

## Abstract

The reliability stigmas placed on eyewitnesses who have autism spectrum disorder (ASD) are unjust as research has found individuals with ASD to be just as reliable as typically developed individuals. The purpose of this presentation is to evaluate research examining eyewitness testimony from individuals with ASD and jurors' judgments of ASD eyewitnesses compared to more typically developing individuals.

## Background

Eyewitness testimony can be a deciding factor in jurors' verdict decisions. Jurors often use non-verbal cues to judge an individual's credibility, such as confidence, eye contact, and expression of emotion (Browning & Caulfield, 2011). Individuals with Autism Spectrum Disorder (ASD) may not maintain confidence, eye contact, nor expression of emotion due to difficulties in explaining details based on their contextual memory. The literature on the effects of these factors on jury decisions remains inconsistent (Semino et al., 2018). Browning & Caulfield (2011) explain that due to misunderstandings about ASD, there is a chance that these individuals are over-represented in the criminal justice system.

## Research Findings

- Poor understanding of the many ways ASD presents itself could account for often-misread non-verbal cues that could result in the increase of guilty findings against defendants with ASD.
- Some research suggests that using interview methods unique to a child's ASD impairments could improve accuracy of eyewitness testimony (Mattison et al., 2018).
- Henry et al. (2017) created interview structures to improve children's performance without affecting accuracy.
- In some ways, children with ASD performed similarly to the children who were considered typically developing, suggesting that children with ASD can be just as effective in investigative interviews for eyewitness testimony as a typically developing child.

## Research Findings

- Other research supports this by suggesting that autistic children can give forensically useful and accurate eyewitness testimony (Crane et al., 2020).
- However, the researchers found that mock jurors viewed children showing extreme non-verbal manifestations of ASD as less credible than the child with milder ASD symptomology (Crane et al., 2020).
- Much of the reviewed literature has shown that individuals with ASD can be credible eyewitnesses in the criminal justice system (Henry et al., 2017; Maras & Bowler, 2014; Mattison et al., 2018).

## Conclusions

- The stigmas placed on eyewitnesses who have autism spectrum disorder are then unjust as research has found that an individual with ASD can be just as reliable in giving eyewitness testimony as a typically developed individual.
- Woodbury-Smith (2020) found that more people with ASD are now being identified in the criminal justice system. The same stigmas that leave jurors to assess eyewitnesses as less credible could also be real for individuals incarcerated whose non-verbal behaviors caused jurors to doubt their testimony.
- Such stigmas could result in many situations where jurors misjudge individuals with ASD as not credible when they are the perpetrator or an eyewitness.
- This combination of circumstances can lead to an over-representation of ASD individuals in the criminal justice system and unjust trial outcomes (Carlin, 2018).
- Additional research is necessary to see how jurors should be assessed differently for capability when the case involves individuals diagnosed with ASD or whether special training in such cases could eliminate any differences in perception due to misunderstanding of verbal cues. Further, methods used for relaying diagnostic labels and interview techniques can be modified to address the differences in believability that individuals with ASD are subject to.

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