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Effects of Jurors' Gender and Attitudes toward Intellectual Disability on Judgments for Disabled Juvenile Defendants

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Effects of Jurors' Gender and Attitudes toward Intellectual Disability on Judgments for Disabled

Juvenile Defendants

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Abstract

Because many juvenile offenders are intellectually disabled and have their cases tried by jurors in adult criminal court, it is important to understand factors that influence jurors' judgments in such cases. Using a mock trial methodology, we explored the relations among jurors' gender, attitudes toward intellectual disability, and judgments in a criminal case involving an intellectually disabled 15-year-old girl accused of murder. Men mock jurors' judgments were not influenced by their preexisting biases, but women's were: The more women favored special treatment for disabled offenders, the less likely they were to suspect the disabled juvenile was guilty and the less likely they were to convict her. Implications for actual cases involving disabled juvenile defendants are discussed.

Keywords: juror decision making, gender, intellectual disability, juvenile offenders

Effects of Jurors' Gender and Attitudes toward Intellectual Disability on Judgments for Disabled Juvenile Defendants

In response to the wave of violent juvenile crime that occurred in the 1980s and 1990s, nearly every one of the United States enacted laws that increased the likelihood that juveniles will be tried in adult criminal court (Griffin, Addie, Adams, & Firestine, 2011). Some of these laws facilitate the waiver or transfer from juvenile court to adult court for juveniles who commit certain crimes, ranging across jurisdictions from murder to less serious offenses including attempted drug possession (e.g., in Montana, Griffin et al., 2011). Others lowered the age of delinquency jurisdiction so that older juveniles are automatically considered adults. As a result of these policies, even though juvenile crime had declined 20% since 1998 (Puzzanchera, 2009), nearly 200,000 juveniles under 18 years old were prosecuted as adults in 2007 (Griffin et al., 2011). Because juveniles who are tried in adult court often have their cases decided by jurors rather than by family or juvenile court judges, it is important to consider how jurors make decisions in cases involving juvenile offenders.

Although strength of evidence is generally the strongest predictor of jurors' judgments in cases involving adult defendants, research suggests that a variety of extralegal factors also influence jurors' verdicts (for review, see Devine, Clayton, Dunford, Seying, & Pryce, 2001). Research suggests that this is true in cases involving juvenile defendants, too. For example, jurors' perceptions and case judgments for juvenile defendants are affected by jurors' stereotypes (that is, those depicting juvenile offenders as "wayward youths" or "superpredators;" for more specific information, please see Haegerich, Salerno, & Bottoms, 2013) and by juror gender (for review, see Stevenson, Najdowski, Bottoms, & Haegerich, 2009). Research has also examined how jurors are influenced by a juvenile defendant's intellectual disability, because, although

precise statistics are not available, it is estimated that 7% to 15% of juveniles in the legal system are intellectually disabled (e.g., have IQs below 70; American Psychiatric Association, 2013) (see Kazdin, 2000, for review).¹ Najdowski, Bottoms, and Vargas (2009) showed that, overall, mock jurors perceived a juvenile as less guilty, less deviant, and less responsible for her crime when she was described as intellectually disabled rather than nondisabled. Even so, the mitigating effect of disability was moderated by other extralegal factors, including the type of crime the juvenile committed and whether the juvenile confessed. In the present research, we explored whether jurors' perceptions of disabled juvenile defendants are also influenced by jurors' preexisting attitudes toward intellectual disability. Because women tend to have more positive attitudes toward juvenile defendants (e.g., Haegerich & Bottoms, 2000) and disabled individuals (e.g., Akrami, Ekehammar, Claesson, & Sonnander, 2006) than do men, we also examined whether juror gender would affect the relations between attitudes and judgments.

Attitudes toward Intellectual Disability

Preexisting liberal attitudes related to viewing people with disabilities as similar to others in society have been shown to influence jurors' decision making in cases involving intellectually disabled child victims. Specifically, Bottoms, Nysse-Carris, Harris, and Tyda (2003) showed that, in a case involving allegations of sexual abuse perpetrated against a disabled child, jurors with more liberal (versus conservative) views were more likely to perceive the disabled child victim as intelligent and credible and more likely to find the defendant guilty. We propose that jurors' perceptions of intellectually disabled defendants will also be influenced by their feelings of similarity with intellectually disabled individuals. That is, people vary in terms of the extent to which they believe disabled individuals, like themselves and others in society, are entitled to basic human rights and capable of having social relationships and life goals, and capable of

managing responsibilities and self-care (see, e.g., Henry, Keys, Jopp, & Balcazar, 1996). Our hypothesis is consistent with mock trial research suggesting that jurors display a similarity-
leniency bias when a defendant's guilt is ambiguous (e.g., Griffitt & Jackson, 1973; Kerr, Hymes, Anderson, & Weathers, 1995), rendering more favorable judgments when they perceive that defendants are more rather than less like themselves. Griffitt and Jackson demonstrated this by experimentally manipulating the degree to which a defendant's attitudes (related to various topics such as sports, racial integration, family finances, etc.) were described as being in agreement with mock jurors' attitudes. When the defendant was portrayed as similar rather than dissimilar, jurors rated the defendant as less guilty, recommended shorter sentences, and perceived the defendant more positively on a variety of dimensions.

Thus, we conducted a mock trial study, a common experimental methodology within the field of psychology and law, to test whether feelings of similarity would also be related to perceptions of an intellectually disabled juvenile defendant. We hypothesized that jurors who believe that intellectually disabled individuals are more similar to themselves and others in society would render more pro-defendant judgments (e.g., not guilty verdicts) in a case involving a disabled juvenile defendant.

Further, we hypothesized that the more jurors favor societal exclusion of disabled individuals, the more likely they would be to make pro-prosecution judgments (e.g., guilty verdicts) in a case involving a disabled juvenile defendant. That is, although liberal views regarding similarity are expected to have a positive effect on jurors' judgments in cases involving disabled defendants, less liberal views often co-occur with other attitudes that could have a negative impact. That is, feelings that disabled individuals are *dissimilar* to others in society are related to beliefs that such individuals should be excluded and segregated from

mainstream society (Henry et al., 1996). We expected to replicate prior findings showing a negative association between these two opposing attitudes.

A limited and dated body of research has also examined attitudes toward a specific subpopulation of disabled individuals: criminal offenders. For instance, Schilit (1979) found that police, lawyers, and judges all agreed that disabled offenders should be sentenced differently than other offenders, even though they varied in whether they believed that (a) intellectually disabled offenders understand the nature of their crimes and are competent to stand trial versus (b) should be tried in special courts and sent to special correctional facilities. Schilit's measures did not reveal whether such differential sentencing would result in harsher or more lenient punishment of disabled offenders, but Gibbons, Gibbons, and Kassin's (1981) research supports the latter possibility. Specifically, Gibbons and colleagues (1981) found that undergraduates were more likely to favor special (versus the same) treatment for disabled offenders compared to nondisabled offenders. Further, in their subsequent mock trial study, participants handed down a lighter sentence when the adult defendant was described as disabled rather than nondisabled. We expected that mock jurors who endorsed more special treatment for disabled offenders (versus those who did not) would render more pro-defendant judgments (i.e., judgments favoring a disabled juvenile defendant).

The Role of Juror Gender

A growing field of research suggests that there are gender differences in reactions to juvenile offenders. For instance, women rendered fewer guilt judgments than did men in Haegerich and Bottoms' (2000) mock trial study involving a juvenile defendant who was accused of killing his/her father in self-defense after years of alleged sexual abuse. It could be argued that this finding reflects women's tendency to render more pro-child-*victim* judgments

(e.g., higher perceived credibility of the child, more guilty verdicts) in child abuse cases than men (Devine & Caughlin, 2014; see Bottoms, Golding, Stevenson, Wiley, & Wozniak, 2006, for a review). Indeed, other studies not involving child abuse allegations have revealed that women and men generally make similar case judgments (e.g., Stevenson & Bottoms, 2009; see also Devine & Caughlin, 2014). Even so, when differences do emerge, women tend to be more pro-child-offender than men, too. For example, compared to men, women have been shown to think it less likely that a juvenile offender committed a crime (Redlich, Ghetti, & Quas, 2008), to be less likely to favor waiving a juvenile's case to adult court (Stalans & Henry, 1994), and to support less severe sentences for juveniles (Crosby, Britner, Jodl, & Portwood, 1995; Stalans & Henry, 1994). Therefore, we also predicted that, overall, women would render more favorable judgments for a disabled juvenile defendant than would men.

It is also important to take juror gender into account when studying the influence of attitudes toward disability on judgments because women tend to have more positive attitudes toward disabled individuals and offenders than do men. For example, Akrami and colleagues (2006) found that women scored lower than men on prejudice against disabled individuals using measures that focused on both the classical, blatant form of prejudice and the more modern, subtle form of prejudice. Consistent with this, Bottoms et al. (2003) found that women had more liberal views and perceived disabled individuals as more similar to themselves and others in society than did men. Although Gibbons and colleagues (1981) found that women and men were generally comparable in their views of disabled offenders, more recently Cochran, Boots, and Heide (2003) surveyed actual jury pool members and showed that women were less likely than men to support the death penalty for a hypothetical intellectually disabled defendant who was accused of murder. Thus, we also predicted that women would have more positive attitudes

toward disabled individuals and offenders than men and that this difference would translate into more pro-defendant judgments among women than men.

Method

Participants

The 45 undergraduate participants were a subset of mock jurors drawn from a larger study of juror reactions to juvenile defendants who are intellectually disabled and who have confessed (for details, see [REDACTED FOR BLIND REVIEW]). All received course credit for participating in this research at their large, urban, Midwestern university. The sample was 31% men, all U.S. citizens, young ($M = 19$, $SD = 2$, ranging from 18 to 28 years old), and ethnically diverse (49% Caucasian, 24% Asian, 16% Hispanic, 7% African American, and 4% of other backgrounds).

Materials

Trial stimuli. Written and video materials were based on an actual adult criminal court trial involving a 16-year-old Caucasian girl accused of murdering her father (*Kentucky v. English*, 1991, in American Lawyer/Court TV Video Library Service, 1991). The juvenile's age was changed to 15 years. The materials provided jurors with information about the juvenile defendant, the case, and testimony from the juvenile, her school psychologist, her friend, and her aunt. These materials were used to manipulate confession evidence and disability status in the larger study. The results reported herein are based on participants who were told that the juvenile defendant was intellectually disabled and did not confess.

Video clips. Two video clips from the actual trial were used. In the first, which was approximately 1.5 min long, a narrator described the juvenile's age as 15 years, the crime she was accused of (murdering her father), that the juvenile was being tried in adult court "based on

the severity of the charges,” and the juvenile’s social and family background (lower to middle class, her parents were divorced and she “bounced between them,” current living situation with her older siblings, no known history of abuse or neglect). The narrator described testimony from the juvenile’s school psychologist, in which the psychologist asserted that the juvenile (a) had a lower than average IQ and was “developmentally delayed, functioning in the mild range of mental retardation”;² (b) performed poorly in school; and (c) did “not have the reasoning abilities of a normal 15-year-old.” (In fact, the girl had failed 3 grades in school, and prior work that used edited portions of the same video demonstrated that differential reactions to the juvenile could be elicited merely by labeling her as “mildly mentally retarded” compared to “having average intelligence” [CITATION REDACTED FOR REVIEW].)

The second clip, seen after the participants read the written scenario described below, presented approximately 30 s of the juvenile’s actual testimony. The clip showed the juvenile discussing several phone calls she placed after the alleged crime.

Written case summary. The summary began by repeating the video narrator’s description of the juvenile, including the testimony describing her as intellectually disabled. Then, participants read that (a) the juvenile’s father came home drunk and went to his room, (b) the next thing the juvenile remembered was seeing him lying in a pool of blood on his bed with a gun nearby, (c) the juvenile made some calls to try to get help, (d) the defense argued that the juvenile’s father was depressed and killed himself, (e) forensic evidence was inconclusive, (f) the juvenile’s friend testified that she had witnessed the juvenile fighting with her father on the day of the shooting, and (g) the juvenile’s aunt testified that the juvenile had a tumultuous relationship with her father and that the juvenile stood to inherit \$100,000 from his death. To emphasize the juvenile’s disability status, the aunt’s testimony included the statement, “I

understand she's retarded, but she's still a spoiled brat, if you ask me." The summary also included statements made by a detective and the juvenile defendant which described that the juvenile had been interrogated but maintained her innocence throughout the questioning. Pilot testing confirmed that the juvenile's actual guilt or innocence was relatively ambiguous (i.e., the conviction rate averaged across all conditions in the larger study was 52%).

Jury instructions. All jurors received the exact same instructions that jurors receive in first-degree murder cases in the state in which the research was conducted. The instructions described the burden of proof and elements necessary to find the juvenile guilty.

Measures.

Demographic questionnaire. Mock jurors were asked to provide their citizenship status, gender, age, and ethnicity.

Verdict. Because the verdict is the most important decision in actual cases, jurors were first asked, "What is your verdict in this case? Do you find the defendant, Tracie English, Guilty or Not Guilty of first degree murder?" (*guilty, not guilty*).

Suspicion judgments. Jurors' also rendered suspicion judgments by answering, "Regardless of your legal verdict above, do you think or suspect that Tracie English killed her father" (*yes, no*).

Trial venue recommendation. As a proxy for public support of juvenile transfer policies, research has examined jurors' beliefs about whether a juvenile should be tried in juvenile court or adult criminal court (e.g., Nunez, Dahl, Tang, & Jensen, 2007; Stalans & Henry, 1994). Drawing from that research, jurors made trial venue recommendations by responding to the question, "Do you think Tracie English should have been tried in Adult Criminal Court or do you think she should have been sent to Juvenile Court?" (*juvenile court, adult court*).

Attitudes toward intellectual disability. Attitudes toward intellectual disability were assessed with three measures. Items from all three measures were intermixed, and responses were given on a 6-point Likert scale ranging from -3 (*strongly disagree*) to +3 (*strongly agree*) with no midpoint. Values were transformed to range from 1 (*strongly disagree*) to 6 (*strongly agree*).

First, the 12-item Similarity subscale of Henry and colleagues' (1996) Community Living Attitude Scale, Mental Retardation Form (CLAS-MR) assessed the degree to which respondents perceive disabled individuals as like themselves and others in terms of life goals and human rights (e.g., "People with mental retardation should be guaranteed the same rights in society as other people"). Henry et al. reported that this subscale has acceptable internal consistency ($\alpha = .84$) and test-retest reliability ($r^2 = .75$). Higher values on this scale indicate more liberal feelings of similarity.

Second, 8 negatively valenced items composing the Exclusion subscale of Henry et al.'s (1996) CLAS-MR measured the extent to which respondents want to segregate disabled individuals from community life (e.g., "The best way to handle people with mental retardation is to keep them in institutions"). Henry et al. reported that this subscale has acceptable internal consistency ($\alpha = .77$) and test-retest reliability ($r^2 = .71$). Higher values on this scale indicate more restrictive, exclusionary attitudes.

Third, attitudes toward disabled offenders were assessed using 13 items selected by Gibbons and colleagues (1981) from Schilit (1979) as those that concerned disabled individuals and the court system, did not pertain only to legal professionals, and were not repetitive (see Table 1). Items were framed such that they indicated support for either (a) giving disabled offenders and nondisabled offenders the same treatment or (b) giving disabled offenders special

treatment.

Procedure

The study was conducted in two phases. First, participants' attitudes toward intellectually disabled individuals and offenders were measured in a mass-testing session during which participants also completed a number of unrelated surveys from other researchers. Second, 1 to 12 weeks later, jury-eligible students (i.e., U.S. citizens over the age of 18) from this mass-testing session participated in the juror decision-making task. Students participated in the juror task alone or in mixed-gender groups of 2 to 10. After being instructed about the importance of the research and the seriousness of their role as jurors, participants provided informed consent.

Next, participants were introduced to the juvenile defendant by viewing the first video clip. At the end of the clip, the video was frozen on a still image of the juvenile, which remained on the screen while participants read the written case summary. Participants then viewed the second video clip showing the juvenile's actual testimony. Participants were told that they were watching a segment of the juvenile's testimony to introduce them to the defendant so they could "get a feel for what she's like." Participants were then asked to re-read the case summary.

Then, participants were given a copy of the jury instructions to read along as the instructions were read aloud to them. Next, participants individually completed the measures. Although participants were initially told that they would deliberate with other jurors so they would have the same expectation that actual jurors would have, they did not actually deliberate. This was explained to jurors during debriefing, when they were also thanked, then released.

Results and Discussion

Scale Construction and Reliability

Similarity scale. Following Henry and colleagues (1996), responses to twelve items from the CLAS-MR were averaged to form the Similarity scale. Participants who completed fewer than 8 items were considered to have missing data on this scale. Pairwise deletion was used such that only available data were included in analyses, leading *ns* to vary across analyses. The scale was reliable in this sample (Cronbach's $\alpha = .77$) but inter-item correlations ranged from $-.25$ to $.65$. Items that were worded for reverse scoring accounted for all negative correlations, but removing any one of those items did not improve the scale appreciably (best $\alpha = .78$) so all items were retained in the analyses. Overall, participants' agreed that intellectually disabled individuals are similar to themselves and other people in the general population ($M = 4.66$, $SD = .52$, actual range = 3.55 to 5.50, possible range = 1.00 to 6.00). These results are similar to those reported by Henry et al. ($\alpha = .84$ and $M = 4.90$, $SD = .65$).

Exclusion scale. Eight other items from the CLAS-MR were used to create the Exclusion scale (Henry et al., 1996). One reverse-scored item had negative inter-item correlations and was dropped to improve scale reliability from $\alpha = .79$ to $\alpha = .85$, with inter-item correlations ranging from $.03$ to $.84$. Participants who completed fewer than 5 of the 7 remaining items were considered to have missing data on this scale. Again, pairwise deletion was used such that only available data were included in analyses, leading *ns* to vary across analyses. Responses were averaged and, as a whole, reflected participants' general disagreement with the idea that disabled individuals should be segregated from community life ($M = 1.84$, $SD = .73$, actual range = 1.00 to 4.57, possible range = 1.00 to 6.00). Despite dropping one item, these results are similar to Henry et al.'s ($\alpha = .84$, $M = 1.87$, $SD = .66$).

Attitudes toward disabled offenders. A principal components analysis with direct oblimin rotation was performed in SPSS on 13 items derived from Schilit (1979; see also

Gibbons et al., 1981) using the sample of 270 participants from the larger study ([REDACTED FOR BLIND REVIEW]). Because the items were measured on a scale from 1 to 6, there were no outliers and no cases were deleted. The analysis produced a scree plot that suggested a two-component solution to the data, and this was confirmed with a parallel analysis. Specifically, a Monte Carlo simulation (see O'Connor, 2000) revealed two components with statistically significant eigenvalues. Three items that were negatively and/or only weakly loaded on both of the components (i.e., ranging from -.35 to .24) were removed. Thus, ten items remained in the final component structure. The two-component model achieved a strong fit with the data, explaining 49% of the variance with a middling Kaiser-Meier-Olkin value of .77 and a significant result on Bartlett's test of sphericity, $\chi^2(45, N = 270) = 583.54, p < .001$. Items that loaded strongly on the first component include those that reflect beliefs that intellectually disabled individuals should be tried, sentenced, held accountable, etc., the same as nondisabled individuals. Thus, participants' scores on this component are referred to as Same Treatment scores ($M = -.04, SD = 1.11$, actual range = -2.28 to 3.95). Items that loaded strongly on the second component include those that reflect beliefs that disabled individuals should not be held criminally liable nor accountable and should be tried as juveniles regardless of age. Participants' scores on this component are referred to as Special Treatment scores ($M = -.00, SD = .87$, actual range = -1.58 to 2.12). Table 1 displays the item loadings for each component.

Correlations among Attitudes

As shown in Table 2, responses to the Similarity and Exclusion scales were moderately, negatively, and significantly correlated. This was predicted and consistent with prior research, although Henry et al. (1996) found a larger relation between the two scales ($r = .63$). The only other significant correlation was between responses to the Exclusion scale and Same Treatment

scores. Of interest, the exclusion scale reflects negatively valenced views that disabled individuals should be excluded from everyday life in the community. Our results suggest that such views tend to be aligned with the view that disabled offenders should be treated just the same as other criminal offenders.

Correlations between Attitudes and Case Judgments

Table 3 presents relations between the attitudes measures and case judgments. Contrary to our expectations, there were no significant associations among the Similarity scale, Exclusion scale, or Same Treatment scores and any case judgments. That is, overall, preexisting attitudes toward disabled individuals had no influence on jurors' suspicions of guilt, verdicts, nor recommendations for trial venue in a case involving a juvenile defendant.

In contrast, jurors' Special Treatment scores were significantly and negatively related to their suspicions of guilt and verdicts (but not trial venue recommendations; see Table 3). Specifically, the more jurors endorsed special treatment for disabled offenders, the less likely they were to suspect that the disabled juvenile was guilty of murder and the less likely they were to render a guilty verdict. Thus, support for special treatment of disabled offenders is associated with more lenient judgments for a disabled juvenile defendant.

Correlations between Juror Gender and Case Judgments

As displayed in Table 3, overall, juror gender was not associated with either suspecting that the disabled juvenile was guilty or rendering a guilty verdict in her case. Women, however, were less likely than men to recommend that the disabled juvenile should be tried in adult criminal court rather than juvenile court. This is consistent with Stalans and Henry's (1994) finding that women were less likely than men to recommend a trial in adult court for a nondisabled juvenile, as well as research showing that, in general, when gender differences do

emerge, they are such that women are more lenient toward juvenile defendants than men (Crosby et al., 1995; Haegerich & Bottoms, 2000; Redlich et al., 2008).

Correlations between Juror Gender and Attitudes

Table 4 presents relations between juror gender and the attitudes measures. Women and men differed significantly on the Exclusion scale and Same Treatment scores, but not on the Similarity scale nor Special Treatment scores. Although past research has shown that women hold more liberal views than men about how similar they and others in society are to disabled individuals (e.g., Bottoms et al., 2003), in our sample, women and men held comparably high liberal views in this regard. Further, both women and men disagreed that disabled individuals should be segregated from community life. Even so, women held significantly less exclusionary attitudes than did men. Also, women were significantly less likely than men to believe that disabled offenders should receive the same treatment in the criminal justice system as nondisabled offenders. Yet, women did not feel so strongly that they differed from men in the extent to which they supported special treatment for disabled offenders.

Correlations between Attitudes and Case Judgments as a Function of Juror Gender³

Table 3 shows correlations of the four measures of attitudes toward intellectual disability with judgments for a disabled juvenile defendant separately for women and men. We expected women's more favorable attitudes toward disabled individuals to translate into judgments that were more lenient than men's. The gender differences in those attitudes did not correspond with jurors' judgments, however. Instead, we found that the significant associations between Special Treatment scores and suspicions of guilt and verdicts were driven by women's attitudes and not men's. That is, the more women felt that disabled offenders should receive special treatment, the less likely they were to suspect that the disabled juvenile was guilty and the less likely they were

to render guilty verdicts. Although the associations between men's attitudes and case judgments were in the same direction as women's, the relations were neither of the same magnitude nor significant. Thus, whereas men were not influenced by their preexisting biases in their suspicions of guilt and verdicts, women were.

Caveats and Conclusion

It is important to consider the limitations and strengths of our research. To begin with, caution is warranted in generalizing from the results of our mock trial study to actual cases because even the best simulations fail to replicate some aspects of real trials (Diamond, 1997). Our mock jurors were not exposed to voir dire, a lengthy trial, and did not deliberate as a group, which might attenuate (Shaw & Skolnick, 1995) or amplify (Moscovici & Zavalloni, 1969) individual jurors' biases. Yet several studies (including Haegerich et al.'s, 2013, study involving a juvenile defendant) have found that deliberation has few effects on postdeliberation verdicts as compared to the average of predeliberation verdict preferences (Kalven & Zeisel, 1966; MacCoun & Kerr, 1988; Sandys & Dillehay, 1995).

There are also three issues related to our sample. First, even though our mock jurors were all over 18 years old, United States citizens, and ethnically diverse, as actual jurors would be, our mock jurors were students rather than older, more representative community members. Although one might argue that sample could make a difference in cases involving defendants so near in age to the mock jurors, undergraduates and community members had similar perceptions of a juvenile defendant in Haegerich et al.'s (2013) study (see also Bornstein, 1999; Devine & Caughlin, 2014; Lassiter, 2002; Salerno et al., 2010). Second, given that participants were young students at a diverse, urban university, our sample might be more egalitarian in their attitudes toward intellectually disabled individuals and offenders than community members. Both of these

issues, however, arguably make our study a conservative test of our hypotheses—that is, youth, higher education, urban settings, and exposure to diversity are all associated with more liberal attitudes, suggesting that our sample might be less likely than older, less educated, or more rural samples to demonstrate biases against disabled individuals. We would expect our effects to be stronger in a community sample. Third, the sample size studied here was statistically sufficient but relatively small, so caution should be taken when generalizing our results to a larger population. Replication with a larger, community sample is an important next step to take in future research.

Despite these limitations, our study was ecologically valid in many respects. Our case details were drawn from an actual case and included appropriate charges and legally admissible evidence. In addition, the incorporation of video footage from an actual trial, as recommended by Bornstein (1999), increased the realism of this study relative to other mock trial research using only written materials (e.g., Najdowski et al., 2009) by allowing jurors to have an image of the defendant to think about while making their case judgments. An Assistant State's Attorney reviewed our materials to ensure they were realistic. Jurors received the jury instructions actually used in our state, and we asked jurors for the same determination of guilt that real jurors would make. We emphasized the importance of this research to our mock jurors, and confirmed by observation that they were engaged in the decision making task.

There are many strengths in our work. The issues we studied are realistic and of applied importance. Jurors' judgments for a mildly intellectually disabled girl accused of murder are worthy of study because, whereas severely disabled defendants are typically identified and diverted to alternative programs, those with mild disabilities might not be detected or, consequently, receive any legal protection (see Perlin, 2003). Understanding factors that affect

jurors' judgments in cases involving disabled juveniles is useful information for attorneys, who might try to influence case outcomes by selecting women and those with attitudes favorable to disabled offenders to serve as jurors via voir dire. Also, defense attorneys could try to capitalize on jurors' attitudinal tendencies by arguing that disabled juveniles should be treated differently than nondisabled juveniles. Further, defense attorneys could use information about jury compensation to determine whether expert psychological testimony is necessary to educate jurors about disabled juveniles' competencies and reduced culpability for crimes. Future research could test the effectiveness of such attorney tactics directly. Such research would build on a growing literature aimed at understanding jurors' judgments in cases involving disabled juvenile defendants (e.g., [REDACTED FOR BLIND REVIEW]; Najdowski et al., 2009). Such increased understanding has the potential to ensure fairness for some of the most vulnerable defendants in the criminal justice system.

Footnotes

1. Considering the 200,000 juveniles who were prosecuted as adults in 2007 (Griffin et al., 2011), and that 7% to 15% of juveniles in the legal system are intellectually disabled (Kazdin, 2000), we estimate that at least 14,000 to 30,000 disabled juveniles are tried in adult criminal court on a yearly basis. In fact, because the average IQ for juvenile offenders is consistently at least one standard deviation below the population average (Burnett, Noblin, & Prosser, 2004; Goldstein, Condie, Kalbeitzer, Osman, & Geier, 2003; Viljoen & Roesch, 2005), even more are probably in the borderline range of intellectual disability (i.e., IQs ranging from 71-84; DSM-IV-TR, 2000).

2. Henry et al. (1996) found that participants were not familiar with the phrase “developmental disability” and therefore used the term “mental retardation” in their measure. Following Henry et al. and others who have done the same (e.g., Bottoms et al., 2003), we used “mental retardation” in our experimental materials to facilitate participants’ understanding, even though we prefer to use terminology such as “intellectual disability.”

3. Results from a series of logistic regression analyses mirrored the results of these correlational analyses. Specifically, when juror gender, the Similarity and Exclusion scales, and the Same Treatment and Special Treatment scores were entered simultaneously into separate equations predicting suspicions of guilt and verdicts, the only variable to emerge as a statistically significant predictor was Special Treatment score. For each unit increase in endorsement of special treatment for disabled offenders, participants were 73% less likely to suspect the disabled juvenile was guilty, $B = -1.31$, $SE = .59$, $Wald(1, n = 40) = 4.92$, $p = .03$, $OR = .27$ (all other B s = $-1.35 - .72$, SE s = $.51 - 1.02$, $Walds [1, ns = 40] \leq 1.96$, ns), and 65% less likely to convict her, $B = -1.04$, $SE = .49$, $Wald(1, n = 40) = 4.60$, $p = .03$, $OR = .35$ (all other B s = $-.72 - .29$, SE s = $.39 - .90$, $Walds [1, ns = 40] \leq 1.28$, ns). Follow-up analyses were conducted to examine whether

relations between attitudes toward intellectual disability and suspicions of guilt or verdicts differed for women as compared to men. Results revealed that Special Treatment scores were related to women's suspicions of guilt, $B = -1.69$, $SE = .79$, Wald (1, $n = 29$) = 4.57, $p = .03$, $OR = .19$, and verdicts, $B = -1.14$, $SE = .55$, Wald (1, $n = 29$) = 4.26, $p = .04$, $OR = .32$, but not men's suspicions of guilt, $B = -1.29$, $SE = 1.35$, Wald (1, $n = 11$) = .92, *ns*, or verdicts, $B = -.46$, $SE = 1.28$, Wald (1, $n = 11$) = .13, *ns*. No other significant relations emerged for women, all other B s = $-.20 - 1.92$, SE s = $.47 - 1.33$, Walds [1, $ns = 29$] ≤ 3.17 , *ns*, or men, all other B s = $-1.85 - .70$, SE s = $1.00 - 1.91$, Walds [1, $ns = 11$] ≤ 1.18 , *ns*. It should be noted, however, that if it were not for the fact that these analyses mirror those in the text, and that the analyses did uncover significant effects, they should be interpreted with caution because of small sample size and limited power to detect statistically significant effects.

When juror gender, the Similarity and Exclusion scales, and the Same Treatment and Special Treatment scores were entered simultaneously into an equation predicting trial venue, only gender emerged as a statistically significant predictor, with women being more than seven times as likely as men to recommend that the disabled juvenile be tried in juvenile rather than adult court, $B = 2.02$, $SE = .94$, Wald (1, $n = 40$) = 4.65, $p = .03$, $OR = 7.53$ (all other B s = $-.41 - .05$, SE s = $.47 - .92$, Walds [1, $ns = 40$] $< .25$, *ns*).

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Table 1. *Item loadings for the two rotated components extracted from the Attitudes toward Disabled Offenders items using data from the larger study (N = 270 in [REDACTED FOR BLIND REVIEW])*

Item	Same Treatment	Special Treatment
The mentally retarded should be tried similarly to normal individuals.	<i>.77</i>	-.17
A mentally retarded person found guilty of a crime should receive the same sentence as a normal individual found guilty of the same crime.	<i>.76</i>	-.27
The mentally retarded should be held accountable to the same laws as normal individuals.	<i>.72</i>	-.34
The mentally retarded person understands the nature of his/her crime if found guilty and sentenced.	<i>.67</i>	.35
The mentally retarded individual understands the nature of his/her crime, i.e., the right/wrong test.	<i>.66</i>	.41
The mentally retarded found guilty of crimes should be sent to the same correctional facilities as normal individuals.	<i>.64</i>	-.16
The mentally retarded are competent to stand trial.	<i>.60</i>	.31
Mentally retarded offenders should be tried as juvenile offenders regardless of their chronological age.	<i>.03</i>	.59
The family of a mentally retarded offender should be held accountable for the person's crime in terms of restitution regardless of the mentally retarded offender's age.	<i>.12</i>	.58
The court should consider the finding of mental retardation the same way it would consider the finding of insanity in that there is no criminal liability of the defendant.	<i>-.23</i>	<i>.41</i>

Note. The response scale ranged from 1 to 6, with higher scores indicating or recoded to indicate more agreement with the statement. The highest component loading for each item in the analysis is italicized.

Table 2. *Zero-Order Correlations among Attitudes toward Intellectual Disability Measures (ns = 40-42)*

	1.	2.	3.	4.
1. Similarity scale	--	-.34*	.11	-.11
2. Exclusion scale		--	.46**	.12
3. Same Treatment scores			--	-.06
4. Special Treatment scores				--

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

Table 3. Zero-Order Correlations between Juror Gender, Attitudes toward Intellectual Disability, and Case Judgments (ns = 11-45)

	Juror Gender	Similarity scale	Exclusion scale	Same Treatment score	Special Treatment score
Verdict	-.09	-.10	-.19	-.11	-.38*
Women	--	-.10	-.10	-.04	-.43*
Men	--	-.14	-.30	-.18	-.15
Suspicion of Guilt	-.10	-.07	-.03	.16	-.40**
Women	--	-.02	-.07	.34	-.43*
Men	--	-.22	.21	.10	-.27
Trial Venue	.33*	-.11	.21	.14	-.11
Women	--	-.23	.14	-.07	.01
Men	--	.20	-.08	.07	-.29

Note. * $p < .05$, ** $p = .01$. Juror gender is coded such that Women = 0 and Men = 1.

Table 4. *Relations between Juror Gender and Attitudes toward Intellectual Disability Measures*

	Women		Men		<i>ts</i> (<i>ns</i> = 38 to 40)
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Similarity scale	4.70	.50	4.56	.60	.77
Exclusion scale	1.66	.55	2.35	.94	-2.94**
Same Treatment score	-.27	.86	.56	1.46	-2.21*
Special Treatment score	-.06	.93	.15	.69	-.70

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