

ANNEX B – Overview of the key Themes from Evidence Sessions

Hybrid meeting with Professor Cheryl Thomas KC – 31 May 2022.

Professor Thomas shared the following in relation to her ongoing work in challenging rape myths among juries in England & Wales:

It was explained that due to the pandemic and the restrictions placed upon jurors in her jurisdiction (England and Wales), the pilot referenced in the Dorrian Review had been paused, but was scheduled to re-start that summer with the removal of social distancing measures etc. It involved the distribution of written documents on rape myths to real jurors, and the piloting of a video, featuring real judges, with mock jurors. Professor Thomas explained that the information imparted to jurors in her research focused only on those rape myths which she is satisfied are factual and evidence based. E.g. that there is no “normal” response to rape, people can react in many different ways to being raped. In terms of how a pilot programme could be implemented she shared some insights, based on her knowledge, research and those of others.

- Written instructions appear to be the most effective means of imparting information to juries, improving comprehension and supporting retention of this information. Written instructions could also reduce the time taken by juries to arrive at a verdict.
- On timing, Professor Thomas indicated that an assessment of the most effective time to deliver jury instructions would form part of the next phase of her research.
- Instructions should be uniform, conveying the same information in the same way to jurors in serious sexual offence cases irrespective of the evidence brought forward during trial. The decision on whether to instruct juries on rape myths should remain at the discretion of the trial judge.
- Judges are experienced in providing balanced instruction to juries and juries understand the role of judges in imparting this information to them. Judges may also want to retain responsibility for instructing juries in their own courtroom.

Video Conference presentation from Professor Chalmers, Professor Leverick and Professor Munro – 7 June 2022

The authors of the Scottish jury research referenced in the Lady Dorrian Review report, Professor James Chalmers, Professor Fiona Leverick and Professor Vanessa Munro gave a VC presentation to the Working Group on 7 June 2022. In terms of how a pilot programme could be implemented they shared some insights, based on their knowledge, research and those of others.

It was acknowledged that the available evidence on the most effective way of challenging rape myths was comparatively limited and that more research would be beneficial to understand the best way of designing and delivering jury instructions. They did, however, highlight the following from the research available:

- There is limited evidence to indicate the effectiveness of video as a medium for instructing juries.
- Evidence shows that jury instructions are most effective when delivered both orally and in writing and they should use simple language and use specific examples and explanations in order to assist jury comprehension.
- Research suggests that instructions provided at the outset of a trial are more effective, allowing juries to frame subsequent evidence in the context of that instruction.