

Can jurors be biased in their evaluation of third-party evidence within cases of rape?Ashleigh Parsons^a & Dara Mojtahedi^a^aCentre for Cognition and Neuroscience, University of Huddersfield, Department of Psychology, Huddersfield, England, UK**Abstract**

Prior research has indicated that beliefs in rape myths can influence juror decision-making in cases involving sexual assault, however, the phenomenon has been typically examined in relation to victim and defendant believability, as well as final verdicts. The current study observed mock jurors' evaluations of third-party witness evidence in alleged rape cases to determine whether these judgements were influenced by inherent rape myths. Participants ($N = 196$) took part in a mock juror experiment that included evidence from an eyewitness that was either in support of the defence, prosecution, or neutral. We found that males and individuals holding strong beliefs in rape myths were more likely to find defendants not-guilty. Additionally, participants endorsing rape myths were also more likely to view eyewitness evidence favourably, but only when it was in support of the defence. Our findings suggest that personal biases can influence the level of credence jurors place on case evidence, potentially through a confirmation bias.

Keywords: mock juror, jury, rape myth acceptance, eyewitness testimony, court

Clinical impact statement.

The present study provides further evidence of a relationship between rape myth acceptance and rape acquittal by mock jurors. Furthermore, the findings provide new insight into the wider reaching influence of rape myths on juror decision making: We observed a relationship between rape myth acceptance and positive appraisal of third-party witness testimonies, but only when it conflicted with the complainant's accusation. The findings highlight the dangers of prejudicial beliefs about rape victims within courtrooms.

Introduction

The dismissal of rape allegations during investigations and court cases is a growing concern with reports suggesting a drop in conviction (by 26%), prosecution (by 33%), and charge (by 35%) rates (Barr et al., 2019). Low conviction rates can be attributed to various factors, with the most common issues being limited accusatory evidence available and, in countries that have adopted a jury-based legal system, biased jury panels. Jurors are required to determine whether the complainant consented to sexual intercourse and if they did not, whether the defendant knew or had any reason to believe otherwise (Ellison & Munro, 2009). Despite some cases including forensic evidence, most tend to lack evidence beyond the complainant and defendant's testimonies (Menaker & Cramer, 2012). As a result, jurors are heavily reliant on their perceptions of both parties when attempting to determine guilt (Bieneck & Krahe, 2011; Devine & Caughlin, 2014; Klippenstine & Schuller, 2012). Recent research has shown that jurors holding distorted or negative attitudes towards rape victims (rape myths) are less likely to believe the evidence put forward by them and more likely to return not-guilty verdicts (Devine & Mojtahedi, 2021). The current study expands on existing knowledge by examining whether rape myth acceptance can also influence jurors' evaluation of inculpatory evidence put forward by third parties, such as witnesses.

Rape myth acceptance

The term *rape myth* was coined to describe stereotypical misconceptions about rape, rape victims and rapists (e.g., '*women who wear revealing clothes want to have sex*', Burt, 1980; Gray & Horvath, 2018), often used to justify and excuse sexual violence (Dawtry et al., 2019). Psychologists have been able to quantify and measure Rape Myth Acceptance (RMA) through psychometric questionnaires such as the Rape Myth Acceptance Scale (Burt, 1980), the Illinois Rape Myth Acceptance Scale (Payne, Lonsway, and Fitzgerald (1999) and the Attitude Toward Women Scale (Spence & Helmreich, 1972, 1972a). Men appear to endorse rape myths far more than women (Aosved & Long 2006; Davies, et al., 2012; Davies & McCartney, 2003; Grubb & Turner 2012). Not surprisingly, mock juror studies have shown that jurors with higher RMA are less likely to return a guilty verdict and more likely to assign blame to the complainant within cases of rape (Eyssel & Bohner, 2010, 2011; Krahe, Temkin,

Bieneck & Berger, 2008; McGee, O'Higgins, Garavan & Conroy, 2011; Romero-Sánchez, Krahe, Moya & Megías, 2018).

Psychologists and clinicians support the view that RMA is a cognitive schema which aids the organisation and understanding of information associated with rape (Dawtry et al., 2019; Eyssel & Bohner, 2011; Süssenbach et al., 2013). In relation to juror decision-making, Hildebrand and Najdowski (2015) propose a model in which scripts and schemas held by jurors are influenced by the rape culture present in society. This *rape culture* is seen through the sexual objectification, victim blaming and the belittling of rape itself that occurs, which is often portrayed in the media (Kahlor & Eastin, 2011; O'Hara, 2012; Smith, 2012; Stubbs-Richardson, Rafer & Cosby, 2018). Hildebrand and Najdowski (2015) therefore suggest when jurors' encounter witnesses, complainants and defendants, their schemas are activated based on characteristics of each individual. This combined with the scripts of what jurors believe to be sex appropriate behaviours are incorporated together when forming their verdict.

Pennington and Hastie's (1986) Story Model can also be used to explain the influence of personal attitudes and legal evidence on juror decision-making (see Huntley & Costanzo, 2003; McCullough, 2007). The model posits that jurors interpret and organise the evidence presented to them in the courtroom in a 'story', which is composed over three stages. At the first stage, *story construction*, jurors comprehend the various types of evidence presented to them at the trial, in addition to using their previous experience, knowledge and expectations to form the most likely story of what took place. At the second stage, *verdict options*, jurors are presented with the different legal verdict options they can assign to the defendant. Moreover, jurors have been found to rely on their beliefs and attitudes when processing the evidence and this is incorporated into their story (Winter & Greene, 2007). Therefore, if jurors are drawing on their own knowledge or beliefs about rape that are biased, this is likely to be incorporated into the stories they construct and thus are likely to return a not-guilty verdict for the defendant.

Willmott et al., 2018 integrated the Story Model into their *Juror Decision Scale* (JDS) to allow researchers to measure juror decision-making as a product of complainant and defendant availability, and decision confidence. Using the scale in a mock rape case jury experiment, the authors identified strong associations between complainant believability and guilty verdicts, and between complainant believability and not-guilty verdicts. Using the JDS, the author demonstrated that greater beliefs in rape myths were associated with high defendant believability and low complainant believability.

Perceptions of eyewitness credibility

Despite research suggesting that eyewitness memory is far from being infallible (see Gibert & Mojtahedi, 2019; Mojtahedi et al., 2018, 2019,&2020), reports suggest that jurors generally perceive eyewitness testimonies to be reliable evidence (Boccaccini, 2002; Neal et al., 2012). Yet it is possible that the same cognitive biases that influence jurors' perceptions of complainant and defendant believability may also influence their perceptions of evidence from third parties (such as eyewitnesses), namely through confirmation bias, the tendency to find and interpret evidence that is congruent with their pre-existing beliefs or expectations and avoid information that disputes their beliefs (Ask & Granhag, 2005; Butler & Moran, 2002; Jonas, Schulz-Hardt, Frey & Thelen, 2001; Nickerson et al, 1998). Evidence in support of this phenomena shows that both jurors and police officers will sometimes interpret evidence in ways that align with their prior views rather than taking an objective view of the evidence (Carlson & Russo, 2001; Eerland & Rassin, 2012; Meissner & Kassin, 2002; O'Brien, 2009; Rassin, Eerland & Kuijpers, 2010). Consequently, jurors may not evaluate all the evidence presented to them fairly, which is likely to result in inaccurate decision making (Hernandez & Preston, 2013). A series of studies conducted by Ask and Granhag (2007a, 2007b) found evidence that respondents perceived the reliability of the witness differently dependent on whether it was consistent or inconsistent with their prior hypothesis of the crime, suggesting that juror's personal biases may influence their credibility assessment of witness evidence.

Perceptions of eyewitness evidence in court may also be influenced by any unconscious biases that the juror may hold. Inaccurate attitudes and beliefs about others can be formed around the implicit stereotypes a person holds about other groups (Burgess et al., 2004; Teal et al., 2011). Within courtroom settings, research has shown that unconscious biases can affect the assessments, judgments and decisions made by jurors, particularly when race of the defendant and complainant are examined (Bassett, 2012; Levinson, 2007; Lee, 2015; Roberts, 2011; Saujani, 2002). Further to this, Su (2020) argues that jurors may use implicit biases to inappropriately interpret evidence based on prejudicial beliefs rather than looking at the evidence fairly, consequently affecting fairness of trials.

The present study

Research shows that RMA can influence jurors' perceptions of defendant and complainant believability; additional evidence from third party eyewitnesses may also be also presented in some cases, however, to date there is little empirical knowledge on the influence

eyewitness reports play on juror decision making and whether personal biases of jurors can influence their evaluation of such evidence. Thus, our first aim was to examine the effects of witness testimony on juror decision making in cases of rape. This aim comprised of three objectives: to examine the effect of witness testimony on verdict decision, complainant believability and defendant believability. Our second aim sought to determine whether the previously identified relationship between RMA and rape case verdict decisions could be replicated in the present sample. The final aim of the study was to examine if jurors' perceptions of eyewitness testimony were influenced by the testimony's direction of support and juror's levels of RMA. More specifically, we sought to determine whether high RMA is more likely to lead to negative evaluation of witness testimony in support of the complainant, and positive evaluation of witness testimony in support of the defendant.

Method

Participants and Design

An online experiment was created using Qualtrics (Qualtrics, Provo, UT) and disseminated through social media advertising. A link and brief description of the study was posted on various Facebook group pages (e.g., student and community groups). In accordance with the Juries Act 1974, there were several criteria that potential jurors had to meet in order to participate (aged 18-76, UK resident, no criminal record, fluent in English language). One-hundred and ninety-eight participants took part in the study; however, two responses were removed due to being incomplete, leaving a usable sample of 196 participants (152 females & 44 males; M years = 32.76, SD = 13.53). Participants did not receive any reward for their involvement.

The online experiment used an independent groups design to manipulate the direction of support given by the eyewitness. Participants were randomly allocated to one of three conditions: The complainant support condition ($n = 65$) presented a witness testimony that supported the complainant/prosecution, the defendant support condition ($n = 64$) presented a witness testimony that supported the defendant/defence, and the neutral witness condition ($n = 67$) presented a witness testimony that did not provide any support for either side.

Materials

Case information. The hypothetical rape case used in the present study was an adaption of the mock case used in Willmott et al., (2018). The case described an incident where four

students had gone out drinking, upon returning to the student accommodation, one of the students (Sarah) alleged that she was raped by another student's visiting brother (Jake). Both parties admitted that sexual intercourse had taken place, however, there was a disagreement around whether consent had been given by Sarah. Sarah, the case complainant, had claimed that she had been taken advantage of in her intoxicated state and had not consented, whereas Jake, the case defendant, had claimed that the Sarah had consented to the act fully at the time. The mock case included facts that both the complainant and defendant agreed (undisputed facts) as well as the complainant's and defendant's statements. The current study adapted Willmott et al's. (2018) mock case by introducing a witness testimony (from a bartender that served the complainant and defendant prior to the alleged assault). Participants viewed one of three witness testimonies depending on the experimental condition they were assigned to. The witness evidence was manipulated so that it either supported the complainant/prosecution (i.e., suggesting that the defendant was taking advantage of the complainant's heavily inebriated state), the defendant/defence (i.e., describing both parties as being equally drunk and mutually intimate), or neither party/neutral (i.e., the witness was too busy at work to observe their behaviours).

Acceptance of Modern Myths about Sexual Aggression (AMMSA) Scale. The AMMSA scale (Gerger et al., 2007) is a 30-item self-report questionnaire which measures adherence to modern sexual aggression myths through a unidimensional construct. Participants are required to indicate how much they agree to rape myth endorsing statements (e.g., when a man urges his female partner to have sex, this cannot be called rape") on a 7-point Likert scale (1 = completely disagree, 7 = completely agree). The AMMSA scale was chosen over other measures of RMA (e.g., Burt, 1980; Payne, Lonsway, and Fitzgerald, 1999) on account of it measuring more subtle rape myths, unlike its predecessors (such as the Illinois Rape Myth Acceptance Scale) that are overtly reliant on explicit forms of sexism that are no longer commonly endorsed in society (Angelone, Mitchell & Lucente, 2012; McMahon & Lawrence, 2011). The scale demonstrated strong internal consistency within the present dataset ($\alpha = .92$).

Juror Decision Scale (JDS). The pre-deliberation items from the JDS (Willmott et al., 2018) were used to assess juror decision making. This 16-item self-report measure consists of three subscales Complainant Believability (7 items), Defendant Believability (7 items), and Decision Confidence (2 items). Participants are required to indicate how much they agree to each item on a 5 point-Likert scale (1 = not at all, 5 = extremely). Higher scores on the Complainant/Defendant Believability subscales indicated higher respondent belief in their version of events. Higher scores on the Decision Confidence subscale indicated higher

respondent confidence in the accuracy of their verdict decision. The current data showed good internal consistency (Decision Confidence $\alpha = .87$, Complainant Believability $\alpha = .85$ and Defendant Believability $\alpha = .85$).

Eyewitness evidence evaluation. Participants' evaluation of the witness testimony was measured using three Likert-style statements. Participants were asked to state their level of agreement (1 = strongly disagree, 5 = strongly agree) about the eyewitness's reliability ("The eyewitness seemed reliable"), memory accuracy ("The eyewitness's memory for the event would have been accurate"), and influence on their verdict decision ("The eyewitness evidence influenced my final verdict").

Procedure

Participants were first asked to state their age and gender, and complete the AMMSA scale (Gerger et al., 2007). They were then given instructions about the mock court case, and they were asked to read through the undisputed facts of the case, the complainant's statement, the defendant's statement and finally an eyewitness statement that either supported the complainant, defendant or was neutral depending on the experimental condition. Participants were advised to spend as much as time as they needed to read all the case material before making a verdict decision (guilty or not guilty). After providing their verdict, participants answered additional questions about their perceptions of the eyewitness's reliability, accuracy and influence on their verdict, and also completed the JDS (pre-deliberation, Willmott et al., 2018).

Analyses

All statistical analyses were performed using SPSS® 26.0 (IBM Corporation, Armonk NY, USA) for Windows®/Apple Mac®, by the authors. The analyses were conducted in three stages. First, we used Binary Logistic Regression (BLR) to identify significant predictors of verdict decisions (the predictor variables tested were experimental condition, AMMSA score, defendant believability, complainant believability, decision confidence, and participants' reports of how influential the witness testimony was to their verdict).

Next, we used Two-way Analyses of Covariance (ANCOVA) tests to examine the effects of the experimental condition (eyewitness evidence) and participant gender on defendant and complainant believability, whilst controlling for RMA scores (AMMSA). Participant gender was included as a second independent variable to determine whether the effects of witness testimony were dependant on the jurors' gender. To ensure that the data was

suitable for ANCOVA testing, preliminary analyses were conducted to ensure homogeneity of variance (similar variance in dependant variable scores between groups).

Lastly, we ran a series of analyses to determine whether credibility judgements of the witness testimony (perceived accuracy, reliability and influence on verdict) were influenced by the experimental condition and RMA scores. Kruskal-Wallis tests were used to determine whether credibility judgements of the witness testimony differed across conditions; and correlation analyses were used to determine whether there was a relationship between RMA scores and credibility judgements within each experimental condition.

Result

Verdict Decisions

As shown in table 1, the majority of participants returned guilty verdicts. A BLR model was used to test the associations between our predictors and ‘not guilty’ verdicts. The model was statistically significant, $\chi^2(7, N = 196) = 19.21, p = .008$, indicating that it was able to successfully predict verdict decisions. The model explained between 9.3% (Cox & Snell R^2) and 13.6% (Nagelkerke R^2) of the variance in verdict decisions and correctly classified 73% of cases overall; however, only RMA (AMMSA) ($OR = 2.25$) was a significant predictor of verdict (see table 2).

Table 1.

Descriptive results for verdict decisions, AMMSA and JDS scales across the experimental conditions

Witness testimony Condition	<i>N</i>	Guilty verdict (%)	AMMSA <i>M(SD)</i>	CB <i>M(SD)</i>	DB <i>M(SD)</i>	DC <i>M(SD)</i>
Complainant support	65	80%	2.91 (.39)	3.26 (.55)	3.02 (.48)	3.41 (.74)
Defendant support	64	67.19%	2.85 (.90)	3.12 (.60)	2.89 (.52)	3.28 (.95)
Neutral	67	73.13%	2.98 (.77)	3.29 (.57)	2.98 (.46)	3.33 (.88)

Note. CB=Complainant Believability, DB=Defendant Believability, DC=Decision Confidence

Table 2.
Binary Logistic Regression Predicting Verdict Decision

Predictors	<i>B</i>	<i>S.E</i>	<i>OR</i>	95% C.I. for OR	
				<i>Lower</i>	<i>Upper</i>
RMA (AMMSA)	.81	.230	2.25***	1.45	3.5
Witness testimony condition					
Complainant support	-.39	.49	.69	.26	1.76
Defendant support	.4	.43	1.5	.65	3.47
Decision Confidence	-.23	.22	.8	.52	1.23
Complainant Believability	.33	.34	1.38	.72	2.7
Defendant Believability	.2	.35	1.22	.61	2.42
Testimony influence	.01	.15	1.01	.76	1.36

Note *** $p < .001$. ^a Reference category = neutral

Effects of eyewitness testimony on defendant and complainant believability.

Two separate two-way between groups ANCOVA's were conducted to determine whether witness testimony and participant gender influenced complainant and defendant believability judgements, whilst controlling for the effect of RMA (AMMSA). For complainant believability, there were no significant main effects for RMA [$F(1,189) = .077, p = .782$], gender [$F(1,189) = .109, p = .742$], or testimony condition [$F(2,189) = .807, p = .448$]; and no significant interaction effect between gender and testimony condition was observed [$F(2, 189) = .481, p = .619$]. Similarly, for defendant believability, there were no significant main effects for AMSSA score [$F(1,189) = 1.47, p = .227$], gender [$F(1,189) = .018, p = .894$] or eyewitness evidence [$F(2,189) = .784, p = .458$]; and no significant interaction effect between gender and testimony condition was observed [$F(2, 189) = .269, p = .764$]. Together, the findings suggest that neither eyewitness evidence nor the gender of the participant had any influence on complainant/defendant believability judgements.

Credibility assessment of witness testimony

A series of Kruskal-Wallis tests identified significant differences between the experimental conditions in the participants' perceptions of witness accuracy ($H(2) = 22.71$,

$p < .001$), reliability ($H(2) = 36.36, p < .001$) and influence on verdict decisions ($H(2) = 44.36, p < .001$). Post-hoc Mann-Whitney analyses (Bonferroni corrections applied, $p = .017$) indicated that participants were more influenced by witness testimony in support of the complainant compared to testimonies in support of the defendant ($U = 1493.5, Z = -2.87, p = 0.004$). Participants also found the witness to be more accurate when they were in support of the complainant than when they were in support of the defendant ($U = 1665.5, Z = -2.2, p = 0.03$), however, this difference did not reach statistical significance at the corrected alpha level. The neutral witness testimony was also scored as being significantly less accurate, reliable and influential than witness testimonies in support of the complainant ($U = 1202, Z = -4.85, p < 0.001$; $U = 989, Z = -5.72, p < 0.001$; $U = 791, Z = -6.49, p < 0.001$, respectively) and defendant ($U = 1653, Z = -2.38, p = 0.02$; $U = 1268, Z = -4.24, p < 0.001$; $U = 1298.5, Z = -4.03, p < 0.001$, respectively). The average scores for accuracy, reliability and influence of the witness testimony are presented in Table 3.

Finally, correlational analyses were conducted to examine the relationship between participants' RMA (AMMSA) scores and their perceptions of the witness testimony (accuracy, reliability and influence on verdict decision) within each experimental condition. Bonferroni corrections were applied to mitigate against false positive errors (adjusted $p = .006$). As shown within Table 3, there were some significant relationships observed when the witness testimony supported the defendant. Within this condition, AMMSA scores were positively correlated with perceived eyewitness reliability ($r = .38$) and reported influence on verdict decision ($r = .32$), however, the latter relationship did not reach statistical significance at the adjusted alpha level of .006.

Table 3.

Descriptive Statistics and Correlations for Rape Myth Acceptance and perception of Witness Evidence across all conditions

	<i>r</i> with AMMSA	<i>M</i>	<i>SD</i>
Complainant support			
Witness evidence accuracy	-.15	3.85	.71
Witness evidence reliability	-.21	3.86	.73
Witness evidence influence on verdict	.07	3.42	1.13
Defendant support			
Witness evidence accuracy	.24	3.44	1.07
Witness evidence reliability	.38**	3.59	.92
Witness evidence influence on verdict	.32*	2.80	1.25
Neutral			
Witness evidence accuracy	-.02	3.00	1.07
Witness evidence reliability	.12	2.81	1.07
Witness evidence influence on verdict	.19	1.93	1.11

Note. * $p < .05$; ** $p < .01$;

Discussion

The first aim of our study was to examine the effects of witness testimony on juror decision making in cases of rape. The results failed to find a significant effect of witness testimony on verdict decisions. Previous studies have demonstrated that jurors tend to rely on witness evidence greatly when forming their verdict decisions (e.g., Boccaccini, 2002; Neal et al., 2012), however, other studies have shown that jurors will place precedence over other forms of evidence (e.g., DNA evidence) when available (Golding et al., 2000; Lieberman et

al., 2008; Skolnick & Shaw, 2001). Whilst the case used in the present study lacked additional evidence beyond the complainant and defendant's statements, it is likely that participants would have still placed greater precedence on these testimonies over the witness testimony given that the witness testimony did not discuss the actual incident. The witness testimonies only alluded to the complainant and defendant's intentions, by describing the defendant and complainant's behaviours prior to the incident taking place. As a result, participants may have not deemed them to be as relevant. Presenting participants with a testimony from a witness that was present at the time of the offence may have been more influential, however, such a scenario would be unrealistic (participants would question why the witness did not intervene). Thus, it is likely that witness evidence can still be influential on sexual assault cases, but only if the evidence is substantial.

Our second aim was to determine whether the previously identified relationship between RMA and verdict decisions could be replicated. Our results demonstrated that individuals who held a greater acceptance of rape myths were less likely to find a rape defendant guilty. This finding sits with previous literature which has also outlined that respondent who adhere to rape myths are more likely to find rape suspects 'not-guilty' (Eyssel & Bohner, 2010, 2011; Krahe et al, 2008; McGee et al., 2011; Romero-Sánchez et al., 2018). As previous research has suggested, these differences are likely to stem from the scripts and schemas held by individuals, which are formed on the acceptable sexual exchanges among men and women (Frith, 2009; Ryan, 2011) and from the rape culture within society (Hildebrand & Najdowski, 2015). Since RMA is believed to serve as cognitive schema which allows rape information to be processed (Dawtry et al., 2019; Eyssel & Bohner, 2011; Süssenbach, Eyssel, & Bohner, 2013), it is logical to see why jurors who adhere to such myths are more likely to return a 'not guilty' verdict. Some may also suggest that the relationship between RMA and defendant acquittal could be attributed to jurors' implicit biases against women. It has been well documented that jurors' implicit biases can affect their judgments of evidence and ultimately their decisions in the courtroom (Bassett, 2012; Levinson, 2007; Lee, 2015; Roberts, 2011; Saujani, 2002; Su, 2020), and studies have also shown that who endorse rape myths are more likely to hold sexist attitudes towards women (Davies et al., 2012). However, the present study failed to identify a relationship between RMA and defendant or complainant believability, which refutes such an explanation.

The current study was unable to find a significant effect of complainant/defendant believability on verdict decisions. Previous research has shown that greater belief in the complainant's testimony increased the likelihood of guilty verdict being returned and a greater

belief in the defendant's testimony increased the likelihood of a 'not guilty' verdict (Willmott et al., 2018). The conflicting findings could be due to the current study adopting an online experimental design whereas Willmott et al., (2018) used a mock trial paradigm that presented the statements through video re-enactments. Participants from the present study may have found it difficult to scrutinise the complainant and defendant when reading their testimonies from a transcript. In addition, the presence of an additional witness evidence may have had reduced the impact the influence defendant and complainant believability had on the final verdict decision.

The third aim of the study was to examine whether jurors' perceptions of eyewitness testimony were influenced by the testimony's direction of support and the juror's beliefs in rape myths. The experimental condition alone did not influence witness credibility judgements. However, when the witness testimony was in support of the defence, RMA was positively related to the perceived reliability of the testimony and its influence on verdict decisions. These findings suggest that individuals who endorse rape myths are more likely to accept eyewitness evidence when it is in line with their personal views (i.e., victim blaming or rejecting the victim's accusation). Research has shown that jurors' beliefs in rape myths can influence their judgements, with those more accepting of rape myths being more likely to find the defendant not-guilty (Eyssel & Bohner, 2010; Krahe et al., 2008; McGee et al., 2011). It would make sense for the very same individuals to also be more accepting of evidence that refutes a witness's accusations and ultimately supports their verdicts. The relationship between RMA and perceptions of witness reliability is consistent with confirmation bias theory, highlighting that jurors who have pre-conceived beliefs about rape/rape victims/perpetrators of rape, are more likely to interpret the evidence which fits with their beliefs. In the current study, jurors with higher acceptance of rape myths who read witness evidence which supported the defendant's view of events were more likely to view the witness evidence as reliable and use this evidence when deciding their verdict. This finding extends previous literature by connecting the gap between witness evidence perception and RMA to better understand juror decision making. Such findings are worrying as they demonstrate that jurors will not always approach a rape case objectively and will instead be selective when considering different items of evidence during the verdict decision-making process. Results also suggested that the general sample viewed the witness testimony in support of the complainant more favourably in comparison to the witness testimony in support of the defendant. Given that the majority of participants returned a guilty verdict, it may be that participants found the witness testimony in

support of the defendant harder to believe when considered in conjunction with the other case information.

Implications, limitations and directions for future research

The present findings add to the wealth of research demonstrating the dangers of RMA within the courtroom. Our research has shown that not only do endorsement of rape myths reduce the likelihood of convicting offenders, but they can also lead to biased evaluation of legal evidence which could influence the decision-making of other jurors during the deliberation phase. As such, the current authors join a growing body of scholars and professionals in recommending institutional interventions. Several proposals have been put forward to reduce the influence of RMA on juror decision-making. One apparent suggestion is the use of a screening process to exclude those who hold strong beliefs in rape myths from service (Willmott, 2017; Willmott et al., 2021). RMA questionnaires could prove useful in preventing such biases from having confounding effects on juror decision-making; however, whilst psychometric tools can indeed provide accurate measurements of an individual's dispositional traits (Willmott et al., 2017), some academics have raised doubt over the efficacy of RMA tools in irradiating rape myths from the court room completely (see Munro, 2019).

An alternative approach would be to provide jurors with education and training about rape, either before or during the trial, to reduce their acceptance of rape myths (Dinos et al., 2015; Gillen, 2019; Willmott et al., 2021). Hudspith et al. (2021) conducted a systematic review on rape myth interventions and their potential application within courtrooms. The review provides a comprehensive exploration of different intervention techniques; for the purpose of our discussion, we focus on the approaches that have received greater empirical support. Educational interventions tend to consist of various components, including general information about rape (i.e., legal definitions of rape and consent, prevalence rates and sexual communication issues; e.g., Davis & Liddell, 2002), bystander intervention training (i.e., how to identify and safely intervene sexual violence; e.g., Jouriles et al., 2018), and dispelling rape myths (e.g., O'Donohue et al. (2003). Interventions also vary in the format used to educate and train individuals. The most common and efficacious format used appears to be video demonstrations (11 out of 13 studies reviewed by Hudspith et al., 2021 led to short-term reductions in RMA), however, other approaches such as the use of live teaching and web-based interactive tasks (Salazar et al., 2014) have also proven to be effective in reducing RMA. As for optimum intervention duration, Hudspith and colleagues suggest that a 90-minute

intervention can produce effective results, however, the use of multiple interventions can have a greater effect on reducing RMA Banyard et al. (2007). As Hudspith and colleagues point out, due to many previous interventions using a multitude of approaches, and presentation formats, it is difficult to ascertain how effective each different component is. For this reason, the current authors make a general recommendation that jury education interventions should utilise a 90-minute video-based format that seeks to educate jurors about rape, consent, and the inaccuracy of rape myths. Our recommendation for academics in future research is to utilise a between-groups experimental design to determine firstly if RMA are likely to reduce defendant acquittal and secondly, to compare the effectiveness of the different intervention components.

The experiment was not without its limitations. Due to the COVID-19 pandemic, the researchers were required to conduct the experiment online. Despite a growing body of evidence supporting the validity and generalisability of online survey-based data (e.g., Barnhoorn et al., 2015; Mullnix et al., 2015), our approach prohibited us from monitoring participant engagement with the trial materials and did not allow us to examine the effects of jury deliberation on individual perceptions of witness credibility. Thus, future research should build on our emerging findings by replicating the experiment using a live mock jury simulation.

A second limitation of the study was the disproportionately low number of male participants. Given the overwhelming evidence indicating that men display significantly higher levels of RMA (e.g. Aosved & Long 2006; Davies et al., 2012) and are more likely to find rape defendants 'not-guilty' (Lynch et al., 2019), the authors acknowledge the need for further exploration using an more balanced sample of participants.

The authors did not include a manipulation check question to confirm that participants understood the witness testimony's direction of support (i.e., whether the evidence was in support of prosecution, defence or neutral), Although the manipulated statements were clear and explicit in the direction of their support we cannot confirm whether all participants understood the statements' direction of support.

To the authors' knowledge, the current study is the first to examine jurors' evaluations of witness evidence in cases of rape. Although our findings present evidence to suggest that jurors' evaluations of third-party evidence can be influenced by personal biases, further research is needed to develop a comprehensive understanding of this bias. More specifically, researchers should aim to examine how other sources of third-party evidence (such as expert witnesses) are appraised by jurors. Drawing inspiration from Willmott et al's. (2018) JDS tool, we propose that future research examining jurors' evaluations of third-party evidence utilise a

multi-item scale to measure and examine the effects of evidence appraisal on juror decision-making.

Conclusion

It is evident from the present study and the grown body of literature that rape myths are, in part, responsible for the low conviction rates of sexual assault, notably in relation to acquaintance rape. Moreover, our findings suggest that the influence of legal evidence presented in court may also be moderated by individuals' pre-trial beliefs about rape. Historically, criminal justice systems have been prepared to make adaptations to court room procedures in order to ensure everyone receives a fair trial (Devine et al., 2021). Going forward, it is imperative for researchers and legal professionals to work on determining identifying the effective approaches to reducing the influence of rape myths on juror-decision making. It appears that educational interventions aimed at jurors may be a pragmatic solution, however, a multifaceted approach may be needed for the adverse effects of rape myths to be significantly mitigated within the criminal justice system.

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