

THE FAILURE OF ALL MOTHERS OR THE MOTHER OF ALL FAILURES?:  
JUROR PERCEPTIONS OF FAILURE TO PROTECT LAWS

by

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## ABSTRACT

Failure to protect laws have been a hot topic amongst legal scholars, child and domestic violence advocates, and the social work and psychology fields with varying focuses on the societal underpinnings of the laws themselves and their application. Despite the pervasive legal literature on “mother blaming” and the revictimization of battered women that these laws engender, few studies have empirically examined if “mother blaming” occurs in these cases, or if battered women are treated more harshly. The aim of the present study was to investigate the impact of defendant sex and presence of domestic violence on mock juror decision making in a failure to protect case. Juror attitudes towards gender roles and the influence of these beliefs on decision making were also examined. Mock jurors read a summary of a case in which the defendant was charged with failing to protect their child from a third party abuser. Participants then rendered a verdict, provided sentencing recommendations and responded to attitudinal questions about the defendant and perpetrator. Mock jurors were more likely to find the defendant guilty and view the defendant more negatively when the defendant had been the victim of domestic violence. Neither defendant gender nor gender role attitudes impacted outcome measures. Results are discussed in terms of “victim blaming” and labeling theory of intimate partner violence.

## DEDICATION

To the dismantling of gender roles one research project at a time.

*I am fearful, or suspicious, of generalizations about the way women or men are...they cannot guide me reliably in making decisions about particular individuals.*

-Ruth Bader Ginsburg

## LIST OF ABBREVIATIONS AND SYMBOLS

$\alpha$	Cronbach's Alpha: Value of internal consistency
<i>ANCOVA</i>	Analysis of Covariance
<i>ANOVA</i>	Analysis of variance
$\beta$	Beta
<i>BIDR</i>	Balances Inventory of Desirable Responding
<i>CAPTA</i>	Child Abuse Prevention and Treatment Act
<i>df</i>	Degrees of Freedom
<i>F</i>	F statistic: Value calculated by the ratio of two sample variances
<i>IPV</i>	Intimate partner violence
<i>M</i>	Mean: The sum of a set of values divided by the number of values in the set
<i>MTurk</i>	Amazon Mechanical Turk
<i>N</i>	Samples size of a group
<i>p</i>	Probability
<i>r</i>	Pearson product-moment correlation coefficient
<i>SD</i>	Standard Deviation: Value of variation from the mean
<i>SRQ</i>	Social Roles Questionnaire
$\chi^2$	Chi-square test of significance of model fit
<	Less than
>	Greater than
=	Equal to

## ACKNOWLEDGEMENTS

I may or may not be alone in this, but I often find myself wondering how I ended up in Alabama and how life has led me where it has. Life never promises to tell you everything up front, you aren't always shown the path in life you're supposed to take. But sometimes, when you are really lucky, you meet someone with a map. That someone, for me, is my mentor, Jenni Cox. In a thousand worlds and a thousand lifetimes, I'd pick her to guide me through this grad school jungle every single time. The words "thank you" will never ever accurately emulate the gratitude I feel towards her. She is the best, bar none.

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## CONTENTS

ABSTRACT.....	ii
DEDICATION.....	iii
LIST OF ABBREVIATIONS AND SYMBOLS .....	iv
ACKNOWLEDGEMENTS.....	v
LIST OF TABLES.....	viii
INTRODUCTION .....	1
CURRENT STUDY.....	8
METHOD .....	10
RESULTS .....	16
DISCUSSION.....	21
IMPLICATIONS .....	27
LIMITATIONS AND FUTURE DIRECTIONS.....	31
CONCLUSION.....	34
REFERENCES .....	39
APPENDICES .....	49
IRB APPROVAL.....	71

## LIST OF TABLES

1. MTurk Sample Sexual Orientation.....	35
2. MTurk Sample Level of Education.....	35
3. MTurk Sample Religious Affiliation.....	36
4. MTurk Sample Political Affiliation.....	36
5. Pearson Correlation Matrix.....	37
6. Means and Standard Deviations for Total SRQ Scores.....	38
7. Summary of Regression Analysis for SRQ Total Scores.....	38

## INTRODUCTION

In 1962 C. Henry Kempe and his colleagues published “*The Battered Child Syndrome*” that detailed hundreds of medical records of child abuse in the United States and provided physicians with the resources to correctly identify and report the suspected abuse of a child. Kempe’s research transformed the discourse on child protection and brought the topic to the forefront of legislative initiatives. Led by Kempe, the U.S. Department of Health & Human Services Children’s Bureau enacted legislation mandating physicians report suspicion of child abuse to the police or the appropriate child welfare agency, and by 1967 every state had mandatory reporting laws. As a result, by 1974 approximately 60,000 instances of child abuse were reported throughout the United States (Myers, 2008).

In 1974, Congress took further action and enacted the Child Abuse Prevention and Treatment Act (CAPTA) allocating financial resources to agencies charged with the protection of children and creating both criminal and civil child protective statutes. For the first time, CAPTA provided a definition of child abuse, stating “[a]t a minimum, any recent act or set of acts or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act, which presents an imminent risk of serious harm” (42 U.S.C. § 5101 note). These statutes initially served to protect children from abuse by criminalizing perpetrated acts of violence, however, as early as 1982 (see *State v. Walden*, 1982) prosecutors were utilizing the statute to establish parental responsibility for a non-abusing parents.

While 49 states have specific statutes regarding child abuse and neglect,<sup>1</sup> 38 states have laws that explicitly criminalize parents' failure to protect their children from abuse at the hands of a third party (Matthews, 1999; Kopels & Sheridan, 2002; Risley-Curtiss & Heffernan, 2003). The terminology of these statutes differs between jurisdictions; for example in Texas the crime is known as "injury to child by omission," (i.e., Texas Penal Code § 22.04), in Ohio it is labeled "permitting child abuse" (i.e., Ohio Penal Code § 2903.15), and Oklahoma law identifies it as, "enabling child abuse" (i.e., Oklahoma Penal Code § 843.5). In the states without specific failure to protect legislation, prosecutors may use more general laws to prosecute criminal negligence while caring for a child, or placing a child in a dangerous situation. Generally, the nonperpetrator faces possible liability in the form of "failing to protect" the child, insofar "(1) the defendant had a legal duty to protect the child, (2) the defendant had actual or constructive notice of the foreseeability of abuse, (3) the child was exposed to such abuse, and (4) the defendant failed to prevent such abuse" (Fugate, 2001, p.279). These laws and their applications have been controversial as scholars and advocates have debated the efficacy of these policies (Weisz & Wiersma, 2011; Edleson, 2004); while advocates of the law maintain that it protects children from the adverse effects of witnessing or being subject to domestic violence (Bedi & Goddard, 2007; Kitzmann, Gaylord, Holt, & Kenny, 2003), opponents view the law as a way to prosecute a victim (Enos, 1996; Nixon, Tutty, Weaver-Dunlop & Walsh, 2007).

### ***Gender Biases and the Legal System***

The term gender refers broadly to the social categorization of females and males (Helgeson, 2015; Lindsey, 2015). The concept of gender spans social, cultural, and psychological attributes and roles that are assigned based on anatomical sex; these notions are

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<sup>1</sup> Massachusetts defines child abuse and neglect in regulation.

socially constructed, reaffirmed, and (at times) challenged (Capuzza, 2014). In the United States, generally, men are believed to be assertive and dominant, to take on leadership roles, to have physical strength, and to be the “bread-winners” in the family. Conversely, women are believed to be emotional, supportive, nurturing, submissive, and associated with the domestic world of home and children (Anderson, 1988; Peterson & Runyon, 1999; Barriteau, Connelly, & Parpat, 2000). These attitudes toward gender and their associated ascribed roles result in societal norms and demands that women and men are expected to appropriate (Helgeson, 2015). Despite these expectations, the court and the U.S Constitution dictate that an individual cannot be discriminated against based on gender (see the 14<sup>th</sup> Amendment: Equal Protection Clause).

Thus it follows that, on the surface, “failure to protect” laws appear straight forward and gender neutral; however, they have been used to prosecute women at a much higher rate than men (Groisser-Keller, 1991; Jacobs, 1998; Panko, 1995; Fugate, 2001). This is particularly noteworthy, as females account for a significant portion of perpetrators who commit child abuse (U.S. Department of Health and Human Services, 2009; The Fourth National Incidence Study of Child Abuse and Neglect, 2014). Yet, there are few instances in which a father has been prosecuted under failure-to-protect statutes and those fathers that are prosecuted represent the exception and not the rule (Appel, 1997; Jacobs, 1998; Panko, 1995). In fact, the literature regarding “failure to protect” cases and fathers in the legal and psychological domains is ominously lacking (Davidson, 1995; Fugate, 2001; Risley-Curtis & Heffernan, 2003).

By its societal definition parenting is highly gendered and the law is prone to reinforce this gendered approach in both criminal and civil cases (Polikoff, 1982; Miccio, 1995). Despite some advancement in society’s theories of parenting, “fatherhood ideology continues to reflect the belief that active participation by mothers in the daily care of children is obligatory, whereas

nurturing and caretaking by fathers is discretionary” (Silverstein, 1996, p. 11). A father can leave his children without being seen as abandoning them, and can fail to provide them food, clothes, or nurturement without being viewed as neglectful (Strega, Fleet, Brown, Dominelli, Callahan & Walmsley, 2008). However, the notion that a mother’s behavior directly and exclusively affects the child’s behavior is a long-held and pervasive societal belief (Corcoran, 1998). The “good” mother is expected to be selfless, nurturing, caring, and to put the needs of her children above all else; in fact, her love for her children is expected to overcome any physical, emotional, financial or moral obstacle with little or no concern for her own safety (Schneider, 1992; Panko, 1995; Enos, 1996; Chesler, 2011). Thus, a woman who fails to fulfill these expectations is deemed a “bad” mother.

These “bad” mothers are societally constructed and span several stereotypes: the mother on welfare, the drug addicted mother, the teenage mother, the career woman who has no time for her kids. However, the definition is equally as elusive, “to most Americans, ‘bad’ mothering is like obscenity: you know it when you see it” (Ladd-Taylor & Umansky, 2008, p. 2). Past research and case law have demonstrated that “bad” mothers are perceived as highly culpable when their child is victimized by a third party (Jacobs, 1990; Kalichman, 1992; Kalichman, Craig & Follingstad, 1988, 1990), effectively creating an atmosphere of “mother-blaming.” Not a new phenomenon, mother-blaming is prevalent throughout western history, early psychological theories, and in current theories and practices of psychology and law (McBride-Chang, Jacklin, & Reynolds, 1992).

Despite the courts claim to impartiality and objectivity, the law codifies tradition; in its inherent nature the law defines culture while simultaneously reinforcing the beliefs that underpin it. In short, law and societal norms are synergistic (Miccio, 1995). Research has consistently

demonstrated differential treatment of men and women in the legal system, (Auerhahn, 2007; Ahola, Hellstrom, & Christianson, 2010; Hodell, Wasarhaley, Lynch & Golding, 2014), suggesting that women are typically treated more leniently than their male counterparts. Specifically, within the context of intimate partner violence, men are more likely to be convicted than women, and, when found guilty, men are sentenced more harshly than women for the same crime (Henning & Feder, 2005; Hodell, Wasarhaley, Lynch, & Golding, 2014).

However, research on this disparity outside the context of domestic violence has been less discrete (Aloha, Hellstrom, & Christianson, 2010; Steffensmeier & Demuth, 2006; Blais & Forth 2014). While an analysis of court data of the United States has shown that females are generally sentenced less harshly than their male counterparts (Steffensmeier & Demuth, 2006), mock juror studies suggest that the sex of the defendant has no effect on juror perceptions and outcomes as it pertains to violent crimes (Blais & Forth, 2014; Cox & Kopkin, 2016; Fernandez-Rodriguez, Curry, & Lee, 2006).

Thus, it appears that the reported leniency afforded to women in the legal system is not unanimously extended across categories of women (Bickle & Peterson, 1991). Past theorists argued that women who are married and have children are viewed more favorably and with more respect than non-married and childless women because the latter do not conform to traditional gender roles (Bernstein, Cardascia, and Ross, 1979; Eaton, 1987; Farrington & Morris, 1983). Subsequently, recent theorists have coined the term “selective chivalry” positing that women who fail to conform to traditional gender roles are likely to be treated more punitively within the legal system (Edwards, 1989; O’Neill, 1999). The woman who, in breaking the law, deviates from her prescribed gender role is punished not only for her crime, but for her deviation as well (Edwards, 1989).

## ***Domestic Violence and Child Abuse***

The correlation between intimate partner violence and child abuse is well established; in fact, some estimates suggest 45 to 70% of children growing up in a home with domestic violence are likely to be physically abused as well, and the severity of that abuse increases with the severity of the abuse against the mother (Dunlap, 2004; Bowker et. al., 1988; Browne, 1987; Stark, 1995; Magen, 1999). While courts have recognized the effects of domestic violence perpetrated against women as a mitigating factor in the use of force against her abuser (Schneider, 2000), these effects have not had the same ameliorating impact in failure to protect cases. In several of these cases, expert testimony detailing the experiences of battered women has been deemed inadmissible in court (Jacobs, 1998; Lyon, 1999). Subsequently, a battered woman who murders her abuser is better able to defend herself in court than a battered woman charged with failing to protect her child (Midson, 2014).

A multitude of research and literature examines the debate over whether or not exposure to domestic violence constitutes an instance of prosecutable parental neglect and the (at times) temporary relinquishing of parental rights of battered women (Magen, 1999; Edleson, 2004; Nixon, Tutty, Weaver-Dunlop, 2007). Although not within the scope of this study, these arguments further exemplify the role of mother-blaming and introduce the synergistic idea of victim-blaming in failure to protect cases.

Evidence of prior intimate partner violence has often been viewed as an aggravating factor such that the courts hold that a battered woman is aware of her partner's abusive tendencies and therefore conscious that her child may be at risk of being abused (Jacobs, 1998; Fugate, 2001). Terrance, Plumm, and Little (2008) examined the hypothetical effects of domestic violence and severity of child abuse on perceptions of maternal culpability in father perpetrated

physical child abuse. Utilizing a 2x2 factorial design (history of wife abuse: present vs. not-present; severity of child abuse: hospitalization vs. death), participants (n = 126) rated their perceptions of father and mother responsibility after reading one of four vignettes detailing violence perpetrated against a child. Furthermore, they were asked to rate the degree to which the mother should have been able to predict the incident. Overall the father was held highly (and most) responsible, however, mothers were also assigned moderate levels of culpability across conditions. Further, greater maternal culpability was assigned when a history of domestic abuse was present, as were perceptions of the mother's ability to predict the abuse; this effect was particularly true for male participants. However, perceived maternal predictability and responsibility were mitigated when the abuse resulted in the death of her child.

This highlights the common but misguided question: "why didn't she leave?" These laws presuppose that the "good" mother will do everything in her power to protect her children, even at the risk of her own safety (Risley-Curtis & Hefferman, 2003; Miccio, 1995). Despite studies that suggest that, on average, battered women attempt to leave their partner five to seven times before they are successfully out of the relationship (Ferraro, 1997), and that violence, in fact, increases when mothers leave the home (Davis & Srinivasan, 1995; Mahoney, 1991; Bancroft & Silverman, 2004), mothers who fail to remove their children from violent homes are considered deviant and unfit (Jacobs, 1998, Weisz & Wiersma, 2011). In a public opinion survey, Weisz and Wiersma (2011) solicited attitudes of 630 Michigan residents regarding intimate partner violence via telephone and online surveys. While 95% of participants believed that domestic violence victims who sought outside help should not have their children removed from the home, 62% of respondents believed that a mother was neglectful to her child(ren) if she was victimized more than once and did not immediately find a way to stop the violence.

The determination that the “good” mother leaves her abuser and that the “bad” mother stays and is neglectful, has led to the termination of parental rights, criminal convictions, and in effect, makes domestic violence victims indistinguishable from the perpetrators (Kopels & Sheridan, 2002; Magen, 1999). The crime becomes defined not in terms of the abuser’s actions, but in what the mother failed to do (Miccio, 1995). The dearth of empirical research addressing these laws begs the question, do defendant sex *and* presence of domestic violence influence juror perception of defendant culpability in failure to protect cases?

## CURRENT STUDY

While some psychological research and theory addresses maternal blame in cases of sexual abuse perpetrated by a third party (Jacobs, 1990; Kalichman, 1992; Kalichman, Craig & Follingstad, 1988, 1990) there is a little research examining parental blame in physical abuse perpetrated by a third party. To the author's knowledge, this is the first study to address perceptions about parental blame (be it maternal or paternal) in a case of failure to protect a child from a third party offender. Previous research has often focused exclusively on perceptions of maternal blame while manipulating the presence of intimate partner violence. Subsequently, utilizing a 2 (male vs. female defendant) x 2 (presence of intimate partner violence vs. none) design, the primary aims of this study were threefold. First, the research examined the extent to which defendant sex influences juror perceptions of parental culpability in the murder of their child by their romantic partner. Secondly, this study examined the extent to which a history of intimate partner violence impacts the attribution of culpability. Consistent with the "selective chivalry" theory and previous research on "mother blaming," it was hypothesized that female defendants would be treated more punitively by mock jurors, as measured by a higher likelihood of being convicted and receiving a harsher sentence, than male defendants. Similarly, it was hypothesized that the presence of domestic violence would impact sentencing such that victims would be sentenced more harshly than nonvictims. Given the lack of empirical research on the influence of intimate partner violence on juror perceptions in failure to protect cases (particularly when varying sex), these hypotheses were based on psychological theory and cases outlined in the legal literature.

A third aim of this study was to investigate how jurors' attitudes toward gender roles influence decision making. Gender roles refer to behaviors in which a particular gender is expected to engage, often creating gender-typed characteristics and social roles for which men and women are best suited (Wood & Eagly, 2002; Ruble & Martin, 1998). Accordingly, it was hypothesized that participants who endorsed more traditional attitudes toward gender roles, would be more likely to convict, find more responsible, and sentence more harshly a female defendant in a case of failure to protect than a male defendant accused of the same crime. Additionally, it was hypothesized that this relationship would be moderated by the presence of domestic violence, such that this effect would be strongest for the battered female defendant. Finally, it was hypothesized that participants would perceive the battered male defendant who fails to protect his child as a salient example of breaking a gender norm and therefore would also view and sentence him harshly.

## METHOD

### *Participants*

Participants were recruited through Amazon Mechanical Turk (MTurk; <http://www.mturk.com>). MTurk is a relatively new “marketplace” that allows an individual to participate in research studies and complete computerized tasks from a remote location. Various studies have evaluated the representativeness and generalizability of the MTurk population with favorable results (Berinsky, Huber, & Lenz, 2012; Buhrmester, Kwang, and Gosling, 2011; Paolacci, Chandler, & Ipeirotis, 2010).

The initial sample consisted of 451 participants. One individual was excluded for failing to render a verdict, 2 participants incorrectly answered a question designed to assess their comprehension of the facts of the case, and 120 participants were excluded for failing to answer the manipulation questions correctly. One participant opted to have their responses erased after debriefing. Lastly, three individuals scored three or more standard deviations above the mean ( $M = 5.07$ ,  $SD = 3.31$ ) on the Impression Management subscale of the BIDR suggesting that they intentionally attempted to present themselves in a favorable light; as a result their data cannot be considered valid and they were excluded from study analyses. The final sample ( $n = 320$ ) was comprised of 169 females (52.8%), 150 males (46.9%) and one individual who identified as transgender, ranging in ages from 19 to 72 years old ( $M = 36.03$  years,  $SD = 11.86$  years). The sample identified primarily as Caucasian (86.8%), followed by Hispanic/Latino/Spanish origin (8.5%), Black/African American (6.3%), Asian/Asian American (4.1%), Native American/Alaskan (0.9%) and 1.9% of the sample identified as another race. The sample largely

identified as straight, having an undergraduate degree, having no religious affiliation and as democrats (see Tables 1, 2, 3 & 4).

A small portion of the sample reported having been involved in an abusive relationship (19%), while 60.6% of participants reported knowing someone who has been involved in an abusive relationship. The sample consisted of nearly half parents (43.4%) and non-parents (56.6%) and only approximately a quarter of those parents had children under the age of 18 (29.1%).

### ***Materials***

*Demographic Questionnaire:* Participants were asked to complete a basic demographic questionnaire inquiring about their age, race, ethnicity, gender, sexual orientation and education level. In addition, participants were asked whether or not they have children and if they live with their children as well as whether or not they have had any experience in an abusive relationship (i.e., verbal, emotional, physical or sexual abuse).

*Case Summaries:* Participants read instructions from a judge and a case summary that detailed a failure to protect case that is loosely based on the vignette used by Terrance, Plumm, and Little (2008). As described in the case summary, the defendant did not perpetrate any violence against the child nor were they present at the time of the killing; instead their live-in-significant other committed the violence. Following an investigation by the state, the defendant was subsequently charged with Injury to a Child By Omission. According to the prosecutor (as detailed by Fugate, 2001), the defendant had a legal duty to protect the child, had actual or constructive notice of the foreseeability of abuse, and failed to prevent the abuse.

The sex of the defendant was manipulated through gender specific names and gender specific pronouns. The presence/absence of domestic violence was manipulated through

statements made by the defense attorney specifying a history of domestic abuse. Specifically, in conditions where the defendant was the victim of domestic abuse, evidence was presented that the defendant's partner had a documented history of abusing the defendant. "No domestic violence" conditions did not include this information.

*Dependent Measures:* Dependent measures assessed a variety of perceptions about the presented scenario. Participants indicated whether or not they believed the defendant to be guilty (given a dichotomous choice between guilty or not guilty). Participants also rated the degree to which they believed the defendant was guilty/not guilty through percentage scales (0% to 100%) with endpoints defined by the nature of the question (e.g. not at all guilty – very guilty). Regardless of their responses to the ultimate legal outcome question, participants provided with a range of the minimum and maximum prison sentence for the crime based on Texas Penal Code § 22.04, and were asked to recommend a sentence.

Next, participants rated the degree to which they perceived the abuser and defendant as culpable. Culpability was based on the rating of three items summed and averaged: (1) how much they blamed the defendant for the crime, (2) how responsible they believed the individual to be, and (3) the degree to which the individual should be held criminally responsible.

Consistent with Terrance, Plumm and Little (2008), responses were measured via 6-point Likert-type scales, with endpoints defined by the nature of the question (e.g., completely responsible – not at all responsible) or extent of participant endorsement (e.g., completely agree – completely disagree).

Additionally, participants rated the degree to which the defendant should have foreseen the incident (predictability). Predictability was measured via four items that were summed and averaged: (1) the extent to which the defendant should have been aware of the potential harm, (2)

the extent to which the defendant should not have left the child with the abuser, (3) the degree to which they believed the defendant failed to protect their child, and (4) the degree to which they believed the defendant should have been able to prevent the crime. Finally, they were asked to rate how similar they believed the defendant's behavior was to individuals of the same sex; this variable was termed Defendant Gender Typicality.

*Comprehension Questionnaire:* To account for a potential lack in participant motivation or comprehension, participants answered a multiple choice question to assess their basic understanding of the facts of the case.

*Manipulation Check:* To ensure that the independent variables had the intended effect, participants responded to multiple choice questions about the defendant and perpetrator's sex as well as to the presence of domestic violence.

*Social Roles Questionnaire (SRQ):* The Social Roles Questionnaire (Baber & Tucker, 2006) utilizes nondichotomous terms to measure participants' attitudes toward gender roles on a percentage scale (0% = strongly disagree and 100% = strongly agree). The short version of the SRQ consists of 13 items with two subscales, Gender Transcendent and Gender-Linked. The former has five items (e.g., "People should be treated the same regardless of their sex") and taps the participants' understanding of gender dimensionality. The Gender-Linked subscale includes eight items (e.g., "Mothers should work only if necessary") which assess the participants' belief that certain tasks and roles are associated with a certain gender. The SRQ has demonstrated acceptable internal consistency, face, content, convergent, and discriminant validity (Baber & Tucker, 2006). Cronbach's alpha coefficients of .78 and .90 for the Gender Transcendent and Gender-Linked subscales, respectively, were demonstrated in this study. The scale is modestly correlated with previously and widely used measures of gender role attitudes (Attitude Toward

Women Scale: Spence & Helmreich, 1978; Attitudes Towards Marital and Child Rearing Roles Scale: Hoffman & Kloska, 1995), however the SRQ assesses attitudes towards both male and female gender roles. Items for the Gender Transcendent subscale were reverse coded, and scores on each subscale were summed and averaged. Subscale scores range from 0 to 100 with high scores indicating more traditional attitudes toward gender roles.

*Balanced Inventory of Desirable Responding (BIDR)*: The Balanced Inventory of Desirable Responding (BIDR; Paulhus, 1988) is a 40-item instrument that is used to measure two constructs: Self-Deceptive Positivity (the tendency to answer questions that are believed but positively skewed) and Impression Management (deliberate self-presentation to another). It is a measure of defense, such that those who score high on both or either subscale are likely not answering all self-report measures honestly. The BIDR has demonstrated acceptable internal consistency for the total measure, as well as for the Self-Deceptive Positivity and Impression Management subscales (within this study, Cronbach alphas of .68, .68 and .73, respectively). The scale also demonstrated concurrent validity as a measure of socially desirable responding correlating with the Marlowe-Crowne Social Desirability Scale (M-C SDS: Crowne & Marlowe, 1960) and the Multidimensional Social Desirability Inventory (Jacobson, Kellogg, Cauce, & Slavin, 1977),  $r_s = .71$  and  $.80$ , respectively. Respondents rated their level of agreement on a 7 point Likert-scale; extreme responses were counted as one point and summed for an overall measure of social desirable responding.

### ***Procedures***

Participants logged onto their personal MTurk account and selected the study from a list of options on the MTurk website. To provide participants with a brief description of the study the link was accompanied by the sentence, “read a short vignette about a criminal case and answer

questions about your thoughts and opinions.” They were then provided a link which rerouted them to the online platform, Qualtrics, from where they completed the study. Participants were informed that their participation was voluntary and that they could withdraw from the study at any time. After completion of the informed consent process, participants were instructed to complete all of the material in the order in which it was presented.

Participants first completed a basic demographic questionnaire. Next, participants were presented with judge instructions and a case summary that detailed the murder of the defendant’s biological child by their romantic partner. Utilizing a 2 x 2 design, participants were randomly assigned to one of four conditions (female defendant – no domestic violence history; female defendant - domestic violence history; male defendant – no domestic violence history; male defendant – domestic violence history). After reading the instructions and case summary, participants were asked whether or not they believed the defendant to be guilty. Participants were then asked to recommend an appropriate sentence. Participants then responded to attitudinal statements as well as a set of multiple choice questions regarding the presented stimuli.

Finally, participants completed a battery of self-report measures including the Social Roles Questionnaire (SRQ; Baber & Tucker, 2006), and the Balanced Inventory of Desirable Responding (BIDR; Paulhus, 1988).

All participants who completed the study procedures were compensated \$1.00 for their time; it took participants an average of 14 minutes to complete the study procedures. Following completion of the study, participants were debriefed and informed of the full purpose of the study. Once provided that information, participants were given the opportunity to exclude their data from the study. One participant chose to permanently delete their responses from the database.

## RESULTS

To ensure there were no significant differences between the four experimental groups, preliminary analyses were conducted in order to compare groups regarding demographic variables; no significant differences emerged with the exception of participant sexuality and sentencing. This difference was driven by participants who self-described as “other” ( $n = 2$ ). Considering this category consisted of only two participants, there is not adequate power to draw meaningful conclusions from any analyses. Additionally, analyses were conducted to identify potential differences between groups concerning attitudes towards gender roles, as measured by the SRQ, or socially desirable responding, as measured by the Impression Management scale (IM) from the BIDR (see Table 6). Results from two separate one-way analyses of variance for the SRQ total score and IM total score did not significantly differ between groups. However, SRQ total score and IM total score were significantly correlated,  $r = -.12$ ,  $p = .03$ , suggesting that the more a participant engaged in impression management the lower their scores on the SRQ (see Table 5 for all correlations).

### ***Conviction and Sentencing Outcomes***

Regarding verdict, overall 50.6% of participants supported a guilty verdict. Results from a binomial logistic regression demonstrated that condition was a significant predictor of verdict  $X^2(2, 320) = 10.698$ ,  $p < .01$ . Supplemental analyses revealed this effect was driven by the presence of domestic violence,  $b = .740$ , Wald  $\chi^2(1) = 10.471$ ,  $p = .001$ , rather than defendant gender  $b = -.018$ , Wald  $\chi^2(1) = .006$ ,  $p = .937$ , suggesting that participants in conditions where the defendant was a victim of domestic violence were more likely to find the defendant guilty

than those participants in conditions with no history of domestic violence, regardless of defendant gender.

Similarly, participants also rated how guilty they believed the defendant to be on a scale from 0-100. A one-way ANOVA found no significant effect for defendant gender  $F(1, 316) = .097, p = .756$ . However, a significant main effect for presence of domestic violence  $F(1, 316) = 23.31, p < .001$ , emerged. Specifically, participants in conditions with a history of domestic violence rated the defendant more guilty ( $M = 59.09, SD = 33.71$ ) than participants in conditions without a history of domestic violence ( $M = 41.29, SD = 32.41, d = 0.54$ ). The interaction between defendant gender and domestic abuse was not significant  $F(1, 316) = .211, p = .647$ .

Sentencing recommendations ranged from five to 99 years with an overall mean recommendation of 19.25 years ( $SD = 24.55$ ) in prison. Results of a one-way ANOVA revealed no significant effect of defendant gender  $F(1, 157) = .643, p = .424$  or presence of domestic violence  $F(1, 157) = .127, p = .722$ . Further, the interaction of defendant gender and presence of domestic violence was not significant,  $F(1, 157) = 1.497, p = .223$ .

### ***Perpetrator Responsibility, Defendant Responsibility and Defendant Predictability:***

Defendant Responsibility was computed by summing and averaging the following items: (1) how much the participant blamed the defendant for the crime, (2) how responsible the participant believed the defendant to be, and (3) the degree to which the participant believed the defendant should be held criminally responsible. There was a main effect for presence of domestic violence  $F(1, 311) = 14.60, p < .001$ , such that participants in conditions with a history of domestic violence rated the defendant as more responsible for the crime ( $M = 3.59, SD = 1.43$ ) than participants in conditions without a history of domestic violence ( $M = 2.97, SD = 1.40, d =$

0.44). Neither defendant gender  $F(1, 311) = .297, p = .586$ , nor the interaction between defendant gender and domestic violence,  $F(1, 311) = .802, p = .371$ , were significant predictors.

Abuse Perpetrator Responsibility (which measured perceptions about the romantic partner who killed the child) was computed by summing and averaging the following items: (1) how much the participant blamed the abuse perpetrator for the crime, (2) how responsible the participant believed the abuse perpetrator to be, and (3) the degree to which the participant believed abuse perpetrator should be held criminally responsible. Across all conditions, the abuse perpetrator was perceived as highly culpable ( $M = 5.63, SD = 0.77$ ) and experimental condition was not a significant predictor as per nonsignificant results for defendant gender  $F(1, 314) = .770, p = .381$ , presence of domestic violence  $F(1, 314) = 2.65, p = .105$ , and the interaction  $F(1, 314) = .853, p = .357$ .

Defendant Predictability was computed by summing and averaging the following items: (1) the extent to which the defendant should have been aware of the potential harm, (2) the extent to which the defendant should not have left the child with the abuse perpetrator, (3) the degree to which they believed the defendant failed to protect their child, and (4) the degree to which they believed the defendant should have been able to prevent the crime. Results from a one-way ANOVA revealed a main effect for the presence of domestic violence  $F(1, 309) = 20.09, p < .001$ , such that participants in conditions with a history of domestic violence rated the defendant better able to predict, and therefore prevent, the crime ( $M = 4.70, SD = 1.37$ ) than participants in conditions without a history of domestic violence ( $M = 3.98, SD = 1.46, d = 0.51$ ). Neither defendant gender  $F(1, 309) = .005, p = .945$ , nor the interaction  $F(1, 309) = .074, p = .785$ , were significant predictors.

Finally, participants were asked to rate how similar they believed the defendant's behavior was to individuals of the same sex (Defendant Gender Typicality). Results of a one-way ANOVA suggest a main effect for presence of domestic violence  $F(1, 316) = 4.93, p = .027$ , such that participants in conditions with a history of domestic violence ( $M = 2.46, SD = 1.16$ ) rated the defendant as less like members of their respective gender than participants in conditions without a history of domestic violence ( $M = 2.78, SD = 1.39, d = -0.25$ ). Similar to results above, neither defendant gender  $F(1, 316) = .003, p = .953$ , nor the interaction  $F(1, 316) = .048, p = .826$ , were significant predictors.

### ***Effects of Attitudes towards Social Roles:***

To examine the potential impact of traditional views of social roles on decision making, linear regressions were computed for total SRQ scores and each outcome measure to investigate if social roles scores predicted the likelihood of conviction, perceptions of guilt, sentencing severity, Perpetrator Responsibility and Defendant Responsibility and Predictability. Overall, participants endorsed less traditional attitudes towards gender roles ( $M = 43.30, SD = 33.13$ ; see Table 6). Further, SRQ total score was not a significant predictor of ultimate verdict  $\chi^2(1, 312) = .080, p = .777$ . In terms of mock juror perceptions, SRQ total scores were significant predictors of only two outcome measures (see Table 7). SRQ total scores significantly predicted Perpetrator Responsibility ( $\beta = -.004; F(1, 318) = 7.13, p < .01$ ) with SRQ scores accounting for 2.2% of the model variance. In addition, SRQ scores predicted how similar participants believed the defendant's behavior was to individuals of the same sex ( $\beta = .005; F(1, 318) = 5.07, p < .05$ ) with SRQ scores accounting for 1.6% of the model variance.

### ***Influence of Attitudes toward Social Roles***

Next, the relationship between participant attitude toward social roles, experimental condition, and specific dependent variables was explored. Considering there was no significant relationship between experimental condition and Perpetrator Responsibility, no further analyses were explored for this variable.

An Analysis of Covariance (ANCOVA) was run to examine the relationship between the independent variables and Defendant Gender Typicality while controlling for SRQ total scores. Results continued to indicate a main effect for presence of domestic violence  $F(1, 315) = 5.71, p = .017$ , such that participants in conditions with a history of domestic violence ( $M = 2.46, SD = 1.16$ ) rated the defendant less like members of their respective gender than participants in conditions without a history of domestic violence ( $M = 2.78, SD = 1.39, d = -0.25$ ) regardless of SRQ total scores. Again, neither defendant gender  $F(1, 315) = .003, p = .959$ , nor the interaction  $F(1, 315) = .253, p = .615$ , were significant predictors.

## DISCUSSION

The first aim of this study was to understand how a defendant's gender may impact juror decision making in a criminal case of failure to protect a child. Contrary to hypotheses, results from this study suggest no significant differences in mock jurors' ultimate verdicts and perceptions of the defendant as a function of defendant gender. Despite previous case law and psychological theory surrounding "mother blaming," the female defendant in this study was not more likely to be convicted or viewed more negatively by mock jurors. This is particularly interesting when considering that failure to protect statutes have primarily been used to prosecute women (Groisser-Keller, 1991; Panko, 1995; Fugate, 2001). It is possible that these null results reflect a shifting of societal views regarding parenting. Motivated by women's' widespread entry into the labor market, over the last several decades, views regarding the roles of women in family and occupational roles have generally transformed (Doucet, 2015; Gaunt & Bouknik, 2012; McLaughlin & Muldoon, 2014). Evidence of these changing dynamics is present in the rising rate of female "breadwinners" in the family (Wang, Parker & Taylor, 2013). As a consequence, societal expectations of men's roles in the home and in parenting have also changed (McLaughlin & Muldoon, 2014; Ranson, 2012), suggesting that the modern version of the "good father" is one who is actively engaged in caregiving and involved with his children (Ranson, 2012). In light of this shift in paradigm, and the relatively low mean score on SRQ total ( $M = 43.23$ ,  $SD = 33.065$ ), it is possible that these participants had more egalitarian views on parenting and therefore did not hold females more accountable for their responsibility as a parent than their male counterparts.

While outside the scope of this study, it is possible that examining the influence of participant gender might reveal significant differences in conditions. Past research suggests that female mock jurors, compared to male mock jurors, are more punitive in cases involving IPV and sexual assault (Kern, Libkuman, & Temple, 2007; Maeder, Mossiere, & Cheung, 2012; Seelau, Seelau, & Poorman, 2003) and are more sympathetic towards the difficulties experienced by battered women (Terrance & Matheson, 2003; Terrance, Plumm & Little, 2008). Consequently, it is possible that participant gender may interact with defendant gender and result in significant disparities between conditions. However, it is impossible to know the reasoning behind these null results and therefore replication of this study is needed to better understand this outcome.

The second aim of this study was to examine how domestic violence impacts juror decision making. Results of this study suggest that the presence of domestic violence consistently impacted juror decision making and perceptions of the defendant, such that a defendant who was a victim of domestic violence was more likely to be found guilty and viewed more negatively. Particularly disconcerting, while half the sample (50.6%) supported a guilty verdict, participants were 1.03 times more likely to convict the battered defendant than the defendant who was not a victim of IPV; this finding was further supported by significantly higher ratings of guilt attributed to the battered defendant. Not surprisingly, this outcome was driven by the belief that the battered defendant was better able to predict the likelihood of the event occurring and, for that reason, should have prevented the death of their child. This belief, in effect, creates the belief that the abused defendant is more culpable for the death of their child when compared to the defendant who was not abused. These data are consistent with findings reported by Terrance, Plumm and Little (2008), who conclude that evidence of intimate partner

violence is perceived as aggravating factor. More specifically, awareness of a partner's abusive tendencies should (theoretically) prime the parent to the potential risk their child is in while with the abuser. While, in both Terrance, Plumm and Little's (2008) and the current study, the perpetrator was held highly (and most) responsible across conditions, victims were also assigned higher levels of 'culpability' and 'predictability' than non-victims.

This elucidates the commonly held but misinformed myths and stereotypes regarding domestic violence that are pervasive throughout the United States. Such perceptions include: victims are to blame for what happens to them, victims should and could easily leave their abuser if they wanted to, domestic violence is explicitly physical abuse, and only men are abusive and only women are abused (Policastro & Payne, 2013; Russell, Ragatz & Kraus, 2009 Westbrook, 2009). These misconceptions create an atmosphere of "victim blaming" and "victim shaming," positing that the victim is somehow responsible for their victimization based on their behavior prior to, during, and after the abuse (Dunn, 2010; Policastro & Payne, 2013). Such fallacies justify and minimize the seriousness of IPV, decreasing the likelihood that victims will report the abuse or seeking help.

Past research has demonstrated that when the abuser is perceived as having been "provoked" (e.g., if the victim had an affair) the victim is viewed as more responsible for the abuse and the perpetrator is viewed as reactive and less responsible (Haj-Yahia & Schiff, 2007; Harris & Cook, 1994). Similarly, research by Carlson and Worden (2005) found that participants assigned more blame to the victim when the participant perceived the victim as being accepting of the abuse. Associated with the incorrect assumption that a victim can easily leave an abusive relationship, despite research that suggests a multitude of reasons victims do not leave their abusers, such as financial dependence, homelessness, lack of support, lack of police intervention,

and fear of escalated violence (Anderson, Gillig, Sitaker, McCloskey, Malloy, & Grigsby, 2003; Cruz, 2003), those victims who fail to leave are viewed as consenting to the violence and are therefore considered blameworthy and deviant (Carlson & Worden, 2005).

Theorists have suggested that this may be a product of labeling theory insofar the focus shifts from the violent behavior and victimization to how society interprets and defines those particular behaviors (Kurbin, Stucky, & Krohn, 2009, Policastro & Payne, 2013). Lemert (1951) described two types of deviance: primary and secondary deviance. *Primary deviance* is the result of an individual unknowingly violating a social norm and being labeled deviant by the public; the public's labeling of deviance, in effect, cuts the individual off from opportunities and resources, decreases the individual's self-worth, and often causes him/her to internalize this marginalization and alter his/her self-identification to that of a social deviant. On the other hand, *secondary deviance* is deviant behavior that occurs as a direct result of the labeling process and its influence on the victim's sense of self, often perpetuating the deviant behavior (Kubrin et. al., 2009). Thus, by labeling the victim as culpable and aberrant, the victim, without support or resources, internalizes and appropriates the blame. The abused, now saturated in self- and other-blame, remains in the situation exponentially increasing the perception of victim culpability.

Taken together, it is unsurprising that participants would view a victim of domestic violence as more culpable for the death of their child at the hands of a third-party abuser than a non-abused defendant. A child's protection is viewed as one of the most basic and fundamental parental responsibilities (Kantor & Little, 2003), and failure to protect statutes assume that a parent will do everything in their power to protect their children (Risley-Curtis & Hefferman, 2003; Miccio, 1995). Predictably, in this study, participants reported that the battered defendants were less like other members of their respective genders, more blameworthy, and criminally

responsible than nonvictims. They were perceived as having failed to appropriately conform to publicly constructed social norms and, therefore, blameworthy and deviant. Based on past research on victim blaming noted above, in tandem with results from Terrance, Plumm and Little (2008), it seems reasonable to surmise that participants viewed the defendant as responsible for their own abuse, and for that reason, significantly more responsible for the death of their child. Parents who fail to remove their child(ren) from violent homes are thus considered criminal and unfit (Jacobs, 1998, Weisz & Wiersma, 2011). This imposed blame and failure to protect their child overshadows the individual's own victimization, and labels them an offender in their own right (Policastro & Payne, 2013), blurring the lines of liability between abuser and abused (Kopels & Sheridan, 2002; Magen, 1999).

A final aim of this study was to examine how jurors' attitudes regarding gender roles influence decision making in the context of failure to protect cases. It was hypothesized that those who endorsed more traditional views of gender roles would treat women and victims more harshly. Interestingly, gender role attitudes significantly predicted only two outcomes measures: Perpetrator Responsibility and Gender Typicality. Participants with more traditional views of gender roles assigned less guilt to the perpetrator and viewed the defendant as more typical of their respective gender. Despite this association, SRQ total scores did not influence the relationship between experimental condition and any outcome measures. While it is possible that participants guessed what was being measured and therefore altered their responses on the SRQ (which is face valid), in light of the null findings regarding the manipulation of defendant gender, these results remain unsurprising. These data suggest the adverse perceptions of the battered defendant are a product of something other than gender role attitudes. The SRQ, which measures perceptions of gender dimensionality and gender specific tasks and roles, likely does

not tap views of broader social norms. Thus, as posited in labeling theory, it is possible that participants believed the battered defendant violated a broader societal norm (i.e., failing as a parent, staying with an abusive partner) as opposed to a gender-specific norm.

## IMPLICATIONS

While a host of literature addresses failure to protect laws there is a dearth of empirical research. Numerous law review articles have addressed the controversial application of this law, and many psychological studies examine the effects of witnessing domestic violence on children; however, this is the first study that examines juror perceptions of mothers and fathers within this context. Taken together, these data suggest that lawmakers, the criminal justice system and its players must be aware that juror perceptions of victims of IPV may impact their decision making in legal cases of failure to protect their children. These beliefs, in fact, appear to be so damaging that they not only impact perceptions of the defendant but also appear to affect ultimate verdict.

Failure to protect statutes help to hold parents accountable and make “passive parenting,” (parents who refuse to acknowledge, report, or intervene on behalf of their child(ren) who is being abused) illegal (Fahn, 1991). One of the fundamental jobs of a parent is to protect their child(ren) - in fact this job is an affirmative legal duty in all 50 states (Enos, 1996). However, the waters are muddied when the parent is expected to protect their child(ren) from their own abuser, particularly when seeking help often results in provoking more severe violence from the abusive partner, the relinquishing of parental rights, and further marginalization (Bancroft & Silverman, 2004, Davis & Srinivasan, 1995; Edleson, 2004; Magen, 1999; Mahoney, 1991; Nixon, Tutty, Weaver-Dunlop, 2007). Pervasive misconceptions about IPV engender an atmosphere of “victim blaming” so deeply engrained that failure to protect statutes appear primed to prosecute victims of IPV as opposed to those who sit idly by, unharmed, but still unwilling to protect their child(ren).

The law, which is affected by, and in turn, affects societal norms and beliefs gives lawmakers, prosecutors, and advocates the ability to affect societal change and create laws that protect children as well as victims. Some states have enacted statutory affirmative defenses to prosecution for failure to protect<sup>2</sup>, which allows a defendant to show that he/she had “reasonable apprehension that acting to stop or prevent the neglect or endangerment would result in substantial bodily harm to the defendant or the child in retaliation” (see Minnesota Statute § 609.378). However, many are narrowly defined and applied (Enos, 1996; Raeder, 2014). In fact only one state (see Iowa Code § 726.6) explicitly allows for this defense in the face of “continued” abuse. These data suggest the need for nationwide statutory affirmative defense clauses in order to better protect victims of IPV and their children. Furthermore, these data suggest previously held judgments prohibiting IPV evidence in failure to protect cases as a means to negate *mens rea* (see *Brewington v. State*, 2012), are ill-conceived and perpetuate “victim blaming.” Interventions that target specific intergroup or micro-level attitudes do so by increasing knowledge, awareness, and understanding via the dissemination of the information (i.e. Dessel, 2010; Nagda, Gurin, Sorensen, & Zuniga, 2009). As a result, it is possible that more exposure to and increased knowledge of the truths of IPV (i.e., the difficulties victims face in leaving their abusers and the established correlation between IPV and child abuse) may increase public sensitivity to and understanding of IPV victims. This may then result in increased prevention and intervention in the community and decreased prosecution and conviction of victims in the legal system.

Most surprisingly data suggest no differences in perceptions of men and women in failure to protect cases. Coupled with shifting views of gender roles (Doucet, 2015; Gaunt, & Bouknik,

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<sup>2</sup> Arkansas, Hawaii, Iowa, Minnesota, Ohio, Oklahoma, South Dakota and Texas all provide permit affirmative defenses.

2012; McLaughlin & Muldoon, 2014), data imply that it is possible men may face increased rates of prosecution for failure to protect their child. Further the era of “mother blaming” may be retreating in the rearview mirror as fathers seemingly become more culpable in family life. However, objects in the mirror are closer than they appear. While there has undoubtedly been changes in views on gender roles with increased rejection of traditional gender ideology nationwide (Kaufman, Bernhardt, & Goldscheider, 2016; Scott, 2006) gendered construction of domestic roles remain largely intransigent to change (McLaughlin, Muldoon, & Moutray, 2010). For example, while fathers are spending more time caring for their children and involved in child rearing, they do so at a consistently lower rate than that of mothers (Craig, 2006) and are less likely to adjust their working conditions to aid in family life (Laurijssen & Glorieux, 2013). Further, research suggest that traditional views of men as “breadwinners” and women as primary caregivers in family life continue to prevail (Gershuny, Bittman & Brice, 2005; Zuo, 2004). In fact, several studies suggest that men and women who violate these gender norms are often viewed less favorably than their gender role conforming counterparts (Brescoll & Uhlmann, 2005; Coleman & Franiuk, 2011). In tandem with, or possibly because of, a society where women still make 79 cents on the dollar in comparison to men, falling into gendered roles of provider and nurturer remain pervasive. Termed “the stalled revolution” or “incomplete revolution,” it remains clear that the move toward gender equality has been uneven with home and parenting responsibilities disproportionately distributed along gendered lines (England, 2010; Kaufman, Bernhardt, & Goldscheider, 2016; McLaughlin & Muldoon, 2014). While the law reflects, and at times even facilitates, societal norms and change, the law rarely initiates it; laws tend to follow and emulate the majority and dominant opinions of society likening the law to a mirror, not a catalyst, for social change (Fineman, 1990). Subsequently, changes in the

disparate prosecution of women and “mother blaming,” as it pertains to failure to protect laws, are likely hopes for the distant future. Thus, further research is necessary not only to better understand the influence of gender in failure to protect cases (for mock jurors, judges, and prosecutors), but also to understand more general societal views of gender and parenting.

Despite these null findings, the reality remains that failure to protect statutes primarily, in their application, target and prosecute women, and more specifically, battered women (Miccio, 1995; Magen, 1999; Dunlap, 2004). According to the most recent congressionally mandated national study of child abuse, men perpetrate 59% of serious or fatal cases of physical abuse of children, while women perpetrate 34% (Hartge, Basena, Cober, Klein, & Sedlak, 2010). Further, approximately one in four women will experience serious physical harm at the hands of an intimate partner in their lifetime (Black, Basile, Breiding, Smith, Walters, Merrick, Chen, & Stevens, 2011). As a result, recent legislative and legal initiatives have primarily focused on battling and preventing violence against children, such as the CAPTA Reauthorization Act of 2010, and violence against women, such as President Obama’s 2013 reauthorization of the Violence Against Women Act. Since some estimates suggest 45 to 70% of children growing up in a home with domestic violence are likely to become victims as well (Dunlap, 2004; Magen, 1999; Stark, 1995), one might conclude that these two protective avenues would benefit from collaboration; however, they primarily remain mutually exclusive and at times, combative. Data from this study suggests that providing adequate resources and support for victims of IPV may, in turn, decrease child abuse. Educating social workers and other related employees within the child protective and women advocacy agencies about the synergism of child and mother abuse may diminish an environment of “mother blaming,” and therefore encourage collaborative efforts between state agencies to assist battered mothers and abused children.

## LIMITATIONS AND FUTURE DIRECTIONS

While these data provide useful information about how a juror may perceive defendants in cases of failure to protect, the results of this study should be considered in the context of the study limitations. First and foremost, this research is the first to examine mock juror perceptions of defendant gender *and* presence of domestic violence in a case of failing to protect a child. As such the experimental design is rather rudimentary. While researchers commonly use simplistic designs as a prerequisite to better understand the many intricacies of juror decision making (Bornstein, 1999), these findings would benefit from replication studies to reaffirm, or refute, these findings across several samples.

Further, mock jury research, by its very nature, is an inherent limitation of this study. Serving on a jury elicits cognitive and emotional investment that simply cannot be replicated in mock jury research (Diamond, 1977). While the use of vignettes in mock jury research is well established and increases internal validity (Kristiansen & Giulietti, 1990; Mook, 1983), participants miss out on evidence and information that would be available to jurors in an actual case. Further, this study did not include a deliberations activity decreasing the ecological validity of the data. Future research may explore participant perceptions and decision making in simulated mock trials allowing for exposure to the entirety of a trial and/or juror deliberation and increasing ecological validity of the study.

Lastly, while the current sample is more representative than samples of convenience (i.e. college students), it is still not entirely representative of the United States population or those likely to serve on jury duty. This sample was primarily, well-educated, non-religious and

identified as politically liberal. Although this demographic makeup is consistent with MTurk populations reported in other studies, the current sample is younger, more educated, less religious and more politically liberal compared to the general population (Berinsky, Huber, & Lenz, 2012; Paolacci and Chandler, 2014; Shapiro, Chandler, & Mueller, 2013). Thus it is possible that data from this study is not generalizable to a population more comparable to the general, jury eligible public. Future research is necessary to understand how these data may replicate with several (and hopefully more diverse) samples.

Future research may also explore different demographic avenues. One such avenue is the potential impact of participant gender. Previous mock juror research has suggested that participant gender is a significant predictor of outcome measures, suggesting that female participants are more punitive in cases involving IPV and sexual assault (Kern, Libkuman, & Temple, 2007; Maeder, Mossiere, & Cheung, 2012; Seelau, Seelau, & Poorman, 2003). Further, a better understanding of the influence of participant proximity to IPV on decision making in a case of failure to protect is necessary. Potential jurors who have been involved in an abusive relationship or know someone who has been abused may differ in their perceptions of the defendant than those who have no prior exposure to IPV.

Finally, further research may also explore jurors' perception of IPV in general. In light of the findings that victim status was the sole predictor of juror perceptions and legal decision making, assessing an individual's understanding about the adverse effects of IPV and possible "victim blaming" aligned views of IPV, may help elucidate the driving force behind this outcome. Similarly, it may be interesting to examine whether presenting information about the difficulties victims face when in an abusive relationship impacts jurors' decision making.

Individuals educated about the common misconceptions of IPV may perceive defendants differently than those not given that information.

## CONCLUSION

In summary, data from this study suggests that a history of domestic violence, not defendant gender, impacts mock juror's legal decision making and perceptions of the defendant in a case of failure to protect. In comparison to non-victims, victims were more likely to be found guilty and were perceived as more culpable and better able to predict/prevent the violent incident perpetrated against their child. In addition, attitudes towards gender roles did not influence the relationship between condition and decision making, suggesting that something else may be at play. The reality remains that these laws are disproportionately used to prosecute women, and these results lend support to the idea that they specifically target female victims of IPV. Further research is needed to affirm or disconfirm these findings.

Table 1.

*MTurk Sample Sexual Orientation.*

Sexual Orientation	Frequency	Percent
Straight	283	87.6
Bisexual	26	8.1
Gay/Lesbian	10	3.1
Other	2	.6

Note. N = 321. Data missing from two participants.

Table 2.

*MTurk Sample Level of Education.*

Education Completed	Frequency	Percent
College Graduate	141	43.7
Some College	108	33.4
High School Graduate	29	9.0
Master's Degree	28	8.7
Trade/Technical/Vocational Training	10	3.1
Doctoral Degree	5	1.5
Some High School	2	.6

N = 3232

Table 3.

*MTurk Sample Religious Beliefs.*

Religion	Frequency	Percent
None	181	56.0
Protestant	62	19.2
Catholic	44	13.6
Other	30	9.3
Jewish	4	1.2
Muslim	2	.6

N = 323

Table 4.

*MTurk Sample Political Affiliation.*

Political Affiliation	Frequency	Percent
Democrat	151	46.7
Independent	84	26.0
Republican	55	17.0
None	16	5.0
Libertarian	13	4.0
Green Party	4	1.2

N = 323

Table 5.

*Pearson Correlation Matrix.*

Variable	1	2	3	4	5	6	7	8	9
1 SRQ Total Score	--								
2 IM Total Score	-.12*	--							
3 Verdict	.01	-.09	--						
4 Guilt	.04	-.06	.80**	--					
5 Sentencing	.06	.01	.23**	.31**	--				
6 Defendant Responsibility	.07	-.03	.75**	.86**	.38**	--			
7 Defendant Predictability	-.01	-.02	.75**	.79**	.26**	.80**	--		
8 Defendant Gender Typicality	.13*	.05	-.33**	-.31**	-.13**	-.30**	-.34**	--	
9 Perpetrator Responsibility	-.15**	.05	-.08	-.091	-.15**	-.06	-.02	.09	--

*Note.* \* indicates significance at the  $p < .05$  level. \*\* indicates significance at the  $p < .01$  level.

Table 6.

*Means and Standard Deviations for Total SRQ Scores*

<b>Variable</b>	<b>Total Sample</b>		<b>Female Participants</b>		<b>Male Participants</b>	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
<b>SRQ Total</b>	43.30	33.13	37.32	31.54	49.91	33.68

Table 7.

*Summary of Regression Analysis for SRQ Total Scores*

<b>Variable</b>	<b>B</b>	<b>SE</b>	<b><math>\beta</math></b>	<b><i>t</i></b>	<b>Sig. (<i>p</i>)</b>
<b>Guilt</b>	.044	.058	.043	.768	.443
<b>Sentencing</b>	.037	.037	.057	1.021	.308
<b>Perpetrator Responsibility</b>	-.004	.001	-.148	-2.670	.008**
<b>Defendant Responsibility</b>	.003	.002	.065	1.165	.245
<b>Defendant Predictability</b>	-.001	.002	-.012	-.219	.827
<b>Defendant Gender Typicality</b>	.005	.002	.125	2.252	.025*

*Note.* \* indicates significance at the  $p < .05$  level. \*\* indicates significance at the  $p < .01$  level.

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## APPENDICES

### Male Perpetrator/Female Abused Defendant

#### Judge's Preliminary Instructions:

Good morning. We are ready to begin the next stage of the legal process. I want to give you some brief opening instructions. My function as Judge is to make the legal rulings and to instruct you on the law. Your function is different, but you are equally judges; judges of the facts, the sole and exclusive judges of the facts. It's your duty to base your judgment on the evidence, or lack thereof, in the case. You are to evaluate the credibility and weigh the evidence. Under our legal system, the prosecution has the burden of proving the crime beyond a reasonable doubt. Keep an open mind while hearing the evidence; don't form opinions or conclusions with respect to the guilt or non-guilt of the defendant, except to continue to presume her innocent.

#### Case Information:

On January 15, 2016, Ms. Erin Lawrence was arrested and charged with Injury to a Child By Omission, a First Degree felony. Felonies are classified based on their severity. Below is a list of felony classifications, beginning with the most severe and continuing to the least severe:

- "Capital felonies"
- "First Degree"
- "Second Degree"
- "Third Degree"
- "State Jail felonies"

According to this statute, a person is guilty of injury to a child by omission if that individual:

- A. Commits an offense if "s/he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child:
  - (1) serious bodily injury;
  - (2) serious mental deficiency, impairment, or injury; or
  - (3) bodily injury...
- B. An omission that causes a condition described by Subsection (a)(1), (2), or (3) is conduct constituting an offense under this section if:
  - (1) the actor has a legal or statutory duty to act; or
  - (2) the actor has assumed care, custody, or control of a child.

Below are details of the case.

On January 5, 2016 two police officers responded to a 911 emergency telephone call made by a Ms. Charlotte Smith. Police arrived at the home to find a five-year-old boy, identified as Ms. Smith's grandson, Christopher, in distress. Christopher was transported to a nearby hospital where doctors determined that he was suffering from severe head injuries and had sustained severe bruising and cuts on his face and arms. The boy was placed on life support equipment. Christopher's condition did not improve, and tests of his brain functioning indicated that he was brain dead. Life support was subsequently discontinued.

Charlotte Smith reportedly stopped in to her daughter's, Ms. Erin Lawrence, home for a visit. Informed by her daughter's live-in-boyfriend, Mr. Sean Brown, that her daughter had gone out grocery shopping Ms. Smith asked to see Christopher. Told that he was sleeping, Ms. Smith reportedly smelled alcohol on Mr. Brown's breath and insisted that she be able to check on him. Upon entering his bedroom she saw Christopher lying in bed, immediately knew something was wrong, and called 911.

Despite claims of innocence, Sean Brown was found guilty of manslaughter for the death of his girlfriend's son. The case is currently in the sentencing phase. Reports from the medical examiner's office indicated that hairs, forcibly removed from Christopher's head, were found on Mr. Brown's clothing and that Mr. Brown had fresh bruises on his hand. Ms. Lawrence testified in the case and stated that Mr. Brown had, on several occasions, hit her with his hands, choked her, and banged her head against the wall. Further, police confirmed that they had previously been called to the couple's home due to reported domestic violence, and that Mr. Brown had been arrested on numerous occasions for assaulting Ms. Lawrence.

Police reports indicate that Ms. Lawrence had gone out grocery shopping, and was not home at the time of the assault against Christopher, but that she had left him in the care of Mr. Brown. One neighbor testified that "I knew it was just a matter of time...the police were constantly here to intervene in domestic disputes between the couple."

**Judge's Instructions:**

You are to think as if you are a juror on Ms. Lawrence's case. Remember, she has been charged with Injury to a Child By Omission. It is your job to determine what the verdict should be in her case. Even though you may want additional details regarding this case, specific questions regarding the case history or testimony will not be answered. Like all jurors, you must rely on the information you have been presented to reach your decision.

## **Male Perpetrator/Female Non-Abused Defendant**

### **Judge's Preliminary Instructions:**

Good morning. We are ready to begin the next stage of the legal process. I want to give you some brief opening instructions. My function as Judge is to make the legal rulings and to instruct you on the law. Your function is different, but you are equally judges; judges of the facts, the sole and exclusive judges of the facts. It's your duty to base your judgment on the evidence, or lack thereof, in the case. You are to evaluate the credibility and weigh the evidence. Under our legal system, the prosecution has the burden of proving the crime beyond a reasonable doubt. Keep an open mind while hearing the evidence; don't form opinions or conclusions with respect to the guilt or non-guilt of the defendant, except to continue to presume her innocent.

### **Case Information:**

On January 15, 2016, Ms. Erin Lawrence was arrested and charged with Injury to a Child By Omission, a First Degree felony. Felonies are classified based on their severity. Below is a list of felony classifications, beginning with the most severe and continuing to the least severe:

- "Capital felonies"
- "First Degree"
- "Second Degree"
- "Third Degree"
- "State Jail felonies"

According to this statute, a person is guilty of injury to a child by omission if that individual:

- C. Commits an offense if "s/he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child:
  - (1) serious bodily injury;
  - (2) serious mental deficiency, impairment, or injury; or
  - (3) bodily injury...
- D. An omission that causes a condition described by Subsection (a)(1), (2), or (3) is conduct constituting an offense under this section if:
  - (1) the actor has a legal or statutory duty to act; or
  - (2) the actor has assumed care, custody, or control of a child.

Below are details of the case.

On January 5, 2016 two police officers responded to a 911 emergency telephone call made by a Ms. Charlotte Smith. Police arrived at the home to find a five-year-old boy, identified as Ms. Smith's grandson, Christopher, in distress. Christopher was transported to a nearby hospital where doctors determined that he was suffering from severe head injuries and had sustained severe bruising and cuts on his face and arms. The boy was placed on life support equipment. Christopher's condition did not improve, and tests of his brain functioning indicated that he was brain dead. Life support was subsequently discontinued.

Charlotte Smith reportedly stopped in to her daughter's, Ms. Erin Lawrence, home for a visit. Informed by her daughter's live-in-boyfriend, Mr. Sean Brown, that her daughter had gone out grocery shopping Ms. Smith asked to see Christopher. Told that he was sleeping, Ms. Smith reportedly smelled alcohol on Mr. Brown's breath and insisted that she be able to check on him. Upon entering his bedroom she saw Christopher lying in bed, immediately knew something was wrong, and called 911.

Despite claims of innocence, Sean Brown was found guilty of manslaughter for the death of his girlfriend's son. The case is currently in the sentencing phase. Reports from the medical examiner's office indicated that hairs, forcibly removed from Christopher's head, were found on Mr. Brown's clothing and that Mr. Brown had fresh bruises on his hand.

Police reports indicate that Ms. Lawrence had gone out grocery shopping, and was not home at the time of the assault against Christopher, but that she had left him in the care of Mr. Brown

**Judge's Instructions:**

You are to think as if you are a juror on Ms. Lawrence's case. Remember, she has been charged with Injury to a Child By Omission. It is your job to determine what the verdict should be in her case. Even though you may want additional details regarding this case, specific questions regarding the case history or testimony will not be answered. Like all jurors, you must rely on the information you have been presented to reach your decision.

## Female Perpetrator/Male Abused Defendant

### Judge's Preliminary Instructions:

Good morning. We are ready to begin the next stage of the legal process. I want to give you some brief opening instructions. My function as Judge is to make the legal rulings and to instruct you on the law. Your function is different, but you are equally judges; judges of the facts, the sole and exclusive judges of the facts. It's your duty to base your judgment on the evidence, or lack thereof, in the case. You are to evaluate the credibility and weigh the evidence. Under our legal system, the prosecution has the burden of proving the crime beyond a reasonable doubt. Keep an open mind while hearing the evidence; don't form opinions or conclusions with respect to the guilt or non-guilt of the defendant, except to continue to presume him innocent.

### Case Information:

On January 15, 2016, Mr. Erik Lawrence was arrested and charged with Injury to a Child By Omission, a First Degree felony. Felonies are classified based on their severity. Below is a list of felony classifications, beginning with the most severe and continuing to the least severe:

- "Capital felonies"
- "First Degree"
- "Second Degree"
- "Third Degree"
- "State Jail felonies"

According to this statute, a person is guilty of injury to a child by omission if that individual:

- E. Commits an offense if "s/he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child:
  - (1) serious bodily injury;
  - (2) serious mental deficiency, impairment, or injury; or
  - (3) bodily injury...
- F. An omission that causes a condition described by Subsection (a)(1), (2), or (3) is conduct constituting an offense under this section if:
  - (1) the actor has a legal or statutory duty to act; or
  - (2) the actor has assumed care, custody, or control of a child.

Below are details of the case.

On January 5, 2016 two police officers responded to a 911 emergency telephone call made by a Ms. Charlotte Smith. Police arrived at the home to find a five-year-old boy, identified as Ms. Smith's grandson, Christopher, in distress. Christopher was transported to a nearby hospital where doctors determined that he was suffering from severe head injuries and had sustained severe bruising and cuts on his face and arms. The boy was placed on life support equipment. Christopher's condition did not improve, and tests of his brain functioning indicated that he was brain dead. Life support was subsequently discontinued.

Charlotte Smith reportedly stopped in to her son's, Mr. Erik Lawrence, home for a visit. Informed by her son's live-in-girlfriend, Ms. Samantha Brown, that her son had gone out grocery shopping Ms. Smith

asked to see Christopher. Told that he was sleeping, Ms. Smith reportedly smelled alcohol on Ms. Brown's breath and insisted that she be able to check on him. Upon entering his bedroom she saw Christopher lying in bed, immediately knew something was wrong, and called 911.

Despite claims of innocence, Samantha Brown was found guilty of manslaughter for the death of her boyfriend's son. The case is currently in the sentencing phase. Reports from the medical examiner's office indicated that hairs, forcibly removed from Christopher's head, were found on Ms. Brown's clothing and that Ms. Brown had fresh bruises on his hand. Mr. Lawrence testified in the case and stated that Ms. Brown had, on several occasions, hit him with her hands, choked him, and banged his head against the wall. Further, police confirmed that they had previously been called to the couple's home due to reported domestic violence, and that Ms. Brown had been arrested on numerous occasions for assaulting Mr. Lawrence.

Police reports indicate that Mr. Lawrence had gone out grocery shopping, and was not home at the time of the assault against Christopher, but that he had left him in the care of Ms. Brown. One neighbor testified that "I knew it was just a matter of time...the police were constantly here to intervene in domestic disputes between the couple."

**Judge's Instructions:**

You are to think as if you are a juror on Mr. Lawrence's case. Remember, he has been charged with Injury to a Child By Omission. It is your job to determine what the verdict should be in his case. Even though you may want additional details regarding this case, specific questions regarding the case history or testimony will not be answered. Like all jurors, you must rely on the information you have been presented to reach your decision.

## Female Perpetrator/Male Non-Abused Defendant

### Judge's Preliminary Instructions:

Good morning. We are ready to begin the next stage of the legal process. I want to give you some brief opening instructions. My function as Judge is to make the legal rulings and to instruct you on the law. Your function is different, but you are equally judges; judges of the facts, the sole and exclusive judges of the facts. It's your duty to base your judgment on the evidence, or lack thereof, in the case. You are to evaluate the credibility and weigh the evidence. Under our legal system, the prosecution has the burden of proving the crime beyond a reasonable doubt. Keep an open mind while hearing the evidence; don't form opinions or conclusions with respect to the guilt or non-guilt of the defendant, except to continue to presume him innocent.

### Case Information:

On January 15, 2016, Mr. Erik Lawrence was arrested and charged with Injury to a Child By Omission, a First Degree felony. Felonies are classified based on their severity. Below is a list of felony classifications, beginning with the most severe and continuing to the least severe:

- "Capital felonies"
- "First Degree"
- "Second Degree"
- "Third Degree"
- "State Jail felonies"

According to this statute, a person is guilty of injury to a child by omission if that individual:

- G. Commits an offense if "s/he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child:
  - (1) serious bodily injury;
  - (2) serious mental deficiency, impairment, or injury; or
  - (3) bodily injury...
- H. An omission that causes a condition described by Subsection (a)(1), (2), or (3) is conduct constituting an offense under this section if:
  - (1) the actor has a legal or statutory duty to act; or
  - (2) the actor has assumed care, custody, or control of a child.

Below are details of the case.

On January 5, 2016 two police officers responded to a 911 emergency telephone call made by a Ms. Charlotte Smith. Police arrived at the home to find a five-year-old boy, identified as Ms. Smith's grandson, Christopher, in distress. Christopher was transported to a nearby hospital where doctors determined that he was suffering from severe head injuries and had sustained severe bruising and cuts on his face and arms. The boy was placed on life support equipment. Christopher's condition did not improve, and tests of his brain functioning indicated that he was brain dead. Life support was subsequently discontinued.

Charlotte Smith reportedly stopped in to her son's, Mr. Erik Lawrence, home for a visit. Informed by her son's live-in-girlfriend, Ms. Samantha Brown, that her son had gone out grocery shopping Ms. Smith

asked to see Christopher. Told that he was sleeping, Ms. Smith reportedly smelled alcohol on Ms. Brown's breath and insisted that she be able to check on him. Upon entering his bedroom she saw Christopher lying in bed, immediately knew something was wrong, and called 911.

Despite claims of innocence, Samantha Brown was found guilty of manslaughter for the death of her boyfriend's son. The case is currently in the sentencing phase. Reports from the medical examiner's office indicated that hairs, forcibly removed from Christopher's head, were found on Ms. Brown's clothing and that Ms. Brown had fresh bruises on his hand.

Police reports indicate that Mr. Lawrence had gone out grocery shopping, and was not home at the time of the assault against Christopher, but that he had left him in the care of Ms. Brown.

**Judge's Instructions:**

You are to think as if you are a juror on Mr. Lawrence's case. Remember, he has been charged with Injury to a Child By Omission. It is your job to determine what the verdict should be in his case. Even though you may want additional details regarding this case, specific questions regarding the case history or testimony will not be answered. Like all jurors, you must rely on the information you have been presented to reach your decision.

## Demographics

Please enter your current age in the space provided below.

\_\_\_\_ Years

What is your gender?

Male

Female

Transgender

Other

What is your sexual orientation?

Straight

Gay/Lesbian

Bisexual

Other

What do you identify as your racial background?

Black/African American

White/Caucasian

Asian/Asian American

Native American/Alaskan Native

Other

Are you of Hispanic, Latino, or Spanish origin?

Yes

No

What is the highest level of education you have completed?

Some High School

High School Graduate

Some College

Trade/Technical/Vocational Training

College Graduate

Master's Degree

Doctoral Degree

What do you identify was your religious affiliation (if any)?

Protestant

Catholic

Jewish

Muslim

Hindu

None

Other

What do you identify as your political affiliation (if any)?

Democrat

Republican

Independent

Libertarian

Green Party

None

Other

Approximately, what is your total annual household income?

\$0-\$20,000

\$20,001-\$40,000

\$40,001-\$60,000

\$60,001-\$80,000

\$80,001-\$100,000

\$100,000-\$200,000

\$200,000 or more

Have you been involved in an abusive relationship (physical, verbal or emotional)?

Yes

No

Have you ever known anyone who has been involved in an abusive relationship?

Yes

No

Do you have any children?

Yes

No

Are you the primary caregiver for any children (under 18 years)?

Yes

No

Case Evaluation Form

(Female Defendant)

Considering the evidence presented at this time, how would you find the defendant in this case?

A. Guilty

B. Not Guilty

To what degree do you believe the defendant is not guilty/guilty?

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100

*Not at all guilty*

*Somewhat guilty*

*Very guilty*

Regardless if you found the defendant guilty, please write in a sentence you consider appropriate for the crime. The minimum possible sentence is 5 years in prison while the maximum is 99 years in prison.

\_\_\_\_\_ Years

How much do you think she is to blame for the crime?

1-----2-----3-----4-----5-----6

*Not at all to blame*

*Completely to blame*

How morally responsible do you believe she is?

1-----2-----3-----4-----5-----6

*Not at all responsible*

*Completely responsible*

To what degree do you believe the defendant should be held criminally responsible?

1-----2-----3-----4-----5-----6

*Not at all responsible*

*Completely responsible*

Do you believe the defendant should have been aware of the potential harm to her child?

1-----2-----3-----4-----5-----6

*Completely disagree*

*Completely agree*

Do you believe the defendant should not have left her child with the perpetrator?

1-----2-----3-----4-----5-----6

*Completely disagree*

*Completely agree*

Do you believe the defendant failed to protect her child from the perpetrator?

1-----2-----3-----4-----5-----6

*Completely disagree*

*Completely agree*

Do you believe the defendant should have been able to prevent the death of her child?

1-----2-----3-----4-----5-----6

*Completely disagree*

*Completely agree*

To what extent is the defendant typical of all women?

1-----2-----3-----4-----5-----6

*Not at all like other women*

*Exactly like other women*

The following questions refer to your opinions about the defendant's live-in boyfriend, the person convicted of 2nd degree murder for the death of the child.

How much do you think the perpetrator is to blame for the crime?

1-----2-----3-----4-----5-----6

*Not at all to blame*

*Completely to blame*

How morally responsible do you believe he is?

1-----2-----3-----4-----5-----6

*Not at all responsible*

*Completely responsible*

To what degree do you believe the perpetrator should be held criminally responsible?

1-----2-----3-----4-----5-----6

*Not at all responsible*

*Completely responsible*

Case Evaluation Form

(Male Defendant)

Considering the evidence presented at this time, how would you find the defendant in this case?

A. Guilty

B. Not Guilty

To what degree do you believe the defendant is not guilty/guilty?

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100

*Not at all guilty*

*Somewhat guilty*

*Very guilty*

Regardless if you found the defendant guilty, please write in a sentence you consider appropriate for the crime. The minimum possible sentence is 5 years in prison while the maximum is 99 years in prison.

\_\_\_\_\_ Years

How much do you think he is to blame for the crime?

1-----2-----3-----4-----5-----6

*Not at all to blame*

*Completely to blame*

How morally responsible do you believe he is?

1-----2-----3-----4-----5-----6

*Not at all responsible*

*Completely responsible*

To what degree do you believe the defendant should be held criminally responsible?

1-----2-----3-----4-----5-----6

*Not at all responsible*

*Completely responsible*

Do you believe the defendant should have been aware of the potential harm to his child?

1-----2-----3-----4-----5-----6

*Completely disagree*

*Completely agree*

Do you believe the defendant should not have left his child with the perpetrator?

1-----2-----3-----4-----5-----6

*Completely disagree*

*Completely agree*

Do you believe the defendant failed to protect his child from the perpetrator?

1-----2-----3-----4-----5-----6

*Completely disagree*

*Completely agree*

Do you believe the defendant should have been able to prevent the death of his child?

1-----2-----3-----4-----5-----6

*Completely disagree*

*Completely agree*

To what extent is the defendant typical of all men?

1-----2-----3-----4-----5-----6

*Not at all like other women*

*Exactly like other men*

The following questions refer to your opinions about the defendant's live-in girlfriend, the person convicted of 2nd degree murder for the death of the child.

How much do you think the perpetrator is to blame for the crime?

1-----2-----3-----4-----5-----6

*Not at all to blame*

*Completely to blame*

How morally responsible do you believe she is?

1-----2-----3-----4-----5-----6

*Not at all responsible*

*Completely responsible*

To what degree do you believe the perpetrator should be held criminally responsible?

1-----2-----3-----4-----5-----6

*Not at all responsible*

*Completely responsible*

## Comprehension/Manipulation Check

What is the gender of the defendant?

Male

Female

Was the defendant in this case a victim of abuse?

Yes

No

What crime is the defendant being accused of?

Assault

Injury to a Child By Omission

Kidnapping

Murder

## Self-Report Surveys

Using the scale below as a guide, indicate how much you agree with each statement.

1. People can be both aggressive and nurturing regardless of sex

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100  
*Strongly disagree* *Strongly Agree*

2. People should be treated the same regardless of their sex.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100  
*Strongly disagree* *Strongly Agree*

3. The freedom that children are given should be determined by their age and maturity level and not by their sex.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100  
*Strongly disagree* *Strongly Agree*

4. Tasks around the house should not be assigned by sex.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100  
*Strongly disagree* *Strongly Agree*

5. We should stop thinking about whether people are male or female and focus on other characteristics.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100  
*Strongly disagree* *Strongly Agree*

6. A father's major responsibility is to provide financially for his children.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100  
*Strongly disagree* *Strongly Agree*

7. Men are more sexual than women.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100  
*Strongly disagree* *Strongly Agree*

8. Some types of work are just not appropriate for women.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100

*Strongly disagree*

*Strongly Agree*

9. Mothers should make most decisions about how children are brought up.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100

*Strongly disagree*

*Strongly Agree*

10. Mothers should work only if necessary.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100

*Strongly disagree*

*Strongly Agree*

11. Girls should be protected and watched over more than boys.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100

*Strongly disagree*

*Strongly Agree*

12. Only some types of work are appropriate for both men and women.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100

*Strongly disagree*

*Strongly Agree*

13. For many important jobs, it is better to choose men instead of women.

0-----10-----20-----30-----40-----50-----60-----70-----80-----90-----100

*Strongly disagree*

*Strongly Agree*





April 4, 2016

Marissa Stanziani Dept  
of Psychology  
College of Arts & Sciences Box  
870348

Re: IRB # 16-0R-134, "The Effect of Sex and Presence of Domestic Violence on Juror Perceptions of Failure to Protect Cases"

Dear Ms. Stanziani:

The University of Alabama Institutional Review Board has granted approval for your proposed research.

Your application has been given expedited approval according to 45 CFR part 46. You have also been granted the requested waiver of informed consent and waiver of written documentation of informed consent. Approval has been given under expedited review category 7 as outlined below:

*(7) Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, humanfactors evaluation, or quality assurance methodologies.*

IRB approval must be obtained before adding new lab personnel to this protocol. Once new member(s) are identified, please submit an IRB modification application to [rscompliance@fa.ua.edu](mailto:rscompliance@fa.ua.edu).

Your application will expire on April 3, 2017. If your research will continue beyond this date, please complete the relevant portions of the IRB Renewal Application. If you wish to modify the application, please complete the Modification of an Approved Protocol form. Changes in this study cannot be initiated without IRB approval, except when necessary to eliminate apparent immediate hazards to participants.

When the study closes, please complete the Request for Study Closure form.

Should you need to submit any further correspondence regarding this proposal, please include the above application number.

Good luck with your research.

Sincerely,

Carpani T. Myles, MSM, CIM, CIP  
Director & Research Compliance Officer  
Office for Research Compliance



Study title: Jury Decision Making in a Case of Failure to Protect Principle  
Investigator: Marissa Stanziani, B.S., Doctoral Candidate

You are being asked to take part in a research study. You must be a U.S. citizen aged 18 years or older in order to participate in this study. This study is called Jury Decision Making in a Case of Failure to Protect. The study is being conducted by Marissa Stanziani, B.S., who is a graduate student in Clinical Psychology at the University of Alabama, and Jennifer Cox, Ph.D., who is an Assistant Professor at the University of Alabama.

What is this study about? What is the investigator trying to learn?

This study is being conducted to find out how a juror may determine a defendant's guilt or innocence in a case of alleged failure to protect. We are also interested in how your individual traits may inform the way that you make decisions.

Why is this study important or useful?

While numerous law review articles have addressed the application of failure to protect laws, little empirical research has directly assessed perceptions of these laws. Data from this study may increase our knowledge of the perception and impact of these laws, effectively informing the legal system and the child protection system.

Why have I been asked to be in this study?

As a community member and US citizen aged 18 years or older, you may be called to serve jury duty in a criminal case. Your participation provides valuable information regarding how an individual makes decisions in this context.

How many people will be in this study?

About 400 other MTurk workers will be in this study.

What will I be asked to do in this study?

If you agree to participate in this study you will be asked to fill out a questionnaire that asks you about yourself including your demographic background. You will then be asked to read a short vignette that summarizes an event of possible failure to protect. Following this you will be asked to decide on a verdict and answer questions regarding your impression of the case. Finally, you will complete a questionnaire that gives us insight into your general opinions regarding parenting."

How much time will I spend being this study?

Participation in this study will take approximately 35 minutes.

Will being in this study cost me anything?

The only cost to you is your time.

Will I be compensated for being in this study?

In appreciation of your time, you will receive \$1.00 deposited into your Amazon Payments Account.

**UA IRB Approved Document**

Approval date: 4-4-16

Expiration date: 4-3-17

**Can the investigator take me out of this study?**

This entire study is conducted online and the investigator will have no direct contact with you.

**What are the risks (dangers or harms) to me if I am in this study?**

Potential risks associated with your participation include potential anxiety or discomfort while answering questions about yourself. Also, you will be reading accounts of a crime that involves graphic details that might be disturbing to some people. You have the right to stop at any time without any punishment or penalty. You also have the right to skip any questions that may cause you anxiety or discomfort.

**What are the benefits (good things) that may happen if I am in this study?**

There are no direct benefits for you.

**What are the benefits to science or society?**

This study may give society a better understanding of how jurors make decisions in failure to protect cases. This knowledge may influence the manner in which legal professionals convey information to jurors.

**How will my privacy and confidentiality be protected?**

As a potential participant in this study, it is your decision to participate. If you choose to participate, you will click on the link below and be directed to the survey website. At this time, it is your decision whether or not to access this link and participate voluntarily. Investigators have no direct access to prospective participants and there will be no recruitment reminders or follow-ups. In addition, you will complete the study in a time and location of your choice. You have the right to skip any questions that you do not want to answer. You may also withdraw from the study at any time.

This study is confidential and we will keep information private to every extent possible. Your responses will be downloaded and kept in a password protected file. Only the Primary Investigator and supervising faculty will have access to this file. No identifying information, including your name, will be recorded. No personal information will be included in any sort of report that might be published. While work performed on MTurk can be linked with your public profile page and your MTurk worker ID (i.e., the 14 character sequence of letters and numbers used to identify workers) this information will not be shared with anyone. Your MTurk worker ID will only be collected for the purposes of distributing compensation and it will not be associated with survey responses.

**What are the alternatives to being in this study? Do I have other choices?**

The alternative to being in this study is to not take part in it.

**What are my rights as a participant in this study?**

Taking part in this study is voluntary. It is your free choice. You can refuse to be in it at all. If you start the study, you can stop at any time. There will be no effect on your relations with the University of Alabama.

**UA IRB Approved Document**

Approval date: 4-4-16

Expiration date: 4-3-17

The University of Alabama Institutional Review Board ("the IRB") is the committee that protects the rights of people in research studies. The IRB may review study records from time to time to be sure that people in research studies are being treated fairly and that the study is being carried out as planned.

**Who do I call if I have questions or problems?**

If you have questions, concerns, or complaints about the study please

Email Marissa Stanziani at [mstanziani@crimson.ua.edu](mailto:mstanziani@crimson.ua.edu) or call Dr. Cox at (205) 348-7908 or email at [jennifer.m.cox@ua.edu](mailto:jennifer.m.cox@ua.edu).

If you have questions about your rights as a person in a research study, call Ms. Tanta Myles, the Research Compliance Officer of the University, at 205-348-8461 or toll-free at 1-877-820-3066. You may also ask questions, make suggestions, or file complaints and concerns through the IRB Outreach website at [http://osp.ua.edu/site/PRCO\\_Welcome.html](http://osp.ua.edu/site/PRCO_Welcome.html) or email the Research Compliance office at [participantoutreach@bama.ua.edu](mailto:participantoutreach@bama.ua.edu).

After you participate, you are encouraged to complete the survey for research participants that is online at the outreach website at <http://osp.ua.edu/site/IRBGrid.html>.

Clicking the button below confirms that I have read this consent form. I understand the nature of this study and I understand what I will be asked to do. I freely agree to take part in the study.

**UA IRB Approved Document**  
**Approval date:** 4-4-16  
**Expiration date:** 4-3-17

## Debriefing: Juror Decision Making in a Case of Alleged Failure to Protect

Thank you for your time and participation.

This study investigated how individuals make decisions in a case of alleged failure to protect. More specifically, researchers are interested in understanding how one's ideas about sex roles may impact their perceptions of a defendant's guilt or innocence. Different participants read different cases in which the sex of the defendant was manipulated (either male or female). Further, the presence of a history of domestic violence was also manipulated, in that approximately half of the defendants were described as victims of domestic violence while the other half had no history of domestic violence. The investigators hope that this research can provide information about what factors result in determinations of guilt or innocence in situations of failure to protect.

The full purpose of this study was not given in the Informed Consent to make sure that what you were told about the study did not affect how you responded. You have the option of withdrawing your data from the study database if you do not wish for your data to be included. Your choice to withdraw your data will have no effect on your payment.

You may email or call the researcher, Marissa Stanziani, at [mstanziani@crimson.ua.edu](mailto:mstanziani@crimson.ua.edu) or the supervising faculty, Dr. Jennifer Cox, at [jennifer.m.cox@ua.edu](mailto:jennifer.m.cox@ua.edu) or (205) 348-7908 if you have any questions.

You may also contact Ms. Tanta Myles, Research Compliance Officer at the University of Alabama at (205) 348-8461. She can answer any questions or concerns about your rights as you take part in this study. You may also ask questions, make suggestions, or file complaints and concerns through the IRB Outreach website at [http://osp.ua.edu/site/PRCO\\_Welcome.html](http://osp.ua.edu/site/PRCO_Welcome.html) or email us at [participantoutreach@bama.ua.edu](mailto:participantoutreach@bama.ua.edu). After you participate, you are encouraged to complete the survey for research participants that is online at the outreach website or you may ask the investigator for a copy of it and mail it to the University Office for Research Compliance, Box 870127, 358 Rose Administration Building, Tuscaloosa, AL 35487-0127.

Now that you know the full purpose of this study, please indicate by clicking below to show whether you are still willing to allow your data to be included in this study.

Yes. I will allow my data to be used in this study.

No. I do not want my data used. Please destroy it as soon as possible.

**UA IRB Approved Document**

Approval date: 4-4-16

Expiration date: 4-3-17