



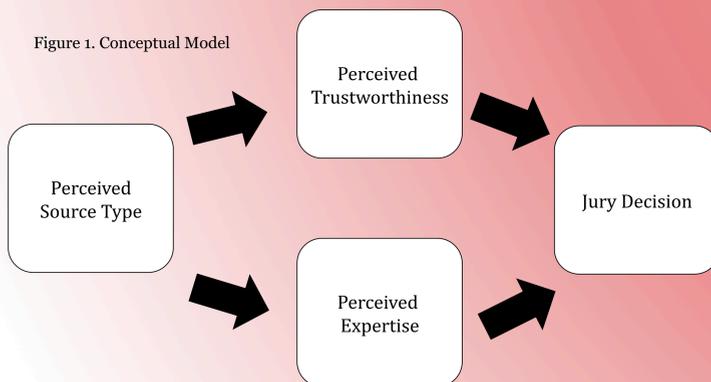
Can I Get a Witness? Differences in Juror Perceptions and Behavior Across Source Types

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Extant Literature & Theoretical Basis

- ◆ Communication between witnesses and jurors is unique: there is no direct conversation between the two individuals, and yet how the former is perceived by the latter may have huge implications in verdict decisions
- ◆ Previous litigation research has often thoroughly scrutinized one explicit type of witness, including eyewitnesses (see Wells & Olson, 2003), expert witnesses (see Vidmar, 2005), and police (see Slobogin, 1996)
- ◆ Significantly less work is dedicated to comparing the three types side-by-side, in terms of their influence on jurors, despite unique idealized goals:
 - Eyewitnesses are regular citizens like the jurors – both of whom ideally want the truth revealed and justice to be served – and thus, these eyewitnesses do not possess a motivation to lie or present untruthful evidence in the eyes of jurors (Wells & Olson, 2003)
 - Expert witnesses are called because their knowledge is supposed to be vast (Parrott, Neal, Wilson, & Brodsky, 2015)
 - Police are called because as representatives of the law, their trustworthiness is venerated (Slobogin, 1996)
- ◆ Each of these types may reflect distinct representations of the two dimensions of credibility: knowledge and trustworthiness (McCroskey & Young, 1981)
- ◆ Perceptions of credibility may operate largely through heuristic cues laid out by the Elaboration Likelihood Model or ELM (Petty & Cacioppo, 1986)
 - Jurors who are unmotivated (e.g., an extensive trial or one which involves uninteresting testimony) or unable (e.g., a trial with complex facts and laws) to process information provided during the case will rely on these cues to make their decision toward a verdict
 - Chief among these heuristic cues is **the witness' title itself**



Procedure

- ◆ Four-factor between-subjects experimental design (N = 196), administered through a Qualtrics survey
- ◆ Participants read a brief summary of a hypothetical murder trial in which a man was said to have killed his co-worker; they then viewed a short video of testimony from the trial
- ◆ Participants were randomly assigned to one of four conditions: eyewitness, expert witness, police witness, unidentified
- ◆ The video testimony the subjects viewed was constant across all conditions - it featured a middle-aged white man discussing an interaction with the defendant and his assessment of the man's disposition and mental state
 - The manipulation of the video was a brief written description of the nature of the witness' testimony, shown prior to the video, as well as a label indicating the witness' title
- ◆ Participants completed a post-video questionnaire assessing their perceptions of the testifier's knowledge and trustworthiness based on the identity of the testifier, the message itself, and their own personal perceptions as a theoretical juror. Participants were also asked about their opinion toward a verdict in the case

The video utilized was constant across conditions, utilizing an actor who was familiar with testifying and had previously acted as all three identities.



Table 1. Accuracy in Identifying Witness Types

Condition	Perception of Witness			
	Eyewitness	Expert Witness	Police Witness	Not Sure
Eyewitness	36 (71%)	1 (2%)	2 (4%)	12 (24%)
Expert Witness	18 (39%)	9 (20%)	3 (7%)	16 (35%)
Police Witness	12 (24%)	8 (16%)	10 (20%)	19 (39%)
No Label	18 (38%)	4 (9%)	3 (6%)	22 (47%)

- ◆ Subjects were only moderately adequate at correctly identifying the witness according to their condition, as most either identified him as an eyewitness or weren't sure as to his title, regardless of what the description and label suggested for their given condition. This suggests the induction was not as strong as expected, but this variable (perception of witness identity) may act as a mediator all the same.

Table 2. ANOVA Results Across Perceived Source Type

	Perceived Source Type				F	p
	Eyewitness	Expert Witness	Police Witness	Not Sure		
Perceived Trustworthiness	4.42 (1.02) _b	4.98 (.80) _a	4.55 (1.15) _{ab}	4.44 (.89) _b	2.12	0.10
Perceived Knowledge	4.19 (.96) _b	4.75 (.94) _a	4.32 (.99) _{ab}	4.21 (.78) _b	2.50	0.06

ANOVA results indicated some significant differences between perceived witness types (note contrasts in footnotes)

Figure 2. Mean Credibility Scores Across Perceived Witness Type



Conclusions and Implications

- ◆ When respondents consciously identified the testifier as an expert, he was perceived as being more knowledgeable than when he was perceived as any other kind of testifier
 - Post-hoc analyses show this relationship was somewhat true for perceived trustworthiness
- ◆ The perceived expert was seen as more knowledgeable and more trustworthy than the other types of witnesses; this emphasizes the importance of expert witnesses in criminal cases (Hand, 1901)
- ◆ Subjects who identified the testifier as a police officer did not find him to be any more trustworthy than an expert witness or an eyewitness. This may provide credence to the notion that individuals are more cognizant of police deception and perjury, and this may be prevalent among younger jurors, seeing as this sample utilized undergraduate students
- ◆ Further analysis found that the perceived knowledge of a witness was an important consideration for verdict decision, in addition to a number of demographic characteristics. Not surprisingly, as respondents viewed the testifier as more knowledgeable, they became more likely to be influenced by his testimony (for the prosecution) and more likely to convict
- ◆ *Implication 1:* The meticulous process of establishing a given witness' identity serves a real purpose: just giving them a title and simple backstory wasn't enough in this case to induce credibility perceptions for many respondents
- ◆ *Implication 2:* Trial consultants should be cognizant of how expert witnesses are prepared: experts are crucial witnesses because of their credibility; any expert's knowledge and trustworthiness should be made salient in both civil and criminal cases
- ◆ *Implication 3:* This invites the further use of the ELM in trial research: how might this kind of processing change juror perceptions? The perceptions in question may not be limited to testimony, but also opening/closing arguments and judicial instruction.

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