

Rape myths can affect jurors' perceptions of sexual assault, and that needs to change

August 4 2024, by Joanna Pozzulo



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In Canada, more than 34,000 cases of sexual assault were reported to police in 2022, [representing a 38% increase from 2017](#).

However, it is estimated that only about [6% of sexual assaults are reported to police](#), making the actual number of [sexual assaults](#) in Canada much higher.

In a recent study with my graduate student Lauren E. Thompson, we sought to understand jurors' perceptions of the credibility of sexual assault charges when there is a delay in reporting them.

Specifically, we sought to understand how jurors' perceptions may be affected by delayed reporting (of two months, 10 years, 20 years) and the reasons for delayed reporting: lack of evidence, fear of retaliation or not wanting family to know. We [used a mock-juror paradigm to assess perceptions of the victim and verdict](#).

Victim concern about their testimony

There are several reasons why [victims of sexual assault may not report or why they might delay reporting sexual offenses](#).

Victims may be concerned that they won't be believed, especially if there is no physical evidence, only victim testimony.

Consider the case of [E. Jean Carroll who said she was sexually assaulted by former U.S. president Donald Trump in a department store in 1996](#).

When the case was prosecuted in 2023, Carroll testified Trump raped her. [Jurors found Trump liable for a lesser degree of sexual abuse](#), some 27 years from the time of the incident, but also found Trump liable for defaming Carroll over her allegations.

Fear of retaliation

As well, victims may fear retaliation, especially if the abuser is of higher status.

Consider the case of [ex-movie mogul Harvey Weinstein, who was convicted of criminal sex acts and rape in 2020 after](#) numerous actresses brought assault allegations against him, with some saying he [could sabotage careers](#).

The 2020 [rape conviction](#) has [since been overturned](#), while another [rape conviction from 2022](#) still stands.

Pressure to keep secrets

Victims also may want to protect family members, or feel pressured to hold a secret.

Consider the case recently made known to the public of Alice Munro's daughter, Andrea Skinner, [who was nine years old when she was sexually assaulted by her stepfather, Gerald Fremlin](#). Skinner reported Fremlin to the police when she was 38.

In her recent *Toronto Star* essay, Skinner wrote that when she was a child, her father knew, but advised keeping the abuse from her mother. When Skinner's mother, Munro, eventually heard the truth, she framed it as a betrayal against herself. Fremlin pleaded guilty to indecent assault.

Other reasons for delayed reporting include feeling embarrassed or shameful [and not believing the abuser will be held accountable](#) in a court of law.

In Canada, it has been estimated that approximately [12% of sexual assaults reported to police result in a conviction, compared to 23%](#) for physical assaults.

Rape myths and delayed reporting

In our study, 709 mock-jurors read a fictional trial transcript of an alleged sexual assault involving a female victim and a male defendant.

Among our key findings were that mock-jurors were more likely to render a guilty verdict and rate the victim's testimony more truthful when the victim delayed reporting due to concerns about her family finding out compared to when she delayed reporting due to a lack of evidence.

We also considered whether the endorsement [of rape myths—false beliefs about sexual assault](#)—was related to how delayed reporting was perceived. These myths can make victims more reluctant to report assault.

Perceptions, verdicts

We examined whether mock-jurors who endorsed rape myths influenced their perceptions and verdict. We used the Acceptance of Modern Myths About Sexual Aggression Scale, which consists of 30 statements relating to sexual aggression to determine rape myth endorsement. An average score was calculated for each participant with higher total scores indicating greater acceptance of rape myths.

Myths included, "If a woman invites a man to her home for a cup of coffee after a night out, this means that she wants to have sex," and "Any woman who is careless enough to walk through dark alleys at night is partly to be blamed if she is raped."

Mock-jurors endorsing several of these myths rated the victim's testimony more truthful if she reported the sexual assault immediately

compared to when she delayed reporting. In contrast, for jurors endorsing few rape myths, the speed of reporting did not influence their perceptions of the truthfulness of the victim's testimony.

Need to understand various reasons for delay

Our research underscores that endorsing rape myths is related to being less likely to consider delayed reporting as legitimate.

But, regardless of the reason for delayed reporting, it should not be used as a measure of the veracity of sexual assault.

It is imperative that jurors are educated to understand the various reasons for delayed reporting—and the fallacy of rape myths.

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