

Background Painting "Three Generations" by Lana Whiskeyjack ©

## Background

Given the current social and political climate of emphasis on sexual violence awareness, as well as attempts to rectify past injustices that were committed in the 'name of race', so to speak, the current study was designed to assess bias within these two relevant areas. Studies concerning racial biases that may be more relevant to Canadian jurors (such as those involving Indigenous persons) are relatively lacking. While there is much statistical and anecdotal evidence to suggest that Indigenous persons are treated differently in the criminal justice system (i.e., prison over-representation, sentencing disparity), there is little evidence specifically focused on biases that may affect jurors in Canadian courtrooms. As a result, the present study was designed to examine whether race and age factors influence decisions concerning criminal culpability. This study was conducted using an undergraduate population that consisted of 636 participants. Participants read a transcript of a sexual assault court case that has been adapted from Canadian court records, and modified to be ambiguous (i.e., unclear whether victim or perpetrator was responsible and whether consent was granted). Our manipulated variables involved differing descriptions of the complainant (both age and race variations) and defendant (race variations), such that we can examine how these "extralegal" factors may introduce bias in whose testimony is given more weight or deemed more believable. Preliminary analyses show significant differences in believability, consent, and punishment lengths for false reporting between Caucasian and Indigenous victims. These findings support the idea that racial biases influence Canadian juries.

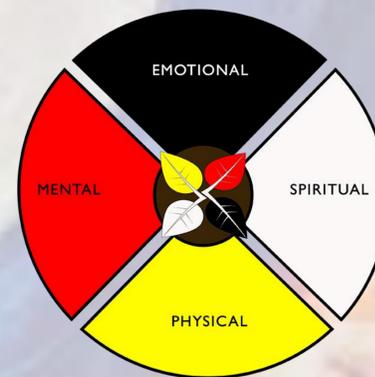
## Method

### "He Said, She Said" Sexual Assault Case

#### Race of Perpetrator/Victim

Indigenous

Caucasian



#### Age of Victim

16

25

40

## Conclusions

Racial bias and the treatment of Indigenous victims is a serious problem that needs to be addressed in the Canadian Criminal Justice system. This study has provided empirical evidence to highlight this issue in the hopes of narrowing down specific areas in which this bias is taking place. The lack of significant results when comparing Caucasian to Indigenous offenders may have been due to the population used in this study. Further studies using a population with a more varied educational background as well as looking at a more rurally diverse population could show more significant differences and follow-up studies would be beneficial to provide a broader viewpoint on this topic.

## Selected References

- Maeder, E., Dempsey, J., & Pozzulo, J. (2012). Behind the veil of juror decision making: Testing the effects of muslim veils and defendant race in the courtroom. *Criminal Justice and Behavior*, 39, 666–678.
- Mitchell, T.L., Haw, R.M., Pfeifer, J.E. (2005). Racial bias in mock juror decision-making: A meta-analytic review of defendant treatment. *Law and Human Behaviour*, 29, 621-637.
- Brookman, R. P., & Wiener, K. K. (2017). Predicting punitive attitudes to sentencing: Does the public's perceptions of crime and Indigenous Australians matter? *Australian & New Zealand Journal of Criminology*, 50, 56–77.

Older Victim Age Associated with More Blame



## Results

Although preliminary, differences in criminal responsibility and guilt judgments were not noted across Caucasian and Indigenous defendants (alleged perpetrators), significant differences were found in relation to the race of the complainant (alleged victims). In particular, Indigenous victims were found to be less believable, more culpable, and a strong trend was found towards harsher punishments for Indigenous women who were believed to be falsely reporting the assault. Significant differences also were found when age was taken into account, where the crime was perceived to be more serious when younger women (16) were victims, and harsher sentences deemed more appropriate in these conditions.

Indigenous Women Believed to Have Consented to Sexual Assault More Often than Caucasian Women

