Given the large number of criminal trials that occur annually, it is important to understand jurors’ verdict choices and punishment preferences. Recently, legislators have begun moving to criminalize school bullying, and therefore more such cases will likely be tried in courtrooms in the future. In the current study, undergraduates (N = 170; 75% female) evaluated a criminal trial involving bullying. We manipulated the victim’s age (14 or 18 years old) and the harm level (emotional distress that led to academic problems or a suicide attempt). We hypothesized that greater harm would produce more pro-victim judgments for the younger but not the older victim, and that this effect would be mediated by jurors’ inferences about each individual’s degree of responsibility. As predicted, when the victim was younger, a higher versus lower level of harm led to a greater proportion of guilty verdicts, higher probability of guilt estimates, and harsher sentence recommendations. In contrast, when the victim was older, an increase
in harm significantly decreased probability of guilt estimates and did not affect verdicts or sentences. Jurors seem to interpret harm in a complex way, taking into account the victim’s apparent capacity to deal with his or her mistreatment.

Keywords: juror decision making, bullying, suicide, adolescence, peer victimization

INTRODUCTION

Approximately 1.5 million U.S. citizens are impaneled as jurors each year (Mize, Hannaford-Agor, & Waters, 2007). These individuals participate in more than 150,000 trials, and their decisions profoundly affect the lives of thousands of defendants and victims, as well as society as a whole. Therefore, it is important to understand the process by which they make their judgments. Although jurors are supposed to base their verdicts only on evidence legally presented at trial, research has demonstrated that numerous extralegal variables, such as pretrial publicity and the attractiveness of the defendant, can play a role as well (Devine, Buddenbaum, Houp, Studebaker, & Stolle, 2009; Gunnell & Ceci, 2010).

Of the trials that take place in the United States annually, roughly 66% involve offenses that violate state and federal criminal codes. In recent years, legislators have begun showing a strong interest in criminalizing school bullying, largely in response to community indignation over egregious incidents that were widely publicized in the media (Tefertiller, 2011). As a result, more bullying cases will probably be tried in the courtroom in the future, and it will be useful to learn how jurors make decisions in such cases. The current study investigates mock jurors’ evaluations during a criminal proceeding in which a high school student is accused of bullying a classmate.

Prevalence of School Bullying and Legal Responses

School bullying is a serious social problem that creates significant consequences for victims, including physical symptoms as well as emotional distress, such as clinical depression and post-traumatic stress disorder (Gini & Pozzoli, 2009; Idsoe, Dyregrov, & Idsoe, 2012; Rigby, 2003). Some of these effects remain even after the victims have reached adulthood (Bowes, Joinson, Wolke, & Lewis, 2015; Wolke, Copeland, Angold, & Costello,
2013). Although methodological differences produce varying prevalence rates, studies indicate that up to 45% of students in U.S. elementary, middle, and high schools are bullied during the course of a year, and up to 20% are victimized multiple times every week (Nansel et al., 2001; Swearer & Cary, 2003; Wang, Iannotti, & Nansel, 2009). Bullying is defined by researchers as aggressive behavior that includes three key components (Olweus, 1995). First, it is intended to cause harm. Second, it arises within relationships in which there is an imbalance of power and/or physical strength between perpetrators and victims. Finally, it recurs over time. Bullying includes physical attacks (e.g., hitting and pushing), verbal remarks made directly to the victim (e.g., name calling and abusive language), and indirect, relational aggression in which the perpetrator tries to damage the victim’s relationships with others by manipulating the way others treat the victim or feel about him or her (e.g., spreading rumors and persuading classmates to exclude the victim from a group).

Historically, most bullying incidents were handled within the school even when they included acts that are covered by laws prohibiting intimidation, harassment, stalking, hate speech, or some other offense. However, times are changing. Prosecutors are now showing a greater willingness to charge accused bullies with crimes (Tefertiller, 2011). Additionally, in response to increased media attention to bullying and public outrage over numerous well-publicized cases, some U.S. states have updated their codes so that school bullying can more easily be treated as a criminal offense (Cornell & Limber, 2015; Stuart-Cassel, Bell, & Springer, 2011; Tefertiller, 2011). Several states have accomplished this goal by expanding or strengthening their existing laws to incorporate bullying behaviors explicitly, whereas a few states have added new sections to their codes that define bullying as offenses distinct from related ones like intimidation or harassment (Stuart-Cassel et al., 2011; Tefertiller, 2011). These revisions are very recent, and so far only a small number of students accused of bullying have faced criminal charges (e.g., CBS New York, 2014; Hayes, 2014), but experts agree that changes are on the way as the trend toward criminalizing bullying continues with the support of lawmakers and the general public (Tefertiller, 2011). Thus, it seems inevitable that more bullying cases will be tried in criminal courts in the future.

Obviously, it is important to learn how individuals evaluate bullying cases and how they think perpetrators ought to be treated, in part because of the likelihood that many upcoming cases will be decided by juries. There
are additional reasons, however. For example, some anti-bullying policies require all observers, whether they are students, school personnel, parents, or other bystanders, to report any instances of suspected bullying (e.g., Kinsey, 2013). To do so, these individuals must be able to recognize whether an aggressive encounter between students constitutes bullying. Moreover, legislators and school officials take public opinion into account as they create, implement, and assess anti-bullying policies. In addition, community attitudes influence not only prosecutors as they decide whether to pursue charges against suspects (Bradley et al., 2012) but also judges as they sentence convicted defendants (Stalans, 1993). Thus, it would be valuable to understand people’s appraisals of bullying incidents. Despite the applied value of this type of research, however, relatively few studies have investigated how cases of alleged bullying are evaluated by the general adult population (Gentry & Pickel, 2014; Gentry, Pickel, & Johnson, 2015; Hoetger, Hazen, & Brank, 2015), and most have instead asked school employees to read and react to brief vignettes as a way of predicting how they might intervene after witnessing bullying episodes (e.g., Bauman & Del Rio, 2006; Ellis & Shute, 2007; Hazler, Miller, Carney, & Green, 2001; Jacobsen & Bauman, 2007; Maunder, Harrop, & Tattersall, 2010; Nesdale & Pickering, 2006). The current study was designed to help fill the gap in this literature.

**Bullying and Suicide**

Victims of bullying experience a number of severe negative outcomes. For example, compared to other students, they are more likely to get poor grades, and they may skip classes or drop out of school to escape from the bullying, which puts them at risk for lower educational attainment (Juvonen, Wang, & Espinoza, 2011; Rigby, 2003). Victims are also more likely to experience physical health problems as well as psychological distress, including anxiety, depression, and post-traumatic stress disorder (Baldry, 2004; Gini & Pozzoli, 2009; Idsoe et al., 2012; Klomek, Marrocco, Kleinman, Schonfeld, & Gould, 2007; Rigby, 2003). Furthermore, research suggests that these health issues persist into adulthood and are associated with financial difficulties and poor social relationships (Bowes et al., 2015; Wolke et al., 2013).

Suicide is one of the most alarming potential consequences of bullying. Studies have documented increased suicidal ideation and behavior in middle
school and high school students who were bullied compared with students who were not (Hepburn, Azrael, Molnar, & Miller, 2012; Kim & Leventhal, 2008; Klomek et al., 2007). Suicide is often linked to multiple stressors rather than a single cause, and victims of bullying may experience additional problems that can contribute to suicidality, such as depression, substance abuse, and family dysfunction (Centers for Disease Control and Prevention [CDC], 2014). Nevertheless, the literature demonstrates that being bullied remains an independent risk factor after controlling for other variables (Espelage & Holt, 2013; Kaltiala-Heino, Rimpelä, Marttunen, Rimpelä, & Rantanen, 1999; Klomek, Sourander, & Gould, 2010). Moreover, some young victims have left behind notes identifying the emotional anguish of being persecuted by bullies as the primary reason that they took their lives (CDC, 2014).

How would jurors evaluate a bullying case involving a victim who attempted suicide? Possibly, they would be more likely to make judgments favoring this victim compared to one who experienced a less severe consequence. Research on mock jurors’ liability and damage determinations in civil cases and verdicts in criminal cases have demonstrated that more extensive physical injuries generally increase decisions for the plaintiff or victim (Robbennolt, 2000; Vallano, 2013). The few existing studies involving psychological as opposed to physical injuries have revealed the same correlation (Vallano, 2013; Vallano, Winter, & Charman, 2012), as have those focused on bullying specifically (Gentry & Pickel, 2014; Hazler et al., 2001). For example, Gentry and Pickel (2014) asked participants to act as disciplinary committee members and to listen to a school bullying case in which the victim testified that, because of the torment he suffered, he either skipped classes a few times or withdrew from school. A greater level of harm resulted in a higher proportion of guilty verdicts and higher estimates of the probability of the defendant’s guilt. It is worth noting that, legally, outcome severity should affect punishment decisions because a defendant who causes more harm to a victim deserves a greater penalty, but it is not supposed to influence verdicts or other judgments that should simply reflect the degree to which the defendant’s conduct caused the injury (Robbennolt, 2000; Vallano, 2013).

Although the discussion thus far suggests that higher levels of harm may lead to more pro-victim judgments, no previous experiment has included a condition in which the harm experienced by the victim was as severe as attempted suicide, and it is possible that people do not believe that bullying could reasonably prompt a suicide attempt. Vallano et al. (2012) reported
data consistent with this hypothesis. Their participants read materials about a sexual harassment allegation in which a woman claimed to have suffered psychological injuries as a result of being subjected to unwanted sexual advances from a male coworker. The authors manipulated the participants’ expectations regarding the severity of the psychological injuries by including testimony from a court-appointed therapist who described the effects that harassment victims commonly experience. Specifically, the therapist led participants to expect either mild injuries (e.g., embarrassment), or told them that a victim’s injuries could range from mild to severe (e.g., depression). In addition to participants’ expectations, the authors also varied the severity of the complainant’s actual psychological symptoms, as revealed through her testimony. They found that participants expecting mild injuries viewed only the least severe injuries as reasonable (i.e., likely to happen to a “reasonable” person in similar circumstances), and they rated the complainant as less credible as her reported injuries intensified in severity. Moreover, these participants were less likely to find the defendant liable as the complainant’s injury increased from minimal to a higher level of severity. These results suggest that jurors may be less willing to make judgments favoring a bullying victim if they consider a suicide attempt to be an unreasonable reaction to being bullied. In this situation, they may believe that the victim’s suicidality predated the bullying or that it was precipitated by some other cause.

Do people believe that a suicide attempt could reasonably be a consequence of being bullied? Alternatively, they might believe it results from some sort of defect within the victim. Although research participants often express mixed or contradictory attitudes about the acceptability of terminating one’s life, it is clear that individuals who attempt or complete suicide are sometimes viewed quite negatively. For example, in one survey 73% of the respondents agreed that “there are some situations in which I can understand why people take their own lives,” but 35% stated that suicide is a sin, and 66% believed that individuals who want to kill themselves should be stopped at all costs (Beautrais, Horwood, & Fergusson, 2004). Moreover, it is common for a suicide to be blamed on the victim’s apparent preexisting psychological disorder (Voracek, Loibl, & Lester, 2007), extreme emotional weakness, and/or refusal to deal with problems constructively rather than on the victim’s adverse experiences. Data show that individuals are frequently met with rejection and contempt if it appears that their suicidal behavior was an emotional response to a problem they
could have prevented, resolved, or at least mitigated (Ellis & Hirsh, 1995; Shearer, 2005). Regarding bullying victims specifically, some comments posted with online news stories portray victims who committed suicide as psychologically disturbed, overly sensitive, and blameworthy: “I grew up in the 70’s [sic], and we had a very simple way to handle bullies. It involved a right cross to the nose. Left if you’re a southpaw” (CNN, 2014). “Grow a pair and get over it. We’ve all [dealt] with bullying in our lifetime” (The Columbus Dispatch, 2014). “The only ones who are responsible are the ones who take their own lives for whatever reason” (Yahoo! News, 2014). “[The] kid was obviously troubled to do [something] like this at such a young age” (ABC Eyewitness News, 2014). In sum, it is an open question whether a bullying victim who attempted suicide would be treated more or less sympathetically compared to a victim who reported experiencing a lower level of harm.

The answer may depend on the age of the victim. Until early adulthood, adolescents’ brains continuously develop. Neurotransmitter levels are adjusted, unused synapses are pruned, myelination increases, and new connections between cortical and subcortical regions are established, and these changes bring gradual improvements in maturity, specifically a greater sense of future orientation, diminished impulsivity, more thoughtful judgments, and higher resistance to peer pressure (Cauffman & Steinberg, 2012). Prior research on attitudes toward juvenile defendants suggests that people realize that younger adolescents are less competent, less able to appreciate the consequences of their actions, more susceptible to peer pressure, and more impulsive (Ghetti & Redlich, 2001; Warling & Peterson-Badali, 2003). One survey found that respondents thought individuals are not “totally responsible” for their behavior until they are almost 17 years old (Trzcinski & Allen, 2012), and another indicated that people believe the brain is not fully developed until age 18 and that teenagers have poor impulse control until at least age 15 (Bradley et al., 2012).

Based on these studies, one might predict that jurors would expect older but not younger bullying victims to comprehend the finality of death and the consequences of committing suicide for themselves and their loved ones, to be capable of refraining from making impetuous, emotional decisions, to avoid being unduly influenced by their peers’ interactions with them, and to be able to consider how their future life could become better than their current situation. Therefore, for older victims, raising the reported level of harm from low (skipped school and consequently experienced
academic problems) to high (attempted suicide) may not lead to more pro-victim judgments because, given the comparatively greater maturity ascribed to these victims, attempting suicide may seem like an unreasonable response to being bullied and an indicator that they must have some sort of psychological problem that prompted the attempt. However, jurors may be more sympathetic toward a younger victim as the harm increases from low to high if they assume that attempting suicide is a relatively more common and expected consequence of bullying when the victim is less thoughtful, prudent, future oriented, and emotionally restrained due to her young age; this result would be in line with previous findings that increasing the level of harm usually leads evaluators to be more supportive of the victim (Gentry & Pickel, 2014; Hazler et al., 2001).

I. THE CURRENT STUDY

To test the hypothesis described above, we asked participants to act as jurors and to listen to a fictional case involving a high school student who was bullied by a classmate. As noted previously, a perpetrator’s actions may meet the definition of an offense that appears in a state’s code (e.g., intimidation, harassment, hazing, criminal sexual contact, criminal restraint, stalking). Little is known, however, about how jurors would evaluate such cases. In the current study, the stimulus case was written so that the defendant’s actions met the definition of bullying as established by experts (Olweus, 1995). It also included the elements of the offense of “intimidation” in Indiana, where the case was set; according to Indiana law (IC 35-45-2-1), “communicating a threat to another person, with the intent that the other person engage in conduct against [his or her] will” constitutes intimidation (Indiana General Assembly, 2014).

We manipulated the level of harm reported by the victim as well as the victim’s age. Regarding the level of harm variable, in different versions of the case the victim testified either that she experienced depression that led her to skip classes in an effort to avoid being bullied, which resulted in a number of serious academic problems, or that she was so distraught that she was driven to attempt to kill herself. Furthermore, in different conditions the victim’s age was given as 14 or 18 years old. We chose these ages because people seem to perceive clear differences between 14- and 18-year-olds in terms of impulsivity, accountability, the capacity to resist peer
pressure, and the ability to weigh long-term consequences (Bradley et al., 2012; Trzcinski & Allen, 2012). The jurors made several judgments, including a verdict, probability of guilt estimates, a sentence recommendation, a rating of the seriousness of the case, opinions about the proximate cause of the harm suffered by the victim, and some ratings designed to assess jurors’ attitudes toward the victim and the defendant.

There were two major hypotheses. First, we anticipated an interaction between age and harm on jurors’ evaluations related to guilt and sentencing. Specifically, we thought jurors’ verdicts for the intimidation charge, decisions regarding whether the defendant bullied the victim, and sentence recommendations would more likely favor the 14-year-old victim when she attempted suicide rather than skipped school and experienced academic problems. However, when the victim was 18, we predicted that the harm manipulation would have no effect or that these judgments might actually become less pro-victim when she suffered more rather than less harm.

Our second hypothesis concerns the reason for the interaction described above. We expected this pattern because we predicted that the effect of the victim’s age would be mediated by jurors’ beliefs about what actually caused the harm experienced by the victim. Jurors who learn that the victim is older should be relatively more likely to conclude that the harm resulted from her preexisting psychological problems as compared to the defendant’s conduct, and they should treat the defendant more leniently. Additionally, raising the level of harm suffered by the older victim should not increase jurors’ probability of guilt estimates or induce them to recommend harsher sentences because the defendant does not seem particularly responsible for the harm. On the other hand, jurors who hear that the victim is younger should be more likely to attribute the harm to the bullying behavior of the defendant. Because the defendant is deemed more responsible in the case of the younger victim, an increase in the harm level should lead to more guilty verdicts, higher probability of guilt estimates, and harsher sentence recommendations.

Besides testing these major hypotheses, we conducted some secondary analyses. Past research indicates that seriousness ratings are typically positively correlated with harm (Gentry & Pickel, 2014; Hazler et al., 2001), so we anticipated a main effect of harm level on those ratings. Also, we examined whether jurors’ perceptions of the victim and defendant would follow the same pattern as guilt judgments and sentence recommendations. As explained above, we predicted that guilt judgments and sentences would
be determined by jurors’ causal inferences, so we did not necessarily expect to find an interaction between the victim’s age and the harm level when analyzing attitudes toward the two students.

II. METHOD

A. Participants

The participants \((N = 178)\) were students in undergraduate psychology courses at a medium-sized, Midwestern U.S. university. These students received either extra credit or course credit for their participation. They ranged in age from 18 to 43 years \((M = 19.21, SD = 2.96)\); 75% were female and 83% were White.

B. Materials and Procedure

1. Stimulus Case

The participants acted as jurors and listened to an audio recording (approximate length 20 min., 40 sec.) of a fictional criminal trial and then made several decisions. The case involved two female high school students. The victim testified that she was bullied by the defendant over a period of several months. According to her, one day early in the semester she was sitting at a cafeteria table when the defendant walked up to her, called her a loser, and told her to move because she and her friends wanted to sit there. The victim said that every few days thereafter the defendant would say something cruel to her, for example, that her clothes were ugly or that she had fat thighs. After several weeks of this behavior, the defendant created a discussion webpage on a social media site, posting demeaning comments about the victim, such as “She is a total slut” and “She is as stupid as a cow” and encouraging others to post their own insults and to exclude the victim socially. The victim stated that she decided against reporting the bullying to a teacher or her parents because she was afraid the defendant would retaliate and treat her even more harshly. In response to the victim’s testimony, the defendant claimed that it was the victim who was initially rude and obnoxious. The defendant admitted making the webpage but said that she was just playing around, as students sometimes do with each other. She also stated that the victim never complained to her
about the website or mentioned to her that she was upset, which proves that it was no big deal. This case is based loosely on *Finkel v. Dauber* (2010), in which a group of students posted hurtful comments about a classmate on a Facebook page. The defendant’s behavior constitutes bullying according to the definition used by experts (Olweus, 1995).

The prosecutor explained that, because “bullying” is not listed as an offense in the criminal code of Indiana, where the two students attended school, the victim was instead charged with another offense, intimidation, that the prosecutor thought would apply. The jurors were also told that, according to the statute, “A person who communicates a threat to another person, with the intent that the other person engage in conduct against the other person’s will, commits intimidation” (Indiana General Assembly, 2014). The case was written so that the defendant’s conduct would fit the definition of intimidation; the defendant threatened to continue posting derogatory remarks about the victim unless the victim stopped coming to the cafeteria at lunchtime. The charge was elevated from a misdemeanor to a felony because the defendant used a computer owned by the school corporation to create the discussion webpage and to communicate the threat.

2. Independent Variable 1: Age of the Victim

We varied the age of the victim, which was given through her testimony as either 14 or 18 years old. As noted previously, we chose these ages because research indicates that people see 14- and 18-year-olds as dissimilar with regard to their maturity, ability to resist peer pressure, and future orientation (Bradley et al., 2012; Trzcinski & Allen, 2012). To avoid allowing the victim’s age to be confounded with either the defendant’s age or the difference between the two students’ ages, we did not specify how old the defendant was. Jurors could infer that she was almost certainly no younger than 14 and no older than 18, given that she is in high school. In Indiana, defendants under the age of 18 are usually tried in juvenile court, but they may be waived to adult criminal court if certain conditions are met (e.g., the charge is a serious felony and/or the defendant has at least one previous felony charge). It is unlikely, however, that our participants knew this information or could use it to determine the defendant’s precise age. Nevertheless, we asked them how old they thought the defendant was, as discussed below, so that we could take their inferences into account.
3. Independent Variable 2: Level of Harm

Our second independent variable was the level of harm experienced by the victim. In the Academic Problems condition, the victim stated that the bullying made her feel emotionally distressed and humiliated, which led her to start skipping school. As a result, her grades dropped, she will have to repeat two courses, she may graduate late, and she has probably become ineligible for a college scholarship she wanted. In the Attempted Suicide condition, the victim’s depression was so acute that she attempted suicide by trying to hang herself using the cord on the window blinds in her bedroom.

4. Dependent Measures

After providing informed consent, the jurors were randomly assigned to listen to one of the four versions of the recorded hearing, which concluded with legal instructions presented by the judge. They then completed a questionnaire requesting several judgments about the case:

**Intimidation charge: Verdict, probability of guilt, and sentence.** First, the jurors were given the written definition of “intimidation” and were asked to choose a verdict (guilty or not guilty of intimidation), estimate the probability of the defendant’s guilt, and recommend a sentence for the defendant if she should be found guilty of intimidation (jurors specified the number of months of incarceration they preferred from 0 to 30, which is the maximum allowed in Indiana for a felony of this type).

**Bullying accusation: Yes/no judgment, probability estimates, and seriousness.** Next, the jurors were given a written definition of “bullying” that was adapted from the one Indiana school districts are required to use:

“Bullying” means overt, repeated acts or gestures by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student. “Acts or gestures” includes verbal or written communications, physical acts, or other behaviors. Bullying involves an imbalance of power or strength between the bully/bullies and the victim.

Based on the above definition, jurors were asked to make a yes/no judgment regarding whether the defendant bullied the victim, followed by an estimate of the probability that the defendant bullied the victim. They also rated the seriousness of the case (from 0 = not at all serious to 10 = extremely serious).
Perceptions of the victim and defendant. In the next section, the jurors made two judgments about the victim and defendant. First, they rated the degree of empathy they felt for each (from 0 = not at all to 10 = very much). Second, they completed a six-item social distance scale (Winer, Bonner, Blaney, & Murray, 1981) that measured their attitudes toward the victim and defendant. Scores can range from 6 to 42, with higher numbers indicating more social rejection of the target person.

Beliefs about suicide. Following these judgments, the jurors answered some items examining their beliefs about the causes of suicide attempts. One pair of items asked jurors to make attributions about the harm experienced by the victim in the specific case they heard. They rated the extent to which the defendant’s actions caused the harm, and they also rated the extent to which the harm was caused by psychological problems the victim may have. Responses on both scales ranged from 0 = not at all to 10 = completely. In addition, the jurors responded to two items that asked about the typical causes of suicide attempts in general. They rated the extent to which a suicide attempt is usually caused by the individual’s psychological problems as well as the extent to which an attempt is usually caused by serious conflict between that individual and someone else, such as a family member, a significant other, or a classmate. Responses on these scales ranged from 0 = not at all to 10 = completely.

Manipulation checks, jurors’ inferences about the defendant’s age, demographics. Next, the jurors answered two multiple choice manipulation checks, asking them to remember the harm the victim suffered and the age of the victim, and they also indicated how old they thought the defendant was, based on either the trial testimony or their assumptions. Demographic questions followed (age, sex, race), after which participants were thanked and debriefed.

III. RESULTS

Eight participants failed one or more of the two manipulation checks because they did not remember the victim’s age and/or the harm she experienced. Their data were excluded from the analyses, which left 170 participants in the sample.
Responses to the item asking how old the defendant was revealed that 96% of the jurors knew that her age was never stated during the trial, and 90% of these jurors reported making no particular assumption about her exact age. Thus, we concluded that we could test our hypotheses without being concerned that any observed effects could be attributed to jurors’ suppositions about the victim’s age or about the difference between the ages of the two students.

Except for verdicts for the charge of intimidation and yes/no judgments regarding whether the defendant bullied the victim, all dependent variables were examined using factorial analyses of variance, with the level of harm and the victim’s age as factors and alpha set at .05. Preliminary analyses revealed that there were no significant effects related to participants’ sex ($p > .11$).

**A. Judgments Related to Guilt and Sentencing**

**Hypothesis 1.** Our first hypothesis was that, for measures involving guilt and sentencing, an interaction between the age of the victim and the level of harm would emerge. Specifically, we expected that an increase in harm would lead to more punitive judgments against the defendant when the victim was 14 years old but not when she was 18. This hypothesis is examined below, first for measures related to the intimidation charge and then for measures related to the accusation of bullying.

**Intimidation charge: Verdicts, probability of guilt estimates, and recommended sentences.** We used a hierarchical loglinear analysis to examine the effects of level of harm and victim’s age on verdicts for the charge of intimidation. We found a significant main effect of age such that guilty verdicts were more likely when the victim was 14 rather than 18 years old, $\chi^2(1, N = 170) = 18.69, p < .001$ (see Table 1). As predicted, there was a significant interaction between age and harm, $\chi^2(1, N = 170) = 10.13, p < .001$. Follow-up chi-square tests of independence indicated that, when the victim was 14, the proportion of guilty verdicts was greater if she attempted suicide versus skipped school and developed academic problems, $\chi^2(1, N = 87) = 8.61, p = .003$. However, the level of harm had no effect on verdicts when the victim was 18, $\chi^2(1, N = 83) = 1.66, p = .20$. The main effect of harm on verdicts was not significant ($p = .66$). Overall, 78% of the jurors decided the defendant was guilty of intimidation.
Table 1. Case judgments as a function of victim’s age and level of harm.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Intimidation verdict</th>
<th>Intimidation probability of guilt</th>
<th>Sentence</th>
<th>Bullying probability estimate</th>
<th>Causality difference score</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Years Old</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academic Problems</td>
<td>.82₁</td>
<td>.74 (.16)₁</td>
<td>6.82 (5.93)₁</td>
<td>.96 (.07)₁</td>
<td>2.57 (3.34)₁</td>
</tr>
<tr>
<td>Attempted Suicide</td>
<td>1.00₂</td>
<td>.90 (.09)₂</td>
<td>14.51 (8.40)₂</td>
<td>.99 (.04)₁</td>
<td>4.79 (2.27)₂</td>
</tr>
<tr>
<td>Total 14 Years Old</td>
<td>.91ₐ</td>
<td>.82 (.15)ₐ</td>
<td>10.62 (8.19)ₐ</td>
<td>.97 (.06)ₐ</td>
<td>3.67 (3.06)ₐ</td>
</tr>
<tr>
<td>18 Years Old</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academic Problems</td>
<td>.71₁</td>
<td>.67 (.17)₁</td>
<td>6.68 (5.17)₁</td>
<td>.93 (.14)₁</td>
<td>1.39 (3.19)₁</td>
</tr>
<tr>
<td>Attempted Suicide</td>
<td>.57₁</td>
<td>.59 (.19)₂</td>
<td>6.52 (6.51)₁</td>
<td>.93 (.11)₁</td>
<td>1.38 (2.40)₁</td>
</tr>
<tr>
<td>Total 18 Years Old</td>
<td>.64ₐ</td>
<td>.63 (.18)ₐ</td>
<td>6.60 (5.85)ₐ</td>
<td>.93 (.13)ₐ</td>
<td>1.39 (2.80)ₐ</td>
</tr>
<tr>
<td>Total Academic Problems</td>
<td>.76ₐ</td>
<td>.71 (.17)ₐ</td>
<td>6.75 (5.54)ₐ</td>
<td>.95 (.11)ₐ</td>
<td>2.00 (3.30)ₐ</td>
</tr>
<tr>
<td>Total Attempted Suicide</td>
<td>.79ₐ</td>
<td>.75 (.22)ₐ</td>
<td>10.56 (8.49)ₐ</td>
<td>.96 (.09)ₐ</td>
<td>3.11 (2.89)ₐ</td>
</tr>
</tbody>
</table>

Note: For intimidation verdicts, the proportion of guilty verdicts is shown. For other variables, means are reported with standard deviations in parentheses. Sentences are given in months. Causality difference scores were calculated by subtracting the rating of the extent to which participants thought the victim’s psychological problems caused the harm she experienced from the rating of the extent to which participants thought the defendant’s conduct caused the harm. Values in the same column that do not share the same capital alphabetical subscript (total victim’s age rows) or lower case alphabetical subscript (total harm rows) differ significantly, p < .05. The simple effects at each level of victim’s age are significant if the numerical subscript differs, p < .05.
Regarding probability of guilty judgments, we found a significant main effect of the victim’s age, \( F(1, 166) = 62.93, p < .001, \eta^2 = .28 \) (see Table 1). Jurors thought the defendant was more likely guilty when the victim was 14 rather than 18. As with verdicts, this effect was qualified by a significant interaction between age and harm, \( F(1, 166) = 24.86, p < .001, \eta^2 = .13 \). Simple effects analyses clarified that, when the victim was 14, jurors assigned a greater probability of guilt in the Attempted Suicide condition than in the Academic Problems condition, \( F(1, 166) = 22.45, p < .001, \eta^2 = .13 \). In contrast, this pattern was reversed when the victim was 18, \( F(1, 166) = 5.48, p < .025, \eta^2 = .05 \). There was no significant main effect of harm (\( p = .10 \)).

The jurors were asked to specify the number of months of incarceration they would prefer for the defendant if she were convicted. Both main effects were significant (see Table 1). Jurors recommended harsher sentences when the victim was younger rather than older, \( F(1, 166) = 15.97, p < .001, \eta^2 = .09 \), and when she suffered more rather than less harm, \( F(1, 166) = 13.74, p < .001, \eta^2 = .08 \). More importantly, the interaction between age and harm was also significant, \( F(1, 166) = 14.92, p < .001, \eta^2 = .08 \). Simple effects analyses revealed that increasing the level of harm led to longer recommended sentences when the victim was 14 years old, \( F(1, 166) = 29.34, p < .001, \eta^2 = .22 \), but the harm manipulation had no effect when the victim was 18, \( F(1, 166) = 0.53, p > .05, \eta^2 < .01 \).

**Bullying accusation: Yes/no judgments and probability estimates.** We used a hierarchical loglinear analysis to determine whether level of harm and victim’s age affected jurors’ yes/no judgments of whether the defendant bullied the victim, given the definition of “bullying” we provided. Only one juror (in the 18 Years Old, Academic Problems condition) said “no,” and consequently there were no significant effects (\( ps \geq .23 \)).

The jurors were asked to estimate the probability that the defendant bullied the victim. These estimates were higher when the victim was younger rather than older (see Table 1), \( F(1, 166) = 9.08, p = .003, \eta^2 = .05 \). No other effects were significant (\( ps \geq .40 \)).

**Hypothesis 2.** Our second major hypothesis was that the effect of the victim’s age on probability of guilt estimates for the charge of intimidation would be mediated by jurors’ attributions about the cause of the harm experienced by the victim (regardless of the level of harm). Specifically, jurors who learned that the victim was 14 years old should tend to conclude
that the defendant’s bullying primarily caused the harm and to consider the defendant more likely guilty of intimidation. Conversely, jurors who learned that the victim was 18 should be relatively more likely to attribute the harm to the victim’s psychological problems and to estimate the defendant’s probability of guilt as lower.

We obtained support for this hypothesis using two approaches. First, we verified that jurors attributed relatively more harm to the defendant compared to the victim when the victim was 14 years old rather than 18. Second, we conducted a mediation analysis demonstrating that the effect of age on probability of guilt estimates for the intimidation charge was mediated by jurors’ attributions of causality.

Attributions of causality in the current case. Jurors responded to two items that assessed their beliefs about the cause of the harm suffered by the victim in the specific case they heard. One item asked jurors to rate the extent to which the defendant’s conduct caused the harm, and the other requested a rating of the extent to which the harm was caused by psychological problems the victim may have. We created a “causality difference score” by subtracting the rating related to the victim’s psychological problems from the rating related to the defendant’s conduct. Thus, a positive difference score would indicate that the juror attributes relatively more responsibility to the defendant, and a negative score would indicate an attribution of relatively more responsibility to the victim.

A factorial analysis of variance revealed that both main effects were significant (see Table 1). As expected, jurors assigned relatively more culpability to the defendant when the victim was 14 versus 18 years old, $F(1, 166) = 27.69, p < .001, \eta^2 = .14$, and when she experienced more rather than less harm, $F(1, 166) = 6.45, p = .01, \eta^2 = .04$. These effects were qualified by a significant age-by-harm interaction, $F(1, 166) = 6.55, p = .01, \eta^2 = .04$. Simple effects analyses revealed that, when the victim was 14, jurors attributed relatively more responsibility to the defendant in the Attempted Suicide condition as opposed to the Academic Problems condition, $F(1, 166) = 13.31, p < .01, \eta^2 = .13$. In contrast, when the victim was 18, the harm level had no effect, $F(1, 166) < 0.01, p > .05, \eta^2 < .01$.

Mediation analysis. To test the prediction that jurors’ causality attributions mediate the effect of the victim’s age on probability of guilt estimates, we conducted a mediation analysis using regression (Baron & Kenny, 1986) by
entering the victim’s age as the initial variable, the causality difference score described above as the mediator, and the probability of guilt estimate for the intimidation charge as the outcome variable. We obtained significant beta coefficients for the path from the victim’s age to the causality difference scores and for the path from the difference scores to probability of guilt estimates (see Figure 1). The direct path from the victim’s age to probability of guilt estimates, after controlling for the effect of the mediator, remained significant ($p < .001$), which indicated partial rather than complete mediation. PRODCLIN (Tofighi & MacKinnon, 2011) was used to test the significance of the indirect path. The indirect effect of the victim’s age on probability of guilt estimates through the causality difference scores was significant, as revealed by the 95% confidence limits of $-0.31$ and $-0.13$.

B. Secondary Analyses

1. Seriousness Ratings

Jurors’ ratings of the seriousness of the case were affected by both independent variables (see Table 2). The ratings were higher when the victim was 14 as opposed to 18, $F(1, 166) = 3.93$, $p = .05$, $\eta^2 = .02$, and in the Attempted Suicide condition versus the Academic Problems condition, $F(1, 166) = 39.34$, $p < .001$, $\eta^2 = .19$. These effects were qualified by a significant interaction between age and harm, $F(1, 166) = 3.81$, $p = .05$, $\eta^2 = .02$. 

**Figure 1.** A mediation analysis investigated the effect of victim’s age on probability of guilt estimates for the intimidation charge via causality difference scores. Numbers on the paths are standardized regression coefficients, all of which are significant at $p < 0.001$. PRODCLIN revealed that the indirect effect was significant.
Table 2. Perceptions of the victim and defendant and seriousness ratings as a function of victim's age and level of harm.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Victim empathy</th>
<th>Defendant empathy</th>
<th>Victim social distance</th>
<th>Defendant social distance</th>
<th>Seriousness</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Years Old</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academic Problems</td>
<td>6.86 (2.58)₁</td>
<td>2.00 (1.78)₁</td>
<td>20.07 (7.89)₁</td>
<td>30.41 (6.61)₁</td>
<td>7.23 (1.93)₁</td>
</tr>
<tr>
<td>Attempted Suicide</td>
<td>7.79 (2.13)₁</td>
<td>1.86 (2.36)₁</td>
<td>15.65 (6.66)₁</td>
<td>31.35 (7.77)₁</td>
<td>9.30 (1.01)₂</td>
</tr>
<tr>
<td>Total 14 Years Old</td>
<td>7.32 (2.40)ₐ</td>
<td>1.93 (2.07)ₐ</td>
<td>17.89 (7.60)ₐ</td>
<td>30.87 (7.18)ₐ</td>
<td>8.25 (1.86)ₐ</td>
</tr>
<tr>
<td>18 Years Old</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academic Problems</td>
<td>6.24 (2.10)₁</td>
<td>2.46 (1.93)₁</td>
<td>20.29 (7.27)₁</td>
<td>30.00 (6.76)₁</td>
<td>7.22 (1.71)₁</td>
</tr>
<tr>
<td>Attempted Suicide</td>
<td>7.14 (1.65)₁</td>
<td>2.86 (2.01)₁</td>
<td>19.38 (7.39)₁</td>
<td>29.50 (6.95)₁</td>
<td>8.31 (1.77)₂</td>
</tr>
<tr>
<td>Total 18 Years Old</td>
<td>6.70 (1.92)ₐ</td>
<td>2.66 (1.97)ₐ</td>
<td>19.83 (7.30)ₐ</td>
<td>29.75 (6.82)ₐ</td>
<td>7.77 (1.82)₂</td>
</tr>
<tr>
<td>Total Academic Problems</td>
<td>6.56 (2.37)ₐ</td>
<td>2.22 (1.85)ₐ</td>
<td>20.18 (7.56)ₐ</td>
<td>30.21 (6.65)ₐ</td>
<td>7.22 (1.82)₂</td>
</tr>
<tr>
<td>Total Attempted Suicide</td>
<td>7.47 (1.93)ₐ</td>
<td>2.35 (2.24)ₐ</td>
<td>17.49 (7.24)ₐ</td>
<td>30.44 (7.39)ₐ</td>
<td>8.81 (1.52)ₐ</td>
</tr>
</tbody>
</table>

Note: For each variable, means are reported with standard deviations in parentheses. Empathy and seriousness ratings were made on an 11-point scale with higher numbers reflecting greater amounts. Social distance scores can range from 6 to 42 with lower numbers reflecting more positive attitudes. Values in the same column that do not share the same capital alphabetical subscript (total victim’s age rows) or lower case alphabetical subscript (total harm rows) differ significantly, \( p < .05 \). The simple effects at each level of victim’s age are significant if the numerical subscript differs, \( p < .05 \).
Simple effects analyses indicated that, for both victim age conditions, jurors rated the case as significantly more serious as the harm level increased. However, the effect of harm was more pronounced when the victim was younger, \( F(1, 166) = 34.63, p < .001, \eta^2 = .22 \), rather than older, \( F(1, 166) = 9.12, p < .01, \eta^2 = .09 \).

2. Perceptions of the Victim and Defendant

The jurors were asked to rate the degree of empathy they felt toward the victim and the defendant. Regarding the victim, a main effect of harm emerged, such that the ratings were higher when the victim experienced more rather than less harm (see Table 2), \( F(1, 166) = 7.68, p = .006, \eta^2 = .04 \). Also, the jurors were marginally more empathetic toward the younger than the older victim, \( F(1, 166) = 3.70, p = .06, \eta^2 = .02 \). The interaction was not significant (\( p = .97 \)). Turning to the defendant, jurors felt less empathy toward her when the victim was 14 as opposed to 18 years old, \( F(1, 166) = 5.31, p = .02, \eta^2 = .03 \). No other effects were significant (\( ps \geq .39 \)).

In addition to making empathy ratings, the jurors completed Winer et al.’s (1981) social distance scale with the victim and the defendant as targets. On this scale, scores can range from 6 (most positive) to 42 (most negative). Jurors’ attitudes toward the victim were more positive in the Attempted Suicide rather than the Academic Problems condition (see Table 2), \( F(1, 166) = 5.63, p = .02, \eta^2 = .03 \), and were marginally more positive when she was younger versus older, \( F(1, 166) = 3.10, p = .08, \eta^2 = .02 \). There was no significant interaction (\( p = .12 \)). Concerning the defendant, we found no significant effects (\( ps \geq .12 \)), and jurors’ attitudes were rather negative overall (\( M = 30.32, SD = 7.01 \)).

3. Beliefs about Typical Reasons that Individuals Attempt Suicide

The jurors completed two items designed to examine their beliefs about the typical causes of suicide attempts in general. The first item asked whether, in the jurors’ opinion, attempts are usually caused by psychological problems the individual has. We discovered that, although jurors in all conditions thought this reason was fairly common (overall \( M = 6.91, SD = 2.05 \)), they thought it was less likely if they heard a case in which the victim attempted suicide (\( M = 6.24, SD = 2.04 \)) versus skipped school and consequently began having academic difficulties (\( M = 7.59, SD = 1.83 \)), \( F(1, 166) = 20.73, p < .001, \eta^2 = .11 \). There were no other significant effects (\( ps \geq .17 \)).
The second item asked whether suicide attempts are typically caused by serious interpersonal conflicts. Across conditions, jurors agreed that difficulties with other people often prompt individuals to attempt suicide ($M = 7.32$, $SD = 1.50$), and no effects were significant ($ps \geq .17$).

**IV. DISCUSSION**

As noted earlier, it is important to learn how jurors make decisions because of the large number of jury trials that take place each year (Mize et al., 2007). The current study adds to previous research showing that jurors consider various factors as they evaluate a criminal case and eventually choose a verdict (Devine et al., 2009). When a defendant is charged with a particular criminal offense in order to hold him or her responsible for school bullying, jurors will likely hear testimony regarding the harm done to the victim, which could in some cases be quite severe, as when the victim attempted or completed suicide. Our findings indicate that the impact of this evidence will vary depending on the victim’s age because of jurors’ inferences about the victim’s degree of responsibility for the outcome. Specific results and their implications are discussed below.

**A. Judgments Related to Guilt and Sentencing**

1. Intimidation Charge

Our first main prediction was that the level of harm experienced by the victim would have different effects on verdicts, probability of guilt estimates, and sentence recommendations for the intimidation charge depending on her age. Specifically, we anticipated that, when the victim was 14 years old, jurors would be more likely to make judgments in her favor if her emotional distress prompted her to attempt suicide rather than to skip school and thus experience academic problems. In contrast, we thought that the harm level would not matter when the victim was 18 or that jurors’ evaluations might even become less pro-victim with increasing harm. All of the judgments regarding the intimidation charge supported our expectations. As the harm level increased in the case involving the 14-year-old victim, jurors were more likely to choose a guilty verdict, they provided higher estimates of the probability of the defendant’s guilt, and they recommended harsher sentences. When the victim was 18, however,
greater harm led to lower probability of guilt estimates and no significant change in the proportion of guilty verdicts or sentence recommendations. These results are consistent with the hypothesis that the jurors expected 14- and 18-year-olds to vary in terms of their maturity, impulsivity, coping skills, susceptibility to peer influence, emotional restraint, and future orientation (Bradley et al., 2012; Ghetti & Redlich, 2001; Trzcinski & Allen, 2012; Warling & Peterson-Badali, 2003). Moreover, the jurors apparently believed that an 18-year-old should be better equipped to handle a bully. Thus, they viewed a suicide attempt by a 14-year-old victim as a possible, though unfortunate, consequence of being bullied, whereas the same behavior in the older victim seemed unreasonable and had to be attributed to another cause (i.e., the victim’s psychological problems).

We additionally hypothesized that the effect of the victim’s age on jurors’ probability of guilt estimates would be mediated by their inferences about the main cause of the harm the victim experienced, and this prediction was supported. In particular, when the victim was 14 years old, jurors tended to see the defendant’s conduct as the primary cause and to find the defendant guilty of intimidation. Because the defendant was viewed as the main cause of the harm, an increase in harm naturally led to harsher judgments against her. When the victim was 18, however, jurors were relatively more likely to conclude that her psychological problems were important in causing the harm, and they were less inclined to choose a guilty verdict. Because of the defendant’s diminished responsibility in this condition, an increase in the harm level did not induce the jurors to treat her more punitively.

As noted previously, the harm level should affect punishment recommendations (Robbennolt, 2000); for example, criminal codes prescribe a harsher sentence for a defendant convicted of murder than for one convicted of battery. In our study, the jurors recommended more months of incarceration when the 14-year-old victim attempted suicide ($M = 14.51$) rather than skipped school and experienced academic problems ($M = 6.82$), but when the victim was 18 the average sentence was between six and seven months regardless of harm. In other words, the jurors displayed an unwillingness to use harm as legally intended when the victim was older.

On the other hand, harm should not matter when it comes to the verdict because this determination is supposed to depend on the extent to which the defendant’s conduct caused a negative consequence for the victim, regardless of what that consequence was (Robbennolt, 2000).
When the victim was 14 years old, our jurors were swayed by the level of harm she suffered and were more likely to find the defendant guilty of intimidation in the Attempted Suicide condition than in the Academic Problems condition. Only when the victim was 18 were the jurors able to choose a verdict without being significantly influenced by harm.

Prior research on the severity of victims’ physical and psychological injuries has indicated that more grievous harm usually produces more guilty verdicts as well as punishment in the form of higher damage awards (Robbennolt, 2000; Vallano, 2013; Vallano et al., 2012). Similarly, in previous studies that examined bullying cases specifically, increasing the harm suffered by the victim led evaluators to make more pro-victim judgments (Gentry & Pickel, 2014; Hazler et al., 2001). The current findings, however, expand this body of literature by suggesting that individuals interpret harm in a complex way that takes into account the victim’s apparent capacity to deal with his or her mistreatment. Other variables linked to the victim or the defendant may be involved as well and should be investigated in future research.

2. Bullying Accusation

Across conditions, the jurors almost unanimously agreed that the defendant bullied the victim when asked for a yes/no judgment, and their probability estimates were also high. Thus, it appears that a ceiling effect emerged that may have prevented the interaction between age and harm from being significant. In our stimulus case, the evidence clearly revealed that the defendant repeatedly used her social status to harass, ridicule, and humiliate the victim. With a more ambiguous case, a researcher might obtain a pattern of judgments similar to those connected to the intimidation charge.

The fact that 99% of the jurors thought the defendant bullied the victim but only 78% of them found her guilty of intimidation underscores the motivation behind recent efforts to make it easier to prosecute bullies by amending state laws. Amid extensive media coverage of bullying and communities calling for a tougher response, offenders are increasingly finding themselves facing criminal charges (Cornell & Limber, 2015; Stuart-Cassel et al., 2011; Tefertiller, 2011). However, jurors may be unsure how to map the defendant’s conduct onto an offense whose definition does not specifically mention bullying. Consequently, they could acknowledge that bullying
occurred but acquit the defendant of the criminal charge against him or her. This outcome is the very one that many state legislatures across the country are working to curtail (Stuart-Cassel et al., 2011; Tefertiller, 2011). In the future, successful prosecutions of accused bullies will probably become more common.

B. Seriousness

The jurors were asked to rate the seriousness of the case. In contrast to the judgments about the intimidation charge and the accusation of bullying, this item did not ask jurors to decide whether the defendant’s conduct matched any particular behavioral or legal definition, and it did not ask them how they would prefer to treat the defendant. Instead, seriousness ratings reflect the gravity or magnitude of the situation, and past research indicates that they typically increase as the level of harm increases (Gentry & Pickel, 2014; Hazler et al., 2001). Consistent with prior data, our jurors rated the case as more serious when the victim suffered more rather than less harm. Additionally, the ratings were higher when the victim was younger rather than older, which suggests that jurors considered the bullying more severe if it was committed against a more vulnerable individual.

The interaction between age and harm was also significant, but it diverged from those obtained with judgments concerning the intimidation charge and the accusation of bullying. This time, the harm manipulation did not produce different results depending on the age of the victim. Instead, an increase in harm led to higher seriousness ratings regardless of the victim’s age, although the effect was more pronounced when the victim was younger. This result highlights the fact that seriousness ratings do not perfectly predict guilt judgments or sentence recommendations. For example, jurors may consider the charge against the defendant to be very serious regardless of whether she is guilty of that charge. Moreover, their punishment preferences can be affected by other variables, in addition to seriousness, such as the degree to which the victim herself was responsible for the harm she suffered.

C. Perceptions of the Victim and Defendant

Jurors expressed more empathy for the victim and a more positive attitude toward her when she experienced more rather than less harm. In addition, both of these measures were marginally more favorable when the victim
was 14 years old instead of 18. The jurors were less empathetic toward the defendant when she had bullied a younger rather than an older classmate, and they did not particularly like the defendant regardless of the experimental condition. There were no significant interactions. These results suggest that jurors’ judgments regarding the intimidation charge and the accusation of bullying were not perfectly correlated with their emotional feelings and attitudes toward the victim and defendant. As we have argued above, those judgments may instead depend on their attributions about the cause of the harm done to the victim.

D. Limitations and Future Directions

One limitation of the current research is that, although the participants were jury-eligible individuals, they were college students whose attitudes and decision-making processes could vary from those of the general adult population. On the other hand, no differences were found between students’ and community members’ responses in the only existing study that compared the two demographic groups’ evaluations of a bullying case (Gentry & Pickel, 2014). A second limitation is that our jurors did not deliberate. Although individual jurors’ verdicts strongly predict jury verdicts (Bornstein & Greene, 2011; Salerno & Diamond, 2010), it is possible that group discussion could have altered our participants’ judgments. Future research could address both of these limitations.

More research is also needed on the effects of high levels of harm on individuals’ interpretations of bullying cases. Victims are sometimes so traumatized by their experiences that they attempt suicide (Espelage & Holt, 2013; Hepburn et al., 2012; Kaltiala-Heino et al., 1999; Kim & Leventhal, 2008; Klomek et al., 2007; Klomek et al., 2010), yet other people do not always respond to them compassionately (Ellis & Hirsh, 1995; Shearer, 2005; Voracek et al., 2007). When asked why individuals typically try to kill themselves, our jurors reported that they believe both interpersonal conflicts and the victims’ psychological problems are common causes, although they were less likely to endorse the latter reason if they had just finished hearing a case involving a suicide attempt. Perhaps listening to the case prompted the jurors to reflect more deeply on the possible effects of being victimized and the difficulty of dealing with the situation.

The current findings, together with previous results (Gentry & Pickel, 2014), suggest that raising the level of harm from low to moderate will
produce an increase in pro-victim judgments, but further elevating the harm to a high level can lead to varying consequences depending on the inferences evaluators draw about the primary cause of the harm. These inferences, in turn, may be contingent upon specific variables associated with the victim, such as her age. In this way, victims who have reached young adulthood may be treated less favorably when they have attempted suicide versus experienced a lower level of harm. A similar pattern of results could arise if the victim seems to have made himself or herself a target. For example, the victim could have come across as rude or annoying to others (Gentry et al., 2015). In such a situation, the victim may appear to have at least partially caused the harm he or she experienced. Moreover, some victims of bullying have a history of bullying others and thus could be perceived as having brought about the harm they suffered. Future research should explore this possibility, especially given that bully-victims may be even more at risk for suicidality than victims who were never bullies (Espelage & Holt, 2013; Hepburn et al., 2012; Klomek et al., 2010).

Several commentators have noted concern among members of the general public that, even though bullying is a major problem, schools often do not or cannot effectively deal with it (Furniss, 2000). As a result, support has grown for harsher responses, such as criminalization of bullying and “zero-tolerance” policies that require automatic and severe punishment (Cornell & Limber, 2015; Tefertiller, 2011). Our findings suggest that, although the public may support punitive treatment of bullies in theory, jurors’ judgments in any specific case will probably depend on several variables, including victim characteristics.

CONCLUSION

The current study was designed to extend prior research on juror decision making during criminal trials by providing new information about variables that influence how jurors interpret evidence, form impressions of the defendant and victim, and arrive at a verdict. As school bullying cases begin moving into criminal courts, as is likely in the future (Tefertiller, 2011), jurors will learn about serious incidents involving juveniles. In some instances of school bullying, the victim can experience severe emotional anguish. Although there are usually multiple factors that push teenagers to consider killing themselves (CDC, 2014), being bullied significantly increases the risk
Consequently, jurors may find themselves hearing a case in which the victim attempted suicide. The current results suggest that evaluators do not automatically adopt a more pro-victim stance as the harm level rises from low to high. Instead, it appears that they try to determine how much responsibility the perpetrator and the victim each bear for the outcome, and in turn these attributions of causality feed into their judgments about guilt and their punishment preferences. Moreover, one variable that influences the causal attributions is the victim’s age. We propose that younger victims seem more vulnerable and less accountable due to their immaturity, whereas older victims are supposed to have developed the skills to cope with bullies effectively. As a result, evaluators ascribe more responsibility for the outcome to older than younger victims, and in turn they show greater leniency to perpetrators who bully older victims.

REFERENCES


