

Juror Decision Making in Cases of Rape Involving High Functioning Autistic Persons

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Abstract

Despite a plethora of research examining juror decision making within cases of rape, very few studies have attempted to examine how the presence of a developmental disorder within a case can impact jurors' decisions. Research shows that individuals diagnosed with Autism Spectrum Disorder (ASD) are sometimes perceived more negatively (i.e. unempathetic) due to stigmatising beliefs associated with ASD. Thus, the present study sought to examine whether individuals with ASD would be treated differently by jurors in court. Using mock-juror paradigms ($N = 204$) the present study aimed to explore whether the presence of high-functioning Autism Spectrum Disorder (ASD) amongst either the defendant or claimant influenced juror decisions (guilt verdict, confidence in verdict, and believability towards the defendant and claimant) in cases of rape. The presence of ASD amongst either party failed to have an impact on juror decision making and final guilt verdicts. However, female participants were more likely to believe the complainant than their male counterparts. Implications of the study and directions for future research are discussed.

Key words: Jury Research; Autism; Rape; Juror

Introduction

Existing research has highlighted that when in the context of criminal courts, verdicts of guilty or not guilty, and the process by which individuals come to these verdicts are highly influenced by the biases they hold (Dinos, Burrowes, Hammond & Cunliffe, 2015; Eysel & Bonher, 2011; Gray, 2006; Hammond Berry & Rodriguez, 2011; Krahe, Temkin, Bieneck & Berger, 2008). Despite some existing research examining the impact of an Autism Spectrum Disorder (ASD) diagnosis (of defendants/claimant) on the decision making of jurors and judges, with some suggesting that ASD is an aggravating factor (Freckleton, 2013) while others suggesting that the presence of ASD reduced the number of guilty verdicts (Maras, Marshall & Sands, 2019), our understanding of how ASD is perceived within court settings is sparse. Within the current available literature there has been a focus on the presence of an ASD diagnosis within the defendant, therefore there is limited empirical evidence exploring how the presence of such a diagnosis within a complainant impacts jury decision making.

Autism Spectrum Disorder

Autism Spectrum Disorder (ASD) is a lifelong neurodevelopmental condition that is typically characterised through functional impairments in social communication and interaction, restricted interests (which may appear unusual), and repetitive or restrictive patterns of behaviour (American Psychiatric Association, 2000, 2013) and current prevalence rates suggest that approximately 1% of the population has a diagnosis of ASD (Centre for Disease Control and Prevention, 2014; Sun et al., 2019). Adults with a diagnosis may be more adept at masking behaviours that are associated with ASD, however they may still have difficulties understanding social situations that are ambiguous (Alison & Baron-Cohen, 2018).

The term “High Functioning Autism” is not listed in diagnostic manuals, however it is often used interchangeably with Asperger’s syndrome within research and clinical practice

(Montgomery et al., 2016). High functioning ASD is used to describe those who present with a clinical diagnosis of ASD, but who do not have any co-morbid intellectual impairments (Montgomery et al., 2016). Individuals who could be described as high functioning ASD, may also have a history of language delay during childhood (Montgomery et al., 2016; Sun et al., 2019).

Attitudes towards Autism Spectrum Disorder

The presence of a mental disorder can heavily influence how an individual is judged by others (Wainwright & Mojtahedi, 2020), and the differences in attitudes that people hold towards individuals with a diagnosis of ASD compared to others has been highlighted in research extensively (see Aubé, Follenfant, Goudeau & Derguy, 2020; Dickter, Burk, Zeman & Taylor, 2020; Kelly & Barnes-Holmes, 2012). Kelly and Barnes-Holmes (2012) assessed both implicit and explicit attitudes towards children with ASD compared to those who were Neurotypical. Consistently across tutors specialising with ASD and mainstream teachers, more negative implicit attitudes towards individuals with a diagnosis of ASD compared to their Neurotypical counterparts were reported. Whereas Kelly and Barnes-Holmes (2012) focused on the attitudes of educational professionals towards students, similar findings have been reported in both children (Aubé et al., 2020) and adults towards their peers (Dickter et al., 2020). Both Aubé et al., (2020) and Dickter et al., (2020) suggested that individuals held negative implicit biases towards individuals with ASD, whereas explicit attitudes were more positive. Aubé et al., (2020) further showed that whereas explicit attitudes often change and become more positive with age, negative implicit attitudes were stable, Dickter et al., (2020) argued that explicit attitudes may be more positive as they are usually self-reported measures, which are at risk of social desirability effects, where participants may answer in a way that reflects positively on themselves. Within a jury setting, this could suggest that jurors may be susceptible to social desirability effects when passing judgement on an individual with ASD,

their decisions may not accurately reflect the implicit attitudes and beliefs they hold. It is worth noting that there is a lack of research within this field that aims to explore the impact of attitudes towards individuals with ASD and their decision making.

Gender differences in attitudes towards Autism Spectrum Disorder

Gender differences also seem to exist in public perceptions of ASD (Gillespie-Lynch et al., 2015; Stronach, Wiengand, Mentz, 2018). Stronach et al. (2018) found that although almost all participants possessed adequate knowledge of ASD, female participants demonstrated a greater understanding about the stigmatising beliefs surrounding ASD in comparison to male participants. Similarly, Gillespie-Lynch et al. (2015) found that women reported lower stigmatising attitudes towards individuals with Autism than men. Whilst the findings would suggest that female jurors could be more lenient and understanding when deliberating on cases involving individuals with ASD, existing juror-research on cases involving ASD have failed to investigate possible gender differences.

Autism Spectrum Disorder within the Legal System

Research has suggested that although individuals with a diagnosis of ASD could be over represented within the legal system (Fazio, Pietz, & Denney, 2012; King & Murphy, 2014), those who are high functioning are less likely than the general public to commit an offence (Browning & Caulfield, 2011; Mourisden, Rich, Isager & Nedergaard, 2008). Yet, research has shown that stigmatising assumptions about Autism can influence individuals to form biased attitudes regarding the criminal disposition and dangerousness of individuals with such diagnoses (Brewer, Zoanetti, & Young, 2016). Therefore, it is imperative for researchers to examine whether jurors' decisions can be influenced by the presence of ASD within the case.

The media and its portrayal of ASD has been suggested as having a role in facilitating bias perceptions towards those with a diagnosis of ASD. Dramatic reporting of a small number of high-profile criminal cases where a diagnosis of ASD was present could have influenced the perception that individuals hold towards defendants with a diagnosis of ASD (Berryessa, 2014; Howlin, 2004). This suggests that such depictions could contribute to the negative stereotypes associated with ASD (Brewer, Zoanetti & Young, 2017) and strengthen the stereotypical viewpoints held by individuals (Berryessa, 2014). Some of the behavioural features of ASD could reinforce the association between crime and Autism, for example, difficulty with empathy and understanding others emotional states, intolerance to change and difficulties regulating emotions (Howlin, 2004; King & Murphy, 2014). Despite evidence suggesting that individuals with a diagnosis of high functioning ASD are less likely to commit an offence (Browning & Caulfield, 2011; Mourisden et al. 2012), these perceptions are still prominent.

Freckleton (2013) argued that there is limited awareness and understanding by professionals who work within the criminal justice system as to the behaviours and characteristics of those with ASD, and how these can affect functioning. This was highlighted using a number of case studies taken from the Australian courts (Freckleton, 2013). Furthermore, Berryessa (2016) also suggested that the presence of a diagnosis of high functioning ASD can influence judges' decision making; highlighting how those who felt that a diagnosis of ASD was an aggravating factor could be influenced by their opinions when passing a sentence. Additionally, Browning and Caulfield (2011) suggested that lack of understanding could lead judges and jurors to view individuals with a diagnosis of ASD as remorseless and unempathetic, compared to offenders with other psychological disorders. Based on this research there is a clear need to fully understand the implications of an ASD diagnosis on decision making within a court case

Berryessa, Milner, Garrison and Cho (2015) aimed to explore how juries' perceptions and decision making was affected by the presence of a diagnosis of high functioning ASD. The study found that although participants' judgements of legal responsibility and criminality remained unchanged following the disclosure of a diagnosis of ASD, they were more likely to view intent and the moral responsibility differently. This suggests that the presence of an ASD diagnosis became a mitigating factor in understanding the offender's behaviour. These findings are supported by those proposed by Maras, Marshall and Sands (2019), who found that the presence of an ASD diagnosis resulted in fewer guilty verdicts and a more favourable perception by the jury, although they did note that some participants showed uncertainty within their decision making. Social desirability could have impacted the above findings, especially within Berryessa et al., (2015), where the perceptions of the participants changed only after the diagnosis of ASD was revealed. This potential social desirability effect is supported by research suggesting that explicit attitudes (such as those reported in Berryessa et al., (2015)) towards individuals with ASD tend to be more positive compared to implicit attitudes (Dickter et al., 2020). As both Beryessa et al., (2015) and Maras et al., (2019) failed to measure the explicit or implicit attitudes held by their participants it is difficult to ascertain whether social desirability biases influenced the views reported or whether the participants implicit and explicit attitudes were similar in nature. Whilst both studies offer a step forward in understanding the effects of ASD diagnoses within court cases, on juror perceptions, they only looked at crimes of assault and failed to consider how the presence of ASD within a complainant could influence juror's perceptions.

Jury Decision Making Scale

Pennington and Hastie's (1992) Story Model can be used to explain how jurors' decision-making processes are influenced by external and internal factors. The model suggests

that jurors create a narrative regarding a case based on the information presented to them during a trial, their prior knowledge and the preconceived attitudes they hold. Jurors then use these to create a number of possible interpretations of the evidence presented to them in trial. Pennington and Hastie (1988) suggested that in cases where important features of the story are not presented as evidence, the pre-existing biases that jurors hold are more likely to be included within their narratives of the case. In order to test the story model as an explanation for decision making by jurors, Willmott, Bouduszek, Debowska and Woodfield (2018) introduced the Jury Decision Scale (JDS), made up of three subscales: Complainant Believability, Defendant Believability and Decision Confidence. Using a mock jury paradigm, Willmott et al., (2018) were able to successfully use the JDS to understand the decision-making processes used by mock-jurors when providing a verdict within a simulated sexual assault case. The present study attempted to use the JDS to understand the decision-making processes used by mock jurors during sexual assault cases involving parties diagnosed with ASD.

The Present Study

Research shows that dispositional biases can influence the decision-making processes of jurors and this seems to be notably evident within rape cases (Eyssel & Bonher, 2011; Hammond et al., 2011; Krahe et al., 2008) with males being more likely than females to endorse them (Suarez & Gadalla (2010) and pass a not guilty verdict (Gray, 2006). Building from these observations, the current authors contend that attitudes towards individuals with ASD may also influence juror decision making in cases involving persons with ASD. Thus, the present study aimed to explore whether the presence of a diagnosis of high functioning ASD for the defendant or claimant affected the decision making of participant-jurors.

The study will make a novel contribution to the existing literature by examining whether an ASD diagnosis can influence a defendant or claimant's perceived believability by jurors and whether this can have an impact on their final verdict. The findings could help inform

our understanding on the treatment of individuals with ASD within the legal system and whether further interventions are needed to preserve the reliability of such cases.

There is currently no research exploring the impact of ASD diagnoses within rape cases on juror decision making, thus the study was exploratory in nature. However, research has suggested that defendants with ASD are less likely to receive a guilty verdict and more likely to be perceived favourably by jurors due to a diminished perception of intent (Berryssa et al., 2015; Maras et al., 2019). As such we sought to answer the following research questions: Are jurors more likely to believe defendants with ASD over participants without? Are defendants with ASD less likely to receive guilty verdicts than participants without? Are juries more likely to believe complainants with ASD over those without? Additionally, we sought to determine whether there were any gender differences in juror decision making. Based on the existing literature on rape myths, we expected that male participants would be more likely to pass a not guilty verdict compared with female participants.

Methods

Participants

An online survey host (Qualtrics) was used to recruit participants. Measures were put in place to ensure that prospective participants would fit the eligibility criteria to act as jurors within the United Kingdom: Participants had to be aged 18-70 and a registered citizen for at least five years. Through online advertisements, a total of 305 responses were recorded. However, 95 responses were omitted due to incompleteness ($n = 89$) or failure to meet the age eligibility criteria specified above (6), leaving a final of 204 respondents (127 females, 76 males). The large number of incomplete responses were attributed to the opportunity sampling approach of the study; the survey link was heavily disseminated over the internet to a large number of individuals. The mean age of the final sample was 34.55 (standard deviation =

12.22). The sample distribution and mean age values across the different conditions are presented in table 1.

Design

The study employed a between-subjects design which consisted of three independent conditions that varied in relation to the presence of ASD diagnoses within the case. Participants were randomly allocated to one of three conditions. Participants within the *No ASD* condition were presented with a case that mentioned no diagnosis of ASD; participants in the *ASD Defendant* condition were presented with a case where the defendant was described as having a diagnosis of high functioning ASD; participants in the *ASD Complainant* condition were presented with a case where the complainant was described as having a diagnosis of high functioning ASD. Gender was also examined as a second independent variable to determine whether gender-related differences in juror decision making existed across the different conditions. In order to determine whether the juror decision making processes behind verdict outcomes differed depending on the presence of high functioning ASD within the case, the association between juror decision making measures (explained below) and verdicts were analysed separately for each experimental group.

Insert table 1 here

Materials

Court Case Material

With the exception of the ASD diagnosis, the remaining content within the mock court cases remained identical across all conditions. Participants were presented with a case where a female claimant had accused a male defendant of committing rape. The scenario specified that both parties had visited a bar together and had consumed alcohol, before going back to the complainant's home for another drink. Participants were then informed that sexual intercourse took place however, it was disputed between the defence and prosecution as to whether the claimant had consented to the intercourse. Along with an overview of the case, participants

were also presented with a statement from both the defendant and complainant, which provided further detail and context to the case. A full transcript of the court case material can be found in the appendix.

Jury Decision Making Scale (JDS)

The Jury Decision Making Scale (Willmott et al., 2018) is a 16-item self-report measure consisting of three subscales; Complainant Believability (7 items), Defendant Believability (7 items) and Decision Confidence (2 items), designed to assess individual decision making by jurors. The subscales scores are derived from summing up their respective items and participants respond to each item using a 5-point scale (from “not at all” to “extremely”). Items from the Complainant and Defendant Believability subscales measure the extent to which participants believe the testimonies/evidence put forward by the respective parties (e.g. *Overall, how much do you believe the complainant’s version of events?*). Higher scores on each subscale indicates greater juror/respondent belief in the complainant/defendant’s story. The items within the Decision Confidence subscale measures the participant’s level of confidence in their final verdict, with higher scores on the Decision Confidence subscale indicating greater juror/respondent confidence in the accuracy of the verdict decision given.

Willmott et al., (2018) reported strong composite reliability for each of the subscales; Confidence in Decision (0.82), Complainant Believability (0.70), Defendant Believability (0.79) and overall (0.74). The current study also reported high cronbach’s alpha scores for all three subscales (Confidence in Decision = .87; Defendant Believability =.87; Complainant Believability = .87). The original scale consists of two parts, used to measure participants beliefs before and after a jury deliberation. Due to the present study only focusing on participants individual (juror) decisions without a jury deliberation, only the first part of the scale was used.

Procedure

Ethical approval was acquired from the researchers' institutional ethics committee. Participants were provided with a link to an online experiment using *Qualtrics*. The experiment took approximately 20 minutes to complete. After reading the information sheet and providing informed consent, participants were randomly allocated to one of three conditions; *No ASD* condition, *ASD Defendant* condition, or *ASD Complainant* condition. All participants were then asked to read a vignette consisting of an overview, the defendant's statement and complainant's statement. Following this, participants were asked to provide a verdict based on their judgement of the court case materials and to complete the JDS.

Ethics

This research was given ethical approval by the University of Huddersfield Ethics Board. Participants were provided with both an information sheet and a debrief form and gave informed consent before taking part.

Results

The results are presented through two sections. First, analysis examining the differences in JDS subscale scores between participant groups (gender and condition) are presented. The second section then presents results pertaining to the participants' guilt verdicts, looking at differences in verdict decisions between participant groups and associations between JDS scores and final verdict.

A Kolmogorov-Smirnov test of normality indicated that the age and gender data between the three conditions did not follow a normal distribution; Gender $D(203) = 0.41, p < .001$ (skewness = -0.52; kurtosis = -1.74); Age $D(203) = 0.17, p < .001$ (skewness = 0.81; kurtosis = -0.59). Therefore, non-parametric tests were used to compare whether there were significant differences between the three conditions. Kruskal-Wallis tests found no significant differences between the three conditions for age $H(2) = 5.88, p = .053$ or gender $H(2) = 3.42, p = .181$.

Juror Decision Making Scale Scores

A Kolmogorov-Smirnov test of normality indicated that subscale scores of the JDS did not follow a normal distribution; Defendant Believability $D(204) = 0.11, p < .001$ (skewness = $-.37$; Kurtosis = 1.19); Complainant Believability $D(204) = 0.07$ (skewness = $-.27$; Kurtosis = $.85$), $p = .011$; Decision Confidence $D(204) = 0.19, p < .001$ (skewness = $.26$; Kurtosis = $-.27$). Thus, non-parametric tests were used to compare JDS scores between different groups. Kruskal-Wallis tests found no significant differences between the three conditions for Defendant Believability $H(2) = 0.01, p = .996$; Complainant Believability, $H(2) = 0.81, p = .668$; or Decision Confidence $H(2) = 4.26, p = .119$.

Insert table 2 here

A series of Mann-Whitney U tests were carried out to compare JDS scores between male and female participants. The average JDS scores for both groups are also presented in Table 2. The results suggest that female participants (median = 24.00 ; mean rank = 109.34) showed significantly greater levels of Complainant Believability than male participants (Median = 23.00 ; Mean Rank = 90.97); $U = 3988.00$ ($Z = -2.16$), $p = .031, \eta^2 = 0.02$. There were no significant gender differences between scores for Defendant Believability, $U = 4375.00$ ($z = -1.21$), $p = .228$; and Decision Confidence $U = 4663.00$ ($z = -0.50$), $p = .614$.

Guilt Verdicts

A chi-square test of independence found no significant associations between the experimental condition groups and verdict outcome ($\chi^2 (2, N= 204) = 2.29, p = .318$). Next, a series of three binary logistical regressions were undertaken for the data from each experimental condition in order to explore whether scores on the JDS and gender were associated with verdict outcomes. For each condition, the model was made up of four predictor variables (gender, Complainant Believability score, Defendant Believability score and Decision Confidence score). To mitigate against the increased risk of type-I errors due to

repeated testing, Bonferroni corrections were applied, adjusting the alpha level for model testing to $p=.017$.

For the *No ASD* condition the full model containing all predictors was statistically significant, $\chi^2 (2, N = 68) = 3.72, p < .001$, suggesting that the model was able to distinguish between those respondents who passed a verdict of guilty and those who passed a verdict of not guilty. The model explained between 40.1% (Cox and Snell R square) and 56.5% (Nagelkerke R squared) of the variance in sentencing, and correctly classified 83.8% of cases. As shown in Table 3, two of the independent variables made a statistically significant contribution to the model. Results suggested that participants who scored high on Complainant Believability were less likely to return a not-guilty verdict (odds ratio = .64). The measure of association was small ($d =.25$), in accordance to Cohen (1988). Participants who scored high on Defendant Believability (odds ratio = 2.35) were more likely to return a not guilty verdict. The measure of association was small to moderate ($d =.47$), in accordance to Cohen (1988).

Insert table 3 here

For the *ASD Defendant* condition the full model containing all predictors was statistically significant, $\chi^2 (6, N = 69) = 23.06, p = .001$, suggesting that the model was able to distinguish between those respondents who passed a verdict of guilty and those who passed a verdict of not guilty. The model explained between 28.4% (Cox and Snell R square) and 38.5% (Nagelkerke R squared) of the variance in sentencing, and correctly classified 72.5% of cases. As shown in Table 4, only one predictor made a statistically significant contribution to the model. Results suggested that participants who scored high on Complainant Believability were significantly less likely to pass a verdict of not guilty (odds ratio = 0.58). The measure of association was small ($d =.3$), in accordance to Cohen (1988).

Insert table 4 here

For the *ASD Complainant* condition the full model containing all predictors did not reach statistical significance $\chi^2 (6, N = 67) = 11.76, p = .07$. The model explained between 16.1% (Cox and Snell R square) and 21.6% (Nagelkerke R squared) of the variance in sentencing, and correctly classified 68.7% of cases. As shown in Table 5, only one predictor made a statistically significant contribution to the model. Results suggested that male participants were significantly more likely to pass a not guilty verdict than female participants (odds ratio = 3.4). The measure of association was moderate ($d = .67$), in accordance to Cohen (1988).

Insert table 5 here

Discussion

The present study aimed to explore whether the presence of a high functioning ASD diagnosis in either the defendant or complainant influenced the decision making of jurors. First, we sought to determine whether jurors were more or less likely to pass a guilty verdict for cases involving individuals with high functioning ASD. Results indicated that the proportion of guilt verdicts remained relatively constant across all conditions. Reported scores of Defendant and Complainant Believability also remained similar across all three conditions. Together, the findings suggest that the presence of an ASD diagnosis in the defendant or complainant did not influence juror's decisions. Participants are likely to have placed greater emphasis on the facts about the case and the nature of the offence over the diagnosis of those involved. The findings suggest that, within cases of rape, high functioning ASD diagnoses are unlikely to have a significant influence on jurors' judgements over the veracity of the defence and accusation. Our interpretations of the findings are supported further by the findings of Berryessa et al., (2015) who showed that presentation of ASD diagnoses did not change participants' views on legal responsibility.

The study also attempted to examine the decision-making processes behind verdict decisions. Within the *No ASD* and *ASD Defendant* conditions, guilty verdicts were associated with high Complainant Believability, providing further support for Willmott et al.'s (2018) JDS as a reliable measure for understanding juror decision making. Willmott and colleagues similarly found that higher belief in the complainant resulted in a guilty verdict more often, and a greater belief in the defendant resulted in a not guilty verdict more often. It must be noted that the association between Complainant Believability and verdict outcome in the *No ASD* condition did reach statistical significance when applying Bonferroni corrections. However, given the *Bonferroni Correction's* over-conservative adjustments (Bender & Lange, 1999), any significant associations to come out of the current model should not be completely discounted – given that the predictor was still significant at the standard alpha level. Among participants within the *ASD Complainant* condition, Complainant Believability did not predict verdict outcome. We cannot deduce for certain why Complainant Believability was not a significant predictor within this condition alone. The findings suggest that in cases where the complainant is diagnosed with high functioning ASD, jurors' verdicts are less influenced on the perceived veracity of the complainant's testimony. This may be due to jurors anticipating that such individuals may experience greater difficulties in presenting their case due to their diagnosis and as such, place greater emphasis on other evidence. One may then ask why the same thought process would not be afforded to the defendant within the *ASD Defendant* condition. The authors suggest that in the case where the defendant has a high functioning ASD diagnosis the potential of guilt places greater emphasis on scrutinising the defence's testimony, regardless of their diagnosis. However, this proposed explanation should be considered with caution. Further interviews with mock-jurors should be used within future research to explore the decision-making processes used within such cases more directly. In contrast to Willmott et al. (2018), Defendant Believability failed to predict verdict outcome within all conditions. The findings

suggest that within the present case, jurors placed greater importance on the believability of the claimant. This may be due to the nature of the accusation; participants were informed that sexual intercourse had taken place, but that the presence of consent was contested. Therefore, it is possible that jurors based their decision on whether or not they believed the claimant had given consent or not, regardless of what the defendant believed.

We also sought to determine whether gender differences were present. The results indicated that female participants were more likely to believe the complainant in comparison to their male counterparts. These observations reciprocate previous findings which have also shown that men are less likely to believe an alleged female victim of rape (Nason et al., 2019). In relation to the gender differences in verdicts, we hypothesised that male participants would be more likely to pass a not guilty verdict compared to female participants. This hypothesis was not supported for participants within the *No ASD* and *ASD Defendant* conditions. Within the *ASD Complainant* condition, females were significantly more likely to pass a not guilty verdict compared to men, however the overall model was not statistically significant after altering the alpha level to control for type-I errors, thus the significance of this association should be interpreted with caution. As table 2 shows, this association may be due to a greater proportion of male participants returning a guilty verdict in comparison to the other conditions. Nason et al. (2019) found that male participants were more likely to discount a victim's report after encountering additional information about the victim (e.g. victim's relationship history). Thus, a possible explanation for the observed gender differences could be that male participants would have been more attentive to external information that could question the reliability of the complainant. However, descriptive statistics indicated that male participants within the *ASD complainant* condition did not report lower Complainant Believability scores suggesting that they would have shown similar belief towards the complainant's testimony as female participants. The authors, therefore, question whether the observed gender association here

could have been a statistical artifact caused by a relatively small sample. This supposition is further backed by the fact that gender differences were not observed in the other two conditions.

Limitations and Directions for Future Research

The present study was one of the first to examine the influence of complainant ASD on juror decision making, however, it was not without its limitations. Berryessa (2014) highlighted the role that the media plays in reinforcing negative stereotypical views of individuals with ASD within the general population. The present study did not determine what exposure participants had to individuals with ASD and whether this influenced their attitudes towards them; nor did the experiment attempt to provide participants with a detailed information sheet explaining ASD. It could be argued that those with more experience and exposure to individuals on the Autism Spectrum, might hold different views compared with those that do not. However, in support of the present study, Stronach et al. (2019) reported a relatively consistent and informative understanding of ASD amongst community samples, suggesting that the variations in prior beliefs were unlikely to deviate significantly. Building on this limitation, the current authors are presently working on validating an Autism myth scale to allow future research to measure and control for stigmatising beliefs towards ASD, and whether such beliefs impact on perceptions of guilt or jury decision making. The study also failed to conduct a manipulation check to ensure that participants within the ASD conditions fully understood that the defendant/complainant had a high functioning ASD diagnoses and its implications.

Previous research has highlighted gender differences in judgements of guilt in rape cases, suggesting that female participants are more likely to pass a guilty verdict compared to males (Lynch et al., 2019) and research has suggested that those who endorse rape myths are less likely to pass a guilty verdict (Dinos et al., 2015). The present study failed to consider

whether participants held such views and whether these impacted on the jury decision making. Therefore, further research will aim to explore whether gender differences can be attributed to participants endorsement of stigmatising beliefs about autism or endorsement of rape myths.

The study was also conducted through an online experimental platform. As a result, it was not possible to ensure that all participants spent the same amount of time reviewing the court case material. As a result, the design can be scrutinised for lacking ecological validity and as a result, producing findings that may not be highly representative of juror decision making in real life. The online platform also prevented the researchers from observing how potential jurors would have acted during a deliberation.

Further limitations of the present study include the participant selection. Although measures were in place to ensure that participants were aged between 18-70 and registered as a citizen for at least five years, measures were not taken to ensure that participants were without a mental health diagnosis or convicted of a criminal conviction. This therefore could suggest that the participants may not be fully representative of a jury and reduce the reliability of the findings. It is imperative therefore that future research aims to address this to improve the reliability of the findings. This could include using a more ecologically valid mock jury study which will allow participants to be fully screened to ensure they are eligible and would also prevent non-serious users, or participants taking part multiple times in the study.

Possible directions for further research could explore further the impact of a high functioning ASD diagnosis for different crimes that have an element of social understanding, for example stalking. This could look to better understand whether ASD biases individuals hold influences their decision making and verdict of guilt for a range of crimes. Further research would also support the reliability and validity of the Autism Myth Acceptance Scale. Finally, with an abundance of research demonstrating the fallibility of eyewitness evidence (see Gibert

& Mojtahedi, 2019; Mojtahedi et al., 2017; 2018a; 2018b; 2019a; 2019b), the present study could be expanded through an examination on whether eyewitness ASD diagnoses can affect their believability as eyewitnesses.

Summary

The present study attempted to determine whether the presence of high functioning ASD among defendants or claimants could, in any way, impact how jurors reached their decisions within cases of rape. The findings indicate that juror decision making was not influenced by the presence of such diagnoses and suggest that the verdicts for rape cases remain uninfluenced by such information. However, the present study offers a rudimentary step into exploring juror decision making for cases involving Autism. Future research should build on the current findings through exploring the current aims using a more robust mock-jury experimental paradigm.

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List of Tables

Table 1. A table showing the mean age of participants in each of the three conditions (No ASD condition, ASD Defendant condition, or ASD Complainant condition) split by gender.

	<i>N</i>	Mean Age (SD)
<hr/> <i>No ASD</i>		
Male	29	37.14 (13.63)
Female	38	35.42 (12.44)
 <i>ASD Defendant</i>		
Male	28	37.32 (11.78)
Female	41	33.59 (11.14)
 <i>ASD Complainant</i>		
Male	19	36.63 (13.36)
Female	48	30.67 (11.36)

Table 2 Guilt verdict and JDS scores across condition groups

Condition	n	Verdict		Complainant believability		Defendant believability		Decision confidence	
		Guilty	Not Guilty	Mean	SD	Mean	SD	Mean	SD
No ASD	68	69.12%	30.88%	23.34	4.72	22.38	3.89	6.56	1.83
		(47)	(21)						
Male	29	62.10%	37.90%	21.21	4.76	22.59	4.23	6.41	2.03
		(18)	(11)						
Female	39	74.40%	25.60%	24.92	4.06	22.23	3.68	6.67	1.69
		(29)	(10)						
Defendant ASD	69	60.87%	39.13%	22.96	3.83	22.61	4.12	6.19	1.72
		(42)	(27)						
Male	28	60.70%	39.30%	22.32	3.31	21.46	3.55	6.39	1.73
		(17)	(11)						
Female	41	61.00%	39.00%	23.29	4.13	23.39	4.33	6.05	1.72
		(25)	(16)						
Complainant ASD	67	56.72%	43.28%	23.24	4.12	22.46	3.62	5.91	1.66
		(38)	(29)						
Male	19	42.10%	57.90%	23.74	4.84	22	4.06	6.1	1.88
		(8)	(11)						
Female	48	62.50%	37.50%	23.04	3.83	22.65	3.47	5.83	1.57
		(30)	(18)						

Table 3.. Binary logistical regression for the likelihood that a verdict of not guilty would be given by participants in the No ASD condition.

	B	Wald	Exp(B)
Gender	-.77	.7	.46
Complainant	-.45	4.7	.63*
Believability			
Defendant	.85	4.87	2.35*
Believability			
Decision	.24	.86	1.27
Confidence			
Gender*CB	-.08	.07	.93
Gender*DB	-.51	1.46	.6
Constant	-11.16	2.74	<.001

Note: * = <.05, ** = <.017(adjusted alpha),

Table 4. Binary logistical regression for the likelihood that a verdict of not guilty would be given by participants within the ASD Defendant condition.

	B	Wald	Exp(B)
Gender	-.24	.13	.78
Complainant	-.55	5.8	0.58**
Believability			
Defendant	0.38	3.23	1.47
Believability			
Decision	0.45	3.81	1.57
Confidence			
Gender*CB	.12	.21	1.12
Gender*DB	-.2	.68	.82
Constant	.77	.03	2.17

Note: * = <.05, ** = <.017 (adjusted alpha),

Table 5. Binary logistical regression for the likelihood that a verdict of not guilty would be given by participants within the ASD Complainant condition.

	B	Wald	Exp(B)
Gender	1.23	3.4	3.4*
Complainant	-.12	.74	.89
Believability			
Defendant	.14	1.06	1.15
Believability			
Decision	-.15	.64	.86
Confidence			
Gender*CB	-.01	.004	.99
Gender*DB	.13	.49	1.14
Constant	-.32	0.01	.73

Note: * = <.05, ** = <.017 (adjusted alpha)