

Guilty or not guilty?
The Perception of guilt of suspects in sexual assault cases

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Abstract

This study aimed at investigating the perception of guilt among female and male suspects in sexual assault cases at University. In addition, it was explored how the strategies supplication and denial of the victim affect guilt, sympathy and empathy ratings compared to giving no comment. A between-participants 3x2-design was used and, in total, 49 people participated. The Methods used and the Gender of the suspect serve as independent variables and Perceived guilt as well as Perceived sympathy and empathy as dependent variables. The online study consisted of six case scenarios randomly assigned to the participant as well as a questionnaire and a debrief. For data analysis, a two-way ANOVA was conducted as well as Tukey post-hoc tests. The results show non-significant effects for supplication and denial of the victim on guilt ratings. Moreover, there is a non-significant difference between male and female suspects using either supplication and denial of the victim in guilt ratings. A significant effect for gender on sympathy has been found and it can be stated that male suspects evoke less sympathy and empathy in participants. This study revealed that especially gender is highly influential in the perception of suspects, particularly for sympathy rather than making use of the techniques. Moreover, it stresses that more research should focus on what affects guilt, sympathy and empathy ratings in investigative interviews in order to gain more insight into what makes us perceive someone as guilty or innocent.

Introduction

Sexual harassment as well as sexual assault reports have evidently increased in the Netherlands (Pieters, 2020). Sexual assault is defined as touching someone inappropriately against someone's will with or without using violence (National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, 2019). It also involves behaviours such as pinching as well as licking, among others, which are acted out without the victim's approval and consent (GGD Amsterdam, 2020). The Public Health Service of Amsterdam (2020) states that sexual assault is often used interchangeably with sexual abuse, containing all sexual behaviours that carried out without the victims consent. According to Römken, de Jong, and Harthoorn (2016), at least 18 percent of Dutch women have faced sexual assault at least once in their lives in 2016 and that the rate of sexual crime is generally higher than the European average (Keith, 2014). This study will particularly focus on sexual assault at university and college. Sexual assault cases at university have gotten more attention over the last few years, especially in the USA, leading to changing and creating new policies (Holland, Cortina & Freyd, 2018).

Oftentimes, due to scarcity of evidence from potential eyewitnesses and victims, it is especially hard to solve a sexual assault crime. That is why the police have to rely heavily on investigative interviews and direct witness reports (Zajac, Westera, Ali, & Powell, 2019). In policing schools investigative interviews are taught to be beneficial ways to collect information by engaging in direct contact with victims and/or witnesses (College of Policing, 2019). As stated by the College of Policing (2019), well-conducted interviews have several advantages, such as creating public confidence in the police, the variety of applicability, and the possibility to support victims and witnesses, as long as they are conducted thoroughly and professionally.

Conducting interviews with suspects and witnesses involves communication skills as well as using appropriate strategies tailored to a specific case. However, sometimes it is hard to distinguish between guilty and innocent suspects. According to some studies, people who tell the truth have similar perceptions of how to gain credibility during an interrogation compared to suspects who lie (Hines, Colwell, Hiscock-Anisman, Garrett, Ansarra & Montalvo, 2010). However, guilty suspects apply strategies more frequently and more diversely compared to innocent suspects so that they are perceived as telling the truth (Hartwig, Granhag & Strömwall, 2007). Although police officers learn how to use certain strategies, such as detecting liars, in their education there is not yet much awareness of strategies suspects might use in order to influence the interviewer. There is little explicit information about what these techniques might look like in sexual assault cases. Hartwig, Granhag and Strömwall (2007) vaguely describe techniques used by liars as attempting to not appear guilty and distract from themselves as well as mentioning a lot of details which have been prepared beforehand. In comparison to that, truth-tellers are more inclined to share detailed information and still stick to

what happened. Furthermore, it is reported that the cues to deception are not consistent in some cases, such as non-verbal behaviour (Strömwall, Hartwig & Granhag, 2006). This suggests that the applicability of the techniques is limited since these cues are vague and, consequently, might not be helpful in distinguishing liars in a real life setting.

One of the frameworks concerning behaviour of suspects to alter or influence the perception of them is the suggested model by Watson, Luther, Jackson, Taylor and Alison (2018). On the basis of coercive control cases, it provides a detailed collection of techniques motivated to influence the interviewer's perceptions of the suspect, the victim or witnesses as well as evidence in order to appear innocent, or to receive less harsh treatment. The listed influencing techniques are demonstrated on the dimensions of power and interpersonal framing. The first dimension consists of strategies used to display and increase superiority and control, while the latter deals with suspects influencing relationships, including the relationship with the interviewer, by building rapport for example. One of the most prevalent of the strategies is the one of *denial of the victim* which belongs to justification techniques among suspects of coercive control. In general, justification techniques entail any act or statement attempting to show that something is reasonable (Watson, Luther, Jackson, Taylor and Alison, 2018). As explained by Sykes and Matza (2017) people feel the need to justify their behaviour before they act on it in order to avoid or neutralise guilt, but also to keep up and create a favourable picture of themselves. Denial of the victim is defined as claiming that the victim had originally caused the suspect to act negatively or deserved what has been done to him or her (Watson, Luther, Jackson, Taylor and Alison, 2018). It is a technique of neutralisation expressed as denying to have done anything wrong and instead claiming that the victim is an evil person deserving a certain negative behaviour that the suspects has done (Sykes & Matza, 2017). Furthermore, also justification behaviour such as shifting the blame to the victim are reported to be used by sexual assault offenders (Hipp, Bellis, Goodnight, Brennan, Swartout & Cook, 2017). The previously mentioned literature suggests that denial of the victim is a prevalent technique, especially in sexual assault cases, by persuading the other of his or her perspective.

As intimate partner violence (IPV) is described by the World Health Organisation (2012) to include psychological, physical as well as sexual abuse and assault, so it can be expected that denial techniques might also be prevalent among IPV cases. Literature indicates that denial techniques have been reported among IPV cases, mostly for impression management reasons (Reissmann, Doychak, Crossman, & Raghavan, 2018). Impression management is defined as acting deliberately in a certain way in order to positively influence others' perception of oneself (Xie, Huang, Wang & Shen, 2019). It is used to gain social desirability and self-confidence by consciously presenting oneself more positively. Furthermore, it can also be used to establish a power position, gain credit or shift blame and responsibility to someone else (Tedeschi, 2013). It can be concluded that these previously mentioned

aims are not exclusively central to IPV cases, but also to cases involving sexual assault outside of an intimate relationship.

Differences in how effective this strategy is depending on whether a male or a female suspect is using the technique, have not yet received much attention. Nevertheless, Vieraitis, Piquero, Piquero, Tibbetts and Blankenship (2012) found that denial of the victim is almost equally frequently used by men and women across illegal drug cases. However, denial of the victim might be more effective among women in sexual assault cases than men due to gender bias. Sexual assault with a male victim is perceived differently than with a female victim as explained by Coxell and King (2002). It is pointed out that there are misconceptions such as the idea that men could not be forced to engage in sexual activity (Coxell & King, 2002). Furthermore, it is found that men are generally more permissive in regards to sexual intercourse outside of an intimate relationship than women, which could mean that denial of a male victim could be more accepted and conform with attitudes regarding men's sexual activity. Thus, it can be expected that denial of the victim might be more effective for female suspects.

Moreover, different studies from diverse domains show that another strategy frequently used for impression management is *supplication*. This technique can be described as purposefully appearing inferior by playing down one's abilities and demonstrating weakness rather than dominance (Franz, Baecker & Truong, 2018). The studies in the organizational context show that employees who use supplication make a more incompetent and negative impression (Gwal, 2015). On the contrary, there has been evidence found stating that employees using this technique got more positive supervisor ratings (Harris, Kacmar, Zivnuska & Shaw, 2007). In addition, in the marketing domain it became evident that particularly women use supplication combined with self-promotion to successfully promote their product (Thompson-Whiteside, Turnbull & Howe-Walsh, 2018). A person using supplication emphasizes his or her own weaknesses but it can also be used as a reason to shift responsibility to finish specific tasks (Soran & Balkan, 2013). This is why they can be perceived as incompetent. However, by presenting oneself as inferior and weak the person triggers the norm of social responsibility in the other party, which is described by Rosenfeld, Giacalone and Riordan (1994) as the rule to help anybody in need. Not only can helping someone make a person feel good about oneself and put oneself in a good position but appearing weak also evokes sympathy in the other person, resulting in giving more positive ratings. In an interview situation, this strategy can be used to be perceived as if the suspect is not capable of doing what he or she has been accused of. It could activate the norm of responsibility and evoke sympathy and empathy.

According to Lai, Lam and Liu (2010), supplication is used to evoke sympathy in the other party in order to create an emotional reaction. Making someone else deliberately feel sympathy and empathy for the suspect may change the perception of guilt by purposefully using the emotional state of the other party for someone's own good. In other words, someone who uses supplication attempts to

evoke an emotional response in order to be seen as deserving of compassion, which can directly affect the impression of the one who presents oneself as weak. Empathy can be divided into cognitive empathy and affective empathy. The former is described as being able to sense what someone feels or thinks and the latter as responding appropriately to others' moods or states, also called emotional empathy (Warrier et al., 2018). Sympathy is defined as an emotional state elicited by something that has happened to someone else (Jeffrey, 2016). It is oftentimes described as actually feeling what another person feels, attempting to decrease one's own pressure by helping someone (Jeffrey, 2016). It is commonly thought of as overlapping with the concept of empathy and mostly used interchangeably, although they are separate concepts.

Evidence from law cases shows that sympathy influences people's judgments by creating an emotional response (Wibowo & Rukmini, 2019). As referred to in the article by Wibowo and Rukmini (2019) feeling sympathy can also set aside rational thinking and decision-making, arguing that it has direct influence on forming our judgements. Particularly women attempt to evoke emotional reactions such as sympathy to account for their crimes (Klenowski, Copes & Mullins, 2011). This suggests that using supplication in an investigation is more likely to evoke sympathy and empathy than using a denial technique and that women are more likely to be perceived as innocent than men.

The current study will focus on investigating the following hypotheses:

H1: suspects in the denial of the victim condition are perceived as less guilty than suspects in the control condition.

H2: suspects in the supplication condition are perceived as less guilty than suspects in the control condition.

H3: female suspects using either supplication or denial of the victim are proposed to be perceived as less guilty than men using supplication and denial of the victim.

H4: female suspects using supplication are proposed to evoke sympathy and empathy in the interviewer compared to females in the control condition.

H5: male suspects using supplication evoke less sympathy and empathy in the interviewer than female suspects.

Methods

Design

This study is a 3x2 between participants design involving the two independent variables Methods used and Gender of the suspect.

The first independent variable, Methods used, has three levels. It involves *no comment*, *supplication* and *denial of the victim* strategies. In the *no comment* condition, the suspects consistently refused to give a comment. It is implemented as a control condition in order to examine the effects of the other two methods. Moreover, in the supplication condition, the suspects' answers are

characterized by appearing physically as well as mentally incapable of having done the alleged crime. At last, in the denial of the victim condition, the suspects' answers involve justifying what has happened and rather describing the victim as someone bad who does not deserve help due to his or her negative actions. The second independent variable, Gender of the suspect, has two levels, namely female or male. When presented with a male suspect in either of the three previously mentioned conditions, the victim is female. In comparison to this, a female suspect is combined with a male victim.

Participants

In this research, participants have been recruited by using the SONA-system of the University of Twente (UT), which is a platform for taking part in and sharing research projects among students and staff of the university, as well as convenience sampling. In addition, the study has been made available on social media, so that also non-students could have the possibility to participate. In total, 49 people participated and fully completed the questionnaire. The sample involves students from the UT and people not attending university within the age of 18 to 55 years ($M = 24.45$; $SD = 7.79$). The participants were 49% male. All of the participants gave their consent to voluntarily take part in the study by signing a consent form, which is attached in the appendix (Appendix A). Ethical approval has been obtained by the Ethics Committee of the UT.

Materials

Case scenarios

A case scenario, a fictional interview and a questionnaire are used to investigate how effective the strategies denial of the victim, supplication and no comment are depending on whether a male or female suspect of sexual assault makes use of them (Appendix B, C, D & E). The case scenarios contain a brief description of what has happened according to the victim and of the relationship between victim and suspect. The cases reported are the same and only differ by the gender of the suspect and the victim. More specifically, in the scenario the police receive a call by a person who accuses the friend of his or her roommate of inappropriately touching intimate body parts without the victim's consent, sending intrusive emails as well as putting pressure on the victim for sexual activity. The suspect and the victim know each other from university and the suspect stood out negatively several times by touching the victim intimately. The evening the victim reached out to the police, the suspect waited for the victim in his or her room, forcing the victim to engage in sexual activity. The victim's roommate comes in so no actual rape happens.

Moreover, it involves a fictional investigative interview with the suspect who is accused of sexual assault and a police interviewer at the police department. All in all, there are six different case scenarios dealing with the same offence, of which three are presented with a male suspect and three

with a female suspect. For both genders, a *no comment*, supplication and denial of the victim condition is designed in order to investigate if there is a difference between the effect of the mentioned strategies depending on gender. In the *no comment* condition, the suspect repeats him/herself responding with “*No comment.*” the entire conversation. By repetitively responding neutrally, the participants are prevented from forming an impression of the suspect which makes it a suitable control condition to compare to. Furthermore, an example of a suspect’s response using supplication is presented in the following:

“It was just an innocent mistake, I wouldn’t be capable of assaulting someone!”

Compared to this, a suspect in the denial of the victim condition could, for example, respond with:

“She is just making that up if you ask me. She wanted me to make a move on her.”

Measures

The questionnaire consists of six different scales with a varying amount of items and is hosted and shared via qualtrics.

Firstly, the participants are asked to rate how guilty they perceive the suspect to be, using a 7-point Likert scale (1= very likely; 7= very unlikely). Secondly, how confident they feel about their decision and how they perceive the seriousness of the crime was measured on a level from one to ten. Afterwards, the participants are asked about the blame attribution between victim and offender using a visual analogue scale from one to hundred. However, blame attribution is not considered in this study. Furthermore, it is asked how much empathy they feel for the suspect. For this question the answer possibilities are presented in a validated questionnaire originally designed by Shen (2010), which shows good reliability ($\alpha = .92$). It consists of 12 items, which can be answered in a 7-point Likert scale (1= strongly agree; 7= strongly disagree). One example of the 12 items is.

“The suspect’s emotions are genuine.”

Finally, there is a question about how much sympathy the participants feel for the suspect on a 5-point Likert scale (1=a great deal; 5= none).

Procedure

At first, informed consent is obtained to make sure that the participants are voluntarily agreeing to take part in this study. It is explicitly stated that the participants can withdraw from the study at any time by leaving the website and where they can find the contact details of the researchers and a local support line for sexual assault victims. After that, they are asked to state their age, gender and educational level. Then, the participants see the description of the case. After this, they are randomly allocated to one of the six transcripts of the interviews, in which a police officer asks specific questions about the crime. The questions are answered using supplication, denial of the victim

or no comment by a fictional perpetrator, either male for a female victim and female for a male victim, which is randomly assigned to the participants. After reading the transcripts, the participants are asked to fill out the questionnaire. At the end of the questionnaire, the participants are presented a debriefing form that shortly describes the aims of this study and explains the different strategies. In addition, a local helpline is provided in case a participant might feel overwhelmed by the study's topic.

Data analysis

After data collection, SPSS version 24 is used for analysis. A two-way ANOVA is conducted on the dependent variables sympathy, empathy and perceived guilt as the study involves two independent variables, namely the suspect's gender as well as using either supplication, denial of the victim or no comment. In addition, Tukey post-hoc tests and independent sample t-tests are performed when a significant difference or effect is found.

Results

The results are presented in such a way that low scores mean high ratings for the specific variables such as perceived guilt, sympathy and empathy.

In order to investigate if supplication and denial of the victim affect guilt ratings and if women are perceived as less guilty than men using these techniques, an ANOVA was conducted. In this analysis Perceived guilt is used as a dependent variable and Method as well as the Gender of the suspect as independent variables. The results show non-significant interaction effects for the Suspects' gender and the Method used on the Perceived guilt ($F(2,43) = 2.57; p = .09$).

Additionally, pairwise comparisons revealed no significant difference between males and females ($F(1,43) = 0.03; p = .88$) or using either supplication or denial of the victim in ratings of guilt ($F(2,43) = 0.14; p = .87$). As displayed in Figure 1, females have been perceived as generally more guilty than men using supplication ($M = 1.33; SD = 0.71$ versus $M = 2.14; SD = 0.69$). Furthermore, the mean values for female suspects using denial of the victim indicate that women are generally perceived as less guilty compared to male suspects using this technique ($M = 2.00; SD = 1.31$ versus $M = 1.56; SD = 0.73$).

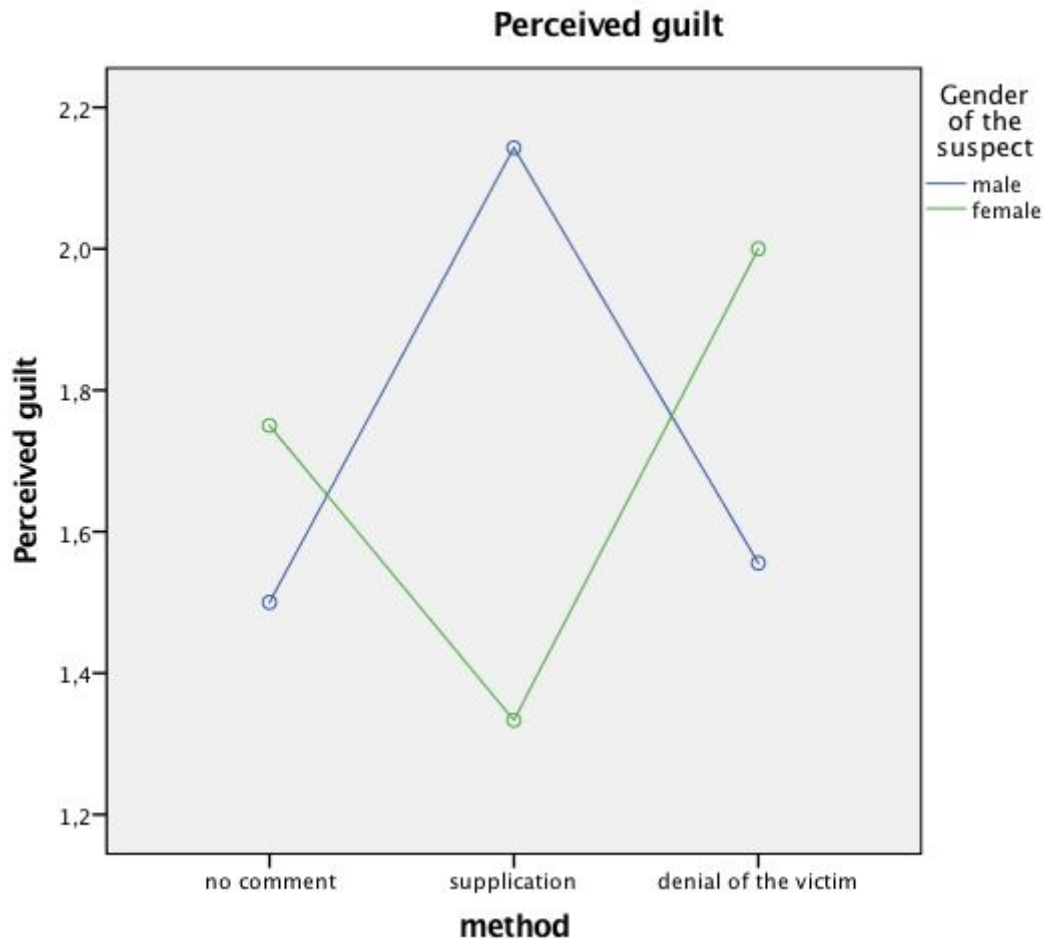


Figure 1. Means of perceived guilt among female and male suspects using no comment, supplication and denial of the victim.

As previously mentioned, it has been proposed that women evoke more sympathy and empathy using supplication than in the control condition and than men using the same technique. The tests of between-subjects effects show a significant effect for the suspects' gender on perceived sympathy ($F(1,43) = 6.79; p = .01$) and a significant interaction effect for the suspects' gender and the method used on sympathy ($F(2,43) = 2.87; p = .04$). Moreover, a non-significant effect for the methods used has been revealed ($F(2,43) = 6.79; p = .78$).

The results of a post-hoc test display that there is a significant difference between both genders ($F(1,48) = 6.42; p = .02$) as illustrated in the graph below. Moreover, an independent samples t-test shows that the strategy of no comment has a significant effect on perceived sympathy ($t(14) = 3, p = .009$). The graph indicates that women receive slightly less sympathy in the supplication condition than in the no comment condition ($M = 3.56; SD = 0.53$ versus $M = 3.13; SD = 1.46$). Moreover, the results show that female suspects received even less sympathy using denial of the victim ($M = 4.00; SD = 1.07$). Male suspects in the *supplication* condition evoke slightly less sympathy in the reader than women ($M = 4.00; SD = .46$ versus $M = 3.56; SD = .53$).

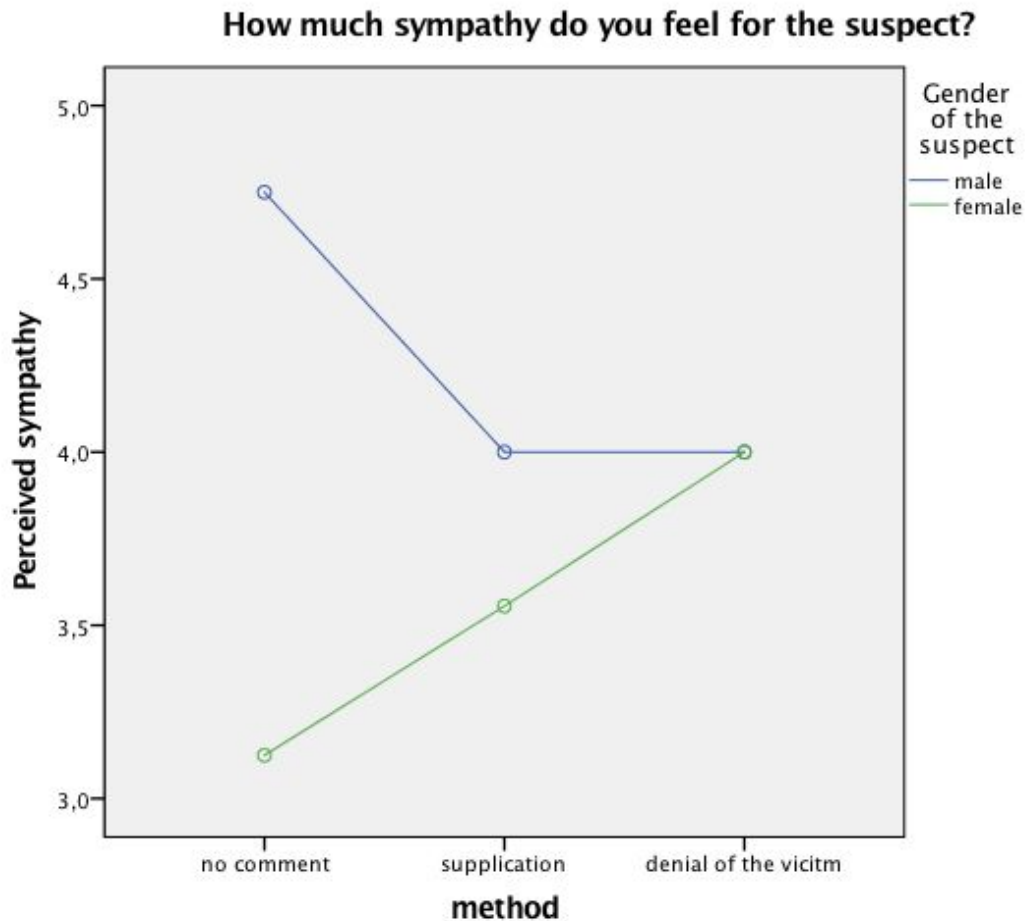


Figure 2. Means of perceived sympathy among male and female suspects using either no comment, supplication or denial of the victim.

Also taking a look at empathy, the results of the test of between-subject effects for gender of the suspect and the methods used on perceived empathy show a non-significant interaction effect ($F = 2.68$; $p = .08$). Furthermore, it is shown that also the suspects' gender ($F(1,43) = .49$; $p = .49$) as well as the strategies ($F(2,43) = 3.01$; $p = .06$) have no significant effect on perceived empathy. However, pairwise comparisons after Tukey show that there is a significant difference between using the method supplication and no comment ($p = .02$). All suspects evoked the least empathy in the no comment condition ($M = 63.75$; $SD = 14.47$). The highest empathy scores among female as well as male suspects have been recorded in the supplication condition ($M = 52.25$; $SD = 11.54$). Among female suspects, the ones using supplication receive the highest empathy scores ($M = 51.78$; $SD = 10.99$) compared to the other techniques (Figure 3). Female suspects evoked the least empathy in the denial of the victim condition ($M = 61.00$; $SD = 8.08$). Male suspects evoked generally the least empathy compared to the women using no technique at all in the no comment condition ($M = 70.75$; $SD = 10.31$).

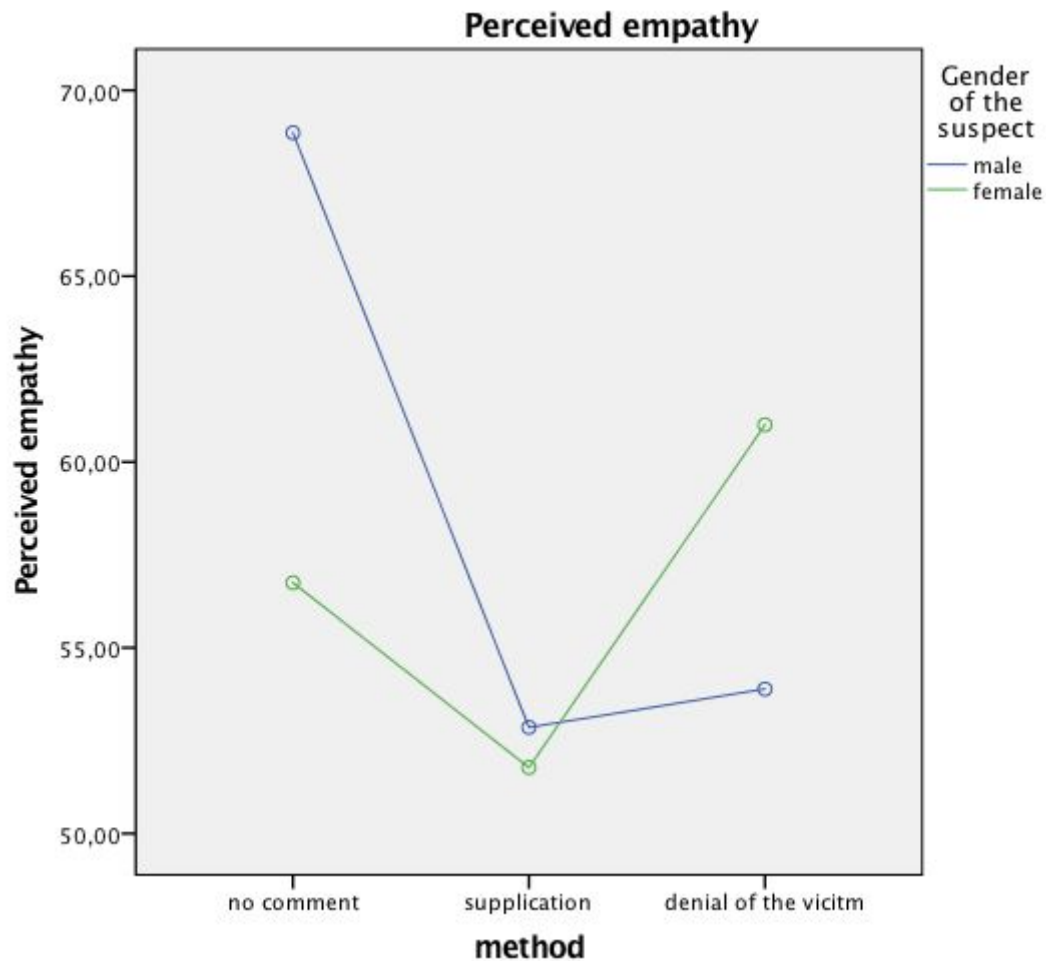


Figure 3. Means of perceived empathy among female and male suspects using no comment, supplication and denial of the victim.

Discussion

The aim of this study was to investigate the effect of the strategies supplication and denial of the victim on perceived guilt in a sexual assault offence compared to using no comment responses. In addition, it was tested whether there are any significant differences between female or male suspects using the previously mentioned strategies.

The effects of denial of the victim and supplication on perceived guilt

It is hypothesised that, in general, suspects in the denial of the victim condition are perceived as less guilty than suspects in the no comment condition. Unlike what has been hypothesised, it is shown that using the method denial of the victim has a non-significant effect on perceived guilt. This means that the first hypothesis can not be accepted. Nevertheless, taking a closer look at the means there is indeed only a small difference in guilt ratings between the denial of the victim and the no comment condition. However, suspects using denial of the victim are perceived as slightly less guilty compared to using no comment.

Unlike what was stated for the second hypothesis, using supplication seems not to affect guilt ratings, indicated by the results. There is a non-significant difference between groups which means that the second hypothesis can also be rejected.

These findings can be ascribed to the small sample size ($N = 49$). It has been shown that samples that are too small may lead to rejecting a true hypothesis or accepting a false one, also known as Type 2 error (Cohen, 1992). Having more participants and, therefore, being able to take into account the opinions of a great number of people, increases the probability to receive valid and reliable results. A small sample size is not able to fully capture the perspective of the generality which, in turn, can be investigated with a suitable sample size. Cohen (1992) stresses the importance of conducting a power analysis in order to receive substantial and relevant results.

In addition, it could be interpreted that it is not mainly the method the suspect uses that influences how guilty they are perceived and that there are one or more underlying factors. It can be expected that gender might play a role in guilt ratings. As found by Russel, Oswald and Kraus (2011), women are indeed generally perceived as less guilty compared to men among coercive control cases also involving sexual assault. This indicates that gender bias should be taken into account when interpreting the results as well as in general in investigative interviews. Moreover, as suggested by Gwal (2015), using supplication often results in negative impressions of the one who makes use of this strategy. This could have resulted in an overall negative impression of the suspect in the supplication condition, perceiving the suspect using this strategy as an unsympathetic person. As a consequence, the participants rated the suspect using supplication as more likely to have done something bad because the suspect is generally not likeable.

The effects of the methods used and gender of the suspect on perceived guilt

The third hypothesis proposes that female suspects using supplication or denial of the victim are expected to be perceived as less guilty compared to men using these strategies. The results of the two-way ANOVA show that there is non-significant difference between male and female suspects using supplication or denial of the victim. In contrast to what was expected, the means of Perceived guilt of female and male suspects in the supplication condition display that female suspects are generally perceived as more guilty than men using supplication. Thus, the hypothesis can be rejected. This can also be explained by what has been proposed by Rosenfeld, Giacalone and Riordan (1994). It could have triggered a need to help and to act on the norm of social responsibility. More specifically, men are usually not considered to be open about their weaknesses or to be vulnerable which could have affected the urge to help someone in need or wrongly suspected. It could be interpreted that the male suspects evoked more sympathy because it was exceptional that men openly show their weaknesses due to gender bias and stereotypes. Consequently, this could have increased the sympathy in the participants and also affected the perceived guilt ratings.

Although the difference between groups is not substantial, the results suggest that female suspects using denial of the victim are perceived as slightly less likely to be guilty than males in the same condition. It can also be argued that gender bias might have affected the guilt ratings among male victims of sexual assault. As previously stated, being a male victim to sexual assault is perceived differently and also as less serious compared to being a female victim of sexual assault. A study by Larsen and Hilden (2016) displays that less than half of the male victims of sexual assault in their sample even reported the crime to the police. This could be due to the fear of being considered as weak or not to be believed. Bates, Kaye, Pennington and Hamlin (2019) suggest that men are less likely to report sexual assault because it would not confirm with the social role men have in our society. It is also stated that, among intimate partner violence cases, cases with female victims have rather been perceived as actual criminal acts than cases with a male victim (Bates, Kaye, Pennington & Hamlin, 2019).

These findings could not only be ascribed to gender bias but also possibly be explained by the small sample size ($N = 49$). As already explained above, a bigger sample size increases the probability of receiving more accurate results. This is why these outcomes should be taken with caution. There is no evident significant difference revealed, consequently, the results should not be treated as such.

The effects of the methods used and gender of the suspect on perceived sympathy and empathy

The tests of between-subjects effects showed a significant effect of gender on sympathy. However, in contrast to what was expected, female suspects evoked slightly less sympathy in the participants using supplication compared to simply replying with “*No comment.*” Females received most sympathy in the no comment condition, while men received the least sympathy in the no comment condition which explains the significant difference found.

Interestingly, in line with what is argued in the introduction, female suspects using denial of the victim evoked less sympathy in the participant than in the supplication condition. A possible reason for this is suggested by Gwal’s findings (2015). As previously stated, appearing weak and pretending to be helpless can also result in being perceived as incompetent and might negatively impact the ratings of sympathy and empathy. Moreover, denial techniques are generally perceived as negative responses and are found to lower down the perception of people or even companies (Abramova, Krasnova, Shavanova, Fuhrer & Buxmann, 2016).

Moreover, the results for gender and method on empathy show non-significant effects, which poses a contrast to what was expected. However, it can be stated that, although the effect is non-significant, women evoked the least empathy in the denial of the victim condition, which is similar to what is found for the concept of sympathy. This could hint to possible similarities between how the two concepts of sympathy and empathy might be involved when using denial of the victim. It suggests that denial of the victim is rather decreasing the likelihood of feeling with the suspect and experiencing sympathy or empathy. Nevertheless, this study also reveals that these concepts should be

considered as different from each other as female suspects evoked most empathy in the supplication condition, contrasting to what is found for sympathy but in line with what was expected. Thus, the fourth hypothesis can only partly be supported.

Male suspects using supplication were originally expected to evoke less sympathy and empathy in the participants than female suspects according to hypothesis five. This hypothesis was found to be true. As depicted in the results, male suspects generally evoked less sympathy and empathy than women, not only in the supplication condition. Thus, it can be stated that the null hypothesis is incorrect.

In general, the most effective method for men is shown to be supplication and the least is found to be no comment. According to the results, men evoke more empathy in the participants than women in the denial of the victim condition. It can be argued that these results are due to gender bias as the majority thinks that men are more frequently sexually active as well as more permissive to get into physical contact. This common attitude might result in women being more believed than men when it comes to denying sexual contact (Coxwell & King, 2002). Additionally, it can also be explained by the small sample size and the fact that sympathy and empathy are often used interchangeably. Although both concepts have been treated separately in this study, there could have been an incomplete understanding of what both concepts entail and, finally, have a negative impact on the results, making them unreliable.

Strengths and Limitations

This study including its procedure, materials and implementation, has strengths but also limitations to it, which are discussed in the following.

First of all, it should be noted that especially the topic of what techniques suspects in sexual assault cases might use in order to form a specific impression has not yet received much attention. A clear advantage of this study entails that it helps to gain insight into how people perceive the use of certain strategies, in this case supplication and denial of the victim, as well as what differences there are between males and females. In addition, the survey was easily accessible for each participant. Especially during the current pandemic situation, using an online study was easy and safe for every person involved.

Regardless of the benefits, the newly gained insight might not be directly applicable in an actual police investigation as the results of this study are based on mock interviews which differ from a realistic environment.

Moreover, it should be taken into consideration that the sample size of this study is rather small. This decreases the probability of reliable and accurate results and makes it hard to make precise estimates.

Additionally, the participants are lay people and, therefore, not used to leading or being in an investigative interview and might have found it difficult to estimate how guilty the suspect was. Although, depending on the legal system, the juries deciding about the final sentence is also made up of lay people. However, the participants in this study are mostly European and, therefore, not used to being in a position to judge a suspect of sexual assault. Some may have found themselves facing a new task which can be overwhelming.

On top of this, individual differences should be taken into account. Especially when it comes to sympathy, empathy and judgement, people have many different opinions depending on their upbringing, attitude or environment. Although randomisation has been included, it can be argued that it is not always correcting for individual differences. According to Basu (2014) randomisation is a helpful tool in order to describe and illustrate but not to reveal causal connections. This study could, therefore, not take these individual variations fully into account due to the fact that it has been designed as an online-study with closed-ended questions. In retrospective, it would have been more detailed to include a few open-ended questions in order to gain more insight into the perception of the participants.

Another limitation of this study involves the language barrier most participants have experienced. The majority of participants do not speak English fluently or as their mother tongue. Maybe the understanding of the cases and concepts would have been better if the language was adaptable. In particular legal cases as well as interviews can be complex for people with a different mother tongue and no frequent practice. It is a possibility that this might have had a negative impact on the results.

Further research and Recommendations

Future research should involve a larger sample so that the results are reliable. This study shows some small differences that might become significant when testing on more people. Using a bigger sample size might reveal more accurate insights into this topic. It is recommended to conduct a power analysis in order to prevent receiving insignificant results as well as to use a platform with a broad range so that many people have the possibility to participate.

Besides, it is advised to not exclusively use closed-ended questions and a more realistic environment. A more realistic environment with the possibility to see the suspects' faces would increase the reliability and validity of the study. Non-verbal cues are also crucial in how an impression is formed. A study by Biancardi, Cafaro and Pelachaud (2017) highlighted the importance of gestures such as smiling and other specific poses in perceived competence and being sympathetic. In addition, it might be easier for the participants to give accurate ratings of perceived guilt, empathy and sympathy because non-verbal behaviour is also essential in perception. Consequently, an experiment

that includes mock-interviews with actual people whose behaviour can be observed would be more beneficial.

Moreover, it should be considered to involve participants with a little experience with investigative interviews. This could increase applicability and emphasise fields in which training is still needed among police officers by practicing how suspects use strategies in order to form impressions. Ultimately, police officers are a group that would benefit from precise insights into how female and male suspects might purposefully manipulate their perception of them. This is why it could be interesting to include people with experience in this field.

Moreover, following studies should put a focus on what effects denial and relational influencing techniques have on the interviewer and how the ones using the strategies are perceived. In addition, it would be interesting to examine how gender impacts the effect of impression management strategies more closely. It should be investigated in how far gender biases are responsible for the effectiveness of certain strategies.

Furthermore, the concepts of sympathy and empathy should be researched in more detail as well as how they affect the judgment process. According to what was found, sympathy and empathy might be decreased by denial techniques. However, it should be investigated how these two concepts are affected by using impression management strategies and how they affect rational judgement. Both concepts seem to be essential in impression management and should receive more attention, especially in investigative interviews.

Conclusion

This study, that was aiming at gaining insight into how suspects using supplication and denial of the victim are perceived, posed five hypotheses. It has been shown that suspects using denial of the victim are perceived as more guilty than in the control condition, unlike what has been proposed. Additionally, suspects using supplication are also generally perceived as more guilty compared to the control condition, rejecting the second proposal. Moreover, there are no significant differences or effects between female and male suspects using supplication and denial of the victim in terms of guilt ratings. However, women using denial of the victim are perceived as less guilty than men. The differences shown are very small and it is therefore advised to repeat this study with a larger sample. Furthermore, it has been found that female suspects using supplication evoke sympathy and empathy but it was also shown that female suspects using denial of the victim received less sympathy and empathy ratings. Lastly, men were expected to evoke less sympathy and empathy, which has also shown to be true.

Concluding, this study has shown that supplication and denial of the victim and how these strategies affect the judgement process should be further investigated. In addition, gender seems to be essential for the effectiveness of denial of the victim and supplication. A more realistic environment

and greater possibilities to get insight into the perceptions of the suspects would be beneficial for further research. In addition, sympathy and empathy should be examined more closely, especially in the judgment process. However, it can be stated that this study helped to gain more useful insight into this unexplored field but also offers room for improvement.

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Appendix

Appendix A: Informed consent provided to the participant.

The perception of suspects of sexual assault in investigative interviews

Thank you for responding to this invitation to take part in this study! Please read the following information carefully.

Purpose of the study?

The study is conducted by Jil Braun and Sarah Mertins. Both are undergraduate Psychology students at the University of Twente and are supervised by Dr. Steven Watson. This project is part of our Bachelor Thesis and the outcomes will only be used for research purposes. This may include a presentation at an academic conference or publication in an academic journal.

What will I have to do?

As a participant you will read information about an accusation of sexual assault. Then we will ask you to read interviews with the person accused of the crime. After this, you will be asked if you think the suspect is guilty or not and how confident you are of this decision. Finally, you will complete some questionnaires about your perceptions of the suspect.

Who can take part?

Anyone over the age of 18 can take part. Though you should not take part if you think you are likely to be distressed by a fictional description of a sexual assault. In addition, you should be aware that all materials are presented in English.

Risks of taking part:

The interview transcripts will describe details of accusations of sexual assault.

If you feel that this subject is likely to cause you distress you should not take part in this study. We have provided details of local helplines that you can contact for support at the bottom of this introduction. We will repeat these details at the end of the experiment. You can also contact our supervisor via email to ask any questions before taking part if you are unsure if you should take part. (s.j.watson@utwente.nl.)

You will be able to ask us any questions and discuss any concerns with us if needed. You will find our contact details below.

How can I withdraw?

You always have the opportunity to withdraw from the study without explaining the reason and without any penalty. You can withdraw the study by closing your browser or tab window at any time. However, once the study is complete we are unable to remove any of your data as we are unable to identify participants because all data is entirely anonymous.

Data storage and security:

If you are taking part in this research, you consent that the Researchers are allowed to collect and keep your data anonymously (without sufficient detail for personal identification) according to the Data protection act (1998) and GDPR guidelines (2018).

Anonymous data may be made available to the scientific community by being hosted on the open science framework (<https://osf.io/>), however, we reiterate that you will not in any way be personally identifiable.

Benefits:

If you are a Psychology student at Twente University then you will be credited 0.5 SONA-points for taking part in this study. Otherwise there are no benefits to taking part but we hope you find the experience interesting.

Contact details

Jil Braun: j.braun@student.utwente.nl

Sarah Mertins: s.mertins@student.utwente.nl

Sexual assault center Netherlands: 0800-0188 (24 hours)

If you would like to participate please read and agree to the following:

1. I confirm that I am over the age of 18 and can consent to take part in the study by myself.
2. I have read the information sheet and fully understand what the study entails and why it is being conducted.
3. I understand that my data may be used for this and additional research, however the data will remain anonymous and I will not be personally identifiable.
4. I understand I can withdraw participation at any time by closing the browser or tab window. Once the data has been submitted, the data will not be able to be removed due to the data being anonymous.
5. I agree to take part in this study, understanding what it involves.

Thank you for participating!

Appendix B: The case scenarios with a male and a female suspect.

First scenario

Name: Mr de Jong

Alleged Offence:

On 05/01/2020 the police received a phone call from Miss Mijer, alleging that she required immediate help.

The police attended and spoke to Miss Mijer. She made a number of accusations against the suspect, Mr de Jong:

Miss Meijer says that Mr de Jong is a student on her course at university and friends with her flatmate Mr Willemson and is often at her home address late into the night.

Miss Mijer alleges that Mr de Jong has often made her feel uncomfortable. She alleges instances where Mr de Jong would stand very close to her during conversation, and would often touch her waist or lower back when walking past her.

Miss Mijer accuses Mr de Jong of sending her photos with sexual content.

The day Miss Mijer informed the police she stated that he used his spare keys to get into her room and waited for her. He got the keys in case of any emergencies, like for instance if his friend, Mr Willemson would forget his keys at home.

Since her flatmates were not at home at this moment, he could just enter the open room of Miss Mijer. When she got into the apartment he wouldn't let her out unless she would let him touch intimate parts of her body. She refused and he started to touch her breasts, telling her that she will find it arousing herself if she just lets it happen. Then her roommate came home, so he left. Miss Mijer is scared of how far he would go, which is why she called the police. She believes he is the victim of sexual assault.

Second scenario

Name of the suspect: Ms Witte

Alleged Offence:

On 05/01/2020 the police received a phone call from Mr de Vries, alleging that he required immediate help.

The police attended and spoke to Mr de Vries. He made a number of accusations against the suspect, Ms Witte.

Mr de Vries says that Ms Witte is a student on his course at university and friends with his flatmate Ms Oost and is often at his home address late into the night.

Mr de Vries alleges that Ms Witte has often made him feel uncomfortable. He alleges instances where Ms Witte would stand very close to him during conversation, and would often touch his waist or lower back when walking past him.

Mr de Vries accuses Ms Witte of sending him photos with sexual content.

The day Mr de Vries informed the police he stated that she used her spare keys to get into his room and waited for him. She got the keys in case of any emergencies, like for instance if her friend, Ms Oost would forget her keys at home.

Since his flatmates were not at home at this moment, she could just enter the open room of Mr de Vries.

When he got into the apartment she wouldn't let him out unless he would let her touch intimate parts of his body. He refused and she started to touch his body, telling him that he will find it arousing

himself if he just lets it happen. Then his roommate came home, so she left. Mr de Vries is scared of how far she would go, which is why he called the police. He believes he is the victim of sexual assault.

Appendix C: Fictional Interview with a male suspect using No comment, Denial of the victim and Supplication.

No Comment

Police interviewer: Hello, my name is police constable Maathuis, I will be conducting an interview with you today. So, you do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say, may be given in evidence. Do you understand?

Mr de Jong: Yes, I understand.

Police interviewer: The black box there on the wall is recording everything. If this investigation did go further, this recording can be used in court. Do you understand? Mr de Jong: Yes, that's okay.

Police interviewer: Good stuff. So, you've been arrested on an allegation of sexual assault against another student, Miss Mijer. This is alleged to have happened numerous times. So, do you want to start from the basics and just tell me what you think?

Mr de Jong: No comment.

Police interviewer: No comment, okay. I've still got to go through all the questions. I know you've already indicated you're going to say "no comment", but I have to just cover everything anyway. Do you have a lot of private contact with Miss Mijer?

Mr de Jong: No comment.

Police interviewer: Can you explain why Miss Mijer accuses you of sending her photos with sexual content?

Mr de Jong: No comment.

Police interviewer: Okay. Can you explain why these allegations of sexual assault have been made against you?

Mr de Jong: No comment.

Police interviewer: What can you say about the accusation of touching Miss Mijer inappropriately several times?

Mr de Jong: No comment.

Police interviewer: OK, I think we should move on to the incident that happened on the 5th of January 2019, when you waited for Miss Mijer in her room. Please explain in your own words what happened right after that.

Mr de Jong: No comment.

Police interviewer: Can you tell me why you think she called the police?

Mr de Jong: No comment.

Police interviewer: Okay Mr de Jong, I've got no further questions. I'm going to conclude the interview, and the time is now 12.15.

Denial of the Victim

Police interviewer: Hello, my name is police constable Maathuis. I will be conducting an interview with you today. So, you do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?

Mr de Jong: Yeah, I understand.

Police interviewer: The black box there on the wall is recording everything. If this investigation did go further, this recording can be used in court. Do you understand?

Mr de Jong: Yeah, I understand that.

Police interviewer: Good stuff. So, you've been arrested on an allegation of sexual assault against another student, Miss Mijer. This is alleged to have happened numerous times. So, do you want to start from the basics and just tell me about that?

Mr de Jong: In class, I saw her giving me these signals, you know? She would have that seducing look and wink at me. Miss Mijer always came to class lightly dressed and sent me a lot of emails, apparently for group work, trying to get in contact with me. So I don't understand why she's now saying she wasn't interested.

Police interviewer: So, why did she accuse you of touching her without her consent?

Mr de Jong: I think she wants to get back at me. She is always hanging around with men in the lectures and she seems to get along with them really well, too. I don't have any doubts she plays around with them as well. Just like she does with me. You should have seen how she presents herself. Always leaning in to me so that I can see everything. Don't tell me these aren't explicit signals. She is just making that up if you ask me. She wanted me to make a move on her. She was even flirting with me. If you knew her, you wouldn't be interviewing me. She is known for flirting and sleeping around. Just a typical troublemaker who will make up anything to save herself.

Police interviewer: Alright. Miss Mijer told us about receiving a lot of intrusive photos from you. What do you say about these?

Mr de Jong: I can only repeat myself. She wanted me to go for it. For a few weeks, she didn't show up to class or group meetings. But she sent many emails regarding her parts of the work. She clearly looked for contact so I just played along.

Police interviewer: So Miss Mijer explicitly said she wanted sexual contact with you?

Mr de Jong: She didn't say it like that but her eyes and behaviour did. Also, from what I see at parties, she does not hold back at flirting at all.

Police interviewer: OK so now I know a bit more. I think we should move on to the incident that happened on the 5th of January 2019, when you waited for Miss Mijer in her room. Please explain in your own words what happened on that day.

Mr de Jong: She was all dressed up that day and couldn't keep her eyes off of me during class. I got the feeling that we could finally take a step further. So I thought I would just do what she was used to. I used the key and when she showed up she asked me what I wanted from her. I told her not to pretend that nothing was going on between us. I approached her and when I came closer she immediately pushed my hands away. I think she was just joking around so I tried to take her top off. She started yelling and that's where her roommate came in. She acted like our connection didn't exist all of a sudden! In one minute she wanted me and in the next she was acting like she didn't. I don't see how I can be blamed for her suggesting she wants me one minute, then flipping out the next. We didn't even do anything. I don't understand what her problem is, she clearly likes this kind of attention.

Police interviewer: To check if I got you right: you're saying that no sexual assault happened that day?

Mr de Jong: I did nothing she didn't want and isn't doing all the time with other people anyway. She threw herself at me. And if I made a move on her, then it was just because she made me do it. Has she put me in a lot of trouble here?

Police interviewer: I just need to try and establish what happened for now. Let's take a short break then, just for the recording the interview is being terminated at 12:15

Supplication

Police interviewer: Hello, my name is police constable Maathuis, I will be conducting an interview with you today. So, you do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do or say may be given in evidence. Do you understand?

Mr de Jong: Yes, I understand

Police interviewer: The black box there on the wall is recording everything. If this investigation did go further, this recording can be used in court. Do you understand?

Mr de Jong: Yes, that's okay.

Police interviewer: Good stuff. So, you've been arrested on an allegation of sexual assault against another student, Miss Mijer. This is alleged to have happened numerous times. So, do you want to start from the basics and just tell me what you think?

Mr de Jong: I really don't know why she would say that. I don't understand why I am interviewed. She's in my class and we'd been talking a lot over e-mail but I would never deliberately make her feel bad, I'm horrified that she's upset.

Police interviewer: You are accused of having touched Miss Mijer inappropriately several times. She reported that you touched her back and waist without her consent.

Mr de Jong: I don't know what to say. This is a lot to take in and I don't know how to handle this situation. I wouldn't touch anybody inappropriately! I am just doing my studies and that's hard enough; someone wants to get me in trouble for sure. I can't believe I would be in this much trouble

just for being polite and putting a friendly hand on someone. Look at me, I am just trying to keep my life together.

Police interviewer: What do you say about her accusations of you sending her photos with sexual content?

Mr de Jong: I didn't know what I was doing... I'm so stressed at the moment. My boss wants me to do more hours but I have to revise to keep my grades up. I needed someone to talk to, you know? And she didn't seem to mind because she kept responding and talking about the project we were working on. I didn't think I was doing anything bad. I thought she felt something for me and it made me feel a bit better.

Police interviewer: We are trying to investigate what happened for now. Let's move on to the incident that happened on the 5th of January 2019, when you waited for Miss Mijer in her room. Please explain in your own words what happened that day.

Mr de Jong: Okay, let's see... I wanted to talk to her about us so I went to her room and waited for her. When she came in I could feel that tension between us and we had been talking so I didn't think I was doing anything wrong. But she completely denied our connection so I tried to save what I thought we had. I just wanted things to work out for us. So I came a bit closer to convince her. I told her that she could be happy with me. I thought she had feelings for me and suddenly she rejected me. All I get is rejection these days. Am I so stupid because I thought someone would like me for who I am?

Police interviewer: So why do you think Miss Mijer called the police?

Mr de Jong: I don't know. Maybe she doesn't want me to be happy? I have no one left, don't you see that? I am so overwhelmed right now, this is just too much.

Police interviewer: To check if I got you right: you're saying that no sexual assault happened that day?

Mr de Jong: I told you I needed someone to talk to and to get a clear picture of what was going on between us. She stood there pretty as she is and I was sure she wanted to be with me. It was just an innocent mistake, I wouldn't be capable of assaulting someone! I thought both of us wanted to take things a step further. I didn't want to hurt her. Look at me, I couldn't do something like that! How could someone do this to me? Sorry but I can't handle this. Do you mind taking a short break?

Police interviewer: Yes, we can take a five-minute break. Just for the recording the interview is being terminated at 12:15.

Appendix D: Fictional interview with a female suspect using No comment, Denial of the victim and Supplication.

No Comment

Police interviewer: Hello, my name is police constable Maathuis, I will be conducting an interview with you today. So, you do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?

Ms Witte: Yes, I understand

Police interviewer: The black box there on the wall is recording everything. If this investigation did go further, this recording can be used in court. Do you understand?

Ms Witte: Uh, yes that's fine.

Police interviewer: Good stuff. So, you've been arrested on an allegation of sexually assaulting another student, Mr de Vries. This is alleged to have happened numerous times. So, do you want to start from the basics and just tell me about the contact with Mr de Vries?

Ms Witte: No comment.

Police interviewer: No comment, okay. I've still got to go through all the questions. I know you've already indicated you're going to say "no comment", but I have to just cover everything anyway. Did you two have a close relationship?

Ms Witte: No comment.

Police Interview: Can you explain why you have been accused of repeatedly touching Mr de Vries inappropriately?

Ms Witte: No comment.

Police interviewer: Okay. Can you tell me more about the pictures you sent Mr de Vries although he asked you to stop?

Ms Witte: No comment.

Police interviewer: OK, I think we should move on to the incident that happened on the 5th of January 2019, when you broke into Mr de Vries' room. Please explain in your own words what happened on the evening of that date.

Ms Witte: No comment.

Police interviewer: Can you tell me why you think he called the police?

Ms Witte: No comment.

Police interviewer: Okay Ms Witte, I've got no further questions. I'm going to conclude the interview, and the time is now 12.15.

Denial of the Victim

Police interviewer: Hello, my name is police constable Maathuis. I will be conducting an interview with you today. So, you do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?

Ms Witte: Sure, I understand.

Police interviewer: The black box there on the wall is recording everything. If this investigation did go further, this recording can be used in court. Do you understand?

Ms Witte: I understand that.

Police interviewer: Good. So, you've been arrested on an allegation of sexually assaulting another student, Mr de Vries. This is alleged to have happened numerous times over the course of the last six months. So, do you want to start from the basics and just tell me about the contact with Mr de Vries?

Ms Witte: Yes, sure. Mr de Vries and I have a few courses together. We met a few months ago at a party and had a lot of fun. Well, I was not the only one who fell for him and he didn't waste the chance to get with as many girls as possible. I am still kind of into him and I felt this connection between us a lot of times.

Police interviewer: OK. What do you say about the accusation of sending him photos with sexual content?

Ms Witte: He is flirting with a lot of girls and he is not the guy for a relationship I guess. So you have to leave a lasting impression to catch his attention. It's not as if he wouldn't send around intimate photos.

Police interviewer: Alright. What do you say about the accusation of having touched Mr de Vries inappropriately several times?

Ms Witte: Touched him inappropriately? I wouldn't call it like that! Other girls are doing the same and he likes this attention. It's totally innocent. It's nothing he isn't begging for from other women in our year all the time! And also, I see him doing the same to other girls, too. I didn't do anything he hasn't done before, that I can tell you.

Police interviewer: You're saying that he explicitly said that he wanted this contact?

Ms Witte: I can't remember everything about our conversations. What I can definitely say is that it is totally unnecessary that you are interviewing me here. I was only reacting to the signals I received.

Police interviewer: OK, I think we should move on to the incident that happened on the 5th of January 2019, when you broke into Mr de Vries' room. Please explain in your own words what happened on the evening of that date.

Ms Witte: So, I heard from my friend, who is Mr de Vries' roommate, that he would talk about me all the time. Who would know that he didn't like me then? Before, in class, he looked over to me so many times! He never said anything that would imply that he has a negative impression of me. However, I decided to go over and see if I could get lucky. You're making it a bigger deal as it actually was. My friend says that's exactly what he has done to the girl in history class. And It's nothing unusual for us to use the others' keys. Well, and it's actually quite uncomfortable for me to talk to strangers about these intimate topics. I basically showed him what he could have and tried to charm him so to say. I let him put his hands on me but he never explicitly said that he was bothered by me. If you're asking me

then it's exactly what he wanted. I mean he's still a man and he enjoyed touching me! And you're treating me like a criminal here.

Police interviewer: I just need to try and establish what happened for now. So you're saying that no sexual assault has happened that day?

Ms Witte: I don't really know what else to tell you. I had the feeling that's what we both wanted, that's why we are at least equally guilty. I mean, I just read the signals. He made me act like that. Maybe I came off a bit too strong, but I wanted to solve that tension so I told him not to leave. He accused me of many bad things, as if I was some kind of stalker! Of course I got mad! It's not like I was beating him or something. It got heated but nothing more happened.

Police interviewer: Okay, thank you. Let's take a short break, just for the recording the interview is being terminated at 12:15.

Supplication

Police interviewer: Hello, my name is police constable Maathuis. I will be conducting an interview with you today. So, you do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?

Ms Witte: Sure, I understand.

Police interviewer: The black box there on the wall is recording everything. If this investigation did go further, this recording can be used in court. Do you understand?

Ms Witte: I understand that.

Police interviewer: Good. So, you've been arrested on an allegation of sexually assaulting another student, Mr de Vries. This is alleged to have happened numerous times. So, do you want to start from the basics and just tell me about the contact with Mr de Vries?

Ms Witte: Yes, Sir, I can try. Mr de Vries and I have some courses together and I am a lot at his house because I am hanging out with his flatmate. I think I first saw him at a party. I don't really know anybody and most of the people at the university are avoiding me. I had some troubles adapting so I tried to go out and make some friends. He was basically the only one talking to me. Of course I fell for him right away. It was quite hard for me to see that he was more interested in other girls. I mean, I also would not choose myself if I had to. So I wouldn't describe the contact we had as a relationship. He had more contact with the popular girls.

Police interviewer: Okay. How can you explain the accusation of touching Mr de Vries inappropriately then?

Ms Witte: I... you know I was really in love with him. I tried to be like the other girls. Like the popular ones he would go out with. I didn't mean to be perceived like that. I just wanted some attention from the boy who I guess was just pretending to be interested in me. I know touching him there was not the appropriate way to do this and usually this is not me. But that's how all of the girls

flirt and I just wanted to be normal like them. You don't want to know how it is to be no one. I was practically invisible and this time, I did want to be seen for once. I am at university and I have never had a boyfriend before. You can't imagine how lonely I feel most of the time... sometimes I can't deal with it.

Police interviewer: So he said explicitly that he wanted this contact?

Ms Witte: I just assumed that someone who has been flirting with another person like this, it is something serious. But I was wrong, obviously. I had just thought that it was important to him, too. Maybe I am just not worth it.

Police interviewer: What about the photos you send him?

Ms Witte: I'm just not so confident with my body and just wanted to know if I look that bad as I think. In the past they always teased me because I don't have any curves.

Police interviewer: OK, I think we should move on to the incident that happened on the 5th of January 2019, when you broke into Mr de Vries' room. Please explain in your own words what happened on the evening of that date.

Ms Witte: It's quite upsetting for me to talk about that. I was so excited about seeing him and I thought it was what he wanted, too. So I went over to his room but he was so mad when I showed up and he came in. I didn't think of it as breaking in and I didn't want to offend anybody or step over other lines. I couldn't break into someone's room with bad intentions. That's just not me. I can't believe he would accuse me of harming him in any way. I just wanted a relationship with him and he started yelling at me to get out and to leave him alone. It breaks my heart to sit here like a criminal.

Police interviewer: Can you tell me a bit more about what happened in Mr de Vries' room?

Ms Witte: I can try but I don't know what else I could possibly tell you. I thought he would feel something for me, so I was ready to begin a serious relationship with him. I mean, I know that was stupid. Look at me! I am definitely not looking like the other girls. But I tried to put as much effort in it as I could because I was so in love with him. I was already in his room when he came in, because I wanted to surprise him. When he saw me he became really mad and looked at me as if I was the grossest thing he had ever seen. How would you feel if the person you're in love with is creeped out by you? It was the worst feeling ever. He told me to leave but I didn't want to let go. After a while I decided to leave because I couldn't take it anymore. He rejected me and used my feelings for him to push his own ego. Can I please grab a tissue in the hall? I am too distressed to talk. I need a few minutes if that is okay.

Police interviewer: Okay, thank you. Let's take a short break, just for the recording the interview is being terminated at 12:15.

Appendix E: Questionnaire provided to the participants.

Please complete this questionnaire about the case you have just read.

Sexual assault is defined as “touching someone inappropriately against someone’s will with or without using violence” (National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, 2019). The Public Health Service of Amsterdam (2020) states that sexual assault is often used interchangeably with sexual abuse, containing all sexual behaviours that carried out without the victims consent.

1) Based on the evidence above, how likely do you think is it that Mr de Jong is guilty of sexual assault?

- ☐ Extremely likely (1)
- ☐ Moderately likely (2)

- ☐ Slightly likely (3)
- ☐ Neither likely nor unlikely (4)
- ☐ Slightly unlikely (5)
- ☐ Moderately unlikely (6)
- ☐ Extremely unlikely (7)

2) On a scale of 1 (not confident) to 10 (confident), how confident are you with your judgement?

- ☐ 1 (1)
- ☐ 2 (2)
- ☐ 3 (3)
- ☐ 4 (4)
- ☐ 5 (5)
- ☐ 6 (6)
- ☐ 7 (7)
- ☐ 8 (8)
- ☐ 9 (9)
- ☐ 10 (10)

3) On a scale of 1 (very unserious) to 10 (very serious), how serious do you perceive the above mentioned crime?

- ☐ 1 (1)
- ☐ 2 (2)
- ☐ 3 (3)
- ☐ 4 (4)
- ☐ 5 (5)
- ☐ 6 (6)
- ☐ 7 (7)
- ☐ 8 (8)
- ☐ 9 (9)
- ☐ 10 (10)

4.) How much empathy do you feel for the suspect?

	Strongly agree (1)	Agree (2)	Somewhat agree (3)	Neither agree nor disagree (4)	Somewhat disagree (5)	Disagree (6)	strongly disagree (7)	
The suspect's emotions are genuine. (1)								

I experienced the same emotions as the suspect when reading this transcript. (2)								
I was in a similar emotional state as the suspect when reading this transcript. (3)								
I can feel the suspect's emotions. (4)								
I can see the suspect's point of view. (5)								
I recognise the suspect's situation. (6)								
I can understand what the								

suspect was going through in this transcript. (7)								
The suspect's reactions to the situation are understandable. (8)								
When reading the transcript, I was fully absorbed. (9)								
I can relate to what the character was going through in the transcript. (10)								
I can identify with the situation described in the transcript. (11)								

I can identify with the suspect in the transcript. (12)								
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5) How much sympathy do you feel for the suspect?

☐ A great deal (1)

☐ A lot (2)

☐ A moderate amount (3)

☐ A little (4)

☐ None at all (5)