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Being in an Abusive Relationship and Assessments of Domestic Violence Cases

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ABSTRACT

Potential jurors who have been victims of a crime are often dismissed during the voir dire process because lawyers believe they are unable to put aside their biases. The purpose of our study was to examine whether participants who reported being in an abusive relationship are biased in their assessments of domestic violence scenarios. Two hundred and sixty-nine participants read a vignette of a domestic altercation and completed a questionnaire about the scenario and the parties involved. Participants also indicated whether they are currently, or had ever been, involved in an abusive relationship. A multivariate analysis of variance revealed no significant difference in assessments between participants who reported being in an abusive relationship and those who did not.

INTRODUCTION

Prior victimization is often a great concern for lawyers when selecting jurors (Olczak, Kaplan, & Penrod, 1991). According to Kaplan and Miller (1978), the juror selection process tries to exclude jurors who express a particular interest in a case as well as those who attorneys believe will be unable to disregard their biases. For these reasons, potential jurors who have been victims of crime are routinely dismissed during the voir dire process. However, it is unclear if prior victimization necessarily leads to juror bias. Selby, Calhoun, and Brock (1977) suggest that the more similar a person is to a victim, the more likely that person is to identify and empathize with the victim. The influence of empathy in legal decision-making has been well documented (e.g. Archer, Foushee,

Davis, & Aderman, 1979), and Ledford (1998) found that individuals often use their personal experience when evaluating trial testimony. However, the literature offers mixed results about the effects prior victimization has on juror empathy and decision-making.

Kassin and Wrightsman (1983) found that victims of violent crimes are more prosecution-biased. However, they did not find this bias among victims of non-violent crimes. Wiener, Wiener, and Grisso (1989) found that participants who had previous experience with a rape victim were twice as likely to convict a defendant in a mock rape trial compared to participants who did not have such experience. In a more recent study, Culhane, Hosch, and Weaver (2004) examined whether people who had experienced prior victimization would express bias in a mock trial. Out of 2,435 participants, 984 reported being a victim of a crime and 982 reported having a close friend or relative who had been a victim. Participants were shown a video of a mock trial involving a home burglary and asked to render a verdict. Results showed that participants who had been victims of theft were significantly more likely to render a guilty verdict than those who were not victims. Participants who had a relative or friend who was a victim of theft were also more likely to render a guilty verdict than those who did not know a victim of a similar crime. However, participants who had been a victim of a violent crime (and not a theft) were not more likely to convict than participants who had no prior victimization. Thus, bias may only be a concern when a juror is a prior victim of a crime that is similar to the one he/she is being asked to serve on.

Other researchers have found no relationship between prior victimization and jurors' assessments of certain crimes. For example, Stockdale, O'Conner, Gutek, and Geer (2002) examined whether people who had prior experience with sexual abuse (including sexual harassment and child sexual abuse), were more sensitive to potential sexual harassment. They found no consistent evidence that people who had been victims of sexual abuse were more likely than non-victims to be biased in their judgments of sexual harassment.

The purpose of our study was to examine whether participants who reported being in an abusive relationship are biased in their assessments of domestic violence cases. Because of the limited research on the topic, our study was largely exploratory in nature. However, based on previous results, we expected to find differences in assessments between participants who reported being in (or having been in) an abusive relationship and those who did not.

METHOD

Participants

Two hundred and sixty-nine (73% female, 25% male, and 2% who did not report gender) students enrolled in a psychology course participated in this study for extra credit. The mean age of participants was 22.58 ($SD = 6.36$) and ranged from 18-60 years. Participants were of various ethnicities (42% White, 22% African-American, 13% Asian, 11% Hispanic, 5% Caribbean, 3% Middle Eastern, and 4% other).

Materials & Design

As part of a larger study about people's perceptions of different types of domestic violence, participants read a vignette of a domestic altercation and completed a questionnaire about the scenario and the parties involved. Most responses were measured dichotomously (yes/no) or on a 7-point Likert-type scale with "1" being low on the scale and "7" being high. Participants also completed a demographics questionnaire that included an item about whether they are currently, or had ever been, involved in an abusive relationship.

The larger study used a 2 (gender of perpetrator: male vs. female) x 2 (gender of victim: male vs. female) between-groups design – producing four conditions. There were no significant differences between conditions in regard to participants' gender ($p = .08$), age ($p = .44$), ethnicity ($p = .34$), or involvement in an abusive relationship ($p = .34$). There were also no significant interaction effects between conditions and being involved in an abusive relationship on any of our questionnaire items ($p > .08$). Based on these findings, we collapsed participants' responses across conditions for this analysis.

Procedures

Participants were informed that the purpose of the study was to examine how people perceive domestic altercations. After providing informed consent, participants were instructed to read the vignette and complete the questionnaire that followed. Participants were debriefed upon turning in their completed materials.

RESULTS

Overall, 15% ($n = 40$) of participants reported that they were currently, or had previously been, involved in an abusive relationship, 80% ($n = 216$) reported that they have not been involved in an abusive relationship, and 5% ($n = 13$) did not provide an answer. A chi-square revealed that women (36) were more likely than men (4) to be involved in an abusive relationship, $\chi^2(1, N = 255) = 6.49$, $V = .16$, $p = .01$. Participants' age was also positively correlated with being in an abusive relationship, $r = .20$, $p < .01$. However, participants' ethnicity was not significantly related to being in an abusive relationship, $\chi^2(6, N = 255) = 4.34$, $V = .13$, $p = .63$.

The majority of participants (88%) believed that the scenario constituted domestic violence, while only 12% believed that it did not. Being in an abusive relationship did not significantly affect participants' decisions regarding whether the scenario constituted domestic violence, $\chi^2(1, N = 264)$, $= 2.93$, $V = .11$, $p = .09$, or who should be arrested (the abuser, the victim, both, or nobody), $\chi^2(3, N = 262)$, $= 5.66$, $V = .15$, $p = .23$.

To examine participants' judgments of the scenarios, we performed multivariate analysis of variance (MANOVA) on the 11 dependent measures listed in Table 1. Participants' involvement in an abusive relationship (*yes* vs. *no*) served as the

independent variable. We used the unique sums-of-squares method, and Pillai's criterion for the inferential test, to help account for the unequal cell sizes in the independent variable (Tabachnick & Fidell, 2007). A number of our dependent measures showed moderate negative skewness. A reflected square-root transformation brought the skewness of these variables within an acceptable range. However, a handful of univariate outliers (greater than ± 2.5 *SD*) remained. Calculation of Mahalanobis distance revealed two multivariate outliers. After removing the univariate and multivariate outliers, a nonsignificant Box's *M* test (90.99, *p* = .10) indicated that the homogeneity of variance-covariance matrix assumption was not violated. We considered MANOVA to be an appropriate analysis technique.

Table 1

Univariate Results for Participants' Ratings of Domestic Violence Scenarios

	Abusive Relationship (*n* = 40)		No Abusive Relationship (*n* = 216)				Effect Size
	M	*(SD)*	*M*	*(SD)*	*F*	*df*	η^2
Confidence in decision	5.20	(1.84)	5.06	(1.56)	0.24	254	.001
How serious was the situation	5.13	(1.38)	4.92	(1.35)	0.77	253	.003
Abuser responsibility	4.90	(1.32)	4.68	(1.37)	0.85	253	.003
Victim responsibility	4.15	(1.51)	3.97	(1.39)	0.56	254	.002
Victim is lying	4.26	(1.16)	4.20	(1.16)	0.07	253	.000
Perpetrator is lying	4.44	(0.97)	4.19	(1.19)	1.44	253	.006
Seriousness of victim injuries	4.00	(1.30)	3.61	(1.46)	2.38	252	.009
Likely abuse will reoccur	6.54	(0.64)	6.21	(0.86)	5.09	250	.020
Likely abuse will get worse	6.74	(0.68)	6.25	(0.91)	10.31	251	.039*
Easy for victim to leave	3.85	(1.60)	4.17	(1.61)	1.32	254	.005
You recommend victim leave	5.68	(1.37)	5.33	(1.38)	2.10	253	.008

*p < .001

There was no overall effect of being in an abusive relationship on the combined dependant variables, $F(11, 236) = 1.26$, $p = .247$, $\eta^2 = .06$. Because the internal consistency among the dependant measures was relatively small ($\alpha = .19$), which can affect the statistical power of MANOVA, we followed up with univariate analysis using a Bonferonni-adjusted alpha level of .001. The results of this analysis are presented in Table 1. There were no significant differences between participants who reported being in an abusive relationship and those who did not in regard to the seriousness of the

incident, the perpetrator and victim's responsibility, whether the perpetrator and victim were lying, the seriousness of the victim's injuries, how likely the abuse would reoccur, how easy is it for the victim to leave the relationship, or whether they would recommend the victim leave the relationship. However, participants who reported being in an abusive relationship were more likely to believe that the abuse would get worse over time, $F(1, 251) = 10.31$, $p < .01$, $\eta^2 = .039$.

DISCUSSION

Contrary to our hypothesis, participants who reported being in an abusive relationship did not appear biased in their assessments of domestic violence cases. These participants were more likely to believe that the abuse in our scenarios would get worse; however, this finding is likely the result of these participants' personal experiences with domestic violence. Research shows that violence in abusive relationships typically involves multiple incidents and tends to increase in severity (Straus & Gelles, 1990).

It is encouraging that participants who reported being in an abusive relationship did not assess domestic violence cases differently than participants who did not report being in an abusive relationship. However, we must be cautious when making claims about null findings – especially from a single study. Although our study had sufficient statistical power given our effect sizes, it is still possible that being in an abusive relationship affects people's assessments of domestic violence. We did not ask participants if they were perpetrators or victims of relationship abuse – only if they were, or have ever been, in an abusive relationship. Because of social desirability effects, perpetrators of abuse may be less inclined to answer "yes" to this question; however, it is possible that victims' assessments were negated by perpetrators' assessments in this group. Future research should examine possible differences between perpetrators and victims' assessments of domestic violence cases.

Furthermore, our results were demonstrated with only one sample of undergraduate students from a large urban college. Our sample may not represent the general public – especially in terms of age, level of education, and location. Replication of these findings using a larger and more representative sample is necessary to determine if they are reliable. Future research on this topic should also examine *jury* decisions. Deliberations have been shown to influence individuals' verdicts and assessments of trials (McCoy, Nunez, & Dammeyer, 1999).

Despite the noted limitations, our findings have potentially important implications for the legal system. Rates of domestic violence among heterosexual couples have been documented at approximately 33% (Straus & Gelles, 1990), so a large number of potential jurors may end up being dismissed during voir dire for domestic violence trials. Our study suggests that people who have been in an abusive relationship should not be automatically excused from serving on domestic violence trials. It is possible that people who have been involved in abusive relationships are able to put their personal experiences aside when evaluating cases of domestic violence.

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