifications

Category	Definition (Example)	Frequency		Clarification <sup>a</sup>	
		N	% total	N	%
<i>Abuse interaction</i>	<i>Child-defendant interaction/conversations/positions at time of abuse</i>	70	21.1	63	90.0
Abuse mechanics	Clothing, body parts, clothing/body position; ejaculation; child/defendant actions (other than force/resistance) (Where were your clothes when he was touching you?)	29	41.4		
Force/threats/resistance	Defendant's use of force, restraint; child's verbal/physical resistance; defendant's threats not to tell (Did he say he would hurt you if you told?)	21	30.0		
Duration/frequency/sequence	Duration/sequence of abuse acts; frequency of abuse; which abuse acts occurred in different incidents (Did he touch you ever time you visited?)	11	15.7		
Accident/mistaken identity	Abuse/touching was accidental; child misunderstood defendant's actions; child mistook identity of abuser (How do you know it was him if your eyes were closed?)	6	8.6		
Miscellaneous	Abuse by other perpetrator(s); defendant's reaction to witnesses; if abuse occurred (suggestibility)	3	4.3		
<i>Contextual details</i>	<i>Physical, temporal, and behavioral characteristics of specific abuse events</i>	72	21.8	69	95.8
Witnesses/privacy	Location of others during abuse; if doors were closed/locked; others' suspicion (Where was your mom when he was touching you?)	29	40.3		
Time/location/Context	House/room where abuse occurred; time of day; temperature, lighting, furniture arrangement in abuse location; events/activity before or immediately after abuse (How long were you swimming before the touching started?)	20	27.8		
How/why explanations	How events occurred as described; why child/defendant acted the way described (How could he wake you up if you are a hard sleeper?)	16	22.2		
Miscellaneous	Child's use of pornography; defendant's intoxication; misc. clarifications	7	9.7		
<i>Reaction to abuse</i>	<i>General emotional and physical reactions to abuse</i>	35	10.6	29	91.4
Emotional/physical responses	If child felt specific emotions, acted in specific ways; reason for feelings/actions (Why were you scared?)	19	54.3		
Avoidance	If/how child attempted to avoid defendant/defendant's home; why child spent time with defendant after first incident; requests to parents to avoid defendant (Why did you keep spending time with the defendant after the first time?)	8	22.9		
Recognition	Recognition of defendant's actions as abusive; failure to recognize abuse as abuse; understanding of others actions as responding to abuse (What made you realize your dad was hurting you?)	5	14.3		
Miscellaneous	Counseling, clarifying emotion/reaction terms used	3	8.6		
<i>Disclosure</i>	<i>When, where, to whom child disclosed; knowledge of allegations/disclosure of other victims; conversations with other victims</i>	52	15.7	44	84.6
Delay	When child disclosed; age at disclosure; time between abuse and disclosure (How old were you when you finally told someone?)	11	21.2		
Reason for delay	Reason for disclosing, not disclosing, delaying disclosure (Why didn't you tell your mom after the first time?)	9	17.3		



Category	Definition (Example)	Frequency		Clarification <sup>a</sup>	
		N	% total	N	%
Suggestive influence	Knowledge of other victims/allegations of other victims; conversations with other victims about abuse; presence of other victims at child's disclosure; presence of child at other's disclosure ( <i>Did you and your sister talk about the touching?</i> )	12	23.1		
Lying	If/why child lied about allegations; references to lying/dishonesty ( <i>Why did you tell the police he touched you if it never happened?</i> )	7	13.5		
Miscellaneous	Miscellaneous details of disclosure events (time of day, location); disclosure recipients; opportunities to disclose; others' reactions to child's disclosure; medical exam	13	25.0		
<i>Background details</i>	<i>General information about the lives of child or defendant</i>	102	30.8	100	65.7
Timeline/living arrangements	Where child lived and for how long; household/family members; sleeping arrangements; parents' work schedules ( <i>How long were you in the apartment before moving to Florida?</i> )	31	30.4		
Child's relationships	Child's relationships with friends, family members, and defendant ( <i>Did you think of the defendant as your dad?</i> )	16	15.7		
Nonabuse activities	Child's hobbies, school/grades, use of technology, video-games, computers, phones; habitual drug use ( <i>So you get good grades in school?</i> )	17	16.7		
Sexual education	Sexual education; good touch-bad touch; stranger danger; exposure to nudity/pornography other than by defendant ( <i>Have you ever seen a movie with naked people in it?</i> )	10	9.8		
Mistaken identity	Characteristics of others/others' belongings suggesting mistaken identity ( <i>Does your mom's Hispanic friend have a red car?</i> )	8	7.8		
Miscellaneous	Nature/frequency of punishment; defendant's relationship with other children; misc. defendant characteristics; misc. clarifications	16	15.7		
<b>Total</b>		<b>331</b>	<b>100</b>	<b>279</b>	<b>84.3</b>

Note.

<sup>a</sup>Clarifying questions included: questions already asked in previous testimony; questions clarifying information covered in previous testimony; questions asking for more specific details about topics covered in previous testimony; questions clarifying or asking for more specific details about topics/information covered in the testimony of other victims.